

**Burden of Proof
Use Variance Application
2210 5th St NE**

To: Office of Zoning
Government of the District of Columbia
Suite 210 South
1441 4th Street NW
Washington DC 20001

From : Gregory J Casten
Owner
2210 5th LLC
1900 Fenwick Street NE
Washington DC 20002

Date October 27, 2025

Gregory J Casten, owner of the property at 2210 5th Street NE hereby applies for a use variance to install (4) four Golf Simulators as required under the Zoning regulations. Subtitle X section 1002.1(b) state that the board is authorized to grant that a use variance where it finds that three conditions exist:

1. The property is affected by exception size, shape of topography or other extraordinary or exceptional situation or condition;
2. The owner would encounter practical difficulties if the zoning regulations were strictly applied or exceptional and undue hardship ; and
3. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning regulations and Map.

As discussed below, and if necessary what will be discussed in the prehearing statement at the public hearing , all three prongs of the area variance test are meet in this application.

1. The property is affected by exception size, shape of topography or other extraordinary or exceptional situation or condition;

The property is a 3,000 sq foot building and its size makes it impossible to meet the zoning regulations. It is also mandatory for the use of any arcade style game in use in any space obtain a specific variance.

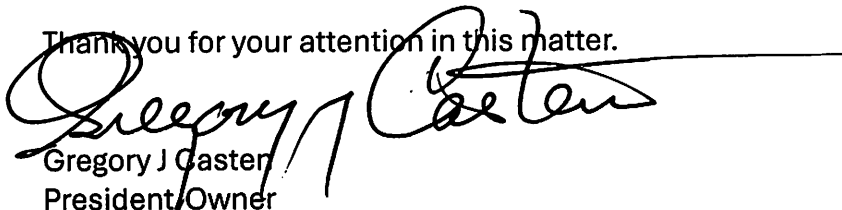
2. The owner would encounter practical difficulties if the zoning regulations were strictly applied or exceptional and undue hardship

Without the variance, the concept for the business will be unobtainable and the idea and concept will not come to fruition. As a result the property would be unused and ultimately remain as abandoned lot or sold or some other INDUSTRIAL based use would have to be identified and implement. The owner would not continue with any development of the property without this use.

3. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning regulations and Map.

The intended use would be inside the premise, is not a noise making device and would not attract crowds larger than the occupancy afforded the space. There would be no reason for any of the neighbors to be effected in any way, other than they might partake in the use of the devices to improve their golf game or for personal enjoyment. We do not see how this would negatively effect the neighborhood in any way – especially considering the use nearby – being a several homes, plus numerous businesses including a storage facility, a convenience store, a catering truck parking facility, a cement manufacturing company, and a members only Alternative lifestyles BDSM Private Club.

Thank you for your attention in this matter.



Gregory J Caster
President/Owner