

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, Development Review Specialist
JL Joel Lawson, Associate Director Development Review

DATE: September 15, 2022

SUBJECT: BZA Application No. 18701F, 1247 E Street, S.E.: Request for a Modification of Consequence to Expand the Hours of Operation

I. DESCRIPTION OF MODIFICATION

1247 ESE, LLC, the Applicant, requests a Modification of Consequence to the approved hours of operation of the commercial use within an existing semi-detached two-story plus cellar apartment house in the RF-1 zone. Pursuant to BZA 18701E, effective February 16, 2022, the Board approved a Modification of Significance to expand the uses permitted within a portion of the ground floor and cellar to add general retail and office uses, and approved a time extension for the two years to February 16, 2022.

Approved operating times were not to exceed 7:30 a.m. to 8:00 p.m., Monday through Friday, and 9:00 a.m. to 8:00 p.m., Saturday and Sunday. The Applicant is now requesting a Modification of Consequence to revise this condition to permit the operating hours on Friday, Saturday and Sunday to be from 7:00 a.m. to 8:00 p.m. for a hair salon, an increase of 4.5 hours per week. No other changes to the conditions of approval as described in BZA Order 18701-E are proposed.

II. RECOMMENDATION

OP concludes this request can be reviewed as a Modification of Consequence and recommends **approval** of the application.

III. LOCATION AND SITE DESCRIPTION

Address	1247 E Street, S.E.
Legal Description	Lot 43, Square 1019
Zoning	RF-1
Ward and ANC	Ward 6, ANC 6B
Historic District	Capitol Hill

Lot Characteristics and Existing Development	Two-story plus cellar mixed-use residential and commercial building with driveway access from 13 th Street, S.E.
Adjacent Properties	North: Across E Street, Watkins Park South and West: Row houses and flats East: Across 13 th Street, a two-story multi-family building
Neighborhood Character	Mixture of residential, commercial and institutional uses

IV. ANALYSIS

Subtitle Y § 703.3 defines “Minor Modifications” as “modifications that do not change the material facts upon which the Board based its original approval...”.

The expansion of hours would increase the permitted operating hours by 4.5 per week. The proposed use, a hair salon, is a relatively quiet use, which would have little to no effect on the surrounding residential uses. Therefore, OP finds that the proposed modification to the permitted changes to the hours of operation would not change the material facts upon which the Board based its original approval of the application.

V. OTHER DISTRICT AGENCIES

No comments were submitted to the record from other District agencies as of the date of the filing of this report.

VI. ADVISORY NEIGHBORHOOD COMMISSION

No comments were submitted to the record from ANC 6B as of the date of the filing of this report.

VII. COMMUNITY COMMENTS TO DATE

No community comments were submitted to the record as of the date of the filing of this report.

Vicinity Map

