

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - September 16, 1970

Appeal No. 10521 1150 - 17th Street, Inc., appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried, with Messrs. Arthur P. Davis abstaining and Arthur B. Hatton absent, the following Order of the Board was entered at the meeting of September 22, 1970.

EFFECTIVE DATE OF ORDER - April 5, 1971

ORDERED:

That the appeal for permission to locate parking for Avis car rental company on mezzanine floor or in the alternative variance to permit same at 1150 - 17th Street, NW., Lot 95, Square 162, be granted.

FINDINGS OF FACT:

1. The subject property is located in a C-4 District.
2. Applicant proposes to locate parking for the Avis Car Rental Company on the mezzanine floor of the office building on the subject property, which office building included an additional 1.0 FAR under Section 5301.22 of the Regulations.
3. Section 5301.22 provides that the additional floor area shall be devoted to "above ground parking of automobiles."
4. Applicant requests a variance to permit the parking required by Section 5301.22 to be located below ground. The Board in previous cases has granted variances to permit required parking to be located elsewhere than as specified in the Zoning Regulations.
5. An automobile rental agency is permitted as a matter of right in a C-4 District, the district in which the subject property is located; and, accordingly, the variance requested is not a use variance.

6. The Board finds that the intent of Section 5301.22 was to encourage off-street parking facilities in the C-4 District which otherwise has no requirement for parking. Applicant's building will provide 3 1/2 levels of parking even though only 1.0 FAR of parking is required pursuant to Section 5301.22.

7. Applicant's hardship supporting the variance results from the need to provide above ground separate access for the Avis parking and the fact that otherwise provisions for parking exceeds the Regulation requirements. To locate the rental agency parking below grade would be impracticable.

8. No objection to the granting of this appeal was raised at the public hearing.

OPINION:

Appellant has adduced facts and circumstances which indicate that a strict application of the D.C. Zoning Regulations in this instance would subject him to exceptional difficulties and undue hardship. Relief can be granted without detriment to the public good and without impairing the intent and purpose of the Zoning Plan. A variance to permit relocation below grade of parking ordinarily required to be above ground under D.C. Zoning Regulations, Section 5301.22 and thereby to allow location of the entire operation of Avis rental agency on the mezzanine floor is therefore appropriate.

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

ATTESTED:

By: \_\_\_\_\_



PATRICK E. KELLY  
Secretary of the Board

THAT 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 AFTER THE EFFECTIVE DATE OF THIS ORDER.

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