

## Burden of Proof

Attn: Members of the Board of Zoning Adjustment  
441 4th Street, Suite 200 South  
Washington DC 20001

RE: 2032 Belmont Rd, NW- Special Exceptions From Loading Requirements  
(SSL) 2541 0032

By: Matthew J Corell  
DBMC Design LLC  
8701 Georgia Ave, Suite 408  
Silver Spring, MD 20910

### **1. Nature of Relief Sought**

a. Relief from Loading Berth requirements, C901.1, C905.4, & C908 in an RA-2 zone to provide a Loading Berth. This application is by authorization of 11 DCMR Subtitle X, Chapter 9; and Subtitle C, Chapter 909 for relief from 11 DCMR Subtitle C, Chapter 9, Subtitle 901.1 (Service/Delivery); Subtitle C905.4 (Loading Platform); Subtitle C908 (Screening).

### **2. Project Information**

a. **EXISTING CONDITIONS:** The property at 2032 Belmont Road, NW (SSL 2541 0032) has an area of 35,564 sf. The existing, six-story plus basement building, is a Multi-Family Condominium building.

b. **PROPOSED:** The project includes the renovations and grading of the existing rear, alley entry to improved drainage and to provide a loading berth. The existing space limitations do not allow for a required Service/Delivery space; the required loading platform; or the required screening.

### **3. Qualifications of Special Exception**

**Subtitle C, Section 909.1 provides flexibility from the loading requirements when providing the number or dimensions of loading spaces or the access and screening required by this section would be:**

a. *Impractical due to the shape or configuration of the site constraints.*

The space limitations of the property and its relationship to the existing building does not allow for both a Loading Berth and a Service/Delivery space. Additionally, the space limitations prevent the required Loading Platform and the required Screening for the Loading Berth.

Please see the provided: plans, color photographs, and site drawings.

**Subtitle C, Section 909.2 The Board of Zoning Adjustment may grant full or partial relief from the number of loading berths or service/delivery spaces required by Subtitle C § 901.1, or from the size and layout requirements of Subtitle C § 905, as a special exception under Subtitle X, Chapter 9, and subject to the applicant's demonstration to the Board's satisfaction that:**

*a. The use or structure will generate a lower loading demand than the minimum loading standards of Subtitle C §§ 901 and 905 require, as a result of:*

*1. The nature of the use and structure.*

The existing building does not provide a loading berth or a delivery space and isn't required to provide a loading berth or a delivery space since the existing use is grandfathered-in as is, because it existed prior to the issuance of the current zoning code per C201.2.

While we believe this requirement is more applicable for new structures to be built than for existing ones, we are committed to adhering to the greatest extent of the code that we are able to.

*b. The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter or in Chapters 6 or 11 of Title 24 DCMR.*

Per C903.1 all loading berths and service/delivery spaces shall be located within the building or structure the berths or spaces are designed to serve; with the rear yard of the building they intended to serve; or with a court or side yard of the building that they are intended to serve.

*The space limitations of the property and its relationship to the existing building does not allow for both a Loading Berth and a Service/Delivery space. Additionally, the space limitations prevent the required Loading Platform and the required Screening for the Loading Berth.*

Please see the provided: plans, color photographs, and site drawings.

**Subtitle C, Section 909.4 The Board of Zoning Adjustment may grant full or partial relief from the screening requirements of Subtitle C § 908 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the applicant's demonstration to the Board's satisfaction that:**

*a. Existing protective and screening walls on the lot or on adjacent property are adequate to prevent adverse impacts on adjacent property.*

The existing properties contain various screening or walls that would prevent adverse impacts.

**Subtitle X, Section 901.2 provides relief based on satisfying criteria under which may be permitted within the RA-2 zone as a Special Exception as follows:**

*a. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.*

The loading berth shall be in harmony with the general purpose of the code with the amounts, dimensions, location with exceptions as noted above.

*b. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps*

The loading berth shall not adversely affect the neighbors located in the alley as there will now be a dedicated space for all loading and unloading.

*c. Will meet such special conditions as may be specified in this title.*

We shall meet any special conditions as required.

Respectfully,

Matthew J Corell  
Agent of the Owner  
DBMC Design LLC