Respected members ofthe Z ING COM SSION.

My name is David Maxwell and I represent ANC-2B.
Thank you for the opprotunity to appear before you in representing the views of my neighbors and my constituents inthis sensitive issue of Home O

The ANC wants to , first, recognize the importance of retaining health care Professionals in our neighborhoods. We agree that zoning regulations concerning Physicians and dentists should be left alone but moved to section 203.2. As long as they use the structure for their principal residence they should be exempt from 203.2(i).

Other measures that the ANC wishes to have addressed are as follows:

We need strong, specific wording to insure that "home occupations" are indeed operated by the owners or occupants who reside witthin the affected property.

Garages should be counted as residential space. No garage Parking should be displaced as a result of "home occupations".

Definition for "accessory use" needs to be developed. it should include wording to the effect that it be Just an accessory and not assume control of the affected Premises.

Definition for "transient accomodation" needs to be developed. These businesses, inarguably "inns" or "hotels", can currently camoflague themselves as "bed and breakfast" spots and invade our residential zones. They skirt the tax and revenue laws and they seriously destabilize and undermine the residential qualities of our neighborhoods.

Sect203.2(j), Pertaining to sale Parties for solocitation of orders, needs further development. A number of People living in residential apartments think that apartments should have seperate standards.

We want the Zoning Commission to recognize the need to have strong language against the use of flammables or combustibles in these "home occupations"

And, we want the Commission th take a strong view against any Practice which allows an inappropriate and unseemly flow of customers to develop.

With some of the above in mind the ANC wishes to submit the following definitions for inclusion into Sect 199.9

Accessory Use - incidental use of a structure which shall not occupy more than 33 1/3 % of the floor area.

Home Occupation - a home occupation is any gainful occupational or Profession engaged in by the occupant of a dwelling unit which is used as his/her Principal residence.

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20 APR 1987
ZONING COMMISSION
CASE No. 86-29
EXHIBIT No. 85 A

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Case No. 17079
Exhibit No. 17

Board of Zoning Adjustment
District of Columbia
CASE NO. 17079
EXHIBIT NO. 17

Such home occupation must be compatible with the neighborhood and is an accessory to the unit. No stock in trade is kept nor any commodity sold upon the Premises.

Principal Residence - where one is domiciled for more than 75% of any consecutive twelve month Period.

This ANC has sought to streamline the proposed regulations affecting "home occupations" and I think that the Commission members can agree with that once they have had a chance to review our recommendations. Many specific "home occupations" have been deleted from our proposals in the interest of making it simpler to accomodate non-offensive home occupations as long as they meet the requirements set forth in our proposals.

Once again I wish to thank the Zoning Commission for the time to speak to this issue.

20 APR 1987
ZONING COMMISSION
CASE No. 86-29
EXHIBIT No. 85 B

4/20/87

ANC-2B TEXT RECOMMENDATIONS TO CASE NO. 86-29 (HOME OCCUPATIONS)

OP Proposal

203 HOME OCCUPATIONS (R-1)

203.1 The purpose of the home occupation provisions is to permit home occupations as accessory uses, provided that they are compatible with the neighborhood in which they are located. The intent is to protect residential areas from adverse effects of activities associated with home occupations while permitting residents of the community the opportunity to use the home as a workplace and source of livelihood under restrictive conditions. A home occupation is any gainful occupation or profession engaged in by an occupant of a dwelling unit which meets the requirements of this section.

203.2 A home occupation must comply with all of the codes and ordinances of the District of Columbia, and the following general conditions and requirements:

(a) A home occupation shall be incidental to the use of a dwelling unit for residential purposes. No more than forty (40%) percent of the floor area of the dwelling unit may be used in connection with a home occupation, including any space used for storage of materials and products. The floor area of a dwelling unit, in this case, shall include the floor area of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit, including basements and habitable attic space. No more than 300 square feet of an accessory building may be utilized and shall be counted, if utilized, in the base floor area and the maximum percentage of floor area permitted.

(b) No persons other than a resident of the dwelling unit shall be engaged or employed in the home occupation, and the number of residents employed at the subject home shall not exceed two (2).

ANC-2B Recommendation

203.1 UNCHANGED

203.2 UNCHANGED

203.2(a) A home occupation shall be incidental to the use of a dwelling unit for principal residential purposes. No more than thirty-three and one third (33 1/3%) percent of the floor area of the dwelling unit may be used in connection with a home occupation, including any space used for storage of materials and products. The floor area of a dwelling unit, in this case, shall include the floor area of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit, including basements and habitable attic space. Nomore than 300 square feet of an accessory building may be utilized and shall be counted, if utilized, in the base floor area and the maximum percentage of floor area permitted.

(NOTE:Garages should be counted as residential space. No garage parking should be displaced as a result of home occupations.)

203.2(b) No persons other than a resident of the dwelling unit shall be engaged or employed in the home occupation, except as otherwise specified. Persons with demonstrated physical handicaps may be permitted special consideration by the Board as provided by Subsection 203.6; and

OP Proposal

(c) No alteration of the residential appearance of the subject home shall occur, including creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the business.

