

**MEMORANDUM**

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TO: District of Columbia Board of Zoning Adjustment 2011 OCT 14 PM 3:36
FROM: Stephen Cochran, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 18, 2011
SUBJECT: BZA Case No.18267, 513 Capital Court, NW, Square 754, Lot 121

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends the Board of Zoning Adjustment (BZA) approve the Special Exception for a massage, skin care, acupuncture and physical therapy establishment under § 731 pursuant to 11 DCMR §§ 3104.1, and 1202.2..

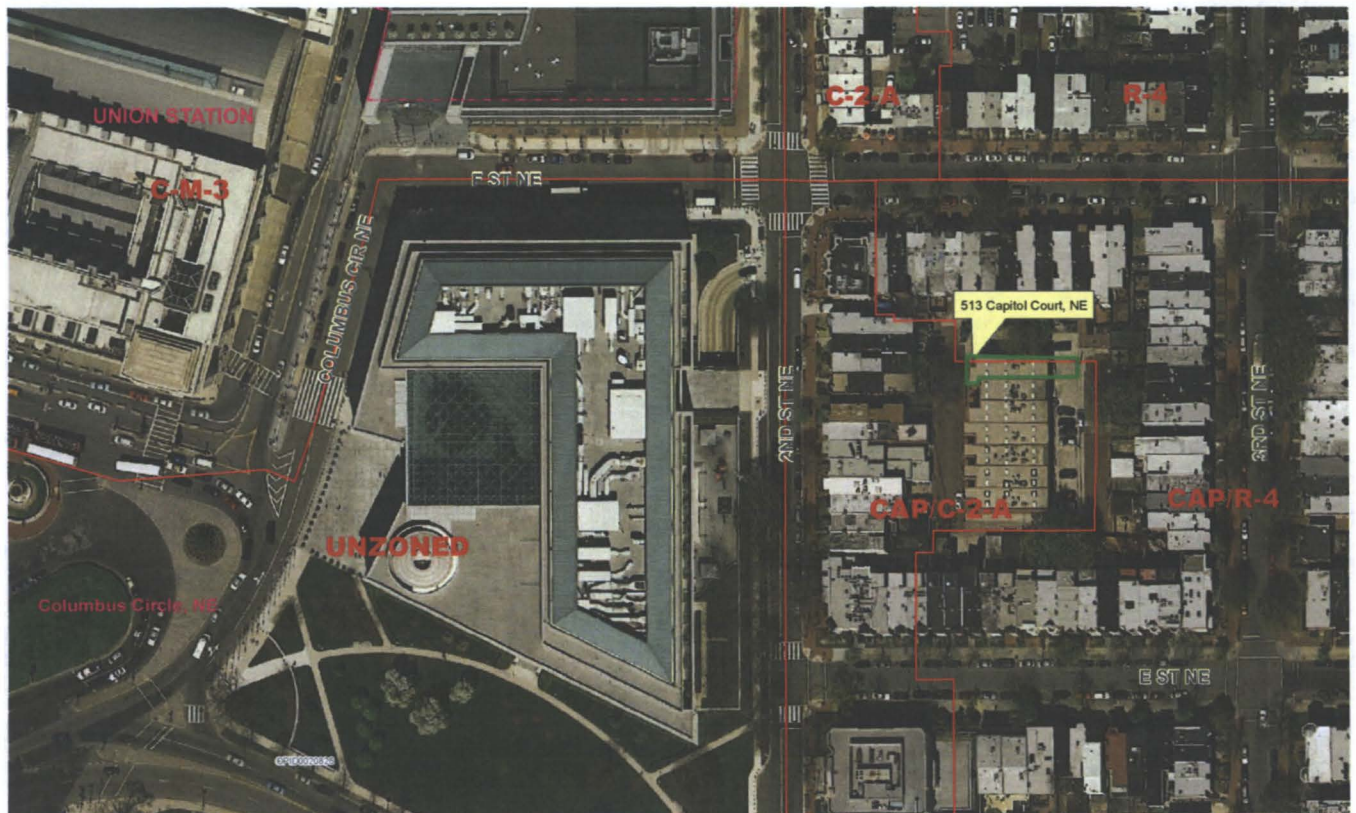
II. LOCATION AND SITE DESCRIPTION:

