

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: June 19, 2012

SUBJECT: **BZA Case 18366** – Request for Special Exception Relief to Operate a One-Chair Barbershop as a Home Occupation in the Basement of the Semi-Detached Dwelling at 5831 Colorado Avenue NW

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I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends** approval of the special exception requested in accordance with § 203.4 to establish a one-chair barbershop as a home occupation on the subject property.

II. AREA AND SITE DESCRIPTION

Address:	5831 Colorado Avenue NW
Legal Description:	Square 2937 Lot 0834
Ward:	4C
Lot Characteristics:	A lot with the shape of a trapezoid, an area of 3,329 square feet (0.08 acre) and frontages along Colorado Avenue and a public alley that is 16-feet wide.
Existing Development:	A two-story semi-detached one-family dwelling with a basement. A separate entrance on the southern facade allows access to the basement from the rear yard. A driveway extends south from Colorado Avenue to a gate in a 6-foot tall wooden fence that parallels the rear wall of the dwelling and surrounds the rear yard (refer to Figure 1).
Zoning:	<i>R-5-A</i> – one-family semi-detached dwellings are allowed as a matter of right and home occupations are allowed by right, subject to conditions or by special exception in accordance with § 203.
Historic District:	None
Adjacent Properties:	Similar one-family row-, detached- and semi-detached dwellings to the east and west along the same frontage; two-story dwellings to the north across Colorado Avenue, all in the <i>R-5-A</i> district; and across the alley to the south are the rear yards of two-story commercial establishments that front Georgia Avenue in a <i>C-3-A</i> district. OP is not aware of any home-based businesses on neighboring properties.
Surrounding Neighborhood Character:	Predominantly low-density residential and commercial uses.



III. PROJECT DESCRIPTION IN BRIEF

Applicant	Clifford Reese, the owner of record
Proposal:	To operate a one-chair barber shop in the dwelling basement while maintaining a one-family residence upstairs. When the applicant submitted home occupancy permit application HO-1200211 for D.C. Department of Consumer Affairs, the Zoning Administrator responded in a letter dated January 26, 2012, that this home occupation first required special exception approval by the Board of Zoning Adjustment per with § 203.4.
Relief Sought:	§ 203.4 – special exception approval to establish a one-chair barbershop as a home occupation in the dwelling basement on the subject property. OP interprets the regulation as allowing by right a home occupation which addresses the specific conditions. As such, OP so is not clear why this proposal requires special exception approval, but was not able to clarify this with the Zoning Administrator.

IV. OP ANALYSIS

Compliance with § 203.4:

According to the original application and application supplement dated June 6, 2012:

203.4 A practitioner of a home occupation, and any owner of a dwelling unit in which a home occupation is practiced, shall comply with the requirements of §§ 203.5 and 203.6, and with the following conditions and requirements:

- (a) A home occupation shall be clearly secondary to the use of a dwelling unit for residential purposes; The proposed accessory home occupation would occupy approximately 200 square feet of the dwelling basement.*
- (b) Except as provided in §§ 203.7(c) and 203.8(d), no more than the larger of two hundred fifty square feet (250 ft.2) or twenty-five percent (25%) of the floor area of the dwelling, excluding basement or any accessory structure, shall be utilized in the home occupation; The 200 square feet occupied by the accessory use would represent approximately 11% of the dwelling floor area.*
- (c) The practitioner shall store all materials or finished products within the floor area that is designated in paragraph (b) of this subsection, or in a basement or accessory structure; Hair clippers, hair dryers, styling irons and various hair products used with this business will be stored in the area occupied by the home occupation.*
- (d) No more than one (1) person who is not a resident of the dwelling unit shall be engaged or employed in the home occupation; The applicant and property owner will be the sole barber/stylist for this accessory use.*
- (e) The dwelling unit owner and the practitioner shall maintain the residential character and appearance of the dwelling unit and lot; No exterior alteration of the existing dwelling is proposed and no exterior signs advertising the business will be displayed.*
- (f) No interior structural alteration shall be permitted if it would make it difficult to return the premises to a use that is exclusively residential; No interior or exterior structural changes are proposed.*
- (g) Neither the practitioner nor any other person shall conduct or allow any operations outside a structure, nor maintain or allow any storage or other unsightly condition*

outside a structure; All material storage associated with the proposed home occupation shall be in the dwelling basement, except for the trash dumpsters. Once a week the dumpsters would be conveyed from the fenced rear yard to the alley for collection.

- (h) Neither the practitioner nor any other person shall use any equipment or process that creates visual or audible electrical interference in television or radio receivers outside the subject home, or that causes fluctuations in line voltage outside the subject home; No such impacts are anticipated from this proposal.*
- (i) The use shall produce no noxious odors, vibrations, glare, or fumes that are detectable to normal sensory perception outside the subject home; No such impacts are anticipated under this proposal.*
- (j) The use shall not produce a level of noise that exceeds the level normally associated with the category of dwelling or the immediate neighborhood; No such impacts are anticipated under this proposal.*
- (k) No more than two (2) vehicles may be used in the practice of the home occupation; A maximum of two customers would be accommodated at any one time. Customers would park their vehicles in the long driveway (refer to Exhibit 1).*
- (l) Vehicular trips to the premises by visitors, customers, and delivery persons shall not exceed eight (8) trips daily on a regular and continuing basis; The applicant indicated that this standard would be met.*
- (m) The practitioner shall have no more than eight (8) clients or customers on the premises in any one (1) hour period; and ... The application states that this standard would be met.*
- (n) If more than one (1) home occupation is practiced in a dwelling unit, the cumulative impact of all such home occupations, considered as a whole, shall not exceed any of the standards set forth in paragraphs (a) through (m) of this subsection. The applicant confirmed this would be the only home occupation on the premises.*

203.5 A sign on a dwelling or building in which a home occupation is practiced shall be permitted, subject to the following conditions: No signage for this use would be affixed to the dwelling exterior.

203.6 (Not applicable)

203.7 The following uses shall be allowed as home occupations; provided, that the conditions specified in §§ 203.4 through 203.6 are met at the time of the establishment of the home occupation, and maintained on a continuing basis. The uses listed under this subsection shall include similar uses in each category: ...

- (b) Cosmetologist, hair stylist, or **barber**; ...*

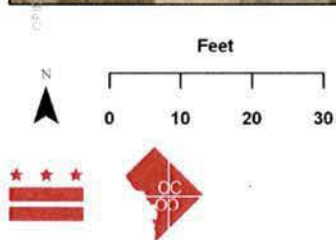
Based on this review, the application meets the applicable standards for BZA approval under § 203.

V. AGENCY COMMENTS

The District Department of Transportation stated in a memorandum dated March 27, 2012 that the agency reviewed this proposal and had no objections to the requested special exception relief.

VI. COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 4C voted to support this application at its meeting on March 14, 2012.



BZA Application No. 18366

Government of the District of Columbia
Office of Planning ~ May 22, 2012

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View from the Street