

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application of Kyung Rhee on behalf of Sylvia Kotz Realty Revocable Trust
1629 Corcoran Street, NW
Square 179, Lot 71

PRELIMINARY STATEMENT OF COMPLIANCE WITH THE BURDEN OF PROOF

I. Background

The Subject Property is located at 1629 Corcoran Street, N.W. (Square 179, Lot 71). Square 179 is bounded on the north by R Street, on the east by 16th Street, on the south by Q Street, and on the west by 17th Street. The square is bisected east to west by Corcoran Street. The Subject Property is located on the north side of Corcoran Street with public alleys to its west and north. The Subject Property is located in the R-5-B District, and also falls within the Dupont Circle ("DC") Overlay District. The lot thus has a zoning designation of DC/R-5-B. The Subject Property is currently used as a parking lot for a McDonald's restaurant on Lot 819, immediately across the alley to the west. Most recently in 2007, the Board of Zoning Adjustment ("BZA" or the "Board") granted approval of the property's use as a parking lot for a period of five years (BZA Order No. 17618).

The Applicant, Kyung Rhee, on behalf of Sylvia Kotz Realty Revocable Trust, requests a renewal of the special exception approved by the Board pursuant to Order No. 17618, to permit the continued operation of a surface parking lot for five cars serving the adjacent McDonald's restaurant located at 1619 17th Street, NW. Specifically, the Applicant seeks special exception relief under section 213 of the Zoning Regulations. The Applicant will establish that this application satisfies the burden of proof for granting the requested relief at the Board's public hearing on the application and in the Statement of the Applicant, which will be filed no fewer than fourteen days before the public hearing. A preliminary summary of how this application satisfies the burden of proof is presented below.

II. Burden of Proof

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning district, provided the specific regulatory requirements for the requested relief are satisfied. Pursuant to section 213.1 of the Zoning Regulations, a parking lot is allowed as a special exception in a residential district if approved by the Board under section 3104.1, subject to the provisions of section 213. As discussed below, the Applicant has satisfied this burden.

§ 3104.1 *The Board is authorized to grant a special exception if it determines that the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not have an adverse impact on the use of neighboring properties.*

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The requested special exception is in harmony with the purpose and intent of the Zoning Regulations and will not adversely affect neighboring properties. The property has been used as a parking lot for more than forty years and has been compatible with other nearby land uses. The Applicant intends to operate the parking lot in conformity with the Board's previous approvals.

§ 213.2 *A parking lot shall be located in its entirety within two hundred feet (200 ft.) of an existing Commercial or Industrial District.*

The Subject Property is separated from the D/DC/C-2-B District by a ten-foot-wide public alley. No part of Lot 71 is located more than 31 feet away from a commercial zoning district. This is well within the 200-foot radius required by this section.

§ 213.3 *A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial District.*

As noted above, the Subject Property is separated from the D/DC/C-2-B District by only a narrow public alley.

§ 213.4 *All provisions of chapter 23 of this title shall be complied with.*

The parking lot complies with all of the requirements embodied in Chapter 23 of the Zoning Regulations. This compliance will be discussed in more detail at the public hearing and in the Statement of the Applicant.

§ 213.5 *No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely.*

The continued operation of the existing parking lot will not result in dangerous or otherwise objectionable traffic conditions. The operation of the parking lot will not adversely affect the character of the neighborhood or interfere with development activity in the future.

§ 213.6 *The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in overspill parking on neighborhood streets.*

The parking lot is reasonably necessary to the successful operation of the adjacent McDonald's restaurant. Additionally, the parking spaces on the lot will significantly mitigate the problem of overspill parking on nearby neighborhood streets.

§ 213.7 *A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.*

All of the spaces on the site will be devoted to short-term parking for the adjacent McDonald's restaurant.

§ 213.8 *Before taking final action on an application for use as a parking lot, the Board shall submit the application to the D.C. Department of Transportation for review and report.*

The Applicant understands that this application will be submitted to the Department of Transportation for review prior to consideration by the Board.

III. Conclusion

Because the Applicant has satisfied all of the regulatory requirements of sections 213 and 3104 of the Zoning Regulations, the Board should approve the application for special exception relief.