

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12540, of John R. Garrison, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against making an addition to a non-conforming use (Sub-section 7107.1) from the open court requirements (Sub-section 3306.1) and from the lot occupancy requirements (Sub-section 3303.1) to permit an addition to a non-conforming structure housing a non-conforming use in the R-4 District at the premises 3801 New Hampshire Avenue, N. W., (Square 3131, Lot 32).

HEARING DATE: December 21, 1977

DECISION DATE: February 1, 1978

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection at New Hampshire Avenue, Eighth Street and Quincy Street, N. W. and is known as 3801 New Hampshire Avenue, N. W. It is in an R-4 District.

2. Quincy Street in this block is developed exclusively with rowhouse type structures which are used for residential purposes. The frontage on New Hampshire Avenue is also developed with row dwellings with the exception of the subject property and a church at the corner of New Hampshire Avenue and Randolph Street.

3. The applicant proposes to make a second story addition to an existing one story structure which is being used as a beauty salon. The second story addition was to be used initially as additional storage space for the beauty salon.

4. By BZA Order No. 9343, the Board approved a change from a previous non-conforming use of dry cleaning and pick up to the present beauty salon. The applicant has owned the subject property during the period of the two non-conforming uses.

5. The existing improvements on the property are comprised of a one story structure approximately 19 feet wide and 37

feet long, which contains the main beauty parlor facilities. Attached to this structure is a structure of smaller height measuring 12 feet in width and an average of 27 feet in length which serves as a storage space for the beauty salon. The applicant proposes to build a second story addition over the main beauty salon portion. The variances requested for open court and lot occupancy arise from the need to construct a staircase on the side of New Hampshire Avenue that will provide access to the second floor. The variance for the open court is nine feet (ninety percent), The variance for the occupancy is 60.33 square feet (six percent).

6. The need for the second story addition to the beauty parlor is prompted by increasing vandalism on the property and resulting inconvenience to the beauty salon operators. The windows of the beauty parlor have been broken in the past and juveniles have climbed on the roof of the beauty parlor causing damage to the roof. To protect the roof from this damage, the applicant considers it necessary to erect a second story on it.

7. At the Public Hearing the Board permitted the applicant to amend his application so that the second story addition would be used as a residence and not for storage. The applicant submitted new plans of the residence for the Board's review and approval.

8. There was opposition to the granting of the original application by neighboring owners of property. Said owners had no opposition to the amended application.

9. Advisory Neighborhood Commission 4-C filed no recommendation on the application.

10. The Municipal Planning Office, by report dated December 7, 1977, recommended that the original application be denied on the grounds that an enlargement and extension of the non-conforming use and non-conforming structure would be inconsistent with the intent and purpose of the Zoning Regulations. The MPO favored the granting of the application as amended.

#### CONCLUSIONS OF LAW:

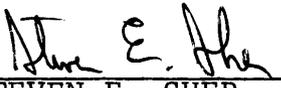
The Board is of the opinion that the amended application with the use of the proposed addition as a residence, is

in keeping with the use for which the area is zoned. The Board concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following conditions:

1. The addition shall be constructed in accordance with the plans approved by the Board marked as Exhibit No. 18 in the record.
2. The second floor shall be used as one apartment only.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith, Leonard L. McCants to grant).

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

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 17 FEB 1978

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.