

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No.13395, of Basil B. Allison, Sr., Family Trust, by Basil B. Allison, Jr., Trustee, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 5101) to use the first floor of the subject premises as a print shop in a C-1 District at the premises 6228 - 3rd Street, N.W., (Square 3287, Lot 802).

HEARING DATE: December 10, 1980  
DECISION DATE: January 7, 1981

FINDINGS OF FACT:

1. At the public hearing of December 11, 1980, the subject application appeared on the Preliminary Calendar since the applicant had not complied with Section 3.3 of the Supplemental Rules of Practice and Procedure before the BZA. The property had been posted nine days prior to the public hearing instead of ten days as required under the Zoning Regulations. The Board, for good cause shown, waived the requirements.
2. The subject site is located on the west side of 3rd Street between Sheridan and Rittenhouse Streets and is known as premises 6228 - 3rd Street, N.W. It is in a C-1 District.
3. The subject site is 110.45 feet in depth and 18.75 feet in width. It is improved with a two story structure. A certificate of occupancy No. B-86915, dated July 29, 1973, was issued for the first floor as a dry cleaning plant of less than 2,500 square feet. The first floor is presently vacant. The second floor is occupied by offices.
4. The applicant, Association Press, proposes to use the first floor as a small print shop with a darkroom, platemaker and press. The applicant's present quarters are too small. At present, there are seven clients. The applicant could handle fourteen. There are two full-time and one part time employees. Most of the clients come from Catholic University. The applicant has a car that it would use for deliveries. Deliveries would occur three times a week. To the rear of the site is a fifteen foot wide public alley. Behind the subject structure is a loading area that measures forty feet by fifty feet. There is metered parking on 3rd Street. The offices above the structure, comprising accounting and real estate businesses, are not involved with deliveries.

5. The surrounding uses consist of restaurant-carryouts, a carpet store, a bar and grill and a vacuum cleaner store.

6. The applicant testified that there have been two businesses in the subject premises in the last two years. Both failed for a lack of business. The applicant testified that it does not consider itself a neighborhood facility, even though there would be some walk-in trade. The applicant further testified that with three carry-outs in the area and a big playground area with the Coolidge High School building, there is no housing and consequently very little walk-in for local businesses.

7. The applicant testified that the prohibition of a printing business in a C-1 District derives from the misconception of a printing business. The applicant testified that a printing plant today is not what it used to be, no longer having heavy machinery and noise. Today, with new equipment it is more of a duplicating-type business of a smaller size.

8. A printing, lithographing or photoengraving establishment not exceeding 2,500 square feet of gross floor area is first permitted under the Zoning Regulations in a C-2 District.

9. There is no extraordinary or exceptional condition or situation which is associated with this property.

10. The hardship alledged by the applicant was the inability to find a stable tenant for the building.

11. There was no opposition to the application.

12. Advisory Neighborhood Commission - 4B made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a use variance, the granting of which requires evidence of a hardship that is inherent in the property itself, so that the property cannot be used for the purpose for which it is zoned. The subject C-1 District is designed to provide convenient retail and personal service establishments for the day-to-day needs of a small tributary area, with minimum impact upon surrounding residential development. The Board concludes that there is no hardship in the subject property. The hardship is personal, the inability of the owner to attract a suitable lessee for his premises. Such a hardship is not grounds for granting a use variance. The proposed use raises a concern of a potential of growth which would not be in harmony with a C-1 District. Accordingly, it is ORDERED that the APPLICATION is DENIED.

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VOTE: 3-2 (John G. Parsons, Charles R. Norris and Connie Fortune  
to DENY; Douglas J. Patton and William F. McIntosh OPPOSED).

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

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

FINAL DATE OF ORDER: 30 APR 1981

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."