

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- May 16, 1973

Application No. 11376 - Lafayette Limited Partnership, Appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, Appellee.

On motion duly made, seconded and carried by a vote of 3-0, the following Order of the Board was entered at the meeting of May 22, 1973.

EFFECTIVE DATE OF ORDER

JUN 12 1973

ORDERED:

That the application for a variance to permit a 12' x 41' loading berth in lieu of a 12' x 45' loading berth, at 801 17th Street, N. W., Lot 26, Square 165, be GRANTED.

FINDINGS OF FACT:

1. The subject property is in a C-4 District.
2. The property is improved with a newly erected 12-story office building which contains in excess of 200,000 square feet of gross floor area.
3. As required by the Regulations for structures of such size, the building has three loading berths, one 12' x 20' and two others 12' x 45' each.
4. The building is owned by the appellant Lafayette Limited Partnership, 1819 H Street, N. W., Washington, D. C. The principal tenant is the Inter-American Development Bank, (hereinafter "the Bank") which occupies the first basement level and all floors except the ground floor. The ground floor tenants are a savings and loan association and a small lingerie shop. Three remaining ground floor rental units presently are unoccupied.
5. As a part of the Bank's occupancy needs, the owner has agreed to the construction of an auditorium at the first basement level. One of the required exits from the auditorium will utilize 4' of the 45' length of one of the building's three loading berths, as shown on the architectural drawing RA-1 which was submitted with the application in this case.

6. Because of certain structural features of the building at the proposed location of the exit, it is not possible to place the exit and not affect any part of the loading berth without exceptional practical difficulties and substantial additional cost.

7. The proposed 4' reduction in the 45' length of the loading berth is minimal and would still permit accommodation of a very large size truck at the berth; (a) as shown on architectural drawing RA-1, another 45' length loading berth immediately adjoins the one that would be reduced in size to 41'; (b) A third loading berth of the length required by the regulations also remains available.

8. The Bank's business is not such that it receives either frequent deliveries or deliveries in large size trucks; (a) most major deliveries for the Bank will in fact go to the main stockroom in a different office building; (b) large truck deliveries in connection with the erection of the building have ceased; and (c) it is unlikely that the three available loading berths could not accommodate the delivery needs of the other tenants in the building even if one loading berth is reduced by 4'.

9. There was no opposition to the granting of this application.

OPINION:

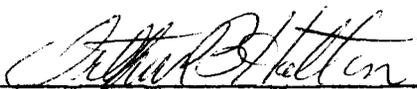
The Board has authority to grant this variance under the Zoning Act of June 20, 1938 (52 Stat. 797), as amended, and the matter is properly before the Board for decision.

We are of the opinion that it has been shown that the strict application of Section 7303 of the Regulations would result in peculiar and exceptional practical difficulties and exceptional and undue hardship within the meaning of Section 8207 of the Regulations.

We further hold that it has been established that the requested relief can be granted without substantial detriment to the public good and without substantially impairing 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: ARTHUR B. HATTON
Acting 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.