

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14432, of the District of Columbia Redevelopment Land Agency, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the number of off-street parking spaces, Sub-section 7202.1; the size of required parking spaces, Sub-section 7204.1; the required loading berth and loading platform requirements, Sub-section 7302.1; and the rear yard requirements, Sub-section 5303.1, to construct a retail clothing store in a C-2-A District at premises 717 H Street, Northeast, Square 890, Lot 70.

HEARING DATE: June 18, 1986

DECISION DATE: June 18, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site is located South of H Street between 7th and 8th Streets at 717 H Street, Northeast, Square 890, Lot 70. The site is in a C-2-A District. The area of property is 7397.9 square feet.
2. The property is presently vacant. It is surrounded to the east and west by existing structures, usually no more than two to three stores, with retail shops on the ground floor. To the south, across the alley that separates the H Street property from the remainder of the block, are residential row houses. At the rear of the property, along the alley is a scattered development of garage and storage structures.
3. The property is located in the H Street Urban Renewal Area. It is designated for redevelopment for retail commercial use as a part of the District's overall revitalization effort. The relatively small size of the Redevelopment Land Agency (RLA) acquired site reflects the original acquisition of the riot-damaged properties along H Street.
4. The applicant wishes to use the vacant property as a retail commercial facility.
5. The RLA has an exclusive right agreement for the development of the site with Princess Shops, Inc. Princess Shops, whose main offices are in Baltimore, operate a chain of stores that sell moderately priced women's and children's clothing.

6. Princess Shops, Inc. proposes to erect a one story building with a mezzanine. The proposed height of the building is 26 feet. This is below the prevailing building heights of the existing neighborhood structures. The building would occupy the entire lot. The parking would be accessible, at grade, from a narrow ten foot wide alley at the rear, southern portion of the lot.

7. The proposed use is compatible with others in the neighborhood. The merchandise will be priced within the range of the incomes of those in the neighboring residential areas.

8. The Princess Shops anticipate hiring 20-25 employees. They also anticipate that a large percentage of their employees and clientele will live within the immediate vicinity of the store. They anticipate the customers will walk or use public transportation.

9. The store hours will correspond with the neighboring retail facilities operational hours. One delivery per week is expected.

10. The Princess Shops have agreed to sign a First Source Agreement with the City. This agreement requires that 51 percent of new employees are District residents.

11. The Princess Shops will not build less than 8000 square feet. They attempted to enlarge the site to achieve the desired square footage by purchasing the abutting property, but were unsuccessful in their attempts.

12. The applicants seek variances from the requirements as to the number and sizes of parking spaces, loading berth and platform requirements and rear yard requirements. These variances will meet the operational requirements of the Princess Shops.

13. The Office of Planning (OP) filed a report recommending the approval of the application. The OP reported that practical difficulties result from the small size of the property and the operational requirements of the proposed development. The OP reported that the proposed development was not likely to create any objectionable or adverse conditions in the area.

14. There was no opposition to this application.

CONCLUSIONS OF LAW

Based on the record the Board concludes that the applicants are seeking area variances, pursuant to Paragraph 8207.11 of the Zoning Regulations from the number of off-street parking spaces, the size of the required parking

spaces, the required loading berth and loading platform and the rear yard requirements, to construct a retail clothing store.

Under Paragraph 8207.11 the Board has the power to grant an area variance if the strict application of any regulation would result in practical difficulties to the owner, provided that such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board concludes that the District of Columbia Land Agency is attempting to sell the property and achieve optimum development in order to aid the revitalization of H Street. The practical difficulty is the small size of the lot. The variances are needed in order to make the lot financially functional. Princess Shops, Inc. has agreed to develop the lot, however, the original size is not economically feasible for their proposed use. They have unsuccessfully attempted to obtain more property. The Board concludes that the requested variances allow optimum development of the property.

The Board further concludes that the relief can be granted without substantial detriment to the public good and the intent of the zone plan. The proposed use is compatible with others in the neighborhood and will bring an important retail outlet that will aid the revitalization of H Street. The use will provide employment opportunities. The height of the building is below the prevailing building heights, thus air and light to the adjoining properties are not likely to be obstructed. It is expected that the majority of employees and clientele will walk or use public transportation, thus alleviating parking problems. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (Paula L. Jewell, William F. McIntosh, and Charles R. Norris to grant; Carrie L. Thornhill and Lindsley Williams not present, not voting).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

AUG 15 1986

FINAL DATE OF ORDER: _____

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 CONSUMER AND REGULATORY AFFAIRS.

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