

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13006 of J.C. Associates, 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 an automatic laundry, first floor, to professional office space, first floor, in an R-4 District at the premises 1101 East Capitol Street, S.E., (Square 989, Lot 71).

HEARING DATE: August 22, 1979
DECISION DATE: September 5, 1979

FINDINGS OF FACT:

1. The subject property is located on the southeast corner of the intersection of Eleventh and East Capitol Streets, S.E. in an R-4 zone District at premises known as 1101 East pitol Street, S.E.

2. The site is presently improved with a three story plus basement brick structure.

3. The top two floors of the structure are devoted to residential use. The ground floor was most recently used as a laundromat pursuant to Certificate of Occupancy No. B-99470, dated September 7, 1976.

4. The applicant proposes a change of the laundromat use on the first floor, to that of professional office use.

5. The first floor of the property was designed for a commercial use, and does not lend itself to use as a residence.

6. Sub-section 7104.2 provides 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. The present use of a laundromat is first permitted as a matter-of-right in the C-1 zone district. The proposed use of professional offices is first permitted in an SP zone district as a special exception, and is first permitted as a matter-of-right in a C-1 District.

7. The applicant testified that the subject unit has been vacant for at least eighteen months. During this time the applicant was actively seeking appropriate tenants.

8. The Capitol Hill Restoration Society, by letter dated August 22, 1979, recommended approval of the application if the Board clearly defines professional office use in its order. The Board will impose conditions in this order regarding the use of the property.

9. Advisory Neighborhood Commission 6B, by letter dated August 21, 1979 and by testimony at the hearing, recommended approval of the application provided the definition of professional office space "allows for an office for an architect, dentist, doctor, engineer or similar professional persons serving the local community." The Board finds that the request of the ANC is not an unreasonable one, but rather would service and benefit the neighborhood.

10. There were letters of support from surrounding property owners.

11. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant has met the requirements of Sub-section 7104.2. The proposed use is permitted in the most restrictive district in which the former use is permitted. The Board concludes that the change of non-conforming use represents a move to a less intense use and that the change will not adversely affect the present character or future development of the neighborhood. The proposed use will serve the neighborhood in which it is located. The use will be in harmony with the general purpose and intent of the Zoning Regulations. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that this application is hereby GRANTED subject to the condition that the use is limited to an office for an architect, doctor, dentist, engineer or similar professional person serving the local community.

VOTE: 4-0 (Charles R. Norris, Ruby B. McZier, Chloethiel Woodward Smith and Leonard L. McCants to grant; William F. McIntosh not voting, not having heard the case).

BZA APPLICATION
PAGE 3

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

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

FINAL DATE OF ORDER: 1 NOV 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.