BURDEN OF PROOF

2008 OCT -7 PM 4:31

Subsection 3103.2

As set forth in D.C. Code Ann Section 5-424(g)(3)(1981), "[w]here be reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulation, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. Section 5-413 to 5-432 (1981)l would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon and appear relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; 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 Zoning Regulations Map.

The design of the building on the 1800 block of Columbia Road is similar to the other structures on the block. The many of the buildings are four stories. Because the establishment is considered an institution in the Adams Morgan neighborhood, with a positive track record with respect to code compliance issues, public safety and community relations the granting of the third floor will not adversely affect the quality neighborhood. Moreover, the property owners are faced with a financial hardship by meeting the existing financial obligations, mortgage, taxes, upkeep, etc without the ability to operate on the third floor. There does exist an exceptional or extraordinary situation or condition related to the property, which creates an undue hardship for the owner in complying with the Zoning Regulations.

BZA
Case No. 17094
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17094
EXHIBIT NO. 4

ZONING DATA

ZONE: C2B

	Permitted/Required	Provided
Lot Area:	2,144.21 Square Feet	2,144.21 Square Feet
Use:	Restaurant/Public Hall	Restaurant Public Hall
FAR:	1.5	2.3
Max Gross Floor Area:	3,705 Square Feet	4,940 Square Feet
Parking:	0 Spaces	2 Spaces