

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- May 18, 1966

Appeal No. 8769 Gulf Oil Corp., appellant

The Zoning Administrator of the District of Columbia, appellee

On motion duly made, seconded and unanimously carried the following Order was entered by the Board at its meeting on May 31, 1966.

EFFECTIVE DATE OF ORDER: July 28, 1966

ORDERED:

That the appeal for permission to rebuild existing gas station and for variance from the rear yard requirements of the C-2 District and from the provisions of 7403.11 to permit same at 7812 Georgia Ave., N.W., parcel 91/105, near Square 2960, be granted.

As a result of an inspection of the property and from the record and the evidence adduced at the public hearing, the Board finds the following facts:

- (1) Appellant's property is located in a C-2 District.
- (2) The site was inspected by the Board on May 17, 1966. The gas station is small and in a heavily travelled commercial area.
- (3) Appellant's gasoline station fronts on two heavily travelled streets, Eastern Avenue and Georgia Avenue. There are several other gas stations in the immediate area. The lot has an irregular shape, abuts a 15 foot public alley, and contains 9,812 square feet of land.
- (4) Appellant proposes to demolish the existing gasoline station and erect another service station building on the rear lot line which abuts an area zoned residential. The residential property abutting the station is now used for accessory parking for other commercial uses in the area.
- (5) Appellant states that they have been unable to acquire additional land in the square to enable them to build a new station without a variance from the rear yard requirements.
- (6) Unless a variance is granted, appellant maintains that adequate open space in front of the service building for pump islands and internal circulation of traffic cannot be provided.
- (7) The Department of Highways and Traffic offered no objections to the granting of this appeal. The Department notes that the new construction will permit an increase in the pump islands from two to three. No change will be made in the driveways. "No particular traffic problems have been created by this service station in the past, and it is not indicated that this proposed change will create any traffic problems."

(8) No opposition was registered at the public hearing.

OPINION:

We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations. The lot has an irregular shape and a practical use of the lot can be attained by construction of a new building in the proposed location. We conclude that there will be no adverse effect upon the residentially zoned property by erection of this station within 25 feet of the residentially zoned land as the property is now fully utilized as parking for the commercial facilities in the area.

We are further of the opinion that the rebuilding of this gasoline station at this site will not create any dangerous or other objectionable traffic conditions and that the granting of this request will be consistent with the general purpose and intent of the Zoning Regulations and have no adverse affect upon neighboring and adjoining property.

The Order shall be subject to the following:

All grease pits or hoists hereafter constructed or established as part of such gas station usage shall be within a building.