

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12820 of Patricia W. Jones, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3102) to use the basement of the subject premises for the bathing and grooming of dogs in an R-2 District at the premise 4224 13th Place, N.E., (Square 3972, Lot 22).

HEARING DATE: December 13, 1978

DECISION DATE: January 10, 1979

FINDINGS OF FACT:

1. The subject property is located on the west side of Thirteenth Place, N.E. between Upshur Street and Michigan Avenue. It is known as 4224 Thirteenth Place, N.E. and is in an R-2 District.

2. The subject premises as improved with a two story semi-detached single family house with a basement. The basement has a garage entrance from the rear.

3. The neighborhood in which the subject property is located is exclusively residential and is developed with semi-detached single family homes which are well-maintained. There are no commercial uses in the vicinity.

4. The applicant owns and lives in the subject premises.

5. Since April 1, 1978 the applicant has used the basement for the bathing and grooming of dogs. The applicant has no Certificate of Occupancy for such use. The applicant testified that she could not afford the rent at her prior business establishment and was seeking a place to purchase. The applicant planned to use the basement of her home until she can move to a permanent business location.

6. The business is conducted five days a week, Monday through Friday, 9 to 4 p.m. The applicant testified that five to six

dogs will be served per day. The dogs are brought to the premises in a van and returned to their homes the same day.

7. The facility as used is first permitted as a matter of right in the C-2-zone district.

8. The Office of Planning and Development, by report dated December 7, 1978 recommended that the applicant be denied on the grounds that a dog grooming facility is not permitted in an R-2 zone and that there are no physical circumstances that would limit the use of the subject premises for residential purposes as described by the Zoning Regulations. The Board so finds.

9. The Michigan Park Citizen Association, individual home owners and neighbors who signed petitions objected to the application on the grounds of noise, dog deposits, an unkempt subject lawn because of the dogs and that the use was contrary to a residential neighborhood. The Board concurs.

10. Advisory Neighborhood Commission 5A filed no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking a use variance, the granting of which requires a showing of an undue hardship upon the owner stemming from the property itself. The applicant's hardship is a financial one. The basement has been used while the applicant seeks a new place for her business. A financial hardship not related to the property, or a matter of convenience, even temporary, will not support a use variance. The R-2 District consists of those areas which have been developed with one family semi-detached dwellings and is designed to protect them from invasion by denser types of residential development. Commercial uses, such as the subject bathing and grooming of dogs, are not permitted even as a special exception. The relief requested herein could not 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 DENIED.

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

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

ATTESTED BY:                     *Steven E. Sher*                      
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:                     6 MAR 1979