

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING--January 13, 1965

Appeal #8032 John Gidish and Albert Lambden, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Messrs. Clouser and Davis dissenting, the following Order was entered on February 9, 1965:

ORDERED:

That the appeal to change a nonconforming use from fabrication of ornamental iron works to a plumbing shop and office at 628 - 14th Street, N.E. lots 52 and 53, square 1028, be ~~denied~~ granted.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lots have a frontage of 36 feet on 14th Street, and a depth of 119 feet and which contain an area of 4460.50 square feet of land. The property adjoins a ten foot wide public alley on the south side and at the rear.

(2) This property is improved with a one-story brick building, the rear of the property being fenced in. The adjoining property to the north is utilized for the delivery of coal, wood, fuel oil and is enclosed with a wooden fence. The balance of the block is used residentially.

(3) Appeals were filed with this Board in September of 1963 and again in May of 1964 for permission to change a nonconforming use from ornamental iron works to an automobile repair garage at this address. These appeals were, however, withdrawn by the appellants on September 24, 1963 and on June 2, 1964.

(4) Appellant intends to utilize the property for his plumbing business. He employs from 10 to as high as 28 persons and at the most will have eight trucks, having at the present only five. These trucks which are one-half ton panels will be kept within the property which is fenced in. The employees come in the morning at approximately 7:00 a. m., go out on jobs and return at approximately 4:00 p. m. Only the drivers of trucks return to the plant. The other employees do not return to the plant as some go straight to the jobs, and not over half of the employees are at the plant at any one time.

(5) Appellant stated at the hearing that the prior operation was considerably larger in scope than his proposed operation; that the previous use involved heavy machinery and made railings, etc. for new buildings. The testimony was refuted by a property owner residing at 643 - 14th Street who stated that the previous operation did not have any heavy machinery and employed approximately 10 or 12 persons, and that it was a quiet operation.

(6) All property located with^d 300 feet of this address is in the R-4 District and in the main is used residentially.

OPINION:

The Board is of the opinion that the new use, although not a neighborhood facility, will not be more objectionable in this neighborhood, than the previous use which also was not a neighborhood facility. We are further of the opinion that the use contemplated, as limited by the condition set forth below, will not affect adversely the present character or future development of the neighborhood as envisioned by these zoning regulations nor the Comprehensive Plan for the District of Columbia.

In view of these findings and opinion we are of the further opinion that the granting of this 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 said zoning regulations and map.

This Order shall be subject to the following condition:

- (a) There shall be no outdoor storage of materials.