Figure 1. Location (2 blocks east of Union Station)

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18267
EXHIBIT NO. 31

Board of Zoning Adjustment
District of Columbia



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CASE NO. 18267
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Applicant	William F. Clayton, owner, on behalf of Suzanne Ailie Ham, lessee, as represented by William Brammer, Jr., esq.	Legal Description:	Square 754, Lot 121
Address:	513 Capitol Court	Ward: 6	ANC 6C
Zoning:	C-2-A	Historic Preservation:	Capitol Hill.
Lot Characteristics	Level, essentially rectangular. Fronts on alley with < 30' wide access to street.		
Adjacent Properties:	North, parking lot; South, similar attached rowhouse commercial structure. Alley structures are approximately 20 years old.		
Neighborhood Character:	Square consists primarily of two story 19 th century row-house structures, with exception of 7 rowhouse-type structures on alleys in center of Square. Rowhouses fronting on 2 nd Street (C-2-A) and in alley (C-2-A) are used for commercial purposes, with some residential. Other faces of Square are primarily single family houses and flats. A coffee house on the southeast corner of 2 nd and F Streets, NE is also used as a place of worship.		
Proposal	The applicant is seeking a lot occupancy permit for a non-sexually oriented massage parlor and other holistic health services, and has applied for a special exception to ensure the legality of the use.		

