

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING - October 14, 1970

Appeal No. 10551 Estate of Morton Himmelfarb, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of October 28, 1970.

ORDERED:

That the appeal for variance from the use provisions of the SP District to permit automatic transmission repairs in a gas station site at the southwest corner of Massachusetts Avenue and 4th Street, N.W., lot 870, Square 517, be denied.

FINDINGS OF FACT:

1. The subject property is located in an SP District.
2. The property is improved with a two bay gasoline station which is currently vacant.
3. The appellant proposes to perform automobile automatic transmission repairs on the premises.
4. Appellant alleged that on the site the transmissions will be removed and installed only. The repairing of the transmission will be done at its factory. Appellant further alleged that the gas operation will not be continued and no structural changes would be made in the building itself.
5. No opposition was registered at the public hearing to the granting of this appeal.

OPINION:

We are of the opinion that the appellant has not proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will not result in peculiar and and exceptional practical difficulties or undue hardship upon the owner.

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Further, we hold that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____



PATRICK E. KELLY
Secretary of the Board