BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION

Application of Robert and Anne Bass
3232-3240 R Street, NW

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background:

The Subject Property (Square 1280, Lots 96, 97, 98 and 99), 3232-3240 R Street, NW, is improved with the landmark Scott-Grant House along with a number of additional buildings, including a guardhouse, gardener's cottage, and storage sheds. The Subject Property is currently an unoccupied residence.

The Applicant, the Trustees for Harvard University, on behalf of owners Robert and Anne Bass, request special exception review and approval from the Zoning Commission (hereinafter, the "Commission") pursuant to §210.5 of the Zoning Regulations, which authorizes the Commission to permit the interim use of land or improved property with any use the Commission may determine is a proper college or university function. The Subject Property would be used by the Trustees as "swing space" during the period of renovations occurring to the buildings and grounds of nearby Dumbarton Oaks Research Library and Collection ("Dumbarton Oaks")(which renovations are collectively referenced herein as the "Project") for a period currently estimated at five to seven years. The Scott-Grant House will be utilized primarily for administrative offices relocated from Dumbarton Oaks and also for occasional receptions and seminars. The guard house will continue to be utilized as a guardhouse and the garden house will be utilized as the weekday residence of Dumbarton Oaks' Director of Facilities and Services.

In order to proceed with the Project, the Applicant seeks special exception under §§210.5 and 3035.1 of the Zoning Regulations. At the public hearing, the Applicant will show that special exception is appropriate in the instant case, that the interim use of the Subject Property is a proper college or university function, and that the interim use will be located so as not likely to become objectionable to neighboring property.

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony and other evidence to meet its burden of proof to obtain the Board's approval of the requested special exception and variance relief. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

ZONING COMMISSION
District of Columbia
Case
Exhibit
ZONING COMMISSION
District of Columbia
CASE NO.03-07
EXHIBIT NO.10

II. Burden of Proof:

A. Special Exception

The Zoning Commission is authorized by §3035.1 of the Zoning Regulations to hear and decide all applications for special exception approval filed under §210 related to, among other things, the interim use of land or improved property within a reasonable distance of a campus. Pursuant to §210.5 of the Regulations, the Commission may permit the interim use of land or improved property located within a reasonable distance of a college or university campus for any use that the Commission may determine is a proper college or university function.

1. Section 210.5:

As set forth above, with respect to land or improved property that is located within a reasonable distance of a college or university campus, the Zoning Commission is authorized to permit the interim use of said land or property by a proper college or university function, subject to compliance with §210.2 of the Regulations. The Subject Property is located at 3232-3240 R Street, NW, within one block of the Dumbarton Oaks campus, which is operated by the Trustees for Harvard University pursuant to a valid campus plan (approved by the Board of Zoning Adjustment on November 21, 2000 for term of ten years – BZA Order No. 16555).

2. Section 210.2:

This subsection requires that a college or university use be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. In the instant case, the Applicant has a vested and longstanding interest in and relationship with the immediate community. The Trustees of Harvard University have operated Dumbarton Oaks since 1941. As described above, during the course of the Project, the Subject Property will be used to temporarily house seminars, symposia, colloquia and similar in keeping with the mission of the Dumbarton Oaks facility. There will be no increased impact on the neighborhood as there will not be any increase in university activities related to the Subject Property, only a temporary relocation of activities during renovations at Dumbarton Oaks. Likewise, there will be no increase in parking on the Subject Property. Parking required for any activities on the Subject Property will be provided at Dumbarton Oaks.

For all these reasons, and as will be demonstrated at the public hearing, the instant application qualifies for special exception approval pursuant to §210.5 of the Zoning Regulations.