

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13036, of Midas Realty Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5102.41 to use the first floor of the subject premises as a muffler service center in a C-2-A District at the premises 1620 Rhode Island Avenue, N.E., (Square 4132, Lot 802).

HEARING DATE: September 12, 1979  
DECISION DATE: October 3, 1979

FINDINGS OF FACT:

1. The subject property was posted for seven days instead of the ten days required under the Supplemental Rules of Practice and Procedure before the BZA. The Board waived the normal ten day requirement.

2. The subject property is located at the apex of the intersection of 16th Street, Rhode Island Avenue and Girard Street, N.E. It is known as 1620 Rhode Island Avenue, N.E., and is in a C-2-A District.

3. Adjoining the subject site on the south is a Chinese Restaurant, followed by a music store and a drug store. The nearest residence is to the north on Girard Street at a distance of approximately 150 feet. To the west is 16th Street.

4. The subject premises is improved with a gasoline station that has been closed for the last two years. The applicant proposes to remove the gas station building and erect a one story masonry building for the purpose of selling and installing mufflers on vehicles.

5. The hours of operation will be generally from 8: 00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 4:00 p.m. on Saturday. There will be five personnel on the premises. The business will be conducted under a franchise from the Midas Muffler chain.

6. The proposed building will have six bays. Approximately fifteen cars will be serviced during a day. All work will be done inside the building. There will be no body or fender work.

7. The applicant testified that there will be less noise connected with his operation than the former use of the property as a gas station. The loudest sound is that of an air gun tightening the U-bolts on the exhaust system or taking off bolts from shock absorbers.

8. Advisory Neighborhood Commission 5A made no recommendation on the application.

9. There was one letter on file in opposition to the application based on potential noise and traffic to a quiet neighborhood. There was no opposition at the public hearing. As to the concerns of the opposition, the Board notes that all work will be done inside the building and that the fifteen cars serviced during a day will create no traffic problems.

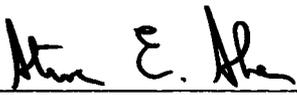
CONCLUSIONS OF LAW

Based on the record, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 5102.41. It further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps 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 the hours of operation will be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday, 8:00 a.m. to 4:00 p.m. on Saturdays and closed on Sundays.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, Chloethiel Woodard Smith and William F. McIntosh to GRANT; Leonard L. McCants not voting, not having heard the case).

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

ATTESTED BY:

  
\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

16 NOV 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 OR OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13036, of Midas Realty Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5102.41 to use the first floor of the subject premises 1620 Rhode Island Avenue, N.E., (Square 4132 Lot 802).

HEARING DATE: September 12, 1979  
DECISION DATE: October 3, 1979

Disposition: Application granted with conditions by a vote of 4-0 (Walter B. Lewis, Charles R. Norris, William F. McIntosh and Chloethiel Woodard Smith to grant, Leonard L. McCants not voting not having heard the case).

Final Date of the Order: November 16, 1979

FINDINGS OF FACT:

1. The subject application was heard and granted by the Board, by order dated November 16, 1979.
2. No plans for the construction of this muffler service center were submitted in the record of the case.
3. At the public hearing, a representative of the applicant testified that this facility would contain six bays. The Board so found in the order.
4. By letter dated August 8, 1980, the applicant advised the Board that the six bay description was erroneous, and that in fact, eight bays were requested.
5. The applicant stated that the volume of traffic generated by an eight bay facility would be essentially the same as that stated by the applicant's witnesses for a six bay facility. Of the two additional bays, one would be used for servicing vans and recreational vehicles and the other for future use as a wheel alignment bay.
6. The applicant requested the Board to approve the plans marked as exhibit no. 19 of the record.

CONCLUSIONS OF LAW AND OPINION:

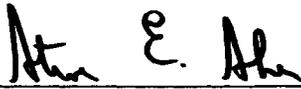
The Board concludes that the revised plans do not change the relief requested from the Board, and that all of the material facts which the Board relied on in granting the application are still relevant. It is therefore ordered that the revised set of plans submitted by the applicant, marked as Exhibit No. 19 of the record, are hereby approved. In all other respect, the order dated November 16, 1979 shall remain in full force and effect.

Decision Date; September 3, 1980

Vote: 3-0 (Charles R. Norris, Connie Fortune and Leonard L. McCants to approve, Walter B. Lewis and William F. McIntosh not present, not voting)

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 22 SEP 1980

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 UNLES WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OR OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.