

2012 JUL 12 AM 11:06

APPLICANT: 1400 Spring Road LLC
PROPERTY 1400 Spring Road, NW

Preliminary Burden of Proof Statement

1400 Spring Road LLC ("the Applicant") seeks zoning relief at 1400 Spring Road, NW ("the Property") to convert an existing church into a multi-family apartment building ("the Project"). The Project does not meet the requirements of the zoning code with respect to the nonconforming structure requirements relating to lot occupancy and the rear yard. For the following reasons, zoning relief should be granted.

1. Exceptional Situation or Condition

The Property is unique due to multiple factors, including but not limited to the Property's existing layout as a church and existing nonconformity with regard to lot occupancy and the rear yard. The church is currently at 100% lot occupancy and contains no rear yard. Aside from some of the lots in the immediate vicinity on Square 2689, no other lot in the Square has 100 percent occupancy and no rear yard.

2. Practical Difficulty

Strict application of the zoning regulations with respect to existing nonconforming structures would result in practical difficulty to the Applicant. The property is an existing nonconformity with respect to lot occupancy and the rear yard requirement. Because of the proposed addition, a variance is required under 2001 3(a) with respect to lot occupancy. While the rear yard nonconformance is not being expanded, the Applicant is seeking zoning relief in an abundance of caution. Strict application of these provisions would prevent any addition to the existing structure on the Property.

3. No Substantial Detriment to Public Good or Inconsistency with Zoning Plan

Granting the zoning relief requested is not inconsistent with the general intent and purpose of the Zoning Plan. Enabling the Applicant to convert the property from a church to a multi-unit apartment building provides additional residential units without expanding any non-conforming aspects of the property. The proposed project adequately balances the zoning regulations' goals of protecting existing properties and modernizing a property to a more desirable use.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18442

EXHIBIT NO. 6