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HAND-DELIVERED

Mr. Geoffrey Griffis, Chairman
District of Columbia Board of Zoning Adjustment
D.C. Office of Zoning
441- Fourth Street, N.W.
Room 210 South
Washington, D.C. 20001

Re: Application for Variance from the Parking Requirements or, Alternatively, a Special Exception Under § 2116.5 - Lot 2311, Square 1857

Dear Mr. Griffis:

This firm represents Chase Plaza Dental Clinic LLC (the "Applicant"), which has filed an application with the Board of Zoning Adjustment (the "Board") for an area variance from the parking requirements for a "dental clinic" set forth in § 2101.1, or alternatively, for a special exception pursuant to § 2116.5 to permit required parking to be located on a lot other than the one on which the principal use is located.

1. Statement of Existing and Proposed Use

The Applicant applied on November 8, 2001, with the D.C. Department of Consumer and Regulatory Affairs ("DCRA") for a Certificate of Occupancy to operate a "dental clinic" as a matter-of-right use within an R-5-D zoning district. The premises for the "dental clinic" consists of a 1165-square foot condominium unit (#102) on the ground floor of the building located at 5406 Connecticut Avenue, N.W. (the "subject property"). Under § 2101.1 of the Zoning Regulations, a "clinic"

BZA
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District of Columbia
CASE NO.16913
EXHIBIT NO.7

in such a zoning district requires one parking space for every 300 square feet of gross floor area. Accordingly, the Applicant needs to provide four (4) parking spaces for the proposed "dental clinic" in order to comply with the parking requirements set forth in § 2101.1.

As shown on the Plat of Condominium Subdivision of Chevy Chase Plaza, a Condominium, filed in Condominium Book 22 at Page 35 in the Office of the Surveyor for the District of Columbia, the subject property contained 54-units and provided eighteen (18) parking spaces at the rear of the subject property, which is exactly the figure required to meet the R-5-D parking requirement of one space for every three (3) dwelling units. In fact, the Applicant has determined that twenty (20) parking spaces can be created at the rear of the subject property, which means that the two (2) additional spaces can be allocated to meet the parking requirements of the Applicant's dental clinic. The Applicant, therefore, lacks two (2) required parking spaces on the subject property in order to operate a dental clinic in conformity with the Zoning Regulations.

2. Request for Variance Relief

Section 3103.2 authorizes the Board to grant variances:

> "where, by reason of ... other exceptional situation or condition of a specific piece of property, the strict application of any regulation ... would result in peculiar and exceptional practical difficulties ... provided that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the ...[r]egulations and Map."

In this instance, the lot on which the subject property is located is only 160-feet deep from the Connecticut Avenue frontage and is of irregular shape. The subject property unlike most lots along Connecticut Avenue has no alley access along the rear lot line. The grade at the subject property also falls off

toward the rear of the lot so that the ground floor at the rear is approximately eight-feet above the adjacent grade of the parking area. The required loading dock slopes down to the lower level of the building and further limits the amount of area available for parking purposes. There is no configuration of the parking area that can yield sufficient parking spaces to support the requirements of § 2101.1 for a "dental clinic."

The Applicant contends, and intends to offer evidence and testimony at the public hearing in this matter, that sufficient parking already exists at the subject property for the employees and patients of the clinic. The clinic's use of the parking is confined to the workday hours of 8:00 am to 5:00 pm during the week and is entirely complementary to the residential use of the parking.

3. Alternative Special Exception Relief

If the Board determines that the Applicant has not carried its burden of proof with respect to the request for a variance, the Applicant is entitled, alternatively, to a special exception to obtain two (2) additional parking spaces on an adjacent lot in order to meet the requirements of § 2101.1 for a "dental clinic." Under § 3104.1, the Board can grant special exceptions which will be:

> "... in harmony with the general purpose and intent of the [r]egulations ... and will not tend to affect adversely the use of neighboring property ..."

In particular, § 2116.5 allows for "open parking spaces accessory to any building ... may be located anywhere on the lot upon which the building .... is located, or elsewhere ... in accordance with §§ 2116.6 a through 2116.9" (emphasis added). The stipulations for this particular special exception require that: (1) the difficulty in locating spaces on the lot relates to unusual topography, shape, size or dimensions of the lot; (2) the proposed parking will be on an adjacent lot or separated only by an alley from the lot on which the building is located; (3) the accessory parking will afford reasonable and convenient parking for occupants or guests of the building which they are designed

to serve; and (4) the Board may impose screening or other conditions on the accessory parking to minimize any adverse impact on adjacent property.

In this instance, the Applicant has two effective options to secure additional parking spaces. The first option is to acquire an abutting lot (Lot 60, Square 1857) which is unimproved, is currently used for parking vehicles and abuts the subject property and has access to Miliary Road, N.W. The second option is to lease parking spaces within the underground garage of the building at 5410 Connecticut Avenue, which is directly across the east-west public alley from the subject property. Both options afford easy access for patients and employees to the dental clinic. The Applicant will present to the Board at the public hearing with contingent contracts to either purchase the adjacent property or to lease parking spaces as the Board may so order.

For all of the foregoing reasons, the Applicant requests that the Board grant its application for a variance from the requirements of § 2101.1 and permit the Applicant to satisfy the required parking spaces by providing two (2) additional parking spaces at the rear of the subject property. Alternatively, the Applicant requests that the Board grant the request for a special exception under § 2116.5 permitting the Applicant to locate the two (2) of the four (4) necessary parking spaces on a lot abutting the subject property, either in the underground parking garage at 5410 Connecticut Avenue, N.W. or on the vacant lot (Lot 60, Square 1857) which adjoins the southern lot line of the parking lot on the subject property.

Respectfully submitted,

JORDAN KEYS & JESSAMY, LLP

By: George R. Keys, Jr.

Attachments