

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13020 of Barbara H. and Marvin Bordelon, 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 power laundry, coin operated less than five employees, first floor to a general office, first floor, in an R-4 District at the premises 1331 Constitution Avenue, N.E., (Square 1034, Lot 72).

HEARING DATE: August 15, 1979
DECISION DATE: September 5, 1979

FINDINGS OF FACT:

1. The subject property is located on the south side of Constitution Avenue between 13th and 14th Streets, N.E., in an R-4 Zone District at the premises known as 1331 Constitution Avenue, N.E.

2. The property is 1,681 square feet in area and is improved with a one story brick structure that is presently vacant. The last use of the property was as a power laundry authorized May 14, 1965 by Certificate of Occupancy No. B-51629.

3. The applicant proposes a change of non-conforming use from a power laundry to a real estate office.

4. The proposed hours of operation are from 9:00 a.m. to 5:00 p.m., six days a week, with a maximum of five employees. The business will be owned and operated by the applicants, who intend to keep the operation as a small family business.

5. The site is adjoined on the east by a liquor store and on the west by a vacant structure which was used as a record shop. Other uses in the 1300 block of Constitution Avenue include a dry cleaning store, a vacant carry out, a church, and row dwellings. The north side of this block is devoted to residential uses. A fifteen foot alley adjoins this property to the rear. The North Carolina Avenue side of Square 1034 is devoted exclusively to row dwellings.

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. A self-service laundry occupying no more than 2500 square feet of gross floor area is permitted as a matter of right in the C-1 District. The proposed real estate office is also a C-1 use.

7. A real estate office primarily conducts business away from the office, which would tend to lessen the degree of the non-conformity, by reducing the number of people attracted to the building and thus, the intensity of the use.

8. The applicant testified that the property was acquired for residential use, but that the adjacent commercial uses lessened his ability to secure a loan for conversion of the property. The property is not suitable for residential use. It was built prior to the adoption of the Zoning Regulations for use as a commercial structure.

9. The Office of Planning and Development by report dated August 9, 1979, and testimony at the time of public hearing conditionally supported the application on the grounds that both the existing and proposed uses are permitted C-1 uses, and that the working hours of the real estate office will be less than that of the previous laundry. The OPD found that the property was unsuitable for residential use and also felt that the proposed improvements to the property would make a significant contribution in improving the appearance of the block. The Board concurs with these findings of the OPD.

10. The Office of Planning and Development recommended approval on the condition that a minimum of three parking spaces at the rear of the property be provided. The Board does not find this to be an unreasonable request of the applicant, since parking on Constitution Avenue is limited and restricted. The applicant also testified that there is space available on the site to accommodate such parking.

11. There was no written report from Advisory Neighborhood Commission 6A on this application.

12. There were several letters of support filed from surrounding property owners.

13. There was no objection to the granting of this application.

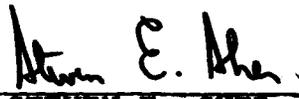
CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record the Board concludes that the application complies with the requirement of Sub-section 7104.2. The proposed use is permitted in the most restrictive district in which the former use was permitted. The Board further concludes that the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map, and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps. The Board is of the opinion that the requested change of non-conforming use represents a neighborhood improvement. Accordingly, it is hereby ORDERED that this application is GRANTED subject to the CONDITION that the new use shall be a real estate office limited to a firm owned and operated by these applicants.

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

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

ATTESTED BY:



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, IN INVESTIGATIONS, AND INSPECTIONS.