GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

# MEMORANDUM

DATE: May 21, 2002

TO: District of Columbia
Board of Zoning Adjustment

THROUGH: JLS for
Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: BZA Case No. 16823 Supplemental Report
Humberto Gonzalez – 1720 16th St., NW
Square 178 Lot 800

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## *Summary*

The applicant, Humberto Gonzalez, the owner of 1720 16th St., NW, seeks approval of a use variance to convert 1720 16th St., NW to an 11-bedroom Bed and Breakfast. A Bed & Breakfast is permitted as an accessory use to a residential use in an R-5-D District. The building is a contributing structure to the 16th Street historic district; therefore, DCMR Title 11, §203.8(c), permits six (6) bedrooms to be used as sleeping rooms in the Bed and Breakfast subject to special exception approval.

**Recommended Action:**
The Office of Planning recommends that the Board approve the variance request for an 11-bedroom bed and breakfast.

BZA
Case No. 16823
Exhibit No. 50
Board of Zoning Adjustment
District of Columbia
CASE NO.16823
EXHIBIT NO.50

## *Update*

The applicant has filed a revised application requesting a use variance from the provisions of §350.4. Originally, the referral from the zoning administrator recommended a variance from §203.8(c), which limits the development of bed and breakfasts to six bedrooms. Bed and breakfast uses under this section are accessory to a single-family dwelling use. However, since a home occupation as a residential accessory use is established for all residential zones, many restrictions are imposed on home occupations in §203. Some of these are problematic for the applicant in his proposal for an 11-bedroom bed and breakfast. Namely, the following provisions:

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| §203.4(a) | A home occupation shall be clearly secondary to the use of a dwelling unit for residential purposes; |
| §203.4(d) | No more than one (1) person who is not a resident of the dwelling unit shall be engaged or employed in the home occupation; |
| §203.4(g) | Neither the practitioner nor any other person shall conduct or allow any operations outside a structure, |
| §203.4(l) | Vehicular trips to the premises by visitors, customers, and delivery persons shall not exceed eight (8) trips daily on a regular and continuing basis; |
| §203.4(m) | The practitioner shall have no more than eight (8) clients or customers on the premises in any one (1) hour period; |

Since the intent of the applicant is to operate an 11-bedroom bed and breakfast in the R-5-D zone it is simpler to consider this application as a use variance from the provisions of §350.4, which delineates the uses permitted as a matter-of-right in the R-5 district.

## *Project Description*

Except for the section from which relief is requested there are no changes from the project described in OP's original report. However, subsequent to that report there is an agreement pending with neighbors, the Dupont Circle Citizen's Association and the Advisory Neighborhood Commission. The draft agreement contains provisions for handling events, deliveries, lighting, parking, music, alcoholic beverages, expansion, and trash. In addition, the agreement sets up a liaison committee to monitor and enforce the agreement.

## *Zoning Analysis*

Though relief under §203 is no longer required, the intent of these provisions is to control the impacts of home occupations on residential neighborhoods. Most of these controls and more are covered in the proposed agreement. The intent of the Dupont Circle Overlay and R-5 districts combined with the agreement create a use, which is compatible with the purposes of the zone plan. A scan through the matter-of-right uses allowed in the R-5 district would reveal a number of uses that are as intense or more intense than the proposed use. The proposed bed and breakfast is an ideal use to preserve the existing historic structure and provide an economically viable means to sustain the preservation effort.

## Variance Tests

This analysis, as provided in the original report, is not altered by the change in relief sought. With the proposed agreement in place the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

## *ANC Recommendation*

At the time of this report ANC2B is awaiting finalization of the voluntary agreement. It is anticipated that an agreement will be signed prior to the public hearing.

## *Recommendation*

The Office of Planning recommends approval of BZA application 16823 requesting a variance from the restrictions of §350.4 in accordance with §3103. This recommendation is conditioned on a favorable recommendation from the Historic Preservation Review Board and suitable assurances regarding operation of the Bed and Breakfast regarding parking and special events, preferably in the form of a written agreement with the neighborhood.