BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of SMC-United Industrial Limited Partnership
2310 and 2320 31st Street, N.E.
(Rear of 3070 V Street, N.E.)

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PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background:

The Subject Property (Square 4365, Lots 805 and 806) has been operated as a parking lot continuously for approximately 45 years.

The Applicant, SMC-United Industrial Limited Partnership, requests a reinstatement of the special exception approved by the Board of Zoning Adjustment (hereinafter, the "Board" or "BZA") in order to permit the continued operation of a parking lot. Specifically, the Applicant seeks special exception approval under §213 of the Zoning Regulations. At the public hearing, the Applicant will show that special exception is appropriate in the instant case, to permit the continued use of the Subject Property as a parking lot use in a residential zoning district.

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 special exception. 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:

Pursuant to § 213.1 of the Zoning Regulations, use as a parking lot shall be permitted as a special exception in a R-1 District if approved by the Board of Zoning Adjustment under § 3104.1, subject to the provisions of § 213. The Subject Property is in compliance, as set forth herein:

1. Section 3104.1:

This section authorizes the Board to grant special exceptions as provided in the Zoning Regulations, where the Board determines such grant(s) of special

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exception to be in harmony with the intent and purpose of the zone plan and which does not tend to adversely impact the use of neighboring property.

The requested special exception relief is in harmony with the intent and purpose of the zone plan and will not adversely impact the use of neighboring property. The lot has operated compatibly with the adjacent industrial uses along V Street for approximately 45 years. The Applicant proposed to continue operation of the parking lot in the same manner as that previously approved by the Board of Zoning Adjustment on several occasions.

2. Section 213.2:

A parking lot shall be located in its entirety within two hundred feet (200 ft.) of an existing Commercial or Industrial District.

The subject parking lot is located within two hundred feet (200 ft.) of industrially zoned (C-M-1) property to the east and south.

3. Section 213.3:

A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial District.

The subject parking lot is contiguous to industrially zoned property on its south side.

4. Section 213.4:

All provisions of chapter 23 of this title shall be complied with.

All provisions of chapter 23 will be complied with, as to be further detailed in the Statement and at the public hearing.

5. Section 213.5:

No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely.

The continued operation of the parking lot will not result in dangerous or otherwise objectionable traffic conditions. As demonstrated during the last 45 years of the parking lot's existence, and prior BZA approvals, the continuation of the parking lot will not adversely affect the present character or future development of the neighborhood.

6. Section 213.6:

The parking lot shall be reasonable necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in overspill parking on neighborhood streets.

The parking lot continues to minimize the demand for overflow parking on neighborhood streets. There is no overspill from the parking onto neighborhood streets.

7. Section 213.7:

A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.

The subject parking lot is used for temporary vehicle storage by a federal agency, which is a public facility.

8. Section 213.8:

Before taking final action on an application for use as a parking lot, the Board shall submit the application to the D.C. Department of Transportation for review and report.

It is the Applicant's understanding that the application will be submitted to and reviewed by the Department of Transportation.