

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13839, of Willard and Ruth L. Eatmon, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the floor area ratio requirements (Sub-section 5301.1) to use the first and second floors of the subject premises as a beauty shop in excess of 1.5 FAR in a C-2-A District at the premises 1102 H Street, N.E., (Square 981, Lot 806).

HEARING DATE: October 20, 1982

DECISION DATE: October 20, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of H Street approximately twenty feet from the intersection of 11th Street and H Street, N.E. and is known as premises 1102 H Street, N.E. It is in a C-2-A District.

2. The subject property is rectangular in shape measuring 17.5 by 76.0 feet and is flat. It is improved with a two-story brick row dwelling containing approximately 2,146 square feet of floor area. A single entrance on H Street provides access to both floors of the structure. The structure was constructed prior to the current Zoning Regulations.

3. The site is located in an extensive strip of commercial zoning on the north and south sides of H Street, N.E. extending from 2nd to about 15th Streets, N.E. The site is one of several row structures in the C-2-A District in the 1100 block of H Street which contain several retail and service type facilities including dry cleaning establishments and book stores. The site has no alley access.

4. The areas north and south of the H Street commercial corridor are zoned R-4 and are characterized by row dwellings.

5. The site is a part of the H Street Urban Renewal Area designated for revitalization and re-construction following the civil disturbances in the late 1960's.

6. The applicant proposes to use both floors of the structure as a beauty shop. A total of eleven beauty

stations, six on the first floor and five on the second floor, are proposed.

7. A minimum of seven people will be employed on the site.

8. The applicant expects to draw patrons from the surrounding neighborhood and beyond.

9. The most recent previous use of the subject structure was as a barber shop. That use was preceded by a dry cleaning facility. No residential use of the property has occurred since 1933.

10. The C-2-A District allows a maximum floor area ratio of 1.5 for non-residential uses. This will allow 1,995 square feet of the subject structure to be used as a beauty salon. The applicant is requesting permission to use 2,146 square feet of the premises, the entire structure, as a salon. The proposed FAR is 1.6, requiring a variance of 151 square feet or seven per cent.

11. It is unreasonable to create a living unit using the 151 square feet of floor area remaining. That area can be reached only by passage through the space devoted to commercial use.

12. The applicant testified that on-street parking is available on 11th and 12th Streets and metered parking is available on H Street, N.E.

13. The Office of Planning and Development by report, dated October 12, 1982, recommended approval of the application on the grounds that the strict application of the C-2-A District would impose a practical difficulty on the owner. A small variance of seven per cent or 151 square feet is requested. The structure has an FAR of 1.6, of which 1.5 may be used for commercial purposes. It would be unreasonable and impracticable to require the remaining 151 square feet be used for residential purposes. In addition, there is no persuasive evidence that the second floor had ever been used for residential purposes. The OPD noted that the proposed use is consistent with public policy embodied in the H Street Urban Renewal Plan to revitalize the H Street Corridor and that the proposed use will provide a service to the community, offer opportunities for neighborhood employment and exert a positive influence toward redevelopment of nearby property. The Board concurs in the OPD findings and recommendation.

14. No report was received from Advisory Neighborhood Commission 6A in the record of this application.

15. No persons appeared at the public hearing in opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires the showing of a practical difficulty inherent in the property itself. The Board concludes that there are practical difficulties unique to the subject property. The subject structure was built prior to the adoption of the present Zoning Regulations. The structure contains an FAR of 1.6 and the allowable FAR of the C-2-A District for commercial uses is 1.5. An excess of 151 square feet would remain. The strict application of the C-2-A District for commercial uses would impose an unnecessary and unreasonable economic difficulty on the owners by requiring a residential use be made of the 151 square feet. The Board is of the opinion that the only practical and reasonable use to be made of the remaining floor area would be for non-residential purposes.

The Board is further of the opinion that approval of the application would further the efforts to revitalize this area of the city consistent with city policy. The Board further concludes that the requested relief can be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Douglas J. Patton, Connie Fortune, William F. McIntosh, Maybelle Taylor Bennett and Charles R. Norris to GRANT).

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

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

FINAL DATE OF ORDER: FEB 17 1983

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."

BZA APPLICATION NO. 13839

PAGE 4

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.

13839order/JANE10