

Before the Board of Zoning Adjustment, D. C.

Application No. 11656. of Claire G. Weltman, pursuant to Section 8207.1 of the Zoning Regulations, for a variance from the use provisions of the C-1 District as provided by Section 8207.11 of the regulations for permission to establish an automobile repair shop at 2201 Alabama Avenue, S. E. Lot 805, Square 5894.

HEARING DATE: June 19, 1974

EXECUTIVE SESSION: June 23, 1974 & July 23, 1974

ORDERED: That the above application be GRANTED on the conditions that:

1. No more than 3 cars be parked outside the garage awaiting repair.
2. No body or fender work be done on the premises.

FINDINGS OF FACT:

1. The subject property was previously used as a Scott gasoline repair station, which is a permitted use in the C-1 zone district. This gasoline repair station was abandoned by the previous lessee because of the nation-wide gasoline shortage of 1973-74.

2. The proposed use of the subject property is first permitted in the C-2 zone district.

3. The proposed use is permitted in the C-1 District as accessory to a gasoline service station.

4. The subject property is improved by a service station building having an office and a garage with three service bays.

5. Evidence of record indicate that the owner of the subject property has attempted unsuccessfully to lease the subject property as a gasoline station.

6. Evidence of record indicate that the owner of the subject property has unsuccessfully attempted to sell the subject property as well as rent it to banking institutions for drive-in services, however, these attempts were to no avail.

The owner of the property in question, submitted letters sent to six (6) fast food operations in attempt to rent the premise for its C-2 zoned use. Mrs. Weltman testified that she received a negative response from all of the establishments she contacted.

The owner of the property further testified that the property was offered to an oil company for \$110,000 the response was negative. She also listed the property exclusively with one agent for a period of 90 days for sale at \$110,000 and for rent at \$750 per month. This is the approximate rental Mrs. Weltman received from the prior tenant.

7. The subject property is located in a neighborhood composed of apartment buildings and commercial uses.

8. Mrs. Thelma Parker, operator of a laundromat at 3224 22nd Street, S. E., testified that the site is a hazard as it stands now and that abandoned cars are left on the lot which is an eyesore to the neighborhood.

9. No objection was registered to the subject application.

CONCLUSIONS OF LAW:

Based upon the above facts, the Board is of the opinion that the owner of the subject property is unable to use the subject property for its zoned purpose, because the improvements located thereon cannot be sold or rented for its previous permitted use, that of a gasoline service station. Evidence of record indicates, and the Board takes notice of the fact that the 1973-1974 gasoline shortage caused many retail gasoline stations to close.

The Board concludes that the applicant, in attempting to make beneficial use of her property is in a position of undue hardship, by reason of strict application of the Zoning Regulations. The Board further concludes, that the owner of the subject property has complied with the burden of proof prescribed by Section 8207.11 of the Zoning Regulations, and that the granting of this relief will not be detrimental to the public good or impair the intent and purpose of the Zoning Regulations.

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BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT
VOTE: 4-1 (Lilla Burt Cummings, Esq. dissenting)

ATTESTED By: *James E. Miller*
JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: AUG 13 1974

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.