

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - July 12, 1967

Appeal No. 9282 Mary E. Downs, appellant.

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 19, 1967.

ORDERED:

That the appeal for permission to change nonconforming occupancy permit from coal, wood and ice to include trash collection use (office parking and trucks) at 1520 Mass. Ave., S.E., lots 804-807, Sq. S-1072, be conditionally granted.

FINDINGS OF FACT:

1. The subject property is located in an R-4 district.
2. The property has been used as a storage yard and office for the retail sale of coal, wood and ice since 1930. In 1956, the business began engaging in the trash hauling business along with the other operations.
3. The following certificates of occupancy have been issued for the subject property:
 - a. #1667 N C - Coal, wood, ice, January 18, 1930
 - b. #52809 - Coal, wood and ice, April 1, 1936
 - c. #98466 - Coal, wood and ice, September 26, 1945
 - d. #A-774 - Coal, wood and ice, September 6, 1949
 - e. #B-2654 - Coal, wood and ice, October 3, 1956
 - f. #B-59910 - Coal, wood and ice, January 30, 1967
4. Since 1956 or 1958 the trucks used in the trash hauling part of the business have been stored on the premises overnight. These trucks consist of two dump trucks and five packer trucks. Coal is also stored on the premises, approximately four tons at a time.
5. The appellant employs 17 people.
6. There was opposition to the granting of this appeal registered at the public hearing of July 12, 1967.

7. At its meeting of July 19, 1967, the Board denied, with Mr. Davis dissenting, the proposed use of the property.

8. At the August 16, 1967, public hearing, appellant requested the Board to reconsider the case or grant a re-hearing. The opponent who appeared at the July public hearing appeared in August and stated that the previous objections were withdrawn and there was no neighborhood opposition to the granting of this appeal.

9. The Capitol Hill Southeast Citizens Association does not oppose the granting of this appeal as long as there is no increase in the operation of the business. A statement is on file from seven residents of the area who state they have noticed no odors from the trucks that are stored on the premises. The record also contains a petition signed by 23 residents of the area expressing their approval of the granting of this appeal.

OPINION:

We are of the opinion that this proposed additional use will not have an adverse effect upon the present character and future development of the neighborhood and will not substantially impair the purpose, intent and integrity of the zoning regulations and map.

This Order shall be subject to the following conditions:

- a. Permit shall issue for a period of 1 year but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed in the Zoning Regulations.
- b. No neon or gas tube displays shall be located on the outside of the premises and if located on the inside shall not be visible from the outside.
- c. Appellant shall plant and maintain grass in the space between the fence and the public space (sidewalk).
- d. All parts of the lot shall be kept free of refuse or debris.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:



JAMES E. BESS
Secretary of the Board

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THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS FROM THIS ORDER.