

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13749, of the Estate of Georgia S. Demas, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5102.41 to continue the use of the first floor of the subject premises as an automobile repair garage, no body or fender work, in a C-2-A District at the rear of the premises 1020 Bladensburg Road, N.E., (Square 4074, Lot 827)

HEARING DATE: May 26, 1982

DECISION DATE: May 26, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the west side of Bladensburg Road between K and L Streets and is known as premises 1020 Bladensburg Road, N.E. It is in a C-2-A District.

2. The Board in BZA Order No. 13063, dated February 19, 1980, granted permission to the deceased applicant to establish the subject use for a period of two years subject to certain conditions.

3. The subject site is improved with a one story garage which is attached to an auto repair and supply store. To the rear of the structure is the intersection of two twenty-foot public alleys.

4. The site is approximately 2,276 square feet in area, with access to the property approximately seventy five to 100 feet from the intersection of Oates Street and Bladensburg Road. Access to the proposed repair garage is via a twenty foot alley at the rear of the property which also separates this property from the R-4 District.

5. There is no entrance to the rear portion of the property from Bladensburg Road. The only entrance is at the rear of the property via the alley.

6. West of the north-south alley are the rear yards of apartment buildings which front on 16th Street, N.E. The area north of Florida Avenue is predominantly residential in use, but a number of non-conforming service and retail establishments are scattered throughout the area. Immediately south of the site is a C-3-A zone district which encompasses Hechinger's, Sears, and the surrounding H Street Benning Road area. The R-4, R-5-B, C-2-B and C-M-1 zone districts are all found in the immediate vicinity.

7. There are a large number of automobile dealerships, auto supply stores and repair shops in the immediate vicinity and the Benning Road-II Street area serves as a major community business center.

8. The facility has a capacity for two vehicles. Any further vehicles waiting to be serviced are parked in a parking lot to the rear of the site. None are stored outside the site or on public alleys.

9. The hours of operation are from 7:00 A.M. to 7:00 P.M., Monday through Saturdays. No body or fender work is done at the site.

10. The lessee has received no complaints about the maintenance and operation of the facility.

11. The lessee has been operating pursuant to the conditions of the last Order of the Board.

12. There was no opposition to the application at the public hearing or of record.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires proof that the applicant has complied with Paragraph 5102.41 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The use has been operated in accordance with the previous approval of the Board.

The Board further concludes that the proposed garage will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to adversely affect the use of neighboring property in accordance with said Zoning Regulations and Maps. Accordingly, it is hereby ORDERED that this application is hereby GRANTED SUBJECT to the following CONDITIONS:

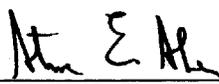
1. There shall be no body or fender work conducted on the premises.
2. No work shall be done before 7:00 A.M. or after 7:00 P.M., Monday through Saturday.
3. Automobiles shall not be stored outside the premises, nor shall automobiles be parked in the adjacent alleys while in the custody of the operator of the garage.

4. Approval shall be for a period of FOUR YEARS from the expiration of the last Certificate of Occupancy, namely February 19, 1982.

VOTE: 3-0 (Walter B. Lewis, Connie Fortune and Charles R. Norris to GRANT; William F. McIntosh and Douglas J. Patton not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: SEP 20 1982

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.