

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
    *JL* Joel Lawson, Associate Director Development Review  
**DATE:** June 30, 2017

**SUBJECT:** BZA Case 19520 (2130 Sudbury Place, N.W.) for use variance to permit a dog grooming establishment within the R-1-A

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### **I. BACKGROUND**

BZA Order 18186, dated March 16, 2011, granted the applicant approval of a special exception to operate a self-service dog washing and grooming facility in the C-2-A<sup>1</sup> at 7714 Georgia Avenue, N.W. The applicant now proposes to relocate the business to her home and requests a use variance to permit an animal grooming as a home occupation within the R-1-A zone. Hours of operation would be 8:00 am to 4:00 pm, Tuesday through Saturday, by appointment only, with no more than eight clients served on any one day and one outside employee.

Subtitle U § 251.5(a) specifically prohibits “animal sales, care, and boarding,” which includes animal grooming, as a home occupation. Therefore, a use variance must be granted by the Board to permit a use that is not permitted either as a matter of right or special exception in the R-1-A zone.

Although OP understands that the applicant filed the subject application in response to an extreme personal situation and sympathizes with the difficulties resulting from it, OP’s analysis is based on the provisions of the Zoning Regulations, as required.

### **II. OFFICE OF PLANNING RECOMMENDATION**

The Zoning Regulations contain lists of uses that are permitted as a matter-of-right, permitted by special exception or specifically prohibited for individual zones. Permitted uses are deemed to be in character with the neighborhood, special exception uses are those that may adversely affect the character of a neighborhood and therefore subject to conditions, and prohibited uses, or those that would create a nuisance. Animal care uses are specifically prohibited within the R-1-A zone, and therefore deemed by the Zoning Regulations to create a nuisance within R-1-A.

The subject property is currently used as a one-family detached dwelling, a use permitted as-a-matter of right within R-1-A, indicating that the Zoning Regulations do not prevent the applicant from making use of the property and are therefore unduly restrictive. Therefore, the Office of Planning (OP) recommends **denial** of the following use variance:

- U § 251.5(a) (animal grooming as a home occupation prohibited, animal grooming as a home occupation proposed).

However, the subject property is approximately three times the minimum required, backs up to unimproved parkland and located on a cul-de-sac, all atypical for the R-1-A. Adjacent property

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<sup>1</sup> ZR58. The equivalent zone under ZR16 is MU-4.

owners to the north (including the property facing the proposed pet grooming business), south and the remainder of the cul-de-sac either submitted letters to the file or signed a petition in support of the application, indicating the proposed use is not viewed as a nuisance by nearby residents and would not be out of character. Therefore, should the Board grant the use variance, the following conditions are recommended to mitigate any impacts the proposed use may have on the surrounding neighborhood and ensure the proposed use would not become a nuisance. These conditions stem from the criteria required of animal care uses in those zones where animal care uses are permitted as a special exception and intended to protect adjacent uses, including residential uses in mixed-use zones.

1. No boarding facilities and no external yards or other external facilities for the keeping of animals are provided;
2. The HVAC system is upgraded to provide an effective odor control system for the use;
3. Hours of operation are 8:00 am to 4:00 pm, Tuesday through Friday, and by appointment only; and
4. Approval shall be for a period of five (5) years only.

### III. LOCATION AND SITE DESCRIPTION

Address	2130 Sudbury Place, N.W.
Applicant	Ethel H. Taylor
Legal Description	Square 2754, Lot 802
Ward, ANC	Ward 4A, ANC 4
Zone	R-1-A
Lot Characteristics	Unusually shaped lot with two driveways accessible from the street
Existing Development	One-family detached dwelling
Adjacent Properties	North, South and East: One-family detached dwellings West: Rock Creek Park
Surrounding Neighborhood Character	Low density residential
Proposed Development	Establishment of an animal grooming business as a home occupation with an existing dwelling

### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: R-1-A	Regulation	Existing	Proposed	Relief
Height D § 303.1	40 feet and 3 stories max.	< 40 feet and one-story	< 40 feet and one-story	None Required
Lot Area D § 302.1	7,500 sq. ft. min.	23,640 sq. ft.	23,640 sq. ft.	None Required

## **V. OFFICE OF PLANNING ANALYSIS**

### **a. Use Variance Relief from U § 251.3(a), Home Occupations Uses**

#### **i. Exceptional Situation of a Specific Piece of Property Resulting in an Exceptional and Undue Hardship**

The application requests a use variance to permit an animal grooming business as a home occupation. Subtitle U 251.5(a) specifically prohibits “animal sale, care, and boarding”, which includes animal grooming, as a use variance in the R zones, including the R-1-A. The subject property is currently developed and used as a one-family detached dwelling, as permitted by the R-1-A zone as a matter-of-right and located on a residential street surrounded by either other one-family detached dwellings used as residences or public park land (Rock Creek Park). The applicant uses the subject property in a manner consistent with the provisions of the Zoning Regulations and Maps. Therefore, OP finds no exceptional situation that would result in an exceptional and undue hardship in the use of the property.

