

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12767, of N. and Irene N. Chumas, 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 beauty parlor, first floor, to a retail grocery store, tobacco products, patent medicine and periodicals, first floor, in an R-4 District at the premises 821 East Capitol Street, S.E. (Square 920, Lot 812).

HEARING DATE: October 18, 1978
DECISION DATE: November 1, 1978

FINDINGS OF FACT:

1. The subject property is located on the southwest corner of the intersection of 9th and East Capitol Streets, S.E., and is known as 821 East Capitol Street, S.E.
2. The subject site is developed with a two story structure and a basement.
3. The subject site occupies one-hundred percent of the lot.
4. The first floor front portion of the structure facing East Capitol Street has been most recently used as a beauty salon, but is vacant at the present time. The remaining portion of the building is being used for residential purposes and contains two apartments on the second floor and one apartment on the rear of the first floor.
5. The applicant proposes to change a non-conforming use in the R-4 District on the first floor from a beauty salon to a retail grocery store with sale of tobacco products, patent medicines and periodicals.
6. A beauty salon is a use first permitted in a C-1 District. A grocery store is also a use first permitted in a C-1 District.
7. The proposed store will have one or two employees and some arrangement of home deliveries may be provided in the neighborhood.
8. There is no parking on site.

9. There are some other non-conforming commercial uses in the R-4 District in the vicinity, including a beauty parlor across 9th Street, a branch of a bank on the opposite side of East Capitol Street and three other uses one block to the west at East Capitol Street and 9th Street. The area is primarily developed with row dwellings and some apartment buildings. The neighborhood is in the process of being upgraded through renovation and rehabilitation of existing buildings.

10. The proposed use would be primarily a neighborhood facility. There are however, a sufficient number of existing commercial facilities within three blocks to provide adequate servicing of neighborhood commercial needs, and the proposed use is not necessary for the area.

11. Even though both uses are first permitted in the C-1 District, the grocery store would represent a substantial intensification of use over the former beauty salon use, in terms of traffic, noise and potential trash and litter. The lack of any off-street parking facilities, or on-site storage makes it likely that the problems cited would create a substantial detriment to the area.

12. By report, dated October 13, 1978 the Municipal Planning Office recommended that the application be denied. The MPO reported that the requested use would intensify commercial activity at the premises and adversely affect the neighborhood. The Board so finds.

13. The Capitol Hill Restoration Society was opposed to the granting of the application on the grounds that the proposed facility is neither needed nor wanted within the community and would have an adverse impact on the neighborhood by generating foot and automobile traffic, automobile parking problems, noise and litter. The Board so finds.

14. Advisory Neighborhood Commission 6B took no position on the application.

15. There were a large number of letters and petitions in the record opposing the application on the grounds already stated. There was also some support for the application.

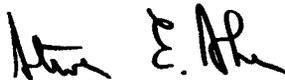
CONCLUSIONS OF LAW AND OPINION:

The Board concludes that even though both the existing and proposed uses are first permitted in a C-1 District, the proposed change of a non-conforming use to a retail grocery store represents a substantial intensification in the use of the property. Although the proposed facility will be a neighborhood facility, such a facility is not needed due to the number of commercial enterprises surrounding the area. The Board concludes that the proposed use will be likely to create adverse conditions in the area by way of unnecessary traffic, noise and litter. The Board further concludes that the proposed use would not be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will adversely affect the use of neighboring property and the community. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-0 (John G. Parsons, William F. McIntosh and Charles R. Norris to DENY; Chloethiel Woodard Smith not voting, Leonard L. McCants not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 26 FEB 1979