

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13972, of Review and Herald Publishing Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 7106.11 to change a non-conforming use from warehouse, all floors, to wholesale warehouse supply, all floors in a C-2-A District at premises 308 Vine Street, N.W., (Square 3355, Lots 804 and 809).

HEARING DATE: September 14, 1983

DECISION DATE: October 5, 1983

FINDINGS OF FACT:

1. The subject site is located on the south side of Vine Street between the Baltimore and Ohio Railroad right-of-way and Maple Street, N.W. The premises is known as 308 Vine Street, N.W. It is in a C-2-A District.

2. The site is irregularly shaped with 139.82 feet of frontage on Vine Street and sixty feet of frontage along Maple Street. It is improved with a concrete and cinder-block, two-story structure constructed in 1948 with an addition added in 1962. The structure has a second level. There are no means of moving items from one level to the other.

3. To the north of the subject site across Vine Street is a plumbing, heating and air conditioning service in the C-2-A District. Immediately to the east of the site are two open lots extending to Maple Street, one used for the storage of new cars and the other used for the storage of used cars, both in the C-2-A District. Further east across Maple Street are residential dwelling and vacant land in the R-5-A District. To the west and south of the site is the railroad and Maple Street.

4. Mark's Supply, Inc., the contract purchaser of the subject site, proposes to use the premises as a wholesale hardware warehouse and supply use. The structure contains 27,000 square feet of floor area. Eighty percent of the floor area will be for storage, ten percent for offices and administration and ten percent for display.

5. Paragraph 7106.11 of the Zoning Regulations, provides that, if approved by the Board of Zoning Adjustment, a non-conforming use may be changed to a use which is permitted as a matter-of-right in the most

restrictive district in which the existing non-conforming use is permitted as a matter-of-right, provided that:

- A. The proposed use will not adversely affect the present character or future development of the surrounding area.
- B. The proposed use will not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.
- C. The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it may deem necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

6. The proposed hardware supply warehouse will serve predominantly apartment projects through the city. The business is operated mainly by telephone orders, and items are delivered.

7. Items sold in bulk represent eighty to eighty-five percent of the business. Sales personnel go out of the office to obtain orders. Ten percent of the business is from persons who pick-up a phoned-in order. A small percentage of business is over-the-counter, which is discouraged. Advertising is aimed at the trade only.

8. Additional space is needed to store inventory. The existing Mark's Supply, Inc. is located at 7052 Spring Place, N.W. and contains approximately 10,000 square feet of floor area. The existing space is inefficient and the proposed site is suitable to continue the existing business.

9. The business anticipates having no more than twenty-five employees. Ten employees would be administrative and three would be sales personnel. The hours of operation are from 7:00 A.M. to 5:00 P.M., Monday through Friday. Walk-in business begins at 8:30 A.M.

10. The subject site has five loading docks which are accessible from Vine or Maple Street. Ninety percent of the loading activities of the proposed use will be from Vine

Street. The Maple Avenue loading dock will be mainly used to receive goods four or five trips daily by tractor-trailer

11. The applicant presently utilizes three vans and one truck which is used on occasion for large orders. The vans are loaded in the morning and are out making deliveries all day. The vans begin loading at 7:00 A.M. and leave the site between 9:30 and 10:00 A.M. The vans return at approximately 3:30 P.M.

12. No exterior improvements or structural alterations will be made to the structure.

13. No noise, vibrations or odors will be generated by the proposed use. There will be no changes in lighting on the premises.

14. The applicant has tentatively agreed to lease approximately 6,000 square feet of lot 802 adjoining the subject site to the southeast with frontage on the west side of Maple Street in the subject square 3355. The land will be leased by the applicant for employee and customer parking for five years.

15. The Review and Herald Publishing Associates, the current owner of the subject property, have used the site as a warehouse facility since 1948. In recent years, the facility has been used for the storage of finished products such as religious books and magazines. Storage at the facility averages ninety percent of capacity.

