

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13243 of Merchant's Tire, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5102.41 to permit the establishment of an auto repair shop in conjunction with an auto accessory store in a C-2-A District at the premises 1141-1145 Bladensburg Road, N.E., Square 4472, Lot 824.

HEARING DATE: May 21, 1980

DECISION DATE: July 2, 1980

FINDINGS OF FACT:

1. The subject site is located at 1141-1145 Bladensburg Road, N.E. and has frontage on Bladensburg Road, Lyman Place, and Lang Place, N.E. It is in a C-2-A District.

2. The site is generally rectangular in shape and consists of 17,977 square feet of land area. The site is currently improved with an existing building used by Merchant's Tire, Inc. for the retail sale and installation of tires under Certificate of Occupancy No. B-118850, dated March 17, 1980. The remainder of the site is asphalt paved and used for the parking of cars. There are signs on the building advertising tires, brakes and wheel alignments.

3. The property was formerly used as a Texaco service station, operating under Certificate of Occupancy No. B-16919. The applicant leased the property for several years and recently purchased the property.

4. The existing building has three service bays and a small showroom. The gasoline pumps and underground tanks have been removed from the subject premises.

5. The applicant proposes to expand its business to include automotive services such as the sale and installation of mufflers and shock absorbers, front-end alignments and motor tune-ups. There will be no auto body or fender work.

6. The applicant also proposes to enlarge the existing building by adding three additional bays for automotive repairs and one for receiving. The building project will include resurfacing, landscaping, provisions for parking, and other improvements to the property. The modifications will improve on-site traffic circulation and update the premises in accordance with present operational and service needs.

7. To the north of the subject site, across Lyman Place which is one way, westbound, there is the Columbia Liquor Store, followed by an Amoco gasoline station both in the C-2-A District. To the east is a concrete retaining wall topped with a three foot high chain link fence and a fifteen foot wide alley followed by row dwellings which front on Lang Place and Lyman Place in the R-4 District. These dwellings are sited at a higher elevation than the subject site. To the south across Lang Place which is one way, eastbound, is the Washington Tire Company in the C-2-A District and to the west is Bladensburg Road followed by a McDonalds and Gino's restaurant and Jimmy McPhail's Cocktail lounge, all in the C-2-A District.

8. The proposed hours of operation will be from 7:00 a.m. to 8:00 p.m., Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday. Approximately twenty-five to thirty cars are expected on the premises each day. Parking will be provided on site with approximately twenty-two spaces. There will be seven employees. Three spaces will be provided for the employees, one handicapped space and eighteen conventional spaces.

9. The property presently has four curb cuts. There are two on Bladensburg Road and one each on Lyman and Lang Places. The applicant initially proposed to utilize all four existing curb cuts but then eliminated the existing driveway on Lyman Place. The applicant testified that the two driveways on Bladensburg Road are needed to provide for exiting and entering cars with minimal amount of interference with the traffic flow on Bladensburg Road. As to the driveway on Lang Place it allows exiting cars to avoid Bladensburg Road and enables cars proceeding southbound on Bladensburg Road to enter the subject property at Lang Place if they do not notice the Merchant's Tire sign and if they miss the median cut on Bladensburg Road. The Board, for reasons stated hereinafter, does not find a need for all these curb cuts.

10. No vehicular entrance or exit is connected with the street at points closer than twenty-five feet to any residential district. Existing curb cuts will be utilized and there will be no additional curb cuts.

11. No driveway of any entrance or exit is closer than twenty-five feet to a street intersection as measured from the intersection of the curb line extended.

12. All grease pits or hoists located on the premises will be located within a building.

13. The applicant testified that the addition to the existing building has been designed in such a manner so as to be compatible

with the abutting uses and land owners and will not interfere with traffic flow along Bladensburg Road. The proposed changes will improve traffic circulation and the appearance and security of the subject premises.

14. Delivery trucks to the site average twenty feet in length and it is anticipated there may be two to three deliveries per week.

15. The retaining wall to the east of the site has no openings through which noise or fumes can escape to the residences beyond the wall.

16. An automobile repair garage, not including body or fender work is permitted by special exception in a C-2-A District.

17. The Office of Planning and Development by report dated May 20, 1980 recommended that the application be approved with conditions. The OPD reported that this special exception will be in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The site has had a history of providing automobile services to travelers on Bladensburg Road since the 1950's. The nearest dwellings to the site are separated by a substantial difference in grade elevation and a fifteen foot wide public alley. The OPD recommended that this special exception be approved with the condition that the applicant submit a site plan showing the location of the proposed planter boxes and that lighting used to illuminate the parking lot be directed or shielded away from the dwellings to the east. The Board so finds.

18. Lyman and Lang Places are both residential streets with one-way traffic. The Board finds no need for the current driveway on both streets for servicing the subject property. Such driveways disturb the residential nature of both streets. Both driveways eliminate further parking facilities and landscaping amenities on the site. The Board is further concerned with the number of signs on the facility particularly the Merchant's Tire Center sign which is above the Firestone sign. The Board further finds that the limited number of vehicles at the premises on an average day do not require more than one curb cut on Bladensburg Road.

19. There was no opposition to the application.

20. Advisory Neighborhood Commission 5B made no recommendation on the application.

CONCLUSIONS OF LAW

Based on the record the Board concludes that the applicant is seeking a special exception the granting of which requires a showing that the applicant has met the requirements of Paragraph 5102.41 of the Zoning Regulations. The Board concludes that the applicant has demonstrated that it meets the conditions specified in both Section 5102.41 and the relevant portions of Article 74 so as to be entitled to the special exception relief requested. The Board concludes that the addition to the existing building has been designed in such a manner so as to be compatible with the abutting uses and landowners and will not interfere with traffic flow along Bladensburg Road. The Board also concludes that the proposed changes will improve traffic circulation and the appearance and security of the subject premises. The Board further concludes that the granting of the special exception will be 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 in accordance with those Regulations and Maps. It is therefore ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. The applicant shall close the existing driveways on both Lang Place and Lyman Place, and shall also close one of the two entrances on Bladensburg Road.
- b. The applicant shall extend the existing landscaping, including planting and sidewalks in public space to cover the areas of the driveways ordered closed by the Board.
- c. There shall be no more than two signs on the roof or facade of the building one identifying the name of the store, the other identifying a brand of tires sold in the store.

VOTE: 5-0 (John G. Parsons, William F. McIntosh, Connie Fortune, Charles R. Norris and Leonard L. McCants to grant).

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

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 25 AUG 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, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.