

APPLICANT: 3616 14th Street LLC
PROPERTY: 3616 14th Street, NW

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Preliminary Burden of Proof Statement

3616 14th Street LLC (the "Applicant") seeks zoning relief at 3616 14th Street, NW (the "Property") to convert a two-story retail/office building to a three-story structure with retail on the first story and multi-unit apartments on the second and third story (the "Project"). The Project does not meet the requirements of the zoning code with respect to nonconforming structures, FAR, and parking requirements. For the following reasons, zoning relief should be granted.

1. Exceptional Situation or Condition

The Property is unusual and affected by an exceptional situation and condition as a result of a confluence of factors. The existing structure on the property is at 100 percent lot occupancy and contains no rear yard. Very few other lots on that square or in the C-2-A District along the surrounding portion of 14th Street are restrained to this extent. The Property is wide and short unlike the vast majority of lots along the commercial corridor of 14th Street which are long and narrow.

2. Practical Difficulty

Strict application of the zoning regulations would result in practical difficulty to the Applicant.

i. Existing Nonconformance

The Property is an existing nonconformity with respect to lot occupancy and rear yard requirements. Because of the 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 the nonconforming structure requirements would prevent any addition to the existing structure on the Property.

ii. FAR

The Property increases the floor to area ratio from two to three. Strict application of the FAR requirement would prevent much of the addition. The Applicant must add floor space to the units to make them functional and livable under current market standards for residential units. This Property is wide and short in contrast to the mostly narrow and long lots along 14th street. The configuration of the lot presents a unique challenge for the Applicant. Surrounding lots can develop back without developing upwards.

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District of Columbia

CASE NO. 18443

EXHIBIT NO. 4

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iii. **Parking**

Strict application of the parking requirement would require four parking spaces. Additional parking spaces cannot be placed on the property without taking extreme measures because there is no remaining space on the lot. In light of the limited available space on the lot, strict application would result in a practical difficulty.

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. The proposed project provides a modest mixed use development that is in keeping with the goals of the District of Columbia Comprehensive Plan for the 14th Street corridor. Relief from four parking spaces to zero will not create a substantial detriment to the public good or create inconsistency with the zoning regulations in light of the Project's close proximity to public transportation. The Project adds an additional floor without expanding any existing nonconformity. The proposed project adequately balances the zoning regulations goals of protecting existing properties in the neighborhood and modernizing a property.