

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14158 of Walter J. Muroff, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 7106.11 to change a nonconforming use from pressing, tailoring and cleaning agency, first floor, to a barber shop, first floor, in an R-4 District at premises 1736 Trinidad Avenue, N.E., (Square 4952, Lot 176).

HEARING DATE: July 18, 1984

DECISION DATE: July 18, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the west side of Trinidad Avenue between Mt. Olivet Road and Simms Place, N.E., and is known as premises 1736 Trinidad Avenue, N.E. It is zoned R-4.

2. The site is irregularly shaped with a width of 64.87 feet on Trinidad Avenue which extends for a depth of 45.2 feet. The property narrows at that point approximately 3.3 feet for an additional depth of fifty-four feet. The remaining eight foot depth widens to a width of 89.54 feet and extends to the west to front on Simms Place.

3. The subject site is improved with a two-story brick structure which was constructed in approximately 1940. The second floor of the subject premises contains five rental apartment units. The first floor area is divided into two retail areas. The retail space at 1732-34 Trinidad Avenue is presently occupied by a church. The retail space at 1736 Trinidad Avenue, which is the subject of this application, was last occupied as a "pressing, tailoring and cleaning agency" pursuant to certificate of occupancy No. B-71092 issued in July, 1969.

4. The applicant is seeking a special exception to use the subject premises as a barber shop.

5. The subject premises are located in an R-4 District. The area is characterized by two-story semi-detached dwellings and low density, walk-up apartment buildings. To the immediate south of the site is a similar structure, the first floor of which is occupied by a grocery store. The lot to the immediate north is vacant. Across Mt. Olivet Road to the north of the site is a large cemetery. There is

a small C-2-A area approximately 400 feet west of the site at Mt. Olivet Road and West Virginia Avenue.

6. The Board is authorized to grant special exceptions where in the judgement of the Board such special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and maps.

7. Pursuant to Paragraph 7106.11, a nonconforming use may be changed to a use which is permitted as a matter-of-right in the most restrictive district in which the existing nonconforming use is permitted as a matter-of-right, provided that:

- A. The proposed use will not adversely affect the present character or future development of the surrounding area in accordance with these Regulations. Such surrounding area shall be deemed to encompass the existing uses and structures within at least 300 feet in all directions from the nonconforming use.
- B. The proposed use will not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.
- C. When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use.
- D. In Residential Districts, the proposed use shall be either a dwelling, flat, apartment house or a neighborhood facility.
- E. The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it may deem necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

8. The previous nonconforming use, a pressing, tailoring and cleaning establishment, is first permitted as a matter-of-right in the C-1 District. The proposed barber shop is also first permitted as a matter-of-right in the C-1 District.

9. The proposed barber shop will have four barber chairs and four operators.

10. The hours of operation of the barber shop will be from 9:00 A.M. to 7:00 P.M. Tuesday through Saturday, and from 8:00 A.M. until 12 Noon on Sunday. The barber shop will be closed on Monday.

11. The lessee of the subject premises previously operated a barber shop for more than thirteen years at 1109 Mt. Olivet Road, approximately one and a half blocks from the subject site. The lessee was forced to vacate that site in April, 1984, when the owner of the structure expanded an existing dry cleaning store in the structure.

12. The lessee anticipates that the clientele of the barber shop will remain the same as at the Mt. Olivet Road site. The lessee testified that he compiled a list of the names and addresses of customers at his previous shop and that the majority of those customers live in the immediate Mt. Olivet/Trinidad area.

13. The lessee expects that customers of the proposed barber shop will arrive at the site by walking or public transportation.

14. Trinidad Avenue is a one-way northbound street which carries bus traffic. There is a bus stop almost immediately across the street from the subject site.

15. The proposed use is expected to attract between forty and eighty customers per day.

16. The interior of the subject premises is proposed to be remodelled and the store front will be repaired and upgraded. The lessee proposes to have a non-illuminated sign on the front of the building advertising the use. A traditional red, white and blue illuminated barber pole will be located inside the front window of the subject premises.

17. The prior nonconforming use as a pressing, tailoring and cleaning establishment went out of business in 1982. There has been no change of that use to a conforming or more restrictive use.

18. The proposed barber shop is a neighborhood facility. It is anticipated that the customers of the proposed use will come from the immediate neighborhood. Most of the customers will walk to the site from nearby residences. No effort will be made to draw customers from throughout the Washington area, as most of the expected clientele have been customers of the lessee for many years, some of whom came to his prior location as children and are now young parents who will bring their own children to the facility. The proposed

facility will contain approximately 800 square feet. The nature of the service provided and the small size of the facility will not affect the existing character of the area.

19. The Office of Planning, by memorandum dated July 11, 1984, recommended that the application be approved. It was the opinion of the Office of Planning that the provisions of Paragraph 7106.11 and Sub-section 8207.2 have been met. The Board concurs in the recommendation of the Office of Planning.

20. Advisory Neighborhood Commission 5-B made no recommendation on the subject application.

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

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 a special exception, the granting of which requires compliance with the requirements of Paragraph 7106.11 of the Zoning Regulations and further that the requested relief 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. The Board concludes that the applicant has met the burden of proof. The proposed use and the prior nonconforming use are both first permitted as a matter-of-right in the C-1 District. The proposed use is a neighborhood facility. The proposed use will not create any adverse impacts on adjacent and nearby property. Accordingly it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The hours of the subject facility shall not exceed from 9:00 A.M. to 7:00 P.M. Tuesday through Saturday, and from 8:00 A.M. to 12 Noon on Sunday.
2. The number of employees on the subject site shall not exceed four, including the lessee/operator.
3. Any sign advertising the use shall be non-illuminated and flush against the wall
4. The proposed illuminated barber pole shall be located inside the window.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Walter B. Lewis and Carrie L. Thornhill to grant; Douglas J. Patton not voting, not having heard the case).

