

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12732, of Ernesto Aleotti, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3101) to permit the use of a garage at the subject premises as an automobile repair shop in the R-1-B District at the premises rear of 6338 Piney Branch Road, N.W. (Square 2944, Parcel 88/209).

HEARING DATE: September 20, 1978  
DECISION DATE: October 4, 1978

FINDINGS OF FACT:

1. The subject property is located facing Piney Branch Road in a square bounded by Piney Branch Road, Tuckerman, 13th and Sheridan Streets, N.W., in the R-1-B District and is known as 6338 Piney Branch Road, N.W.
2. The area to the west side of Piney Branch Road is developed exclusively with single family homes with the exception of a church located on the corner of Tuckerman and 13th Streets, N.W. Across Piney Branch Road from the site is a gasoline service station and car wash located in a C-2-A District which fronts on Georgia Avenue.
3. The subject site is 8305 square feet in area and is developed with a house and a two car garage in the rear. Adjoining to the south of the subject lot is Parcel 88/211, which has the address of 6336 Piney Branch Road, and which is 11,000 square feet and is improved with a house owned by the applicant.
4. The applicant proposes to continue the present use of storage and repair of automobiles, for which no Certificate of Occupancy exists.
5. The applicant was before the Board with the identical application which was denied by BZA Order No. 12223, dated April 4, 1977. The use of the property for automobile repair did not cease following that denial.

6. The applicant is presently using the side yard of the adjoining parcel at 6336 Piney Branch Road for storing cars brought to him for repair while the garage at 6338 Piney Branch Road is used for the actual repairs. The applicant does not propose to make any alterations to the subject site to accommodate the use, and the premises would remain as they now appear.

7. There are no unusual or prevailing circumstances that would inhibit the applicant from using the subject premises for a purpose permitted in the R-1-B District. The applicant is now using the property for residential purposes as well as for the repair garage.

8. The applicant was unable to demonstrate that there are any extraordinary, exceptional or unique circumstances regarding this property. The property is similar in shape and size to other properties in the neighborhood in which it is located.

9. The Municipal Planning Office, by report dated September 12, 1978, recommended that the application be denied on the grounds that there are no physical factors limiting the use of the property for single family homes permitted as a matter-of-right by the Zoning Regulations. The Board so finds.

10. The Brightwood Community Association was opposed to the application and recommended it's denial. The Brightwood Community Association is opposed to any variance that would grant permission for a commercial operation in a residential community.

11. Advisory Neighborhood Commission 4A was opposed to the application and recommended it's denial on the grounds that the applicant has had no regard for the previous decision of the Board and has continued to conduct business as usual. In addition, the residents of the area have been plagued by abandoned and subsequently stripped automobiles, there by imposing an adverse environmental impact upon their neighborhood. The Board finds that the evidence as to the abandoned cars is insufficient for it to determine that such vehicles were in any way related to the applicants existing use.

12. The ANC submitted petitions of residents of the surrounding area opposed to the application. There was also a letter from a property owner directly to the rear of the subject property in opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

The requested variance is a use variance, the granting of which requires the showing of an undue hardship related to the particular property involved. The applicant has failed to show or establish any undue hardship arising from the property. The Board concludes that there are no exceptional or extraordinary circumstances relating to the subject site that would prohibit its use as prescribed by the Zoning Regulations. The Board concludes that the applicant can make reasonable use of the property as a residential purpose, and in fact, is so doing at present.

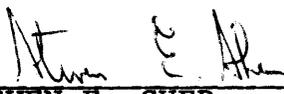
The Board notes that the local Advisory Neighborhood Commission, to which "great weight" must be accorded, did oppose the application, and that there was also opposition from residents of the immediately surrounding area.

The Board concludes that the application if granted, would be detrimental to the public good by potentially establishing a precedent for the many similar properties in the area and would substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Board also notes that an identical application was heard and denied by this Board, but that the applicant failed to terminate his illegal use. The Board hopes that its decision in this case will be treated with more respect from the applicant.

Accordingly, the application is therefore DENIED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith and Leonard L. McCants to DENY).

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

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

FINAL DATE OF ORDER: 18 OCT 1978