

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Preliminary Statement of Compliance With Burden of Proof

This statement is submitted by SLS Carriage House Enterprise, LLC, as owner of property located at 1749 - 1751 St. Matthews Court, N.W. (Square 159, Lots 46 & 47) (the "Site"), in support of its application pursuant to 11 DCMR §3104.1 for a special exception under §508.1 to permit the conversion of existing buildings to office use in a DC/SP-1 District at the Site.

Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file its prehearing statement with the Board no fewer than 14 days prior to the public hearing date. In that statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested relief.

A. Description of the Site and the Proposal

The Site is located at 1749 - 1751 St. Matthews Court, N.W. and includes Lots 46 and 47 in Square 159. The Site has a combined land area of approximately 2,170 square feet. Square 159 is located in the northwest quadrant of the District and is bounded on the north by N Street, on the east by 17th Street, on the south by Rhode Island Avenue, and on the west by Connecticut Avenue and 18th Street. St. Matthews Court runs east-west and bisects the square. The Site is improved with an existing masonry building on each lot. The existing buildings contain a combined total of approximately 2,170 square feet of gross floor area for zoning purposes. The Site is located in the DC/SP-1 District and is within the Dupont Circle Historic District. The existing buildings on the Site are listed on the District of Columbia Inventory of Historic Sites.

As shown on the plans included with the application, the Applicant proposes to renovate the existing buildings on the Site for office use. The proposed work includes updating the interior

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layout of the buildings, and providing an internal connection between the spaces. The Applicant will not be constructing any additions nor expanding the existing footprint of the buildings.

B. The Applicant Meets the Requirements for Special Exception Relief Pursuant To Section 508.1 of the Existing Zoning Regulations

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.* Through the exhibits, testimony and other evidence before the Board, the Applicant will establish that it complies with all applicable provisions under the Zoning Regulations.

Section 508.1 of the Zoning Regulations provides that the construction of a new office building, construction of an addition to a building for office use, and the conversion of an existing building to office use, shall be permitted in an SP District if approved by the Board of Zoning Adjustment as a special exception under §3104.1 and subject to the provisions of Section 508.3 through 508.5. As described above, the Applicant intends to renovate the existing buildings to modernize them for office use. The Applicant satisfies the conditions of both §3104.1 and §508 as follows:

1. Compliance with Section 3104.1.

Under §3104.1, which sets forth the general provisions for special exception relief under the Zoning Regulations, the Board is authorized to grant those special exceptions which, in the

judgment of the Board, will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The present application is in harmony with the Zoning Regulations and Maps. As shown on the plans included with the application, the Applicant proposes to renovate the existing buildings on the Site for office use. The proposed work includes updating the interior layout of the buildings, and providing an internal connection between the spaces. The Applicant will not be constructing any additions nor expanding the existing footprint of the buildings. In addition, there are other office uses in the square, and the Applicant's proposal to renovate the existing buildings will not adversely impact the balance of uses within the immediate area. In addition, the proposed renovation will not tend to affect neighboring property adversely since the proposed renovation work is internal to the building. The Applicant will also be presenting the proposed plans to the Historic Preservation Office and the Advisory Neighborhood Commission.

2. Compliance with Section 508.3.

Section 508.3 of the Zoning Regulations provides that the use, height, bulk and design must be in harmony with existing uses and structures on neighboring property. With regard to use, the SP District permits office uses, and there are a number of existing uses located within Square 159 and in the immediate vicinity of the Site. In addition, given the historic nature of the buildings, the Applicant is not proposing to demolish or otherwise expand the footprint of the buildings, but is rather proposing to do interior renovation work. Thus, there will be no change in the height, bulk, or exterior configuration of the buildings as a result of this application, and the existing buildings and proposed office use will be in harmony with existing uses and structures on neighboring property.

3. Compliance with Section 508.4.

Section 508.4 of the Zoning Regulations provides that the use shall not create dangerous or other objectionable traffic conditions. The Applicant proposes to renovate existing buildings on the Site, which work will not create any dangerous or other objectionable traffic conditions. Moreover, although the project is exempt from providing parking pursuant to Section 2120.3 of the Zoning Regulations since the buildings on the Site are historic resources, the project includes 4 off-street parking spaces, which exceeds the Zoning Requirements for an office use of the proposed size in the DC/SP-1 District.

4. Compliance with Section 508.5.

Section 508.5 of the Zoning Regulations provides that the Board may require special treatment in the way of design, screening of buildings, accessory uses, signs, and other facilities as it deems necessary to protect the value of neighboring property. The Applicant is not proposing to demolish or otherwise expand the footprint of the buildings, and there will be no change in the height, bulk, or footprint of the buildings as a result of this application. Therefore, it will not be necessary for the Board to require any special treatment in this case.