

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12652, of Marvin and Janet Stein, pursuant to Paragraph 8207.11 of the Zoning Regulations for a variance from the use provisions (Section 5102) to permit an open storage of building material in the C-2-A District at the premises 5509 - 14th Street, N. W., (Square 2800, Lot 3).

HEARING DATE: June 21, 1978

DECISION DATE: July 5, 1978

FINDINGS OF FACT:

1. The subject property is located on the east side of 14th Street, approximately twenty-five feet south of its intersection with Longfellow Street in the C-2-A District and is known as 5509 - 14th Street N. W.

2. The subject site is 1,540 square feet in land area, rectangular in shape and relatively level.. It has road frontage on and access from both 14th Street and Colorado Avenue. The property is undeveloped except for an office trailer, a truck and the storage of large house hold appliances and metal parts. There is a chain link fence along the eastern and western property lines.

3. Uses in the area includes commercial fronting along 14th Street and Colorado Avenue and residential making up the remainder of the area. Immediately surrounding land uses and zoning are to the north, office building in the C-2-A District, to the east Colorado Avenue, followed by apartment buildings in the C-2-A District; to the south, a commercial building, followed by the Art Linkletter Studio, a laundry, and drugstore in the C-2-A District; to the west, across 14th Street there is a rooming house and a detached single family dwelling in the R-5-A District.

4. The applicant proposes to use the property for the storage of building materials in conjunction with a contractors office located adjacent to the subject premises at 5511 14th Street, N. W.

5. The property was previously used as an automobile gas station. There has been no Certificate of Occupancy issued since that time.

6. The storage of building materials on an open lot is first permitted as a matter of right in the C-M District.

7. The subject C-2-A District does not permit the proposed use unless approved by the Board of Zoning Adjustment.

8. The subject property does not have any exceptional topographic characteristics, nor is it's rectangular shape peculiar to the other lots in the neighborhood.

9. There are no peculiar characteristics which would prohibit the owner from using said property in a manner for which it is zoned.

10. As currently used the property creates a visual nuisance and has the potential of creating a negative noise impact on the area.

11. By report, dated June 5, 1978, the Municipal Planning Office recommended that the application be denied. It was the opinion of MPO that the use of the subject property for the outside storage of building materials would create an incompatible environmental condition and would be inconsistent with the intent and purpose of the Zoning Regulations and Map.

12. Advisory Neighborhood Commission 4-A was notified of the application but submitted no recommendation.

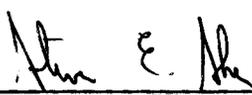
CONCLUSIONS OF LAW:

The requested variance is a use variance, the granting of which requires the showing of a hardship stemming from the property. The Board finds that there are no extraordinary or exceptional characteristics in this particular site which would prohibit it from being used in accordance with the Zoning Regulations. The Board concludes that the proposed use is inconsistent with the intent and purpose of the Zoning Regulations and Map. Accordingly it is ORDERED that the application is DENIED.

VOTE: 3-0 (William F. McIntosh, Leonard L. McCants to deny, Walter B. Lewis to deny by proxy, Chloethiel Woodard Smith not voting, not having heard the case).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

1 AUG 1978