

Before the Board of Zoning Adjustment, D. C.

Application No. 12067, of Saveway Rhode Island Avenue, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exception under Paragraph 5101.41 to modernize gasoline service station in C-2-A Zone at the southeast corner of New Jersey Avenue and Rhode Island Avenue, N. W., (Square 507, Lot 91).

HEARING DATE: January 21, 1976

DECISION DATE: January 21, 1976 (From the Bench)

FINDINGS OF FACT:

1. The subject property is located in a C-2-A District.
2. This application seeks to modernize an existing gasoline service station at the southeast corner of New Jersey Avenue and Rhode Island Avenue, N. W., which station will also involve the conversion of the service station to a self-service type.
3. The service station on the existing site has been established for many years and was last before this Board in BZA Application No. 7505-06 wherein the Board granted permission for the rebuilding and enlargement of the then existing station. The Board at that time approved the station subject to the dedication of a public alley at the south end of the service station to provide access from New Jersey Avenue and to other public alleys in Square 507 and subject to the site plan showing curb cuts and station island locations as provided in the site plan. This application for modernization does not involve any substantial change from the previous physical layout of the station.
4. The modernization will involve the construction of a roof covering the pump islands which, in addition to carrying the logo of the Merit Company, will provide protection to patrons utilizing the gas pumps. The modernization will also include the rebuilding of the cashier booth as shown on the plot plan.

5. This station has been maintained in an appropriate manner and no complaints have been received concerning its operation.

6. The applicant complies with the requirements of Article 74 in that the service station structure and premises is separated from a residential district by a public alley, no vehicular entrance or exit is connected with the street at a point closer than 25 feet to any residential district unless separated therefrom by the alley and no driveway of any entrance or exit is located closer than 25 feet to a street intersection measured from the intersection of the curb lines extended.

7. The operation will not create dangerous or otherwise objectionable traffic conditions as has been demonstrated by the past experience of the station. The Department of Transportation by report dated December 2, 1975, offered no objection to the approval of the special exception.

8. There will be no grease pits or hoists connected with the proposed operation and the plot plan is so designed that the appearance, lighting and other features will not adversely affect any of the neighboring property owners.

9. There was no opposition to the application.

CONCLUSIONS OF LAW:

The Board concludes that the applicant has met the requirements set forth in Paragraph 5101.41 of the Zoning Regulations and that the grant of this application for modernization will be in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property in accordance with these Regulations and Maps. It is therefore ordered that the application be GRANTED.

VOTE: 4-0 (Lilla Burt Cummings, Esq., Dr. Lewis, Mr. Harps and Mr. McCants to grant, Mr. McIntosh, not present, not voting).

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

ATTESTED By: Steven E. Sher
STEVEN E. SHER
Acting Secretary to the Board

FINAL DATE OF ORDER: MAR 1 1976

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.