

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12484 of Leslie E. Alston, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3101) to permit the storage of trucks in the R-1-B District at the premises 2715 Central Avenue, N. E., (Square 4335, Lot 806).

HEARING DATE: September 27, 1977
DECISION DATE: October 11, 1977

FINDINGS OF FACT:

1. The subject property is located at 2715 Central Avenue, N. E. in an R-1-B District and is improved with a detached dwelling used as a single family residence.
2. Applicant seeks the Board's permission for a variance from the use provisions to permit the storage of trucks at the rear of the subject premises.
3. Applicant is an independant trucker. He owns and operates two trucks. While one is in business use the applicant has been storing/parking the second truck on his premises. An automobile is also parked there.
4. Applicant testified that he parks his trucks on his premises so that he can prevent vandalism and, also that he has been ticketed too often even on those occasions when he parked the trucks in commercial zones.
5. The application was opposed by a neighboring home owner who testified that in addition to parking the two trucks which are ten wheeled diesels, the applicant repairs them, that the applicant is conducting a trailer-trucking business from his home, that oil is spilled in the alleyway behind the home, that the air is polluted with smoke and noise and because of all the foregoing reasons, property values in the area are threatened.
6. The record reflects that the ANC Commissioner of single member district 5A-14, acting as an individual, opposed the application on the grounds that the parking of the trucks on the street detracted from the residential nature of the area, used up eight parking spaces that neighbors could have used and was a misuse of property for the purpose for which it was zoned.

7. The Board, at the public hearing of September 27, 1977, directed the Municipal Planning Office to make an inspection and report back to the Board. In its report, dated October 4, 1977, the Municipal Planning Office reported that the rear yard was occupied by two trucks, one vehicle and repair equipment. The adjoining rear yards appeared well maintained, landscaped and free of any non-residential rear yard activity. The general character of the area surrounding the subject site appeared quiet, isolated and well maintained. The report further stated that the use of the subject rear yard as a storage area for large tractors and repair equipment was inconsistent with the zoning and created an eye sore which stands out and detracts from the quiet residential ambiance of the area. The report further stated that the storage use could be moved to an appropriate location in the surrounding C-M District without severely inconveniencing the applicant.

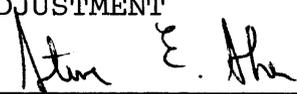
CONCLUSIONS OF LAW:

The Board concludes that the requested variance is a use variance, the granting of which requires the showing of exceptional and undue hardship upon the owner of the property and which hardship stems from the property itself. The Board considers that no such hardship has been demonstrated, and that the applicant is making reasonable use of the property already as a single family dwelling. The Board further concludes that the truck storage use is having an adverse affect upon the neighborhood with substantial detriment to the public good and 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 (John G. Parsons, Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith and Leonard L. McCants to deny).

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



STEVEN E. SHER
Executive Director

4 NOV 1977

FINAL DATE OF ORDER