

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12561 of C. Landon Fallin, 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 a real estate office to a beauty parlor in the R-4 District on the first floor of the premises 1340 "G" Street, S.E., (Square 1043, Lot 121.

HEARING DATE: January 18, 1978
DECISION DATE: February 1, 1978

1. The subject property is located on the north side of "G" Street between Pennsylvania Avenue and 14th Street, S. E., in an R-4 Zone District. The property is improved with a two-story building.

2. The first floor of the building is currently vacant. The last recorded Certificate of Occupancy was for a real estate office, covered by Certificate of Occupancy No.A-33792 dated December 2, 1955.

3. The second floor of the building is currently being used as an apartment, a conforming use in an R-4 District. There is no change proposed for the second floor.

4. The main office of the Fallin Realty Incorporated has relocated to Prince Georges County Maryland and the subject property was used as a branch office.

5. The applicant proposes the change of a non-conforming use from a real estate office to that of a beauty salon.

6. The beauty parlor is anticipated to attract a primarily local clientele; i.e. most of the potential patrons will live and work in the neighborhood.

7. The present and proposed uses are both Class II non-conforming uses. A real estate office is a use first permitted as a matter-of-right in the C-1 Zone. A beauty salon is also a use first permitted as a matter-of-right in the C-1 Zone.

8. The subject neighborhood is developed with commercial as well as residential uses. The area to the west of the site across a public alley and to the south across "G" Street

fronting on Pennsylvania Avenue is zoned C-2-A and is used predominantly for commercial purposes. The area to the north across a public alley in the interior of the square is zoned C-M-1 and is used for various light industrial purposes.

9. The Municipal Planning Office by report dated January 12, 1978 and by testimony at the hearing, recommended approval of this application, on the grounds that the proposed use will provide a neighborhood facility and should not adversely affect the present character of the neighborhood and should not impact the area with additional noise or traffic.

10. Advisory Neighborhood Commission 6-B, by letter dated January 11, 1978, unanimously supported this application, on the grounds it would improve the availability of basic services to the community.

11. The Capitol Hill Restoration Society, by report dated January 18, 1978 and by testimony at the hearing, opposed the granting of this application, on the grounds that the beauty parlor would not necessarily be a neighborhood use, it is opposed by several area residents and supported by none, and it would adversely affect the present character and future development of the residential neighborhood. The Board finds no substantiation for those reasons for denying the application.

12. The Capitol Hill Restoration Society also opposed the application on the grounds that the non-conforming use had been terminated, and Sub-section 7104.3 prohibits the changing back of a conforming use to a non-conforming use. The Society testified that the first floor of the building was used as a church, a conforming use permitted as a matter-of-right in an R-4 District.

13. The Board finds that there was no Certificate of Occupancy issued for the church use. The use was therefore not a legal use, even though a church use is permitted as a matter-of-right. The Board further finds that the church use was a part-time, intermittent use, occupying only part of the first floor. The applicants' continuation of the Certificate of Occupancy for an office, combined with the nature of the church use, operate to have caused the continuation of the non-conforming use.

VOTE:

3-1 (Charles R. Norris, Chloethiel Woodard Smith and
William F. McIntosh to grant; Leonard L. McCants
to deny)

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 7 MAR 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.