PART 4.D. CONTINUED (FORM 121 – BURDEN OF PROOF)
OF THE
APPLICATION OF DAVID P. FRANKEL
FOR A SPECIAL EXCEPTION TO CREATE AN ACCESSORY APARTMENT
AT 4336 GARRISON STREET, N.W., WASHINGTON, D.C. 20016-4035
SQUARE 1655, LOT 0016

How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map:

Given the decline in the population of the District of Columbia over the past few decades as indicated in the decennial censuses, Mayor Anthony Williams declared during his second inaugural address of January 2, 2003 that it is "our goal to bring 100,000 residents to the city within 10 years." *See* http://www.dc.gov/mayor/speeches/speech.asp?cp=6&id=76. Further, as part of his Housing Initiative, Mayor Williams wrote on May 22, 2001: "To build our tax base, and support the strong local and regional employment sectors, the city needs to encourage additional housing development across the income spectrum." *See* http://dcbiz.dc.gov/services/housing_initiative_data1.shtm. In this regard, certain neighborhoods present ideal opportunities for increased housing density because of their proximity to transportation links and DC-based businesses.

Our property is located less than one block west of Wisconsin Avenue, about 2.5 blocks east of River Road and about 3 blocks south of Western Avenue – three major thoroughfares between the District of Columbia and Maryland. It is also located just 2.5 blocks from the Jennifer Street entrance to the Friendship Heights Metro stop on the Red Line. There are numerous banks, restaurants and other commercial and retail establishments located within five blocks of our house. Some examples are Rodman's Drug Store, the Cineplex Odeon Cinema and Subway (all on the corner), Safeway, T.J. Max, Mazza Galerie, Border's Books, Linens 'n Things, Eddie Bauer, Chevy Chase Pavilion, Lord & Taylor and Hecht's. These transportation links and business establishments make our house an ideal location for creating additional housing in the District of Columbia.

In addition, our neighborhood is a strong mix of detached and attached single family residences. This mixed housing character is conducive to the placement of accessory apartments in detached single family residences.

The entrance to our proposed accessory apartment will not be visible from Garrison Street or from any other street. The front elevation of the current house will not be altered in any way to accommodate the accessory apartment. This property will continue to maintain the character and appearance of a single family detached house.

RECEIVED
D.C. OFFICE OF ZONING
2003 JAN 15 AM 9:07

BZA
Case No. 16992
Exhibit No. 7

Board of Zoning Adjustment
District of Columbia
CASE NO. 16992
EXHIBIT NO. 7

How allowing the use will not adversely affect the use of the neighboring property – i.e., traffic, noise, lighting, etc.:

Prior to David Frankel's purchase of this property in November 1986, the previous owner, an elderly widow, lived in the house and rented out two rooms to unrelated tenants without any complaints from neighbors. Owners of several of the houses in our neighborhood either rent out rooms or apartments, or the entire houses are themselves rentals. Given the nature of our neighborhood, we have never complained about this rental situation and we do not anticipate that anyone in our neighborhood will complain about our proposed accessory apartment – especially since we will continue to live here along with our tenant for many years.

The small accessory apartment we have planned is best suited for one person, or perhaps a couple without children. We do not smoke or own any pets and we will not permit our tenant to smoke or own pets. We value our privacy and, given the fact that we will continue to live in the principal residence, we have the same incentive as our neighbors to make sure that our tenant does not make any excessive noise. To date, no neighbor has ever asked us to make less noise and we do not anticipate this changing if we have a tenant.

The owner of the property that will be most affected by our proposed accessory apartment is Ida Kunz. Mrs. Kunz owns the property located at 4340 Garrison Street, N.W. (Square 1655, Lot 815), the house immediately to the west of our property, and the entrance to our proposed accessory apartment faces Mrs. Kunz' house. **Mrs. Kunz has submitted a letter *supporting* our proposed special exception zoning application for this accessory apartment**. A copy of Mrs. Kunz' letter is attached hereto and is incorporated herein by reference.

Another neighbor, Janet Bachman of 5012 44th Street, N.W., has sent us an e-mail message (also attached) in response to our efforts to inform neighbors in writing about our request for a special exception for our proposed accessory apartment stating that she has "no problem" with our request for a special exception for the accessory apartment and characterizing our home construction project as "wonderful" and a long term benefit for the entire neighborhood. She also notes that "several" neighbors already have tenants in their houses.

The addition of one tenant or even a couple is not likely to have even a slight impact on traffic or parking in our neighborhood. Given our proximity to Metro's Red Line (Friendship Heights Station) and the bus lines along Wisconsin and Western Avenues, it is possible that our tenant could reside in an accessory apartment without the need for a motor vehicle. Indeed, our own car sits unused in our garage most of the time. Moreover, parking is simply not an issue here. There is typically significant excess parking available on our block because (1) we and most of our neighbors use our garages and driveways to park our own cars; and (2) there are no houses or other buildings located across the street from our house and most of the other houses on our block. Rather, the lot across the street from our houses is a large vacant lot. If parking were ever to pose a problem, we could simply park an additional car on our driveway.

We are making no changes to the exterior lighting of our house to accommodate this proposed accessory apartment. Any lighting modifications will be internal to the basement area of the house and should have no impact on the neighborhood or our immediate neighbors.

The entrance to our proposed accessory apartment will not be visible from Garrison Street or from any other street. The front elevation of the current house will not be altered in any way to accommodate the accessory apartment. This property will continue to maintain the character and appearance of a single family detached house.