#### **ii. No Substantial Detriment to the Public Good**

It is not likely the requested use would not result in a detriment to the public good. The subject property is more than one-half acre in size and backs up to an unimproved portion of Rock Creek Park. Although animal grooming is not a use permitted as a home occupation within the R-1-A, the Zoning Regulations do permit the use within the Neighborhood Commercial zones provided there are no boarding facilities and no external yards or other external facilities for the keeping animals, a provision intended for the protection of surrounding properties from potential negative impacts from the use. In this case the applicant proposes no boarding or external facilities, minimizing the impact on the surrounding area should the Board approve the use.

#### **iii. No Substantial Harm to the Zoning Regulations**

The applicant would continue to live within her home and otherwise conform to the provisions of the Zoning Regulations for home occupations, consistent with intent of the Home Occupation provisions for business related uses within residential zones, as described below.

*(a) A home occupation shall be clearly secondary to the use of a dwelling unit for residential purposes;*

The use would be secondary to the use of the dwelling. It is proposed to occupy a space 403.4 square feet in area, or 11.4 percent of the dwelling, based on a 3,552-square footage of the house as recorded by the Office of Tax and Revenue.

*(b) Except for lodging, and as provided in Subtitle U §§ 251.1(b) and 251.1(f), no more than the larger of two hundred fifty square feet (250 sq. ft.) or twenty-five percent (25%) of the floor area of the dwelling, excluding basement or any accessory structure, shall be utilized for the home occupation;*

The use is proposed to be located on the basement level of the house within an existing attached two-car garage.

- (c) All materials or finished products shall be stored within the floor area utilized for the home occupation or in a basement or accessory structure;*

All materials and products related to the use would be stored within the space dedicated to the use within the basement level of the dwelling.

- (d) Except as provided in Subtitle U § 251.1(b), in no case shall more than two (2) persons who are not residents of the subject dwelling unit be permitted as employees of the home occupation except for the home office of a physician or dentist;*

The applicant proposes that no more than one nonresident of the dwelling would be employed by the home occupation.

- (e) 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 structural alterations are proposed. The applicant proposes to replace the garage door with a wall that includes a window and a door. However, this would not preclude the use of the space for residential purposes in the future.

- (f) No operations related to the home occupation shall be conducted outside a structure, nor shall any storage or other unsightly condition be permitted outside a structure;*

The entire animal grooming business would take place within the converted attached garage, with no outside storage.

- (g) No equipment or process shall be utilized 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;*

The application indicates that no equipment or processes would be utilized that would result in electrical disturbances. An HVAC upgrade would be installed to provide an effective odor control system.

- (h) The use shall produce no noxious odors, vibrations, glare, or fumes that are detectable to normal sensory perception outside the subject home;*

The application indicates no noxious odors, vibration, glare or fumes would be produced by the use, only odors similar to that of residential laundry.

- (i) The use shall not produce a level of noise that exceeds the level normally associated with the category of dwelling or the immediate neighborhood;*

Only one dog would be on the premises at a time, not atypical to the use of one-family detached dwellings.

- (j) *No more than two (2) vehicles may be used in the practice of the home occupation;*

No vehicles are proposed to be used in association with the home occupation.

- (k) *Except for child development homes and expanded child development homes, 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 proposes that no more than eight customers would be served on any one day.

- (l) *Except for child development homes and expanded child development homes, the practitioner shall have no more than eight (8) clients or customers on the premises in any one (1) hour period;*

The applicant proposes to serve no more than one client per hour, and no more than eight clients per days.

- (m) *If more than one (1) home occupation is practiced in a dwelling unit, the cumulative impact of all such home occupations shall not exceed any of the standards set forth in this chapter; and*

Not applicable. Only one home occupation is proposed.

- (n) *The dwelling unit owner and the practitioner shall maintain the residential character and appearance of the dwelling unit and lot. 251.4 A sign on a dwelling or building in which a home occupation is practiced shall be permitted, subject to the following conditions:*

*(a) No more than one (1) exterior sign may be displayed on a dwelling or other building in which a home occupation is practiced, regardless of the number of home occupations permitted in the dwelling or building;*

*(b) The sign shall not exceed one hundred forty-four square inches (144 sq.in.) in area;*

*(c) The sign shall be flush-mounted;*

*(d) The sign shall not be illuminated; and*

*(e) The sign may state only the name of the practitioner and the type of home occupation.*

Not applicable. No signs are proposed.

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received from other District agencies.

## **VII. COMMUNITY COMMENTS**

ANC 4A, at its regularly scheduled meeting of May 24, 2017, voted to support the application.

The Shepherd Park Citizens Association, at its meeting of March 9, 2017, voted to support the application.

Ward 4 Councilmember Brandon T. Todd submitted a letter dated May 26, 2017 in support of the application.

Eleven letters in support were submitted to the file, including the adjoining neighbors to the north and south.

A petition with ten signatures was submitted to the file.

Attachment: Location Map

