

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application of LHO Washington Hotel Four LLC
1430 Rhode Island Avenue, N.W.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background

LHO Washington Hotel Four LLC ("Applicant") proposes to construct a small addition to the Helix Hotel, consistent with the order issued in BZA Case No 17672. The BZA order expired in 2010 and the Applicant is returning to the Board of Zoning Adjustment ("BZA" or "Board") to obtain the same approval again

II. Relief Requested

The Applicant seeks an area variance from the prohibition of expanding the gross floor area of a hotel by increasing the function or meeting space with the construction of an addition to a hotel existing on or before May 16, 1980, under section 350 4(d), in the R-5-E District at premises 1430 Rhode Island Avenue, N.W , at Lot 858 in Square 211.

III. Compliance with Variance Burden of Proof

A Standard of Review

In order for the Board to grant an area variance, an applicant must prove that there are (i) exceptional and extraordinary conditions inherent in the property that (ii) create practical difficulties in comply with the strict application of the zoning regulations, and (iii) that granting of the variance will not do any harm to the zone plan or will otherwise not be detrimental the public good

B Exceptional and Extraordinary Conditions

The hotel was originally constructed circa 1963 as an apartment building, which limits its efficiency as a hotel. It lacks features typically found in hotels, such as large common areas. The hotel cannot be expanded without also expanding the building envelope due to the structural layout of the building, the location of the ramp to an underground parking garage, and the irregular shape of the lot

C Resulting Practical Difficulties

The hotel lacks space within the existing building to accommodate any medium-sized function or meeting area, which is integral to hotel operations. The structural system and configuration of the building, especially its large side yards, limit the Applicant's ability to combine spaces within the building to accommodate groups that presently use the building, or the larger groups that the hotel wishes to attract.

D No Harm to Public Good or Zone Plan

The zone plan will not be compromised due to the *de minimus* nature of the proposed addition. It represents only a 2.5 percent increase over the existing gross floor area of the building. It will allow for continued hotel operations but would not convert the hotel into a major conference center. There will be no increase in vehicular traffic, no significant increase in off-site traffic to the site and no major change in hotel operations.

IV. Conclusion

Pursuant to section 3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. Through the Applicant's written statement, and through testimony and evidence presented at the public hearing, the Applicant will demonstrate how it meets its burden of proof to obtain the Board's approval of the requested relief.

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