**BEFORE THE DISTRICT OF COLUMBIA**
**BOARD OF ZONING ADJUSTMENT**

**Application of 14th and R Partners LLC**
**14th and R Streets, NW**

**PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

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## I. Background

The Subject Property includes Lots 806, 807 and 808 in Square 208 and is currently unimproved. Square 208 is bounded by R Street on the north, 14th Street on the east, Q Street on the south, and 15th Street on the west. The Subject Property is located in the northeast corner of Square 208 and is included in an ARTS/C-3-A zone district.

The Applicant, 14th and R Partners LLC, proposes to develop the Subject Property with a new seven-story multiple dwelling building with underground parking. The building will include seven (7) residential units and approximately 6,472 square feet of retail space on the ground and first floors. In order to proceed with the development, the Applicant seeks approval by the Board of Zoning Adjustment (hereinafter "Board") of variance relief from parking requirements (§2101.1), residential recreation space requirements (§773) and open court requirements (§776.3).

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 variance relief. 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

The test for variance relief is three-part: (1) demonstration that a particular piece of property is confronted with some exceptional condition or situation; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or zone plan.

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**(A) Exceptional Condition or Situation:**

The Applicant will demonstrate that the Subject Property is exceptionally narrow in width, a condition that creates severe restrictions on potential building and parking configurations. Furthermore, the proposed development is required to include core features that are comparable in area to those that would be required for buildings with far more dwelling units. The elevator, multiple stairways, and mechanical equipment occupy approximately 22% of the total building area, significantly reducing the building's efficiency. The Subject Property, currently unimproved, also occupies a prominent space at the corner of 14th and R Streets, NW. This location is one that will benefit significantly from a high-quality residential and retail development.

**(B) Resulting Practical Difficulty:**

The Applicant will demonstrate that the strict interpretation of the Zoning Regulations will result in a practical difficulty upon the Applicant.

**1. Section 2101.1**

Strict adherence to the Zoning Regulations would require the proposed development to include sixteen (16) parking spaces – one (1) space for each two (2) dwelling units and one (1) space for each 300 square feet of retail space above 3,000 square feet. Due to the narrowness and overall limited size of the Subject Property, all parking will be located in an underground garage. Although the garage is designed to include nineteen (19) parking spaces, only four (4) conform to the specifications set forth in the Zoning Regulations because of the space occupied by the access ramp, drive aisles and core. The remaining parking spaces are located in the vault space. In order to achieve the required number of conforming parking spaces, the below-grade garage would need to extend down an unreasonable number of levels, as only a few conforming parking spaces could be accommodated on each one.

**2. Section 773**

Strict adherence to the Zoning Regulations would require that fifteen percent (15%) of the gross floor area dedicated to residential use be provided as recreation space. As the proposed building includes 22,642 square feet of residential space, 3,417 square feet of recreation space would be required.

Recreation space cannot be provided on the roof as an elevator enclosure that would provide access would exceed the maximum height

permitted in the ARTS/C-3-A District. Space on the roof would therefore not be accessible pursuant to ADA requirements.

Additionally, the ARTS Overlay District requires that all buildings with a width of fifty feet (50') or greater that front on 14th Street provide retail uses (among other options) on no less than fifty percent (50%) of the ground level. This requirement eliminates space that could potentially be used for recreation space. Due to both zoning requirements and physical site constraints, the Applicant has no viable additional options for locating residential recreation space within the project.

**3. Section 776.3**

Strict adherence to the Zoning Regulations would require that the width of the open court for the residential portion of the building be at least 26 feet, 8 inches. Due to the exceptional narrowness of the Subject Property, the open court provided is 18 feet, 8 inches – a requested variance of eight (8) feet. If the court was widened, a significant amount of living space would be eliminated on each floor. Specifically, the provision of an additional eight (8) feet in width would eliminate 332 square feet on each residential floor of the building, or a total of 1,660 square feet of living space. In eliminating this space, the remaining living space would be unreasonably limited and narrow.

**(C) No Harm to Public Good or Zone Plan:**

The Applicant will demonstrate that requested relief can be granted without harm to the public good and without threat to the integrity of the zone plan. With respect to the public good, the development of three vacant lots at a prominent intersection will further enhance the community while providing needed residential and retail uses. The proposed development has the unanimous support of the Logan Circle Citizens Association and the Advisory Neighborhood Commission, as well as concept approval from the Historic Preservation Review Board.

The zone plan will not be compromised, as the development adheres to all other components of the Zoning Regulations including those that will foster compatibility with surrounding development. Specifically, the integrity of the Zoning Regulations will be maintained as follows:

**1. Section 2101.1**

Although only four (4) of the parking spaces provided with this project conform to the Zoning Regulations, there will be nineteen (19) usable parking spaces located in the garage. Only sixteen (16) parking spaces are required for the proposed development. Therefore, although a variance is being

sought, there will be ample parking to accommodate both the residential tenants and retail users of the proposed building.

**2. Section 773**

The Applicant is providing private recreation space in the form of terraces for all of the residential units. There will be a total of 1,237 square feet of private recreation space, which represents over five percent (5%) of the total residential gross floor area.

**3. Section 776.3**

Reducing the required width of the open court by eight (8) feet will not impair the integrity of the Zoning Regulations. The court allows for additional light to reach the dwelling units on the western side of the building, a feature that will enhance the experience of building residents.