

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- July 13, 1966

Appeal No. 8839 Meyer Siegel et al, Trustees, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on July 18, 1966.

ORDERED:

That the appeal for permission to establish a beauty shop as an apartment house adjunct, or in the alternative a variance from the provisions of Section 3105.42 paragraph (e) to permit same at 2500 Q Street, NW., lot 846, square east of 1265, be denied.

FINDINGS OF FACT:

(1) Appellants' property is located in an R-5-B District.

(2) The appeal was filed as a special exception case and, in the alternative, as a request for a variance from the provisions of Section 3105.42 of the Zoning Regulations. At the public hearing, the request for special exception was dropped and the appeal was presented as a request for a variance.

(3) Section 3105.42 provides that "Sale of the following convenience commodities and services, as accessory uses and appropriate adjuncts to an apartment house which are designed to service the tenants' daily living needs: foods, drugs, sundries, and personal services, provided that:" \*\*\*

"(e) The center of the principal entrance of such apartment house is more than one-fourth mile walking distance from the nearest principal business street frontage of any business district previously established and operating in a Commercial or Industrial District."

(4) Appellant proposes to operate a beauty shop in the basement of the subject apartment house. The building was erected in 1941 and appellant states that 900 square feet of space was allocated in the building for beauty shop use.

(5) Appellants' building contains 278 apartment units with approximately 550 tenants (an average of two tenants to an apartment).

(6) Appellants maintain that the lack of a beauty shop has placed them at a competitive disadvantage and has been a factor in increased vacancies of apartment units. In addition, it is stated that the space within this building was originally allocated for the proposed use and that a denial of such use results in a hardship.

(7) Appellants claim that a new condition has been created in the rental market in the District of Columbia within the last five years that has placed them in a disadvantageous position. The tenants of apartment buildings have become highly transient because of the failure of various buildings to provide certain types of facilities. Tenants move to buildings in Maryland or Virginia.

(8) It was stated that appellants maintain 60 furnished apartments. In February, 1966 the building had 17 vacancies or a vacancy exceeding 5 1/2 percent.

(9) The manager of the property stated that the beauty shop service was so greatly needed that space would be given free, including electricity, on a five (5) year lease.

(10) The proposed beauty shop would be below ground level and have access from P Street.

(11) There is property zoned C-1 beginning at the northwest corner of 26th and P Streets and extending south to the rear of the property fronting on P Street and west to 27th Street.

(12) Opposition to the granting of this appeal was registered at the public hearing. The record contains five (5) letters protesting the granting of this appeal.

(13) The record also contains a petition in support of this appeal signed by 157 residents of the subject premises. One letter is on file in support of the appeal.

OPINION:

We are of the opinion that appellant has failed to prove any unusual situation or condition inherent in the property, within the meaning of the variance clause of the Zoning Regulations. The establishment of this proposed beauty shop in the subject building would have an adverse impact on the nearby commercially zoned property and

affect adversely the present character and future development of the neighborhood. Such a commercial use is not generally a part of a residential building. The subject property is within a quarter mile of commercial uses. The Board regards the contention that appellants would be permitted to operate the beauty shop as a matter of right if the property was a hotel as without merit. The nearness of the existing commercial property is sufficient to serve this apartment without the creation of a beauty shop adjunct.

Further, the establishment of such an adjunct commercial use would not be in harmony with the general purpose and intent of the zone plan as embodied in the Zoning Regulations and Map.