

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14606, as amended, of Carl W. Strawberry, pursuant to Paragraph 11 DCMR 3107.2), for a variance from the provisions of Section 201 to allow the use of a dwelling as a dental office by a non-resident in an R-1-B District at premises 4890 MacArthur Blvd., N.W., (Square 1388, Lot 804).

HEARING DATE: June 17, July 29, September 2, 1987  
and October 14, 1987  
DECISION DATE: November 4, 1987

FINDINGS OF FACT:

1. The application was continued from its original hearing date of June 17, 1987 and subsequent hearing dates of July 29, 1987, and September 2, 1987 in order to provide the applicant the opportunity to present the matter to Advisory Neighborhood Commission (ANC) 3D and receive its recommendation and to allow the applicant to submit additional evidence for the amended application.
2. At the public hearing the application was amended so that the applicant seeks a special exception pursuant to Subsection 3108.1 of 11 DCMR rather than a variance from the use provisions pursuant to Sub-section 3107.2.
3. The site known as premises 4890 MacArthur Boulevard, N.W. is located on the west side of MacArthur Boulevard near its point of merger with V Street. The site is located in an R-1-B District.
4. The site is improved with a two story plus basement brick structure originally built in 1953 as a three-unit apartment building.
5. The R-1-B District extends to the north, northeast and west of the site. A C-2-A District is located to the southeast of the site. A small apartment building is adjacent to the site on the southeast. Georgetown Day School is located on the opposite side of the apartment building. Numerous commercial uses are located in the area to the south of the site. The area to the north of the site is primarily developed with single-family detached dwellings. Two vacant lots are located to the north of the site, the one immediately adjacent to the site is owned by the applicant.

6. The applicant purchased the structure in 1953 and received building permits to convert the top floor apartment into a dental office where he established his practice. The applicant occupied the other apartment as a residence and used the third apartment for storage. In 1961 the applicant moved his residence from the site and rented the residential unit to his secretary/office assistant. The applicant continued his professional practice at the site.

7. The applicant submitted evidence to the record which established that the dental practice existed prior to the adoption of the current Zoning Regulations.

8. The applicant has conducted a small family practice continuously since its establishment at the site. No more than 15 patients a day visit the site four days a week between the hours of 8:00 a.m. to 4:00 p.m. The office is otherwise closed except for emergencies.

9. The location of the office is convenient to the many elderly patients served by the applicant. Approximately 75 percent of all patients visiting the site reside in the immediate Palisades Community.

10. Two employees, one assistant and one dentist/hygenist, work at the site in addition to the applicant. The assistant resides in the first floor apartment unit in the structure.

11. The Dentist's office is comprised of an examination room, a reception room, secretary's office, darkroom and bathroom.

12. The site provides off-street parking for four automobiles. Street parking is restricted to one hour on the block in front of the office. The use has generated no traffic problems or complaints about traffic conditions.

13. By memorandum dated June 9, 1987 the Office of Planning (OP) recommended denial of the application for a use variance. The OP did not submit a recommendation on the requested special exception.

14. By letter dated July 21, 1987 Advisory Neighborhood Commission (ANC) 3-D reported that it voted not to oppose the applicant if it were limited to use by the applicant.

15. Neighbors of the site submitted a petition to the record in support of the applicant. A neighbor of the site testified in support of the use stating that the applicant provided a valuable community service.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of 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 3108.1 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The dental office at the site operated by a non-resident is a non-conforming use. The use was established prior to the effective date of the current Zoning Regulations.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property.

The Board concludes that it has accorded to Advisory Neighborhood Commission 3-D the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The use of the premises shall be limited to a single-family dwelling and dental office.
2. The number of employees in the dental office shall not exceed four, no more than two of which may be dentists.
3. The hours of operation of the dental office shall not exceed from 8:00 A.M. to 4:30 P.M., Monday through Friday, except for emergency treatments.
4. The number of clients shall not exceed fifteen per day.
5. There shall be no fewer than four parking spaces provided on-site.

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

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

UNDER 11 DCMR 3103.1, "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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