

Before the Board of Zoning Adjustment, D. C.

Application No. 11888, of Charles Colella, pursuant to Section 8207.2 of the Zoning Regulations for a special exception to permit a change of nonconforming use from manufacturing and rebuilding of automotive brakes and equipment on 1st floor, to an automobile repair garage on the 1st floor as provided by Sections 7104.2 and 7109 of the regulations at the premises 1110 4th Street, N. W., in the R-5-D Zone, known as Lot 818, Square N-515.

HEARING DATE: April 16, 1975

DECISION DATE: April 16, 1975

FINDINGS OF FACT:

1. The subject property is a one-story masonry building with dimensions of 42 feet by 100 feet. The exterior and interior space available for actual repair work to be performed is extremely limited. A portion of the premises is used for parts storage and general office space pertaining to operation of the business.

2. The subject property was rezoned from C-3-B to R-5-D on December 8, 1972 and the last recorded use was the manufacture and rebuilding of automotive brakes.

3. The applicant proposes to change the nonconforming use to permit repair work on automobiles and relies upon a similar operation abutting the rear of the subject property.

4. The un rebutted testimony of opposition (abutting property owner) states that applicant has in fact been operating an automotive repair shop on the subject property for a period of months without a Certificate of Occupancy. Based upon actual observation of the operation of the "proposed" use, objection is directed toward the failure of the subject property to allow for a safe, adequate and unsightly work area. Automobiles, dismantled automobiles and engines are parked on the sidewalk and other public areas often for prolonged periods of time creating a hazardous and deleterious effect on the neighborhood.

5. A three unit apartment house abuts the subject property and there are other multiple dwellings and single family dwellings comprising the immediate and general make-up of the neighborhood.

CONCLUSIONS OF LAW:

Based upon the Findings of Fact and the record the Board concludes that the proposed change of nonconforming use should be denied. The proposed use is of a type which will be objectionable in the neighborhood and will adversely affect the present character of the neighborhood. The Board further concludes that the applicant has failed to meet his burden of proof and the proposed use is not in harmony with the general purpose and intent of the Zoning Regulations as provided in Section 8207.2.

ORDERED:

That the above application be and the same is hereby DENIED.

VOTE:

4-0 (Mr. Harps was not present to vote).

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

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

FINAL DATE OF ORDER: **MAY 23 1975**