

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Development Review Specialist
 Joel Lawson, Associate Director Development Review
DATE: May 8, 2025

SUBJECT: BZA 21287 – To expand a Nonconforming Beauty Salon in the RA-1 zone at 4248 Benning Road, NE

I. OFFICE OF PLANNING RECOMMENDATION

LaToya Liles-Walker (Applicant) proposes to expand the beauty salon use at 4248 Benning Road, NE. The Office of Planning (OP) recommends **approval** of the following use and area variances relief, pursuant to Subtitle X § 1000:

- Subtitle U § 401.1, Expansion of an existing nonconforming beauty salon use;
- Subtitle F § 201.1, FAR (0.9 allowed, 0.97 existing, 1.1 proposed); and
- Subtitle F § 210.1 Lot occupancy (40% allowed, 52% existing, 72% proposed).¹

II. LOCATION AND SITE DESCRIPTION

Address	4248 Benning Road, NE
Applicant	LaToya Liles-Walker represented by Local Architects + Designers
Legal Description	Square 5087, Lot 856
Ward, ANC	Ward 7, ANC 7F
Zone	RA-1, low- to moderate-density residential use
Lot Characteristics	A rectangular lot that gently slopes down from the rear towards Benning Road.
Existing Development	Two-story, semi-detached building housing a commercial use.
Adjacent Properties	To the east is a parking lot, to the west is a two-story row building with a commercial use, to the north is a four-story apartment building, and to the south is Benning Road.
Surrounding Neighborhood Character	The area is developed with a mix of uses but predominantly three and four-story apartment buildings, with some two-story row dwellings across Benning Road, institutional uses (churches) and a few small commercial uses.

¹ The Referral memo from the Zoning Administrator is at Exhibit 4.

Proposed Development	The addition of one-story containers to the rear of the principal building, for storage use by the beauty salon.
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III. SITE LOCATION



IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RA-1 Zone	Regulation	Existing	Proposed	Relief
FAR: F § 201.1	0.9	0.97	1.1	Area Variance
Lot Occupancy: F § 210.1	40% 70% (SE)	52%	72%	Area Variance
Use: U § 401.1	No commercial use	Beauty Salon	Expansion of the beauty salon by adding containers	Use Variance

V. OFFICE OF PLANNING ANALYSIS

The existing building on the property was constructed in 1946 and records show that since 1953, it has housed various commercial uses including a pharmacy, office, and a beauty salon in this residentially zoned area. Since the mid-1960s, the property has operated consistently as a beauty salon. Since 1964, the BZA has recognized this property's lawful, non-conforming commercial use. Over the years, internal modifications have been made to meet DC Regulations ([DCMR Title 17, Chapter 37](#)) for separate areas for sanitation, sterilization, ventilation, and specialized storage. Adapting the limited space to comply with these rules has resulted in a reduction in space available

for operational capacity, thus limiting staff, storage, and services. The applicant has attempted to store products off-site, but this has led to spoilage of products and financial losses.

Extraordinary or Exceptional Situation Resulting in Undue Hardship to the Owner

Extraordinary or Exceptional Situation

The property is unique in that, for the past 71 years it has always housed a commercial use and in 1964. In [BZA Appeal 8021](#) (Exhibit 5) the property was approved for a continued non-conforming use, a beauty shop with a condition. There was no expiry date and the beauty shop has operated continually since that time.

To operate the beauty salon, the Applicant has to meet current standards relating to sanitation, sterilization, ventilation and storage as set forth in [DCMR Title 17, Chapter 37](#). These standards have changed over the years and now require more of the space within the building to be devoted to meeting these standards - presently occupying a large percentage of the 2,039 square foot building. Thus, the space for providing services has been significantly reduced, thereby affecting the financial viability of the long-established local salon.

