BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of Jemal's Wheel LLC
1701 Kalorama Road, NW

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

D.C. OFFICE OF ZONING
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I. Background:

The Subject Property, Lot 90 in Square 2566, with premises address of 1701 Kalorama Road, NW, is improved with a three-story warehouse-type building. The Applicant wishes to add to the existing building an additional three stories to create an apartment house with approximately 65 loft-style units and 50 parking spaces on the ground floor. The Subject Property is zoned C-2-B and is located within the Reed-Cooke overlay.

In order to accomplish the project, the Applicant seeks the following items of variance relief from the Zoning Regulations: (1) variance from building density (FAR) requirements, §771; (2) variance from the lot occupancy restriction, §772; (3) variance from the residential recreation space requirements, §773; and (4) variance from the parking aisle width requirement, §2117. The Applicant also seeks special exception under the Zoning Regulations for: (1) roof structure; and (2) height in the Reede-Cooke Overlay District, §1403.

Pursuant to §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. In said Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested variance relief. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof:

A. Variance Relief

The test for variance relief is three-part: (1) demonstration that a particular piece of property is confronted with some exceptional condition or situation; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and

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Exhibit No. 11

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B. Special Exception:

(1) Roof Structure:

The Zoning Regulations provide the Board of Zoning Adjustment authority to approve, through special exception, the location, design, number, and all other aspects of roof structures (including walls of unequal height), where compliance with the Regulations is impracticable because of operating difficulties, size of building lot, or other related conditions, and where the intent and purpose of the Regulations, and light and air to adjacent buildings, shall not be adversely affected.

The Applicant will demonstrate that special exception is required from §411 in order for the Applicant to provide, within a single enclosure, the mechanical core elements as well as elevator and stair access to the roof level, owing to the configuration, floor plan, and programmatic requirements for the building.

(2) Height in Reed-Cooke Overlay:

Height of buildings in the C-2-B District is limited to 65 feet. The Reed-Cooke Overlay further limits height to 40 feet. The Regulations, at §1403, provide the Board with authority to grant exception from the provisions of the Reed-Cooke Overlay, subject to enumerated criteria, set forth in §1403(a) through (g). At hearing, the Applicant will demonstrate its compliance with these criteria, included (d) which requires for a property located within a C-2-B District, that the use not be within 25 feet of a Residence District unless separated by a street or alley.

(3) that the relief requested can be granted without substantial detriment to the public good or zone plan.

(1) Exceptional Condition or Situation:

The Applicant will demonstrate that the Subject Property is impacted by an exceptional site configuration, topography, and its improvement with an existing warehouse-type building, among others.

(2) Resulting Practical Difficulty:

The Applicant will demonstrate that the project is an addition to the existing building and that, working from the existing footprint, the site and existing building configuration complicate construction for residential use, and that the exceptional grade change adds to the FAR of the project. These and other exceptional conditions of the Subject Property impact building density and lot occupancy.

As concerns the residential recreation space variance, the Applicant will demonstrate that the exceptional conditions of the Subject Property, particularly its size and configuration, impact the Applicant's efforts to comply with the sizeable recreation space requirement.

Finally, the layout of the existing building, constructed prior to the enactment of current dimensional requirements for parking, creates a practical difficulty upon the Applicant.

(3) No Harm to Public Good or Zone Plan:

The Applicant will demonstrate that the project maximizes residential use of the property, which is encouraged under the terms of the Reed-Cooke Overlay District. The FAR variance furthers the District's goals for increased urban residential without harm to the adjacent properties. With respect to the lot occupancy variance, the Applicant will also demonstrate that above the existing first floor, the project is designed so as to conform to the 80 percent lot occupancy restriction. With respect to the residential recreation space variance request, the Applicant will note that it is providing a significant amount of recreation space in the project, both public (in the form of the roof deck terrace) and private (individual balconies and terraces for most units). As concerns the parking aisle width variance, the Applicant will demonstrate that is providing more than sufficient parking to accommodate the residents of the building.