GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12467 of Giulio Gallo, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variance from the use provisions (Section 3102) to allow an automobile repair garage in the R-2 District in the garage at the rear of 4001 Van Ness Street, N. W., (Square 1787, Lot 812).

HEARING DATE: November 16, 1977
DECISION DATE: November 16, 1977 (Bench Decision)

FINDINGS OF FACT:

1. The Chair ruled that the requirements of Rule 3.3 had been met as to the posting of the property.

2. The subject property is located at 4001 VanNess Street, N. W. and is in an R-2 District.

3. The subject property is improved with a one family detached house and rear garage.

4. The applicant his wife, two grandchildren and three roomers occupy the house.

5. The applicant had been operating an automobile repair garage in a commercial zone until 1966 when his shop was torn down to make way for a new development.

6. The applicant testified that at the time of being displaced, he looked for a suitable business place for one year but could not find one that he could afford. He is now on a fixed income.

7. Since 1966 applicant has maintained an automobile repair garage in the garage of his present residence. He testified that he currently services approximately 100 customers.

8. There was testimony that he does no body repair work. On his property are an hydraulic lift, tanks, a large tripod (crane), a chain hoist on a tree, and a pit for working under cars.

9. Applicant has been advised on several occasions since 1966 by the District authorities that he is conducting a business without a license.

10. The subject property is not exceptional, extraordinary or unique in any manner, and is similar to the neighboring homes in the area.

11. Advisory Neighborhood Commission 3E, by report dated September 16, 1977, recommended that the application be denied on the grounds that the neighborhood is a residentially zoned neighborhood whose character would be drastically altered by the presence of such a business in the neighborhood, that the neighbors of the applicant were unanimous in their opposition to the application, that the auto repair center has been operating for eight years without benefit of a zoning variance, that the business contains hydraulic lift, compressor and other heavy auto repair mechanical equipment and that the ANC consistantly supports the preservation of the unique residential character of its neighborhood.

12 The application was also opposed by the abutting property owners and other home owners in the immediate area on the same grounds enumerated by the ANC and, in addition, that the auto repair garage generated noise, smells and lighting annoyances, all of which adversely impacted the surrounding home owners in the peaceful enjoyment of their homes.

CONCLUSIONS OF LAW:

The Board concludes that the requested variance is a use variance, the granting of which requires a showing of exceptional and undue hardship upon the owner of the property that stems from the property itself. Based on the record the Board concludes that there is nothing unique about the subject property and the hardship herein is a financial hardship related to the personal circumstances of the applicant. Such a financial hardship is no grounds for granting the variance sought. The Board notes that the applicant with his family is making a reasonable use of the house as a dwelling, the purpose for which it was zoned. The Board concludes that the use of the garage for an auto repair business is having an adverse affect upon the neighborhood with substantial detriment to the public good and that it is substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is DENIED.

VOTE:

5-0 (Charles R. Norris, William F. McIntosh, Ruby B. McZier, Chloethiel Woodard Smith and Leonard L. McCants)

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

ATTESTED By: STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 20 DEC 1977