

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING--March 17, 1965

Appeal #8113 Stohlman Chevrolet, Inc. appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on March 24, 1965:

ORDERED:

That the appeal for a variance from the use provisions of the C-2 District to permit automobile repair shop including body and fender work; or in the alternative to establish an automobile repair shop not including body and fender work at 3317 M Street, N.W., lots 66, 67, 69 and 57, square 1205, be granted in the alternative.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's property has a frontage of 79 feet on M Street, N.W., a depth of 160 feet on Bank Street and a width of 135 feet at the rear of the property. There is a public alley at the rear of the property. The lot has an area of 17,280 square feet.

(2) The appellant's automobile sales building is located on lots 801 and 65, and this building and these lots are not involved in this appeal. The existing building on lot 801 was substantially remodeled in 1949 upon permission granted by this Board in appeal #2493.

(3) It is proposed that lots 66 thru 69 and lot 57 accommodate the proposed addition. The zoning history of lots 66 thru 69 discloses that in 1925 a building permit was issued for erection of a Lord Baltimore filling station. Plats and permits are offered as Exhibit No. 2. This service station, which permitted automobile repairs, was established pursuant to a consent petition. The occupancy permit for lot 57 disclosed that the property was used as garage prior to establishment of zoning in the District of Columbia. Exhibit #3 on file includes plats dated 1919 authorizing the use of the property as a garage and the installation of a gas tank. Exhibit #4 is consent plats to permit garage including body and fender work on lots 66 thru 69 and 57. A certificate of

occupancy for this use was issued on April 21, 1930 and such use has continued to the present date.

(4) Exhibit #5 is a plan for the proposed addition which discloses that the proposed body and fender shop will be located in its entirety on lot 57 and that the operation will be substantially below the adjacent residential ground to the north and the Bank Street frontage.

(5) In 1958 when the Lewis Plan was adopted this body and fender shop became nonconforming in the C-2 District.

(6) Appellant proposes to redevelop the lots 66 thru 69 and 57 and provide a full automobile sales and service. The present building on lot 57 will be removed and the body and fender operation will be placed in the basement of that portion of a new building covering lot 57. All repairs will be conducted in the basement with service and storage above. The design and construction of the new building will be the same regardless of whether the appeal is granted, but failure to secure approval of the body and fender shop will cause economic hardship to appellant.

(7) The residential properties on the south side of Prospect Avenue are separated by a public alley from the rear of the proposed building on lot 57 and the residential structures on the west side of Bank Street will face the garage. All property on the south side of M Street facing the subject property is zoned C-M-2.

(8) At the present time the entrance to the body and fender shop is from Bank Street. The main customer entrance in the future will be from M Street and the entrance from Bank Street will be used by employees moving cars out on test drives. The net result of this change will be a reduction of traffic on Bank Street.

(9) The Department of Highways and Traffic offers no objection to the granting of this appeal.

(10) There was objection to the granting of this appeal registered at the public hearing. The contentions of the objectors were (1) that if appellant is permitted to redevelop the property with body and fender work shop it would make a nonconforming use more permanent, (2) that no body and fender work should be permitted in such close proximity to residential uses and zoning (3) that denial of the appeal in its entirety would encourage appellant to move the business elsewhere, and (4) that any approval of the appeal would make even worse the already bad traffic conditions on M Street and Banks Place.

OPINION:

As the result of an inspection of the property by the Board and from the records and the evidence adduced at the hearing, the Board was unable to find and appellant was unable to prove that by reason of exceptional narrowness, shallowness or shape of the property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of the property, the denial of this appeal would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner. The Board therefore denies that portion of the appeal requesting a variance from the use provisions of the C-2 District to permit automobile repair shop including body and fender work.

The Board is of the opinion, however, that the establishment of this repair shop not including body and fender work will not create dangerous or other objectionable traffic conditions. This contention was substantiated by the Department of Highways and Traffic, which offers no objection.

The Board is also of the opinion that the provision of a new building and the proposed method and plan of operation of this business are compatible with the purpose of the C-2 District as expressed in the Zoning Regulations (Section 5102.1)

The Board is also of the opinion that the new building and the new method

and plan of operation will relieve some of the impact of the operation on adjacent and facing residentially zoned property. The sales and repair parts of the operation can remain in place as a matter-of-right, or can be rebuilt in whole or in part with approval of this Board and we believe that such approval is in the best interests of the entire neighborhood.