

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - May 15, 1968

Appeal No. 9572 Marie L. Atkinson, 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 May 21, 1968.

ORDERED:

That the appeal for a variance of the use of the R-1-B District to permit continuation of office use for Mobile Care, Inc., in lieu of architect's office and for permission to continue parking of vehicles and storage of equipment accessory to said use at 3801 Macomb Street, N.W., lots 31 and 32, Square 1817, be denied.

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District.
2. The subject property is improved with a 4-story apartment building.
3. In 1941, Certificate of Occupancy No. 71335 was issued permitting apartment use of the subject building. Occupancy permit No. 35384 was issued in 1942 for the use of a portion of the premises as an architectural office. The architectural office was established and has been operating at this location to the present time.
4. The office use has been continued as an architectural office and as an office for the apartment building use.
5. The appellant occupies living quarters on the premises at the same location. A portion of these quarters is given to the operation of "Mobile Care, Inc." and is the subject of this appeal.
6. It is proposed to use the subject premises as an operational base for Mobile Care, Inc. the purpose of which is the transportation of mentally retarded children to and from school; also the service provides transportation for the elderly, the handicapped, and for those persons requiring nursing home care. Clients are dispatched to and from nursing homes, hospitals, and physicians' offices. Various social activities in connection with nursing homes require the transporting services rendered from the subject premises.

7. It is proposed that the entire operation be carried on five and one-half days a week between the hours of 7:30 a.m. and 6:00 p.m.

8. It is proposed to continue use of unimproved lot 32 for the parking of six van type vehicles to be used in the business. Previously, this lot has been used for the parking of private family passenger cars, small trucks and small pieces of building equipment. The subject lot has been improved only by the location of a basketweave type wooden fence for screening purposes.

9. It is proposed to continue the use of a small shed to the rear of lot 32 for the storage of equipment; i.e., wheelchairs.

10. The subject property is located almost directly to the rear of a shopping center. The property line on the east abuts a 50-foot public thoroughfare that serves the parking facilities behind the shopping center.

11. In Z.C. 67-33, the Zoning Commission denied a request to change the zoning from R-1-B to R-5-B.

12. Opposition was registered at the public hearing to the granting of this appeal. The file contains three (3) letters in opposition to the appeal and two (2) letters in support of the appeal.

OPINION:

We are of the opinion that the appellant must fail in his requests for variances to permit office use for Mobile Care, Inc., and for permission to continue the parking of vehicles and the storage of equipment at 3801 Macomb Street, N.W. The appellant has not proven a hardship as contemplated within the meaning of the variance clause of the Zoning Regulations nor can we find that a denial of the requests will result in peculiar and exceptional practical difficulties and undue hardship upon the owner. The property has single-family residential classification within a substantial area. We feel that an office and storage facilities for a transporting service of this nature is a commercial operation and should be located in a commercially zoned district.

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There is little or no reason for permitting such a use in a residentially zoned district. Further, we hold that the requested relief will tend to adversely affect nearby and adjoining property and will substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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

ATTESTED:

By:

A handwritten signature in black ink, appearing to read "Charles E. Morgan", is written over a horizontal line.

CHARLES E. MORGAN
Secretary of the Board