STATEMENT OF BURDEN OF PROOF
FOR SPECIAL EXCEPTION RELIEF

Potomac Foods (the "Applicant") requests a special exception to continue the parking lot use of the property located at the rear of 4422 Connecticut Avenue, N.W. (Square 1971, Lot 822) (the "Property"). The use originally was approved in 1994 by Order No. 16000 and was renewed in 2000 for four years by Order No. 16541. The Property has been in continuous operation as a surface parking lot with minimal impact on the neighborhood since 1982.

In order to meet the burden of proof for a special exception under § 3104.1, an applicant must demonstrate that the proposed use will be in harmony with the general purpose of the Zoning Regulations and will not tend to affect adversely the neighboring property. The special exception, if granted, will not detrimentally affect the public good or substantially impair the intent, purpose, and integrity of the zone plan because it meets the criteria of 11 DCMR § 214 set forth below.

The Applicant is entitled to a special exception pursuant to 11 DCMR § 214 because it can demonstrate: (1) the parking lot is in an open area, no portion of which extends above the level of the adjacent finished grade; (2) the parking spaces are located in their entirety within 200 feet of the area to which they are accessory; (3) the parking spaces are located across an alley from the Burger King Building at 4422 Connecticut Avenue, N.W.; (4) the parking lot satisfies the requirements of Chapter 23 of the Zoning Regulations; (5) the lot containing the existing two-story building contains eight parking spaces, and it is not feasible to locate additional accessory spaces on the main lot; and (6) there will be no adverse traffic, noise, or other objectionable impacts resulting from the location of accessory parking spaces on the subject site.

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BZA
Case No. 17200
Exhibit No. 7

Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO. 7