(d) There shall be no outside operations, outside storage, or display of materials or products.

(e) The home occupation shall not displace nor impede the use of required parking spaces, including any business storage in required garage parking areas.

(f) No mechanical equipment is to be utilized, except that which is necessarily, customarily, or ordinarily used for household or leisure purposes. No equipment or process shall be used which creates visual or audible electrical interference in radio or television receivers outside the subject home, or causes fluctuations in line voltage outside the subject home.

(g) The use shall produce no noise, obnoxious odors, vibrations, glare, nor fumes detectable to normal sensory perception outside the subject home.

(h) Not more than two (2) vehicles, and no commercially licensed vehicle shall be utilized in the business.

(i) Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence; in any case not more than five (5) business visitors per day and not more than two (2) deliveries of products or materials per week shall be permitted.

(j) No sale of products, other than telephone sales, shall be permitted at the subject home, except that two (2) sale parties for the purpose of soliciting orders or sales may be held annually; each event at the subject home not to exceed twenty (20) persons

ANC-2B Recommendation

203.2(c) No alteration of the residential appearance of the subject home shall occur, including creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the business or structural alterations of the interior.

203.2(d) UNCHANGED

203.2(e) UNCHANGED

203.2(f) No equipment or process shall be used which creates visual or audible electrical interference in radio or television receivers outside the subject home, or cause fluctuations in line voltage outside the subject home.

203.2(g) The use shall produce no noise, obnoxious odors, vibrations, glare, flammable or combustible agents, nor fumes detectable to normal sensory Perception outside the subject home.

203.2(h) Not more than two (2) vehicles.

203.2(i) Visitors or deliveries shall not exceed that normally and reasonably occuring for a residence; in any case not more than five (5) business visitors Per day and not more than two (2) deliveries of Products or materials Per week shall be Permitted and, all retail sales are Prohibited.

203.2(j) unchanged

	Of Proposal	ANC-2B Recommendation
	(k) The exterior of the subject home may have only one (1) non-illuminated, flush-mounted sign, not exceeding 144 square inches in area and indicating only the name of the occupant and the type of occupation.	203.2(k) The exterior of the subject home may have only one (1) non-illuminated, flush-mounted sign, not exceeding 72 square inches in area and indicating only the name of the Principal resident.
	(l) An applicant for a home occupation shall obtain an occupational license if required by District of Columbia Code.	203.2(l) UNCHANGED
203.3	A home occupation is permitted only by means of a Home Occupation Permit or as a special exception approved by the Board of Zoning Adjustment. A Home Occupation Permit is a permit issued for a home occupation without a public hearing. Both types of permit granted by these provisions are granted to a designated person or persons residing at a residential address. No such permit is transferable from person to person or from address to address.	203.3 A home occupation is Permitted only by means of a Certificate of Occupancy. C of O granted by these Provisions are granted to a designated Person or Persons residing at a residential address. No such Permit is transferrable from Person to Person or from address to address.
203.4	The following uses shall be allowed as home occupations, provided that the conditions specified in Subsection 203.2 are met at the establishment of the home occupation and on a continuing basis, as authorized by a Home Occupation Permit:	203.4 Delete with specific items either moved or deleted.
	(a) Tutoring of not more than three (3) students at any one time, except that tutoring of music students shall be limited to one (1) at a time, without amplification of instruments, and solely within the subject home.	203.4(a) Delete
	(b) Child Development Home.	203.4 The ANC feels that Child Development Homes should be moved to 203.6 and restricted to no more than one (1) Per 600-foot radius.
	(c) A maximum of two (2) roomers or boarders in the subject home.	203.4(c) Delete. Dealt with under transient accomodations.
	(d) Dressmaking, sewing and tailoring.	203.4(d) Delete
	(e) Painting, sculpturing, writing, composing, or other fine arts occupations practiced by individuals in home studios, with the allowance that up to sixty (60%) percent of the floor area of the dwelling unit may be devoted to the studio.	203.4(e) The ANC recommends that this be handled under "Artists' Studios" rulemaking. As an accessory use it should be subject to the laws Pertaining too accessory uses. If it is not an accessory use it should be handled as an exception.

Of Proposal	ANC-2B Recommendation
(f) Home crafts, such as model-making, rug weaving, lapidary work, and cabinet making.	203.4(f) Delete. Move cabinetmaking to 203.6.
(g) Home cooking and preserving.	203.4(g) Delete
(h) Caterer, provided that no more than two (2) meals per week, serving no more than twenty (20) persons each, shall be prepared at the subject home and shall be served elsewhere.	203.4(h) Delete
(i) Telephone answering service and telephone sales.	203.4(i) Delete
(j) Computer programming.	203.4(j) Delete
(k) Typing or word processing service.	203.4(k) Delete
(l) Mail order business, provided that no retail sales shall occur at the subject home.	203.4(l) Delete
(m) Home office of a professional person, scientist, clergyman, inventor, or academician, provided that consultations with clients, colleagues, employees, students or other affected persons shall not occur at the subject home.	203.4(m) Delete
(n) Office of a salesman, including real estate agent, or manufacturer's representative, provided that no customers visit the subject home and the only business transactions occurring at the subject home are by telephone.	203.4(n) Delete
(o) Office of a physician or dentist, with the allowance that one (1) person not residing at the subject home may be employed so long as that person is not a physician or dentist.	203.4(o) ANC recommends that this paragraph be moved to sect 203.2 and be replaced by current regulations.

