

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14526, of Kwan Jae Kim, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5102.41 to use the site as an automobile repair garage in a C-2-A District at premises 7825 Georgia Avenue, N.W., (Square 2961, Lot 829).

HEARING DATE: December 17, 1986  
DECISION DATE: December 17, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 7825 Georgia Avenue, N.W. is located on the southeast corner of the intersection of Georgia Avenue and Blair Road, N.W. The site is located in a C-2-A District.
2. The site is developed with a now defunct Exxon gasoline station garage building. Three driveway curb cuts provide automobile access to the site. There are two driveways on Georgia Avenue and one driveway on Blair Road. The pump islands from the previous gasoline station use have been removed.
3. North of the site, across Blair Road is park property located within Montgomery County, Maryland. Blair Road at this location carries two-way traffic. No parking is permitted at this location on Blair Road. The C-2-A District extends to the south and west of the site. The state of Maryland is located to the north of the site. To the east, to the rear of the site, there is a gravel parking lot serving the Shepard Park night club, followed by a Roy Rogers fast food restaurant in the C-2-A District. On the south, adjacent the site, is the Shepard Park night club and Roy Rogers Parking lot located in the C-2-A District. Across Georgia Avenue to the west, there are several commercial uses, including a Popeyes fast food restaurant, Gulf gasoline station and Royces television sales store in the C-2-A District. Georgia Avenue is a six lane, major arterial street with restricted, metered curb parking at this location.
4. Pursuant to Sub-section 8207.2 of the Zoning Regulations the applicant is seeking a special exception under Paragraph 5102.41 to use the site as an automobile repair garage.

5. The repair work proposed to be conducted on the site will consist of light auto maintenance such as tune-ups, oil changes, brake jobs, tire repair and changes, belt replacement, and emergency servicing (no towing). No "heavy duty" work such as body and fender work will be conducted on the premises.

6. The applicant presently has a Certificate of Occupancy on the property dated August 19, 1980, for gasoline station (retail sales), batteries, towing service, first floor. A gasoline station has operated at the site for at least the past 35 years.

7. The site is located more than 25 feet from the nearest residence district.

8. The repair garage will be open Monday through Friday from 8:00 A.M. to 6:00 P.M. and Saturday from 8:00 A.M. to 4:00 P.M. The garage will be closed on Sundays.

9. The owner expects to service approximately 10 to 12 cars a day. The cars awaiting servicing or those in which servicing has been completed will be parked in the former pump island area. The parking surface will be paved with asphalt. Vehicular access to the site is possible through two driveways on Georgia Avenue and one driveway on Blair Road. This intersection is controlled by a traffic light which reduces the flow of traffic at this location and allows for cars entering and exiting the site to safely find a break in the traffic.

10. The repair garage building has been freshly painted and the site is kept free of trash with daily maintenance.

11. By memorandum dated December 10, 1986, the Office of Planning (OP) recommended approval of the application with the condition that the applicant install a landscaped buffer along the site's Georgia Avenue frontage. The OP reported that the proposed automobile repair garage can operate in compliance with the special exception provisions required for its establishment in the C-2-A District. The site is located at one of the major "gateways" to the City from neighboring Montgomery County, Maryland. In view of the site's strategic location and in an effort to soften the visual impacts of an open parking lot on the site, the Office of Planning recommended that the following condition be placed on the approval of this application:

The applicant submit a plan showing the installation of a raised planter box, containing a densely spaced evergreen hedge. This landscaped strip shall be a minimum of three and one half feet in height and at

least three feet wide. The landscaped strip shall extend along the site's Georgia Avenue frontage, except where prohibited by driveway curb-cuts.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting which requires substantial evidence that the applicant has complied with the requirements of Paragraph 5102.41 and Sub-section 8207.2 of the Zoning Regulations. Sub-section 5102.41 allows for the establishment of a repair garage provided that:

- a. The repair garage is not located within 25 feet of a residence district unless separated therefrom by a street or alley.
- b. The operation of the use will not create dangerous or other objectionable traffic conditions.
- c. The Board may impose requirements pertaining to design, appearance, screening, lighting, or such other requirement as it shall deem necessary to protect adjacent or nearby property.

The Board concludes that the applicant has met its burden of proof. The repair garage is not located within 25 feet of a residence district. The operation will not create dangerous or other objectionable traffic conditions.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and map and it will not affect adversely the use of neighboring property. Accordingly it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The number of employees shall not exceed five.
2. The hours of operation shall not exceed 8:00 A.M. to 7:00 P.M. Monday through Friday and 8:00 A.M. to 4:00 P.M. Saturday's.
3. The operation of the facility shall be limited to the applicant.
4. Landscaping as recommended in the Office of Planning report shall be installed and maintained.
5. There shall be no outside storage on the site.

6. Approval shall be for a period of five years.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, Maybelle T. Bennett, William F. McIntosh and Carrie L. Thornhill to grant).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: FEB 12 1997

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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