

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- October 13, 1971

Appeal No. 10928 Sun Oil Company, appellant.

THE ZONING ADMINISTRATOR FO THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried with Messrs. Scrivener and Hatton dissenting, the following Order of the Board was entered at the meeting of June 13, 1972.

EFFECTIVE DATE OF ORDER -- June 20, 1972

**ORDERED:**

That the appeal for a variance from the height requirements of the C-M-1 District to permit a sign 72 feet high at 2305 Pennsylvania Avenue, S.E., lot 35, Square 5559, be GRANTED. )

**FINDINGS OF FACT:**

1. The subject property is located in a C-M-1 District.
2. A District Official in good faith mistakenly issued the building permit whereby the 72' high sign was erected at the subject site.
3. The subject site is substantially below the grade of Interstate 95 as it overpasses Pennsylvania Avenue. The sign at the height of 72 feet is approximately at eye level for motorists on I-95.
4. Appellant stated that he relied on the Zoning Administrator as to the issuance of a permit and therefore constructed the sign in question.
5. There was no opposition registered at the public hearing as to the granting of this appeal.

**OPINION:**

The Board is cognizant of the hardship created by the erroneously issued building permit through no fault of the appellant. Our decision is based upon the equities, hardship and topographic area of the land. It is felt that, after considerable deliberation,

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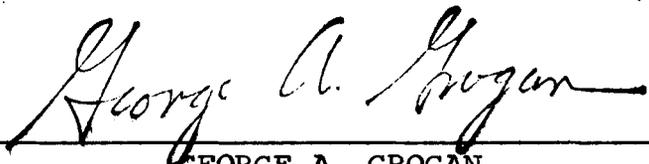
that the relief sought by appellant should be granted. However, our action in this case is unique and will not be used by the Board in deciding any future similar cases.

We are of the opinion that the appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that denial of the requested relief will result in undue hardship upon the owner.

We are further of the opinion that this 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.

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

ATTESTED:

By:   
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GEORGE A. GROGAN  
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 DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.