

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

**AREA VARIANCE APPLICATION
OF JOSE AYALA**

3701 14TH STREET, NW (Square 2826, Lot 96)

PRELIMINARY STATEMENT OF THE BURDEN OF PROOF

A. Introduction.

Jose Ayala (the “Owner”) is the owner of the property located at 3701 14th Street, NW (the “Property”). The property is under contract for sale to ERB Properties LLC (the “Contract Purchaser”). For purposes of this Statement, the Owner and Contract Purchaser are collectively referred to herein as the “Applicant”. The Property is located in the C-2-A zone district, at the northeast corner of Georgia Avenue and Spring Road.

The Property is a very small, corner lot, with a land area of 3,216 square feet. It fronts on Georgia Avenue, and borders Spring Road to the south. To the east, it borders a one-story building used as a church (also in the C-2-A zone). To the north is a 3-story mixed-use building. On these north and east sides, the property is bounded by adjacent buildings on the common lot line. There is no access to the Property from the alley. There are no curb cuts and none likely to be approved to access the Property from Spring Road or Georgia Avenue.

The Applicant is proposing to raze the existing structure on the Property and construct a new four-story mixed-use building, with a total of 6 residential condominium units on floors 2-4, and neighborhood-serving retail use on the first floor. In order to realize this plan, the Applicant requires relief from the 3-space parking space requirement of Section 2101.1, and from the 15-foot rear yard requirement of Section 774.1.

B. Burden of Proof

The Property is impacted by several exceptional conditions, including the small and narrow size of the lot, and the large portion of the Property that is located beyond the two adjacent Building Restriction Lines, as a result of this being a corner lot. These conditions greatly increase the core factor in the proposed building, making it difficult to provide either parking, or a rear yard, on the Property. The Property is also land-locked, as well as located on a corner which is unlikely to be granted a curb cut, even if there were room on the Property for a parking space. Therefore, providing any parking would be difficult or impossible. The rear of the Property faces the side of the adjacent property to the east, the one-story church building, so this is a situation more akin to the typical party wall situation between two building sides, rather than the typical rear yard situation. The building being replaced extends to the rear property line as well.

In addition to providing six new quality residential units, the proposed project will provide desired neighborhood-serving retail use on the first floor, rather than just maximizing the residential FAR.

For the above reasons, as will be explained in more detail in the prehearing statement, the Application meets the three-prong test for variance relief.

Respectfully Submitted,

A handwritten signature in black ink, reading "Martin P. Sullivan". The signature is written in a cursive, slightly slanted style.

Martin P. Sullivan
Sullivan & Barros, LLP