

Before the Board of Zoning Adjustment, D. C.

Application No. 12048, of Luther W. Gray, pursuant to Section 8207.2 of the Zoning Regulations for a special exception under Sub-section 7104.2 and Section 7109 to permit a change of non-conforming use from an interior decorator and upholstery shop to a doctors' office, and for permission to extend the proposed use to the second floor, as provided for by Sub-section 7105.2 in the R-1-B District at the premises 5840 MacArthur Boulevard, N. W., (Square 1455, Lots 840 and 806).

HEARING DATE: January 21, 1976

DECISION DATE: February 11, 1976

FINDINGS OF FACT:

1. The property is located in a R-1-B District.
2. From 1927 to the present, the first floor of 5840 MacArthur Boulevard has been used as a restaurant, candy and grocery store, barbecue, and most recently as an interior decorator and upholstery shop. The applicant submitted copies of Certificates of Occupancy establishing the lawfulness and continuity of these uses.
3. The last recorded Certificate of Occupancy, Number 55833, was issued on January 15, 1937 for an interior decorator. This use is first permitted in a C-2 District.
4. The proposed use will be for doctors' offices. This use is first permitted as a matter of right in SP Districts
5. West of the subject property on MacArthur Boulevard is part of the Dalecarlia Reservoir grounds. Sibley Hospital is diagonally across MacArthur Boulevard from the subject property at its intersection with Loughboro Road.
6. The extension of the proposed use to the second floor will not involve any structural alterations nor will it involve the use of any other structure, in accordance with Section 7105.2 of the Zoning Regulations.
7. The applicant will provide ten parking spaces at the rear of the building.

8. The doctors' offices will contain no special machinery or apparatus which would generate excessive noise.

9. The hours of operation will be from 8:00 A.M. to 6:00 p.m., Monday through Friday, and by appointment only on Saturday.

10. It is anticipated that there will be a maximum of six physicians and a maximum of six employees.

11. The parking area will be black topped and concrete side walks will be placed on the property. There will also be some internal remodeling, all as shown on the exhibits presented to the Board.

12. The site is well served by public transportation along MacArthur Boulevard and Loughboro Road.

13. The proposed use of the property will not be any greater in scope than the previous commercial use. The previous commercial use had a maximum of eight employees plus the applicant and her husband, who lived on the premises. There were supplies and deliveries to and from the properties several times a day. There was an average of approximately one customer per day. The hours of operation were 8:00 to 5:00 p.m., Monday through Friday, and on Saturday when the volume of business was required.

14. The Municipal Planning Office, by report dated, January 16, 1976, recommended denial of the application as filed, based on the number of doctors proposed for the building.

CONCLUSIONS OF LAW AND OPINIONS:

The Board concludes that the proposed use will be a neighborhood facility and in any event it will not be the type of use which would be objectionable to the neighborhood. The Board concludes that the proposed use will not adversely affect the character of the neighborhood. The property has had a commercial use continuously from 1927 to the present. The Board concludes that the present use is first permitted in a C-2-District and the proposed use is first permitted in the SP District. The Board also concludes that the extension of the proposed use to the second floor will not have an adverse affect on surrounding property. It is therefore, ordered

that the application be GRANTED subject to the following conditions:

1. A maximum of six doctors and six staff employees be employed at the premises.

VOTE: 4-1 (Dr. Lewis, Mr. McIntosh, Mr. Harps and Mr. McCants to grant, Lilla Burt Cummings, Esq., to deny).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: _____



STEVEN E. SHER
Acting Secretary to the Board

FINAL DATE OF ORDER: MAR 9 1976

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.