

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12958, of John F. and Betty M. Belfiore, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5102.41 and Section 7403 to continue to operate a storage garage and automobile repairs in a C-2-A District at premises rear 1437 Newton Street, N.W. (Square 2678, Lot 832).

HEARING DATE: June 13, 1979

DECISION DATE: July 11, 1979

FINDINGS OF FACT:

1. The subject property is located in the rear of premises 1437 Newton Street, N.W. It is in a C-2-A District.
2. To the east of the subject property is a Giant Food Market which fronts on 14th Street, N.W. To the north at about a distance of 100 feet are single family dwellings which front on Meridian Place. To the west and south of the subject property are apartment houses partially separated by alleys from the subject site.
3. Ingress and egress to the interior of the subject square is by means of two alleys, one off 14th Street and one off Meridian Place. There is no driveway within twenty-five feet of an intersection.
4. The subject lot is improved with a one-story brick structure which was built about 1948. It was formerly used as a storage garage by the C & P Telephone Company.
5. By BZA Order No. 12148, dated June 4, 1976, the Board granted permission to use the subject property as a repair garage, no body and fender work, for a period of three years.
6. The subject property is leased to Kirlew's Auto Service for auto repair work and to Super Cab Co. for the storage of its cars and repair work.

7. The two lessees and one mechanic operate the business. The business consists of automatic transmissions and general repair work. There is no body or fender work. All cars are repaired in the interior of the building. All cars being repaired and the cabs are stored in the building during the night.

8. The subject property can accommodate about fourteen cars. No more than five cars are under active repair work during a day. No part of the open portion of the lot is used for the parking of cars.

9. The applicant testified that litter and debris problems were attributed to his property but that, in fact, such problems occurred on adjoining lot. The applicant had answered summonses and directed the D.C. Government officials to the proper owner.

10. There is a letter on file from the aforementioned Giant Food Market in which it objected to the granting of the application on the grounds that gambling, public drinking and other nuisances occurred on the applicant's lot. There is a subsequent telegram, on file, in which Giant Food Market stated that it was mistaken, that it had confused the subject lot with another lot and that Giant was now supporting the application.

11. Advisory Neighborhood Commission 1A, by letter of July 9, 1979, recommended that the application be granted on the grounds that the subject property is a well run facility. The ANC apologized to the applicant in that it, Giant Food Market and other community groups were misinformed as to the proper parcel of land against which many complaints were raised.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant has substantially complied with all the provisions of Paragraph 5102.41 and Section 7402 of the Zoning Regulations. Based on the operating conditions for the last three years, the Board further concludes that the special exception can be granted as in harmony with the general intent and purpose of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED subject to the CONDITION that approval shall be for a period of FIVE YEARS.

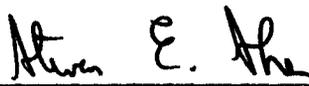
Application No. 12958

Page 3

VOTE: 5-0 (Walter B. Lewis, Charles R. Norris, Chloethiel Woodard Smith, and Leonard L. McCants to GRANT, William F. McIntosh to GRANT by PROXY).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

5 SEP 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.