

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12356 of Cymco Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from art and antique display and retail sales to general office in the R-4 District at the premises 417 East Capitol Street, S. E. (Square 817, Lot 13).

HEARING DATE: May 24, 1977

DECISION DATE: May 24, 1977 (from the Bench)

FINDINGS OF FACT:

1. The subject property is improved with a two story brick structure. It is located on the south side of East Capitol Street between 4th and 5th Streets, S.E.

2. The subject property is one in a row of commercially used structures in the R-4 District. On adjacent properties there are offices, an antique shop, a parking lot, a neighborhood store and a physicians office.

3. The applicant proposes to use the first floor as the office for a physician. The second floor would continue to be used as an apartment.

4. The last recorded certificate of occupancy (No. B-911243) was issued on January 22, 1975 for art and antique display and sales (retail). This is a use first permitted in a C-2 District.

5. The proposed use is first permitted in an SP District in an existing building.

6. The doctor proposes to have one assistant, will occupy the basement and first floor of the building with a combined area of 1,500 square feet and will have office hours from 9 o'clock a.m. to 4 o'clock p.m. The basement will be used for storage only.

7. The Municipal Planning Office by report dated June 20, 1977 and by testimony presented at the hearing, recommended approval of the application stating in part that "it does not appear that approval of the subject application will adversely affect the present character and future development of the neighborhood."

8. Advisory Neighborhood Commission 6B, by letter dated May 23, 1977 recommended approval of the application stating that the proposed change "will have a positive beneficial effect on the neighborhood."

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the proposed change can be granted, because the proposed use is first permitted in a more restrictive district than the existing use. The Board concludes that the proposed change is a move more in conformity with the Zoning Regulations. The Board concludes that the commercial nature of the adjoining properties as well as the very limited size of the proposed operation make it unlikely that the proposed use would create any adverse affect on surrounding or nearby property. It is therefore ORDERED that the application be GRANTED.

VOTE:

4-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris
Leonard L. McCants, Esq. to grant)

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

ATTESTED By:



STEVEN E. SHER
Executive Director

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FINAL DATE OF ORDER: 16 AUG 1977

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.