SATISFACTION OF THE VARIANCE BURDEN OF PROOF

701 Lamont LLC (the "**Applicant**"), requests variance relief so that it may renovate and convert an existing storage facility into a residential apartment building. The Applicant is entitled to variance relief pursuant to 11 DCMR §3103.2, because it can demonstrate that: (1) the physical characteristics of the property make it difficult for the owner to use the property in compliance with the Zoning Regulations; (2) granting the application will not be of substantial detriment to the public good; and (3) granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

The physical characteristics of the building on the Property ("**Building**") make it difficult for the Applicant to use the property in compliance with the Zoning Regulations. Specifically, the conversion of the use from commercial to residential causes a change in the permitted lot occupancy. The Building was built as a commercial structure, for which the maximum permitted lot occupancy is 100%. Because the maximum permitted lot occupancy percentage is only 60% for residential buildings in the C-2-A Zone District, the conversion itself creates a non-conformity as to lot occupancy. There will be no additions or enlargement to the Building other than the proposed changes to the roof structure.

Because this project involves converting an existing commercial building to a residential use, without increasing the size of the Building, the proposed renovations will not be of substantial detriment to the public and will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map. For all of these reasons, the Applicant will be able to satisfy the standards necessary to be granted variance relief in this case.

Document #: 1402707 v.1

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