

PUBLIC HEARING—Sept. 22, 1965

Appeal #8371 Dominick P. and Wanda A. DeCantis, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on September 28, 1965:

**ORDERED:**

That the appeal for a variance from the use provisions of the C-2 District to permit parking of new and used automobiles at 1916 - 13th St. S.E., lot 808, square 5768, be granted.

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) That portion of the appeal which was advertised for body and paint shop was denied by the Board.

(2) Appellant's lot, which is located in the C-2 District, has a frontage of 30 feet on 13th Street and a depth of 70 feet. The lot contains an area of 2180 square feet of land and abuts the C-2 District to the north, the R-5-A District to the south and faces the C-2 District across 13th Street.

(3) This lot will be used by an automobile dealer to store new and used automobile awaiting sale.

(4) A computation of the size and area of the lot would indicate that appellant could not park more than twelve automobiles at any one time.

(5) There was considerable opposition to the granting of this appeal registered at the public hearing. This objection was primarily against the establishing of a body and ~~for~~ paint shop.

OPINION:

We are of the opinion that appellant has proven a case of hardship within the meaning of the provisions of Section 8207.11 of the Zoning Regulations. We note that although the property is used for the storage of automobiles, a parking lot as such could be operated as a matter-of-right, and could possibly be more objectionable to the residential neighborhood than the use proposed which will be more or less dead storage.

In view of the above it is our further opinion that this relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map. We are further of the opinion that the opposition to this appeal is substantially reduced by the elimination of the body and paint shop.