Resulting in an Undue Hardship to the Owner (use variance relief) and Practical Difficulty (area variances) to the applicant

Since the BZA's approval to operate the salon, the building size has remained the same, no additions, although the areas for providing service to customers has gotten smaller. The reduction in space to service clients results in a smaller number of client being serviced at any one time and overall. To alleviate this problem, the Applicant states that they have tried to use off-site storage to free up some space but this has resulted in spoilage of products and the inconvenience of travel back and forth between the storage area and the salon, a hardship to the owner.

The Applicant states conversion of the building to a residential use consistent with the RA-1 zone would be economically prohibitive due to their investment in extensive custom plumbing, electrical, and layout alterations made over decades to support the commercial salon function, including bringing the space up to current non-residential code requirements and standards. The cost to move to another location would also include possibly having to install similar customized plumbing and electrical fixtures. The total cost would effectively making a return to residential use unworkable.

To alleviate this situation, the Applicant has proposed placing two containers at the rear of the property to be used for storage and thus leaving space in the building for client services.

OP discussed with the Applicant the option of reducing the size of the containers to be more in line with the matter-of-right FAR and special exception criteria for the lot occupancy. At 0.97 FAR the existing building currently exceeds the 0.9 FAR allowed and to meet the MOR standard would require reducing the size of the existing building, which is not a viable option.

Regarding the lot occupancy, the existing 52% lot occupancy exceeds the MOR allowed but is within the 70% that could be allowed by special exception. The requested lot occupancy at 72% requires the requested variance. The Applicant states that the containers are manufactured and sold in standard sizes and requesting the construction of non-standard containers from a manufacturer or purchasing a standard container and making modifications would also be a substantial financial burden to the Applicant which would make the addition not viable. Additionally, reducing the size of the containers would not provide the needed storage space.

No Substantial Detriment to the Public Good

The proposed containers would be placed at the west side of rear of the property and would not be highly visible from Benning Road. Along the west and north property lines, there would be seven-foot high, board-on-board fencing to block the visibility of the containers from the adjacent properties. The containers are one-story, approximately 10-feet high and would not cast shadows or block the light and air to the adjacent properties. These adjacent properties also have large trees and the vegetation would further block and limit the visibility of the containers from the residences.

The containers would have no effect on the adjacent parking lot. Currently, the rear of the property is open to the parking lot and users of the parking lot routinely throw trash and encroach into the rear of the property. Having the containers and staff moving back and forth between the main building and the containers could discourage these undesirable activities.

The Applicant states that currently, the property owner for the adjacent property allows them to store their trash in a receptacle at the northern, rear portion of the lot, but that with addition of the containers, the trash would be stored in an enclosure at the rear of the building and collected once per week.

Currently, the Applicant is unable to accommodate parking on-site because of the existing building and there is no rear alley. However, the owner of the adjacent parking lot allows patrons of the beauty salon to park on the lot for free. The salon is also serviced by busses, V7 and V8 routes which travel along Benning Road and connect to the Benning Road Metro Station located to the south of the property and a five minute (0.2 miles) walk away. Unrestricted on-street parking is also available on both sides of the street in front the property. Therefore, parking should not be a substantial detriment to the public good. OP is not aware of neighborhood complaints arising from the existing parking situation.

No Substantial Impairment to the Zoning Regulations

Granting the requested use and area variance relief, in this case, should not be contrary to the intent of the zoning regulations for this zone. The Applicant has demonstrated both a uniqueness and exceptional situation of the property which has led to an undue hardship / practical difficulty to the owner. Furthermore, the integrity of the Zoning Regulations would not be eroded if the relief were granted, particularly since meeting a more matter-of-right option would place a significant financial burden on a small business owner and would also remove a business that has served the neighborhood for decades.

VI. OTHER DISTRICT AGENCIES

The Department of Transportation (DDOT) requested that OP inform the BZA that DDOT has no objection to the approval of the application.

VII. ADVISORY NEIGHBORHOOD COMMISSION

As of the writing of this report, no report from ANC 7F has been filed to the record.

VIII. COMMUNITY COMMENTS

As of the writing of this report, there are three letters of support at Exhibits 23-25.