

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12749, of William Keyserling, 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 barber shop (first floor) to a beauty salon (first floor) in the R-4 District at the premises 100 - 14th Street, N.E. (Square N-1035, Lot 4).

HEARING DATE: October 25, 1978

DECISION DATE: October 25, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located at the intersection of 14th Street and A Street, N.E., and is known as 100 - 14th Street, N.E., Square N-1035, Lot 4)
2. The subject square is a triangle and is bounded by A Street, 14th Street and North Carolina Avenue, N.E. The lot is approximately 1,065 square feet in area and is improved with a two-story structure, which formerly housed a barber shop on the first floor. There is a single car garage at the rear of this property.
3. The majority of the fourteen structures in this square are two-story row structures and are used for residential purposes. In addition to the residential uses, there are a number of grocery stores, carry-out restaurants and other non-conforming commercial uses scattered throughout this neighborhood.
4. The applicant proposes to use the first floor of the premises for a beauty salon. The second floor will be used for residential purposes.
5. The last Certificate of Occupancy for this property indicates that a barber shop occupied the first floor (certificate of occupancy No. B-55464 issued June 8, 1966.
6. The hours of operation will be six days a week, from 9:00 a.m. to 6:00 p.m. The salon will have two booths.

7. A barber shop and a beauty shop are both first permitted as a matter-of-right in the C-1 District.

8. There will be no structural alterations to the property and no other structure is involved.

9. Sub-section 7104.2 of the Zoning Regulations states that a Class II non-conforming use may be changed to a use which is permitted in the most restrictive district in which the existing non-conforming use is permitted.

10. The Municipal Planning Office, by report dated October 4, 1978, recommended that the application be approved on the grounds; that the proposed structure is rather small and the proposed beauty salon is a relatively small operation. It was MPO's opinion that the change of a non-conforming use from a barber shop to a beauty shop is not likely to cause adverse impact upon adjoining or nearby property. The Board so finds.

11. The Commissioner from Advisory Neighborhood Commission 6A-05 recommended the approval of the application on the grounds that the proposed change in use would be a service to the area and would have a beneficial impact on the neighborhood in concern.

12. There was no opposition to the case.

CONCLUSIONS OF LAW AND OPINION:

Based on the record and the findings of fact, the Board concludes that there will be no structural alterations to the present property, and that no other structure is involved. The Board concludes that the proposed use will provide a neighborhood service. The Board concludes that the proposed change can be granted, as the proposed use is permitted in the most restrictive district in which the former barber shop was permitted. The Board concludes that the special exception requested will be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The Board further concludes that the granting of this application will not tend to affect adversely the use of neighboring property, and the community. Accordingly, it is so ORDERED that the application is GRANTED.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith, Ruby B. McZier and Leonard L. McCants to GRANT).

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

ATTESTED BY: Steven E. Sher by [Signature]
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 OCT 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.