

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12522 of Helen David, as amended, pursuant to Subsection 8207.2 of the Zoning Regulations, for a special exception under Subsection 7104.2 to change a nonconforming use from a barber shop and dry cleaning agency to an appraisal and land economics consulting firm office in the R-4 District on the first floor of premises 203 - 8th Street and 725 Independence Avenue, S.E. (Square 900, part of lot 28).

HEARING DATE: November 16, 1977

DECISION DATE: December 6, 1977

FINDINGS OF FACT:

1. The application was amended to restrict the change of use to "an appraisers and land economics consultants office" rather than "general offices".
2. The subject property is a corner property with addresses at 203 - 8th Street and 725 Independence Ave., S.E. and is located in an R-4 District.
3. The area of the subject lot is approximately 3,848 square feet. The lot is improved with a two story corner building designated as 203 - 8th Street, S.E. and a second two-story building with a basement known as 725 Independence Ave., S.E. The ground floor of 203 - 8th Street is presently used as a dry cleaning agency and a barber shop with a residential apartment on the second floor. The premises at 725 Independence Ave., S.E. are presently used as a rooming house.
4. The applicants are contract purchasers of the subject property and intend to reside on the property. The contract to purchase is contingent upon the Board's granting the special exception sought herein.
5. The barber shop and dry cleaning agency uses are first permitted as a matter of right in the C-1 District. The proposed appraisal and land economics consulting firm office is permitted as a matter of right in the C-1 District.

6. The property contains 1,009 gross square feet of commercial space, which has been used as a barber shop since at least November, 1952, and as a dry cleaning agency since at least March, 1957.

7. The last certificate of occupancy issued for the first floor premises of 203 - 8th Street, S.E. was to permit use as a barber shop authorized by certificate of occupancy No. B76324 issued August 22, 1972. The last certificate of occupancy issued for the first floor of premises 725 Independence Avenue, S.E. was to permit use as a dry cleaning agency, pursuant to certificate of occupancy No. B76839, issued January 28, 1971.

8. The character of the area within 300 feet of the subject site is a mixture of uses. To the west are the commercial uses of the Eastern Market and Safeway Market. South of the subject site is single and multi-family residential housing and the Hines Junior High School. North of the subject site is mixed use residential with a nonconforming liquor store located at the northeast corner of North Carolina Avenue and 7th Street, S.E. To the east is mixed use residential property.

9. The proposed use of offices for an appraisal and land economics consulting firm, may be considered a neighborhood facility since the office will serve the residents of the neighborhood and become part of the neighborhood character. Furthermore, the proposed office use, even if not a neighborhood facility, nevertheless will not be objectionable because of its limited nature of operations. The office will be comprised of no more than six employees. This use will occupy the entire first floor of the commercial space of the building. The estimated number of clients visiting the office will be approximately 3 - 4 per week. Hours of operation will be 9 a.m. to 5 p.m., Monday through Friday. In addition, the office use will provide two parking spaces.

10. The subject site is in close proximity to the central employment area and is within 1 1/2 blocks of the Eastern Market Metrorail system and is well served by Metrobus transportation. The proposed use as an appraisal and land economics consulting firm office in this important in-town area will provide employment in an area having excellent public transportation access.

11. The proposed use meets the requirements of the external effects of the C-M District set forth in paragraph 6101.6 (1977 revision) of the Zoning Regulations. The office will have for equipment typewriters and photocopy machine, none of which will generate objectionable noise or vibration.

12. The proposed use is also noted to be a much less intensive use than the historic use of the property as a barber shop and dry cleaning agency. The hours of operation for the barber shop are from 10 a.m. to 6 p.m. Tuesday through Saturday. The barber shop has one operator and generally serves four or five clients per day. The dry cleaning agency is open Monday through Saturday, 7:30 a.m. to 6:30 p.m. with most of its business coming during the morning and evening rush hour periods. The agency has one to two employees and serves approximately thirty customers per day.

13. The proposed external architectural changes and plantings minimize any commercial impact that would emanate from the subject site. The proposed changes significantly reduce the present commercial impact of the structure.

14. The appraisal and land economics consulting firm office intends to provide two parking spaces for its use. The Zoning Regulations require the proposed use to provide no parking.

15. Abutting property owners on either side of the subject site signed a petition in support of the application.

16. The Capitol Hill Restoration Society submitted to the file a resolution in support of the application as amended on the grounds that the design of the ground floor of 203 - 8th St., S.E. limits the uses to which it may be put, the support of the surrounding neighbors, the absence of any appreciable loss in dry cleaning services to the area and the absence of any substantial impact on the parking situation in the area.

17. The Municipal Planning Office, by report dated Nov. 10, 1977, recommended approval of the application provided that the plumbing operation presently occurring on the site in the garage area be discontinued and that any signs designating the proposed use comply with the Zoning Regulations.

18. Opposition to the proposed use was registered at the public hearing by the operator of the existing dry cleaning agency who claimed that he provided a community service and that he was being driven out of a business that he had developed over the years.

19. Advisory Neighborhood Commission - 6B opposed the application on the grounds that neighborhood service - oriented small businesses would be closed if the application was granted.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the proposed change can be granted, since a Class II nonconforming use may be changed to a use which is permitted in the most restrictive district in which the existing nonconforming use is permitted. The previous barber shop and dry cleaning agency uses are both first permitted as a matter of right in the C-1 District. The proposed use of an appraisal and land economics consulting firm office is permitted as a matter of right in the C-1 District. The Board concludes that the proposed use will be essentially a neighborhood facility and, in any event, will not be the type of use which would be objectionable to the neighborhood pursuant to Sub-paragraph 7109.11(a). The Board concludes that the proposed office use will not adversely effect the character of the neighborhood, as the proposed use is a less intensive use than the prior uses as a barber shop and a dry cleaning agency and because of the mixture of uses and many other commercial uses in the area. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Chloethiel Woodard Smith, Charles R. Norris, William F. McIntosh, Leonard L. McCants, and Ruby B. McZier not present, not voting).

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

ATTESTED BY: _____

Steven E. Sher
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 ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

FINAL DATE OR ORDER: 15 DEC 1977