

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13738, of Dunphy's Properties, Inc., 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 to a tailoring alteration and repairs (tailor shop) in an R-4 District on the first floor of the premises 721 F Street, N.E., (Square 892, Lot 71).

HEARING DATE: April 28, 1982
DECISION DATE: April 28, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the south side of F Street between 7th and 8th Streets and is known as premises 721 F Street, N.E. It is in an R-4 District.
2. The site consists of approximately 760 square feet of lot area. It is improved with a one story commercial structure.
3. The site is situated in the Capitol Hill neighborhood which is characterized by row dwellings in the R-4 District. The site is one lot removed from 8th Street, which contains convenience neighborhood services. The buildings adjacent to the subject site also contain neighborhood services, such as a TV repair shop, a dry cleaners, a post office station and a church.
4. The prior occupancy of the site was a barber shop. The applicant now proposes to use the premises as a tailor shop, alteration and repairs. No structural alterations will be made. The premises will be painted and equipped as a tailor shop. No heavy machinery will be involved. Old signs on the exterior of the building will be removed.
5. The store will operate between the hours of 9:00 A.M. through 7:00 P.M., Tuesday to Saturday. The operator anticipates hiring one employee to work with him.
6. There is on-street parking permitted on the site's frontage on F Street to accommodate two to three cars. The lessee anticipates that most of his customers will be neighborhood residents who will walk to his shop.

7. The ANC Commissioner from single member district 6A17, by letter of April 9, 1982, recommended that the application be approved. The letter stated that the people in the district affirmed that the subject business would be a good asset to the community. Advisory Neighborhood Commission 6A made no recommendation on the application.

8. Sub-section 7104.21 of the Zoning Regulations states that in accordance with the authority and procedures established in Section 7109, 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.

9. The Office of Planning and Development, by report dated April 23, 1982, recommended that the application be approved. The OPD reported that the proposed tailor shop and the former barber shop were neighborhood facilities, that the proposed use may be less intensive in terms of pedestrian traffic characteristics than the barber shop and that both uses are first permitted in a C-1 District. The Board concurs in the OPD findings and recommendation.

10. The Capitol Hill Restoration Society, by a letter of April 22, 1982, the Neighborhood Committee, 700 Block F Street, by letter of April 27, 1982 and several area residents recommended that the application be approved on the grounds that the proposed use will not tend to affect adversely the use of neighboring property, the proposed use is not less restrictive than the barber shop, the proposed use is a needed use in the neighborhood and the applicant has been very cooperative with the citizens. The Board concurs.

11. The Board finds that both a barber shop and a tailoring shop are first permitted in a C-1 District.

12. The Board finds that the proposed use is a neighborhood facility.

13. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Sub-section 7104.2 of the Zoning Regulations. The Board concludes that based on Findings of Fact Nos. 3, 6, 7, 9, 10, 11 and 12, the applicant has met its burden of proof. The Board notes the support for the application in the neighborhood and the lack of any opposition. The Board further concludes that the

application can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that it will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Connie Fortune, William F. McIntosh, Walter B. Lewis and Charles R. Norris to GRANT; Douglas J. Patton not present, not voting).

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

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

FINAL DATE OF ORDER: JUL 19 1982

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.