Before the Board of Zoning Adjustment, D. C.

Application No. 11553, of Washington Sheraton Corporation, pursuant to Section 8207.11 for a variance to continue the operation of a transmission tower and mobile building in the R-5-B zone at the premise located at 2660 Woodley Road, N. W., Lots 0025, 0823, 0824, Square 2132.

HEARING DATE: February 13, 1974

EXECUTIVE SESSION: February 21, 1974

FINDINGS OF FACT:

1. The subject property is imporved with a hotel from which appellant leases space for a television station.

2. The Applicant alleges that the building is required to house communications equipment and that no additional space within the hotel is available at this time. The appellant also alleged that the tower and mobile building will be enclosed with a ten (10) foot fence which is locked at all times.

3. The previous variance granted applicant was conditioned for a period of 2½ years, subject to renewal at the discretion of the Board upon the filing of a new application, BZA Order No. 10625 dated December 17, 1970.

4. There is no evidence of record indicating that the applicant attempted to make space in the hotel for the facilities in question or to construct a permanent structure to house its communications equipment.

5. No opposition was registered.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board is of the opinion that the applicant has not proved a hardship which the Board must use as a basis for granting a use variance. The use in question was granted conditionally for 2½ years, during which time the applicant made no attempt to locate space for the communications equipment, nor to construct permanent facilities to accommodate its needs. The allegations of hardship put forth by the applicant do not establish a circumstance unique to the applicant's property as required by the variance clause.

The Board concludes that the granting of a use variance in this case without facts demonstrating the existence of a hardship would be an impairment of the intent, purpose, and integrity of the zoning regulations and map.

ORDERED:

That the above application be DENIED.

VOTE: 4-0, (Mr. Harps absent, not voting)

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

ATTESTED By: James E. Miller
JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: APR 11 1974