

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14522, of Hugh Valentine, pursuant Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 7106.11 to change a nonconforming use from laundry/cleaners (dry cleaning agency, pick-up only), first floor, to beauty salon, first floor, in a R-5-A District at premises 5020 Rock Creek Church Road, N.E., (Square 3690, Lot 801).

HEARING DATE: December 17, 1986
DECISION DATE: December 17, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 5020 Rock Creek Church Road, N.E., is located on the east side of Rock Creek Church Road in the vicinity of Gallatin Street and Fort Totten Drive. The site is located in a R-5-A District.

2. The site has frontage on Fort Totten Drive and Rock Creek Church Road. It is improved with a two-story structure with a laundromat on the first floor and two residential apartments on the second floor. The second floor apartments have separate access.

3. The R-5-A District extends in all directions from the site. The surrounding area is developed mostly with residential apartments and some semi-detached houses along North Capitol Street.

4. Pursuant to Sub-section 8207.2 of the Zoning Regulations, the applicant is seeking a special exception under Paragraph 7106.11 to change a non-conforming use from that of laundry/cleaners to a beauty salon. Both uses are first allowed as a matter-of-right in a C-1 District.

5. The existing laundromat at 5022 Rock Creek Church Road draws most of its clientele from the surrounding neighborhood.

6. It is anticipated that the proposed beauty salon would be a neighborhood facility serving the needs of the surrounding area.

7. The proposed use change would require interior alterations only. The exterior of the building would not be altered except for the replacement of the doors and windows.

8. Six parking spaces are provided on the site. Additional on-street parking is available adjacent to the site.

9. The hours of operation of the proposed beauty salon would be from 8:00 A.M. until 7:00 P.M. Mondays through Saturdays.

10. There will be no more than six beauty operators at the site.

11. By memorandum dated December 10, 1986, the Office of Planning (OP) recommended approval of the application. The OP reported that the proposed beauty salon use as well as the existing dry cleaning pick-up facility are allowed first in the C-1 District. The clientele for the proposed beauty salon is likely to be from the surrounding area. The proposed use would be a neighborhood facility that would not adversely affect the surrounding area. The Board concurs with the reasoning and recommendation of the OP.

12. Advisory Neighborhood Commission (ANC) 4D submitted no report on the application.

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 a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 7106.11 and that the relief requested under Sub-section 8207.2 can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

Section 7106.11 states in pertinent part that 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:

7106.111 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.

7106.112 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.

7106.113 When an existing nonconforming use has been changed to a nonconforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use.

7106.114 In Residential Districts, the proposed use shall be either a dwelling, flat, apartment house or a neighborhood facility.

7106.115 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.

The Board concludes that the applicant has met the burden of proof. The proposed use is designed to provide convenient services for the day-to-day needs of a small tributary area, with a minimum impact upon surrounding residential development. The proposed use is permitted as a matter-of-right in the most restrictive district which the previous use is permitted as a matter-of-right. The Board concludes that the proposed use constitutes a neighborhood facility which will not adversely affect the present character or future development of the area. Accordingly, the application is GRANTED SUBJECT to the following CONDITIONS:

1. The hours of operation shall not exceed 8:00 A.M. to 8:00 P.M. Monday through Saturday.
2. The number of employees shall not exceed seven.
3. The operation of the facility shall be limited to the applicant.
4. Approval of the application shall be for a period of FIVE YEARS.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Maybelle T. Bennett and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

FEB 11 1987

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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