

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- July 13, 1966

Appeal No. 8836 David Finkelstein et al, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on September 28, 1966.

ORDERED:

That the appeal for variance from the use provisions of the C-2 District to permit storage in excess of 2,500 square feet incidental to wholesale and retail tire establishment, be denied, *at 1215 K Street, NE., Lot 94, square 1002. K98*

FINDINGS OF FACT:

(1) Appellants request a variance from the use provisions of the C-2 District to permit more than 2,500 square feet of storage area incidental to a wholesale and retail establishment.

(2) The certificate of occupancy for retail sales, capping and storing of new tires incidental to retail establishment was issued July 25, 1945. Since that time, the building has been used primarily as a wholesale establishment and for storage.

(3) The architect has stated that when the building was originally constructed for use as a retail sales, capping and recapping establishment and that the building contained 3 floors with 3,000 square feet area per floor.

(4) The appellants are now requesting that the Board approve the use of this building as a warehouse with more than 2,500 square feet of storage area and as a wholesale outlet.

OPINION:

It is the opinion of the Board that the C-2 District clearly limits indoor storage to an area of not more than 2,500 square feet. The warehouse has a storage area in excess of 2,500 square feet which generally is permitted in a C-M-1 District, and therefore, cannot be considered a proper use in a C-2 District. The Board should not add to the list of permitted uses, a use first permitted in a less restrictive zone, unless exceptional conditions relating to the land are present. No evidence was presented to substantiate this. In the absence of an exceptional hardship, this is a legislative function specifically reserved to

the Zoning Commission.