

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12858, of Texaco, Inc., Statewide Stations, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5102.41 to permit the use of the subject premises as an automobile repair garage in conjunction with an existing gasoline station in a C-2-A District at the premises 4000 Georgia Avenue, N.W., (Square 2909, Lots 800 and 801).

HEARING DATE: January 24, 1979

DECISION DATE: January 24, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the northwest corner of the intersection of Sheperd Street and Georgia Avenue, N.W., and is known as 4000 Georgia Avenue, N.W. It is in a C-2-A District
2. The subject property is improved with a three bay gasoline service station.
3. The station is separated from a residential district located along Shepherd Street by a public alley to the west.
4. By BZA Order No. 10561, dated March 4, 1971, the Board granted this applicant the same special exception under Paragraph 5102.41 that it now seeks. The applicant failed to file for a Certificate of Occupancy within the six months required and hence the approval of the BZA expired.
5. The present lessee of the gas station is under a three year self-renewable lease.
6. The subject station provides an automobile repair garage service in conjunction with gas-and-go service.
7. The lessee employs four persons. The station can repair ten to fifteen cars daily. It has facilities within its property lines to park approximately twenty-five cars.

8. The applicant testified that it had no problems with traffic congestion as a result of people using the subject service station; that it did not intend to make any changes in the appearance or design of the station and that there are no entrance or exit walls closer than twenty-five feet to a street intersection, as measured from the intersection of the curb lines extended.

9. The application was referred on December 14, 1978 to the Office of Planning Development for its report and report from the Department of Transportation. No reports have been received.

10. There was no opposition to the application.

11. Advisory Neighborhood Commission 4C filed no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant has met the requirements of Paragraph 5102.41 of the Zoning Regulations that no conditions have changed in the operation and maintenance of the subject property since the Board granted the prior application, BZA No. 10561. The Board further concludes that the application can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and the granting of the application will not adversely affect the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. Any lighting used to illuminate the gasoline service station shall be so arranged that all direct rays of light are confined to the area of the site.
- b. No vehicular entrance or exit to the service station and no part of the service station itself shall be within 25 feet of a residential district.
- c. No entrance or exit drive walls shall be closer than 25 feet to a street intersection as measured from the intersection of the curb lines extended.

- d. All grease pits or hoists hereafter constructed or established as part of the gasoline service station shall be within a building.
- e. The coping shall be located on the property line and the inside driveway radii shall not be located within the sidewalk area.
- f. Permit shall not issue until all conditions of this Order are met and complied with and further, the Board reserves the right to direct revocation of permit upon proper showing that any terms or conditions of this Order have been violated.

VOTE: 4-0 (Chloethiel Woodard Smith, Theodore F. Mariani, William F. McIntosh and Leonard L. McCants to GRANT; Charles R. Norris not present, not voting).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 8 MAR 1979

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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.