STATEMENT OF BURDEN OF PROOF FOR VARIANCE RELIEF

7331 GEORGIA AVENUE, N.W.

Mr. Jose I. and Ana B. Reyes, (the "Applicants") request area variance relief from the Floor Area Ratio (FAR) provisions of DCMR Title 11, Section 771.2., the limitation for the premises known as El Tamarindo Restaurant, located at 7331 Geogia Avenue, N.W., in the C-2-A Zone. The granting of such relief will allow the Applicants to use the second floor as dining area and therefore take the most commercial advantage of the space, and at the same time being able to satisfy requests from patrons who rather seat on the second floor than in the basement when the first floor is filled at capacity.

Extraordinary or Exceptional Situation or Condition

"As set forth in D.C. Code, Section 5-424(g)(3), 'Where by 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, Sections 5-413 to 5-432 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal 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 and Map."

BZA
Case No. 17133
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO. 4