OP Proposal	ANC-2B Recommendation
(p) Bed and Breakfast facility, offering rooms and breakfast to guests on a daily basis, provided that the following requirements shall be met:	203.4(P) Move to 203.6 and modify AS FOLLOWS
(1) Breakfast is the only meal served and is served only to overnight guests;	203.4(P)(1) Continental breakfast is the only meal served and is served only to overnight guests;
(2) The maximum number of sleeping rooms in the facility is two (2), except that by special exception pursuant to Subsection 203.6(b), the number of sleeping rooms may be increased to four(4);	203.6(e)(2) The maximum number of sleeping rooms in the facility is two (2) rooms housing up to four (4) persons;
(3) One (1) parking space, in addition to the required parking for the dwelling unit, shall be provided for each sleeping room devoted to guest use;	203.4(P)(3) One (1) offstreet parking space, in addition to the required parking for the dwelling unit, shall be provided for each sleeping room devoted to guest use;
(4) No cooking facilities shall be permitted in any of the rented rooms; and	203.4(P)(4) UNCHANGED
(5) The rooms shall be rented out less than 100 nights in a 12-month period, and no stay shall exceed fourteen (14) days.	203.4(P)(5) The ANC needs the Zoning Commission's guidance on the matter of the number of nights rented out in a 12-month period. 100 nights seems too few but 365 nights seems to be too many.
	203.4(P)(6) No more than one (1) "bed and breakfast" within 600 foot radius.
203.5 The following uses are considered inherently unsuited to be practiced as home occupations and are accordingly prohibited:	203.5 Unchanged
(a) Any retail service or other use specified in Subsections 701.1, 701.4, 721.2, 721.3, 741.2, 741.3, 751.2(b), and 801.6; and	
(b) Any use prohibited in Subsection 902.1.	

	OP Proposal	ANC-2B Recommendation
203.6	Home occupations not specifically permitted or prohibited in this section may be permitted as special exceptions by the Board of Zoning Adjustment, provided that the following requirements shall be met:	203.6 Home occupations not specifically prohibited in this section may be permitted as special exceptions by the Board of Zoning Adjustment, provided that the following requirements shall be met, including obtaining a Certificate of Occupancy;
(a)	The proposed use and conditions related to its operation and the subject home shall comply with the requirements of Subsection 203.2;	203.6(a) unchanged
(b)	An applicant for a home occupation which is specifically permitted by Subsection 203.3 may request of the Board a modification of no more than two (2) of the conditions enumerated in Subsection 203.2, provided that the intent of the Home Occupation provisions is complied with. In no case shall more than one (1) person who is not a resident of the subject home be permitted as an employee of the home occupation, and that person shall not be a co-practitioner of the profession;	203.6(b) An applicant for a home occupation which is permitted may request of the Board a modification of no more than two (2) of the conditions enumerated in Subsection 203.2, provided that the intent of the Home Occupation Provisions is complied with. In no case shall more than one (1) person who is not a resident of the subject home be permitted as an employee of the home occupation, and that person shall not be a co-practitioner of the profession;
(c)	Any request to modify more than two (2) of the requirements found in Subsection 203.2 shall be deemed a request for a use variance. However, persons with demonstrated physical handicaps may be permitted special consideration by the Board, and requests for more than two (2) modifications of the Home Occupation requirements in this instance shall be considered as special exceptions governed by this Subsection; and	203.6(c) Delete
(d)	In considering requests for approval under this Subsection, the Board may impose conditions relating to operating conditions of the home occupation, parking, screening, or other requirements as it shall deem necessary to protect adjacent and nearby properties consistent with the purposes of the Home Occupation provisions.	203.6(d) unchanged

OP Proposal

ANC-2B Recommendation

ADDITIONAL ITEMS FOR THE ZONING COMMISSION TO CONSIDER IN FORMULATING THE NEW REGULATIONS

1. The ANC would like to see that "home occupations" are operated by the owners or occupants who use the affected property as their principal residence.

2. Garages should be counted as residential space. No garage parking should be displaced as a result of home occupations.

3. Definitions for "accessory use" and "principal residence" need to be developed.

4. The Zoning Commission can take this opportunity to define what a "transient accomodation" is. These businesses, inarguably "inns" or "hotels", can currently camoflague themselves as "bed and breakfast" spots and invade residential zones. They skirt the tax and revenue la and they seriously destabilize and undermine the residential qualities of our neighborhoods.