

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12264 of Joseph Zagami, Sr., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use (first floor) from a shoe repair shop to a real estate office and for a variance from the use provisions (Section 3104) to use the second floor as a real estate office in the R-4 District at the premises #14 - 8th Street, S. E., Square 920, Lot 802.

HEARING DATE: April 20, 1977
DECISION DATE: May 17, 1977 and July 12, 1977
DISPOSITION: Application GRANTED by a vote of 3-0
(Charles R. Norris, William F. McIntosh, Leonard L. McCants)
FINAL DATE OF ORDER: July 15, 1977

O R D E R

Upon consideration of the applicant's Motion for Reconsideration dated June 15, 1977 the Board finds that its condition to limit the grant of approval to one year is a reasonable requirement. The Board notes that such approval may be renewed if it is shown that the use has not had objectionable effects on the area. It is therefore ORDERED that the motion for reconsideration be DENIED.

DECISION DATE: September 7, 1977
VOTE: 5-0 (Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh, Leonard L. McCants and Walter B. Lewis)

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

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 16 SEP 1977

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12264 of Joseph Zagami, Sr., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use (first floor) from a shoe repair shop to a real estate office and for a variance from the use provisions (Section 3104) to use the second (2nd) floor as a real estate office in the R-4 District at the premises #14 8th Street, S.E., (Square 920, Lot 802).

HEARING DATE: April 20, 1977
DECISION DATES: May 17, 1977 and July 12, 1977

FINDINGS OF FACT:

1. The subject property is improved with a two (2) story building which is currently vacant. The last previous use of the first (1st) floor was as a shoe repair shop, under Certificate of Occupancy No. B-43599, which was issued on November 4, 1963. The last previous use of the second floor was as an apartment.
2. The applicant proposes to use the premises as a real estate office. The maximum number of salespersons will be five. The building contains only three (3) rooms and would not be suitable for a significant expansion in the number of employees.
3. A shoe repair and an office are both uses first permitted in a C-1 District.
4. The traffic to be generated by a real estate office is likely to be very low, with the majority of client contacts occurring away from the sales office. The applicant's business is conducted throughout the District of Columbia and suburban Maryland.
5. The subject property is adjoined by row dwellings on both sides. The surrounding area is comprised predominantly of row dwellings.

6. Advisory Neighborhood Commission 6B, by letter dated February 8, 1977, supported the application to allow the real estate office use on the first (1st) floor, but opposed the use variance for the office on the second (2nd) floor.

7. The Municipal Planning Office, by memorandum dated February 11, 1977, recommended that the change of non-conforming use for the first floor be granted and that the use variance for the second floor be denied.

8. The Capitol Hill Restoration Society, by statement dated February 16, 1977, opposed the application on the grounds it would seriously increase traffic and parking problems in this area. The Board finds that the size of the building and the limited number of employees proposed make it unlikely that such an objectionable impact would occur.

9. There is nothing unusual about the second (2nd) floor to prevent its use for a purpose permitted in the R-4 District. The applicant stated that he would use the second (2nd) floor as an apartment if the application were denied.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the proposed use, because of its limited size, would not be objectionable in terms of its impact on the neighborhood. The Board concludes that the application does meet the requirements of Sub-section 7104.2, in that both uses are first permitted in a C-1 District. The Board concludes that the application is consistent with the intent and purpose of Zoning Regulations. The Board concludes that the requested use variance requires a showing of extreme hardship upon the owner. The Board concludes that no such hardship exists, and that the applicant can and will make reasonable use of the second (2nd) floor. It is therefore ORDERED that the application for change of non-conforming use be GRANTED and that the request for a use variance be DENIED. However, in order to review the question of potential neighborhood impacts, the Board approves this application for the period of ONE (1) YEAR only.

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VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Leonard L. McCants, Esq., to GRANT the change of non-conforming use and DENY the use variance, Walter B. Lewis and Lilla Burt Cummings, Esq., not voting, not having heard the case).

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

ATTESTED BY: 
STEVEN E. SHER
Executive Director

THAT THE 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.

FINAL DATE OF ORDER: 15 JUL 1977