

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- December 13, 1972

Application No. 11257 Paul Mullen, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried by a vote of 3-1 with Mr. Harps dissenting, the following Order of the Board was entered at the meeting of January 23, 1973.

ORDERED:

That the application for a variance from the R-4 District to change a nonconforming use (storage warehouse) to a body and fender shop at 1315 Naylor Court, N. W., Lot 40, Square 367, be DENIED.

FINDINGS OF FACT:

1. The subject property is located in an R-4 District which is defined by the Zoning Regulations as an area of row dwellings and conversions.
2. Applicant herein, is applying under Section 7104.2 of the Zoning Regulations in which he seeks to have this Board grant him a change of a non-conforming use.
3. Testimony at the public hearing related by Mr. Geddie, applicant, indicated that the structure is a two (2) story building; he further related that he had rented the structure from what was then a storage warehouse.
4. Pursuant to this Section, the Board must be satisfied that the proposed non-conforming use will be of less intensity than the prior use. In this case, the former use being a storage warehouse; the proposed new use being a body and fender shop.
5. No opposition was registered at the public hearing as to the granting of this application nor were any letters of opposition submitted to the file for the Board's consideration.

OPINION:

This Board has serious doubt as to the magnitude of a body and fender shop as opposed to a storage warehouse. It is our opinion that sufficient evidence has not been presented which satisfies this Board that a body and fender shop in an R-4 residential area will not be offensive to the neighborhood.

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It is our policy, and we believe within the spirit of the Zoning Regulations, to restrict and/or reduce non-conforming uses as speedily as possible.

In essence, the record is void as to "sufficient evidence" to warrant our permitting this change of non-conforming use. We therefore exercise our discretion and deny the application.

We are of the opinion that this use will have an adverse affect upon the present character and future development of the neighborhood and will substantially impair the purpose, intent or integrity of the Zoning Regulations and Maps.

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

ATTESTED

By: _____



GEORGE A. GROGAN
Secretary of the Board

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