GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

December 8, 2003

Mr. Bekir Gunes
Sun Service, Inc.
5314 Baltimore Avenue
Chevy Chase, Maryland 20815

Re: BZA Application No. 17095 (1701 Kalorama Road, N.W.) Special Exception for a Parking Garage in Reed-Cooke

Dear Mr. Gunes:

Review of your application has determined that it is missing a detailed statement explaining how the application meets the specific tests (burden of proof) for the special exception that you are seeking as required by BZA Form 120 Instruction 4 (D). Before we can schedule your case for hearing, you must submit this information to the Office of Zoning as soon as possible. We are presently scheduling cases for early January 2004. Attached for your convenience is a Form 121 (Applicant's Burden of Proof for a Variance...) and a copy of 11 DCMR subsections 1403.1 and 1403.2 (Special Exception conditions), to aid you in preparing your statement. It is strongly recommended that you make contact with the D.C. Office of Planning on (202) 442-7602, and Advisory Neighborhood Commission 1A on (202) 545-6656, as their reports on your application are given great weight by the Board.

Please continue to contact Richard Nero, Chief, Support Services on (202) 727-6311, if you have any questions about the foregoing.

SINCERELY

JERRILY R. KRESS, FAIA
Director, Office of Zoning

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Attachments

BZA
Case No. 17095
Exhibit No. 10

Board of Zoning Adjustment
District of Columbia
CASE NO. 17095
EXHIBIT NO. 10

1402.1 The maximum height permitted in the RC Overlay District shall not exceed forty feet (40 ft.) plus roof structure as defined in this title; provided, that in the RC/C-2-B Overlay District, the Board of Zoning Adjustment may approve a maximum height of fifty feet (50 ft.) with appropriate setbacks from the street, plus roof structures, subject to determination by the Board that the project will provide for the on-site construction or substantial rehabilitation of low and moderate income household units, as defined by the regulations of the Department of Housing and Community Development, of a total gross floor area equal to fifty percent (50%) of the additional gross floor area made possible by this exception.

1402.2 For the purpose of this chapter, no Planned Unit Development shall exceed the matter-of-right height, bulk, and area requirements of the underlying district.

SOURCE: Final Rulemaking published at 38 DCR 2384, 2387 (April 26, 1991).

1403 SPECIAL EXCEPTIONS

1403.1 An exception from the requirements of this chapter shall be permitted only if granted by the Board of Zoning Adjustment as a special exception pursuant to § 3104 after a public hearing, and subject to the following criteria:

(a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the RC Overlay District;

(b) Vehicular access and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;

(c) Adequate off-street parking shall be provided for employees and for trucks and other service vehicles;

(d) If located within a C-2-B District, the use shall not be within twenty-five feet (25 ft.) of a Residence District, unless separated therefrom by a street or alley;

(e) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;

(f) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and

(g) The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

1403.2 A parking lot or garage shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to § 3104, subject to the following:

(a) The parking lot or garage shall meet the conditions specified in §§ 214.4 through 214.8;

(b) The parking lot or garage shall meet the conditions in § 1403.1; and

(c) The Board may require that all or a portion of the parking spaces be reserved for the following:

(1) Residential parking;

(2) Unrestricted commercial parking;

(3) Accessory parking for uses within eight hundred feet (800 ft.); and

(4) Shared parking for different uses by time of day.

SOURCE: Final Rulemaking published at 38 DCR 2384, 2387 (April 26, 1991).

Form 121 – Side 2
(Revised 03/15/02)

Case No._____

APPLICANT'S BURDEN OF PROOF FOR VARIANCE AND SPECIAL EXCEPTION APPLICATIONS

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Subsection 3104.1:

Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this Title, where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps, subject in each case to the special conditions specified in Title 11 DCMR.

In addressing these standards the applicant must address the following:

☐ 1). How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map; and

☐ 2). How allowing the use will not adversely affect the use of the neighboring property – ie. traffic, noise, lighting, etc.

In addition, as all special exceptions are of a specific type, each type is represented in a certain section of the Zoning Regulations. Section 3104.1 sets forth the general standards that must be met for all types of special exception relief, while the other provisions cited in the Zoning Administrator's memorandum detail the remaining standards that must be met.

For example, a special exception for a private school in a residential district involves two Sections of the Zoning Regulations – 3104.1 (regulating special exceptions in general) and 206 (regulating private schools). To meet the burden of proof one would provide evidence to address the general standards of Section 3104.1, as well as the more specific standards of 206. Beware the provisions sometimes overlap, but generally one would prepare their case as follows:

☐ 1). **206.1 - Refers applicant to 3104.1**
Indicate how granting a special exception for the private school will be in harmony with the general purpose and intent of the Zoning Regulations; and present evidence demonstrating that the private school will not tend to adversely affect the use of the neighboring property.

☐ 2). **206.2**
Indicate how the location of the private school will not be objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions;

☐ 3). **206.3**
Indicate the number of parking spaces being provided and whether the required number of spaces will be provided.

If relief is being sought for a special exception and a variance, be sure to address all of the applicable special exception provisions, then address the variance standards for each variance.

NOTE:
For further information on the Board of Zoning Adjustment public hearing process, please visit the Office of Zoning website at http://www.dcoz.dc.gov. All applications are referred for review and recommendation to the D.C. Office of Planning (OP) and the Advisory Neighborhood Commission within which the affected property is located. Their reports are given "great weight" in the BZA decision-making process. Applicants are strongly recommended, at the time of filing a Form 120 application, to make contact with these agencies to discuss the merits of their application. OP can be reached at (202) 442-7602.

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