

Burden of Proof
Special Exception Application

From: Jordan Javier
4005 Anacostia Ave NE
Washington DC 20019

To: The Office of Zoning
Government of the District of Columbia
441 4th Street, NW
Suite 210 South
Washington DC 20001

Date: July 9, 2015
Subject : BZA Application, Kitchen Addition

4005 Anacostia Ave NE (Square 0812, Lot 5071)

Natalie Javier, owner of 4005 Anacostia Ave NE, hereby applies for special exception to install a basement kitchen. The covered walkway connection will allow the carriage house to be converted from an accessory structure to an addition to the main house in order to convert it into a legal dwelling unit. The aspects of the proposed project that fall outside the current zoning regulations are as follows:

The existing house is currently conforming to all conditions except that the accessory dwelling will not be more than 25% of the gross floor area. This is because the entire basement is being converted into an accessory dwelling.

02.10 An accessory apartment may be added within an existing one-family detached dwelling if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the following provisions:

- (a) The lot shall have a minimum lot area for the following zone Districts:
- (2) Five thousand square feet (5,000 ft.²) for R-1-B; and

The lot is over the required amount at 6888 SF.

- (b) The house shall have at least two thousand square feet (2,000 ft.²) of gross floor area, exclusive of garage space;

The home has over 2000 SF at 3648 SF.

- (c) The accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house;

The accessory apartment contains over roughly 50% of the gross floor space, it is the entire lower level.

- (d) The new apartment may be created only through internal conversion of the house, without any additional lot occupancy or gross floor area; garage space may not be converted;

The new apartment is created through internal conversion of the house, no additional lot occupancy or gross floor area, or garage space is being converted.

- (e) If an additional entrance to the house is created, it shall not be located on a wall of the house that faces a street;

The basement already contains its own entrance facing the back of the home.

- (f) Either the principal dwelling or accessory apartment unit must be owner-occupied;

The principal dwelling is owner occupied.

- (g) The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6);

The aggregate number of people is 5.

- (h) An accessory apartment may not be added where a home occupation is already located on the premises; and

- (i) The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (h) of this subsection; provided, that the following occurs:

Not more than 2 required are being waived.

- (1) The owner-occupancy requirement of paragraph (f) shall not be waived;

Is not being waived.

- (2) Any modification(s) approved shall not conflict with the intent of this section to maintain a single-family residential appearance and character in the R-1, R-2, and R-3 Districts; and

- (3) Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a use variance.

This is not applicable.

3104 SPECIAL EXCEPTIONS

3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be **in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps** and **will not tend to affect adversely, the use of neighboring property** in accordance with the Zoning Regulations and Zoning Maps,

This home will keep in harmony the intent of the zoning regulations and zoning maps.