CASE SUMMARY

Toutorsky Mansion
Permission to Expand Bed and Breakfast
(10 Guest Rooms; 2 Non-Resident Employees (FTE))

I. Zoning Relief Requested

A. Advertised Relief

1. Use variance for: (a) 11 or more[1] rooms; (b) 6 employees -- full-time equivalent ("FTE"); and 24 events (unrelated to B&B guests) per year.

B. Modification to Relief Requested

1. Special exception pursuant to § 203.10(b) to modify two home occupation standards:

   (a) increase number of guest rooms from 6 to 10; and

   (b) increase number of non-resident[2] employees from 1 to 2 (full time equivalent).

2. Special exception relief is appropriate given that only two modifications are proposed. See BZA Order No. 16333 (Swan House B&B) attached hereto as Exhibit "A" with relevant provisions highlighted in yellow.

BZA Case No. 16823 Exhibit No. 60

[1] The word "more" was mistakenly added to the advertisement. It was not in the application.

[2] One additional employee will reside on the premises.

Board of Zoning Adjustment
District of Columbia
CASE NO.16823
EXHIBIT NO.60

3. In the event that the BZA determines that a use variance is required, Applicant's case will also address variance criteria.

C. Change in Relief Requested from Previous Submission and Advertised Relief

1. The request to allow events unrelated to guests of the B&B is withdrawn.

2. Only limited social functions hosted by registered guests will be held with a maximum number of 24 per year. Such events are a customary, incidental use associated with B&Bs as upheld by the District of Columbia Court of Appeals in Dupont Circle Citizens Association v. District of Adjustment ("Swan House") (749 A.2d 1258) a copy of which is attached hereto as Exhibit "B" with relevant provisions highlighted in yellow.

3. The number of employees has been reduced as a result of the reduction in number and scope of events planned and a decision to contract out some housekeeping tasks.

4. The number of guest rooms has been reduced by one. This room will be occupied by an individual who will reside on the premises and be employed by the bed and breakfast.

D. Change in Relief Requested Does Not Pose a Notice Deficiency

1. Zoning Commission and BZA have routinely ruled that an advertised application which is broader in scope than relief requested does not pose a notice problem.