16. Deliveries of packing material were made to the site once per week. Once per month, a semi-tractor-trailer would be loaded for a delivery of finished products. Two additional trucks in the nine to ten ton load range were used to make five to fifteen trips per day between the subject site and the loading dock of the main office of the Review and Herald Publishing Associates one block east of the site in the 6900 block of Willow Street, N.W.

17. The hours of operation were from 7:00 A.M. to 5:30 P.M., Monday through Thursday and 8:00 A.M. to 12:00 Noon on Friday. Five employees were normally used at the Vine Street warehouse. Up to fifteen employees were used on heavy shipping days.

18. The use of the subject property as a warehouse started to be phased out in late 1982 and was completely phased out by June, 1983.

19. The Office of Planning, by report dated September 2, 1983, recommended that the application be approved. The Office of Planning reported that the proposed use is substantially similar to the warehouse use for which the premises have been used until recently. No changes in the

exterior of the building are contemplated. In the Office of Planning's view, the proposed use of the site is not likely to adversely affect the present character or future development of the surrounding area and will not create any deleterious external effects. The Board concurs with the views and recommendation of the Office of Planning.

20. Two letters in opposition were received from the W.L. Gary Co., Inc. at 225 Vine Street, N.W. and the owner of 6907 Maple Street, N.W. The latter owner also appeared at the public hearing in opposition. The opposition was based on the lack of parking on nearby streets and the belief that the wholesale warehouse will generate constant truck and automobile traffic. The owner of 6907 Maple Street, Mr. Godfrey, was of the opinion that there should be no retailing of products on the site. He also testified that trash has become a problem in the area. There are maneuvering problems with tractor-trailors using the southern entrance loading deck. Mr. Godfrey testified that he had no objection to the storage of material on the site. The Board finds that the issue of parking and traffic can be resolved by providing adequate off-street parking for employees and customers of the proposed use. The proposed use is similar in nature to the previous use, which created no noticeable adverse affects on the community.

21. Advisory Neighborhood Commission 4B, by report dated August 18, 1983, recommended that the application be granted. The ANC reported that the subject area is already a commercial area and that the proposed use will contribute to the revitalization of the area. The Board concurs with the views and recommendation of the ANC.

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence of record and the findings of fact, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 7106.11 of the Zoning Regulations. The Board concludes that the applicant complies with the requirements of Paragraph 7106.11 of the Regulations. The proposed use is similar in nature to the previous nonconforming use. The previous use as a warehouse is first permitted in the C-M-1 District as a matter-of-right. The proposed use as a wholesale warehouse is also first permitted in the C-M-1 District as a matter-of-right.

The Board concludes that the proposed use will not adversely affect the present character or future development of the surrounding are. The site is abutted on the west, and south by the railroad and by compatible commercial uses to the north. To the east are open lots, and across Maple Street are residential uses. The proposed use is similar to

the previous non-conforming use which existed on the site for over thirty years without any significant adverse affects. The amount of loading and unloading, traffic generated and the hours of operation are similar. The proposed use would not adversely affect future development of adjoining or nearby commercial or residentially zoned property.

The Board concludes that the proposed use will not create any deleterious external effects including noise, traffic, loading, illumination, vibration, odor or siting effects. The Board concludes that additional off-street parking is needed for employees and customers and will so condition the grant.

The Board is further of the opinion that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations. The Board further concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The hours of operation shall not exceed from 7 A.M. to 5 P.M., Monday through Friday.
2. The number of employees shall not exceed twenty-five.
3. Parking shall be provided on the adjacent lot number 802.

VOTE: 5-0 (Carrie Thornhill, William F. McIntosh, Maybelle T. Bennett, Douglas J. Patton and Charles R. Norris to grant).

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

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

FINAL DATE OF ORDER: JAN 10 1984

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 CONSUMER AND REGULATORY AFFAIRS.

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