Table 1. Site and Area Description

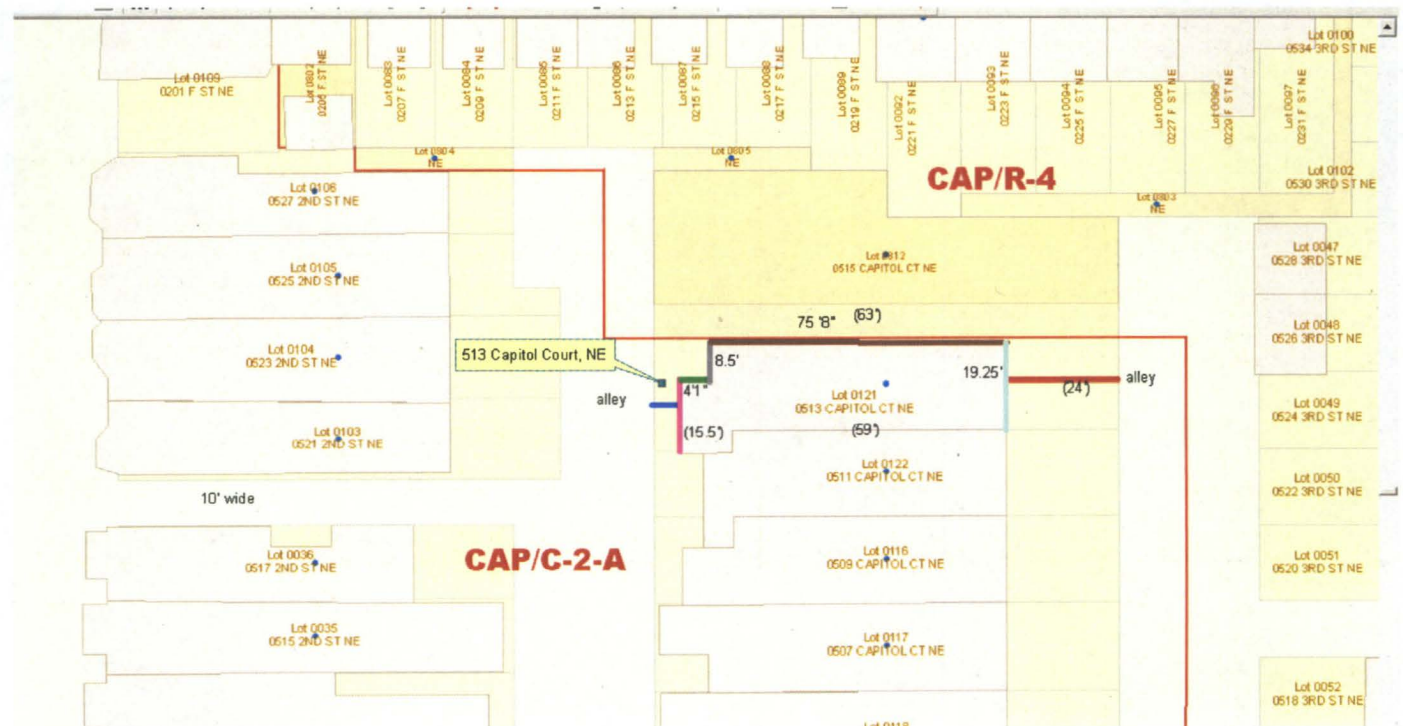


Figure 2. Site

III. APPLICATION IN BRIEF

The applicant is requesting approval of a special exception under §§ 731 and 3104 to operate a facility including non-sexual massage on a 2,010 square foot lot in the CAP/C-2-A zone.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

Section	Item	C-2-A	CAP Overlay	Existing	Proposed	Relief
770.1 1203.2	Height	50'	40'	< 40'	No change	Conforming
771.2	FAR	1.5 non res.	1.8 max	1.5 (3141sf)	No change	Conforming
772.1	Lot Occupancy	60%	n/a	OP estimates 78%	No change	Not applicable to this case.
774	Rear Yard	15' min.	n/a	24'	No change'	Conforming
775.5	Side Yard	none required	n/a	0'	0'	Conforming
776.1	Open Court	n/a				
2101.1	Parking	1 space (1 per 600sf gfa over 2,000 sf gfa and cellar)	n/a	According to applicant, 3 parking spaces are provided	No change.	Applicant should demonstrate that requirement is being met.

Table 1: Dimensional Zoning Requirements

V. OFFICE OF PLANNING ANALYSIS

A. DEVELOPMENT REVIEW

1. § 731.3: Compatibility With Other Uses in the Area

The use is compatible with others in the area. The facility's location is in the Capitol Hill neighborhood, within 1.5 blocks of Union Station, the Securities and Exchange Commission, the Supreme Court judiciary office building and other federal government functions. The neighborhood has traditionally been a mix of low-scale residences, lobbying firms, institutional uses and small service establishments. There is a coffee house at 2nd and E Streets, NE and a grocery at 2nd and F Streets, NE.

2. § 731.4: Use Not Objectionable due to Impact on Neighborhood Character, Noise Traffic or Other Conditions. § 3104.1: Use will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

The use would not be objectionable and would not adversely affect the use of neighboring property in accordance with the Regulations and Map. The applicant has provided letters testifying to the professionalism of the massage service and the good reputation of the service-provider. The small-scale mixed use nature of the area is noted above. The proposed use is inherently a quiet one, and, the applicant states, the services are used by nearby businesses and households. The applicant states that most customers walk to the establishment. It is also less than 2 blocks from the Union Station Metro. The applicant has stated that she currently rents two parking spaces.

3. § 731.5: No Adverse Impact on Religious, Educational or Other Institutional Facilities in the Area

There is one place of worship nearby, within 200 feet: The Ebenezer Coffeehouse at 2nd and E Streets, NE is also used as a church. The church/coffeehouse had not registered opposition to the requested use and the applicant has stated church attendees use the applicant's facility.

4. § 3104.1: The Use is In Harmony with the General Purposes and intent of the Zoning Regulations and Maps.

The C-2-A zone permits the applicant's use as a special exception and the application has demonstrated that the use conforms with the Special Exception criteria.

In addition to the Special Exception relief, the applicant should demonstrate that it complies with § 2101.1's requirement to provide one parking space for the use for which the Special Exception is being requested on the lot on which the use occurs.

B. HISTORIC PRESERVATION

The property is in the Capitol Hill Historic District. The requested special exception is internal to the building and an application has not been filed with the Historic Preservation Office.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VII. COMMUNITY COMMENTS

The single member district commissioner for ANC 6C08 has filed a letter in support of this application, and has informed OP that the full ANC 6C voted to support the application on October 11, 2011.

The file also contains references attesting to the applicant's high level of professional competence and legitimacy.