BURDEN OF PROOF FOR SPECIAL EXCEPTION

Pursuant to 11 DCMR § 3104.1, for a special exception to allow a reduction in the number of permitted parking spaces under subsections 2101.1 and 2108 at premises 2101 14th Street S.E. (Square 5781, Lot 0847.)

Provisions:

§ 3104.1 SPECIAL EXCEPTIONS

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTION IN WHICH CONDITIONS ARE SPECIFIED
Parking spaces, non-residential – reduction in required amount	Any District	§ 2108

§§ 2101.1 SCHEDULE OF REQUIRMENTS FOR PARKING SPACES

USES	NUMBER OF PARKING SPACES REQUIRED
All districts	1 for each 600ft^2 of gross floor area and cellar floor area

§§ 2108.2 REDUCTION OF PARKING SPACES: AUTHORITY OF THE BOARD

"The amount of required parking spaces shall not be reduced by more than twenty-five percent (25%); provided, that for a use that is the category of "All Other Uses" in the table in § 2101.1, the amount of required parking spaces shall not be reduced by more than fifty percent (50%)."

The gross building area after the proposed work is 19,324SF therefore the allowable minimum number of spaces (19,3241/600) is 33. The existing parking lot provides for sixteen (16) spaces, however the proposed renovation work will provide seventeen (17) spaces.

A fifty percent (50%) reduction in the amount of required spaces is seventeen (17) parking spaces which are provided for in the proposed work. The application seeks the Board to grant permission for the fifty percent (50%) reduction in the number of parking spaces. The existing building, erected in 1968, has always operated with sixteen (16) spaces and that number has proved sufficient for the needs of the users.

BURDEN OF PROOF FOR USE VARIANCE

Pursuant to 11 DCMR § 3103.2, for a use variance from the nonconforming structure provisions under section 2002.4, and 2002.5, to allow renovations, modernization, enlargement and structural alterations to an already existing nonconforming (a fire station) use at premises 2101 14th Street S.E. (Square 5781, Lot 0847.)

Provisions:

§ 3103.2 VARIANCES

"With respect to variances, the Board has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3)(2001) (formerly codified at D.C. Code § 5-424 (g)(3) (1994 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a

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specific piece of property, the strict application of any regulation adopted under D.C. Official Code $8 6- 641.01 to 6-651.02 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.""

§§ 2002.4 NONCONFORMING USES WITHIN STRUCTURES

"Ordinary repairs, alterations, or modernizations may be made to a structure or portion of a structure devoted to a non-conforming use. Structural alterations shall not be allowed, except those required by other municipal law or regulation; provided, that structural alterations shall be permitted to a lawfully existing, nonconforming flat or apartment house located within a Residence District."

The existing use, a fire station (public service use) is intended to remain the same after proposed work is done. The public service use in an R-3 zone was approved at the time of construction and remains approved. Proposed work also includes structural renovation to

1. improve the structural integrity of the building and,
2. structurally support the proposed second floor addition and expansion

The applicant seeks a use variance to allow for modifications to the existing structural system as well as the additional structural work to a nonconforming use building in a residence district. All replaced and new structural work will comply with local codes and regulations.

§§ 2002.5

"A structure devoted to a nonconforming use shall not be enlarged, except if the enlargement is to be devoted to a conforming use."

Construction work will provide an additional 7,437 SF to the existing 11,887 SF. The expansion is part of the modernization of the firehouse station, which is a nonconforming use in an R-3 district. Work includes the addition of the following spaces:

- Female personnel rooms
- Apparatus bay
- Mechanical/Electrical room

The applicant seeks a use variance to allow for the enlargement of a nonconforming use for spaces dedicated to nonconforming uses. The spaces are auxiliary spaces for a fire station (the intended use of the project) and being added to meet all applicable codes as well as the modernization requirements to the fire station.

BURDEN OF PROOF FOR AREA VARIANCE

Pursuant to 11 DCMR § 3103.2, for an area variance for side yard requirements under section 405.6 in the R-3 District at premises 2101 14th Street S.E. (Square 5781, Lot 0847.)

§§ 405.6 SIDE YARDS

"Except as provided in §§ 405.1 and 405.2, a side yard shall not be required in an R-3, R-4, R-5-B, R-5-C, R-5-D, or R-5-E District. However, if the yard is provided, it shall be at least three inches (3 in.) wide per foot of height of building, but not less than eight feet (8 ft.) wide."

The existing conditions (which are to remain) provide for a 5 foot side yard on the west side of the building. The section only applies to the west side yard as the east yard, which sits along 14th street, is covered under subsection 405.5:

§§ 405.5

"A side yard shall not be required along a side street abutting a corner lot in a Residence District."

The applicant seeks an area variance to allow for the west side yard width to remain at five feet (5 ft.) The width of the side yard has remained the same since original construction.