Form 121: Applicant's Burden of Proof for Variance and Special Exception Applications

The applicant is hereby requesting a use variance pursuant to §3103.2 on 2209 Massachusetts Ave., N.W. as a result of the following: 1). the physical characteristics of the Property create financial hardship for us in using the property consistent with the Zoning Regulations; 2). Granting this application will not be of substantial detriment to the public good; and 3). Granting our application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

1). The owner of said Property is the government of the United Arab Emirates. In the post-September 11, 2001 political climate, it has become extremely difficult for our chancery to find a diplomatic or residential purchaser for our Property. We have been searching for a buyer for some time now without locating a potential purchaser. Many residential buyers no longer feel safe having their families located next door to Embassies that are viewed as particularly vulnerable to violence or other security concerns. In addition, under this heightened security climate, we have been unable to find another potential chancery or embassy that is seeking to relocate to such a small and unprotected piece of property.

We have owned this property since 1984. Before September 11, we viewed this property as a wise and sound investment. Since September 11, that is no longer the case. These security concerns and attendant security costs have been a factor in the relocation of our own Chancery. Our inability to use the property for its originally intended purpose, and further to sell it for same or other value equivalent purpose, creates an undo financial hardship. We have noticed other neighboring properties of an apparent similar disposition lingering on the market for some time now as well.

After some time, we have located a potential purchaser desiring to have the property used by a small law firm with an extensive international government relations, foundation, and consulting practice that is willing to take the building if the legal use allows. From what we understand, they are interested in the building for exactly what it is and are interested in caring for and maintaining its appearance. As an aside, this would also enter the property back on the local tax records.

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Board of Zoning Adjustment
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This property in its presently defined use designation, has created financial hardship for our government by its inability to attract a purchaser. Accordingly, we are requesting a use variance, (perhaps consistent with the adjacent DSP-1 zone) only to allow legal occupancy and use by a small professional law firm with an international practice.

2). The use of our property as professional office space would not be detrimental to the public good. Use as a chancery required constant diplomatic visits, thus tying up traffic and parking on Massachusetts Avenue. A small professional office will decrease the parking and traffic burden. The small international law firm we have been in contact with would utilize public transportation and the three designated parking spaces behind the building. Consistent with the Diplomatic overlay, this firm has an international and governmental relations practice. Additionally, we expect that neighbors will feel proud and safer having a small prestigious law office in proximity that is interested in, and committed to, maintaining the historical character of the area.

3). Finally, the use of our Property for small professional office use would not be inconsistent with the intent and purpose of the Zoning Regulation and Map. The purchaser does not contemplate any changes to the building's exterior or footprint, other than general upkeep, maintenance and beautification of the exterior. Additionally, this historical district has welcomed similar small office uses. The National Society of the Daughters of the American Colonists is located at 2205 Massachusetts Ave (just two doors down from our property); the American Society of International Law, a non-for-profit promoting the study and use of international law, is located at 2223 Massachusetts Ave; and the American News Women's Club, a meeting place for media leaders, resident dignitaries and corporate representatives, is located nearby at 1607 22nd St. N.W.

In summary, given the changing political and security concerns and attendant security costs of governments and residents in a post-September 11 climate, we request a use variance to permit 2209 Massachusetts Avenue to be used for small professional

office purposes (perhaps consistent with the use as defined in the adjacent DSP-1 district) to unburden this financial hardship, create a more 'neighborhood friendly' occupancy and not deviate greatly from the intended zoning intent.