# ADVISORY NEIGHBORHOOD COMMISSION 2D
2153 California Street, NW
Washington, DC 20008

December 26, 2004

Jerrily R. Kress, FAIA
Director, Office of Zoning
Government of the District of Columbia
441 4th Street, NW, Suite 210-S
Washington, DC 20001

RE: **BZA Application No. 17260 for 2224 R Street, NW**

Dear Ms. Kress:

I, Sandra Perlmutter (Chair ANC 2D), am writing with authorization to present this report regarding Application of 2224 R Street, LLC, pursuant to 11 DCMR § 3104.1, for a special exception to establish a 10 room bed and breakfast as a home occupation under subsection 203.10, and modifications under subsection 203.10(b), to allow 10 sleeping rooms (subsection 203.8(c)(1), and to allow more than 8 clients/customers on the premises in any one hour period (subsection 203.4(m), in the D/R-3 District at premises 2224 R Street, N.W. (Square 2512, Lot 13). The issues and concerns of the ANC regarding residential zoning as indicated in the attached ANC 2D resolution have been addressed by the DC Office of Planning to our satisfaction (see attached correspondence December 14, 2004, Ellen McCarthy, Deputy Director, Office of Planning, hereby incorporated as part of ANC 2D's resolution of September 20 and of this letter of December 26, 2004).

With proper and due notice, Advisory Neighborhood Commission 2D, met on Monday, September 20, 2004, at Our Lady Queen of the Americas Church, 2200 California Street, Washington, DC to consider said application. Both commissioners were present which constituted a quorum. ANC Chair/Secretary Sandra Perlmutter and Vice Chair/Treasurer MaryEva Candon voted in support of the applicant's special exception as outlined in the attached resolution. Therefore, since it appears that our interpretation is correct, that granting an exception to allow a bed & breakfast in our ANC will not IN ANY WAY alter the residential status of our neighborhood, we unanimously recommend approval of said application and the adoption of this report.

Most sincerely,

Sandra Perlmutter
Chair, ANC 2D

Attachments

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2004 DEC 29 PM 3:16

BZA
Case No. 17260
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17260
EXHIBIT NO. 26

**Resolution Re: 2224 "R" St,NW/Proposed Bed & Breakfast**

**Whereas**, ANC 2D, the Sheridan/Kalorama neighborhood, wishes to maintain its residential zoning designation, and

Whereas, a bed & breakfast that is the principal residence of its practitioners is defined as a "home occupation" and its principal use is deemed to be residential in DC Zoning Regulations, and

Whereas, a bed & breakfast as defined by DC Zoning Regulations does not alter the residential zoning designation and is permitted as a "special exception" by the Board of Zoning Adjustment, allowing more than two guest rooms but leaving the zoning as residential (DC Regs 203.10), and

Whereas, because a bed & breakfast maintains a residential zoning designation, ANC 2D interprets a bed & breakfast as part of the 2/3rds "residential-type land use" for purposes of determining the Diplomatic Overlay Zone, and

Whereas, if voting in favor of a home-occupation residential bed & breakfast at 2224 "R" St, NW in any way threatens the residential zoning of ANC 2D or threatens our effort to encourage residences ("embassies") rather than chanceries in our diplomatic overlay zone, our approval for such will be rescinded;

Therefore, ANC 2D approves the Saba's application for a "special exception" to operate a bed & breakfast at 2224 "R" St, NW as a "home occupation" in that it will be their principal residence as well.

Signed: _____ _____

Sandra P. Perlmutter, Chairman/Secretary

MaryEva Candon, Vice-Chair/Treasurer

Date: September 20, 2004

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

December 14, 2004

**BY ELECTRONIC MAIL AND FIRST-CLASS MAIL**

Sandra Perlmutter, Chair/Secretary
MaryEva Candon, Esq., Vice-Chair/Treasurer
Advisory Neighborhood Commission 2D –
Sheridan/Kalorama
2153 California Street, NW
Washington, DC 20005 USA

Re: Interpretation of DCMR Sec. 203 inclusive as it applies to "special exception" (203.10) application for a B & B at 2224 "R" St., NW in ANC 2D2; BZA Application 17260

Dear Mss. Perlmutter and Candon:

Thank you for inquiry regarding the zoning ramifications of a Bed and Breakfast (B & B) home occupation being granted as a special exception by the Board of Zoning Adjustment (BZA). Specifically you asked if:

1) Granting a special exception to allow a B & B will affect the neighborhood zoning, which is currently R-3; and,

2) Will the granting of a B & B special exception alter the classification of this property as residential for purposes of calculating the mix of uses on the square as it pertains to the Diplomatic Overlay?

The principal use of the structure will remain a one-family detached dwelling. The addition of the B & B use is only permitted in the R-3 zone as an accessory use under §321.1.1(a), which references the accessory uses permitted in §202. Section 202 permits accessory uses "incidental to the uses permitted… provided, that particular requirements for each use are met." Among the list of accessory uses permitted are home occupations subject to the provisions of §203 (§202.9). The conditions of §203 help to distinguish whether or not the home occupation is "incidental" and to mitigate any adverse affects of the home occupation on the residential character of the neighborhood. Therefore, the granting of a special exception does not change the zoning, but ensures that the proposed accessory use does not impact the residential neighborhood.

Two provisions of §203 specifically protect against the home occupation changing the character of the neighborhood. Section 203.4(c) requires the home occupation to "maintain the residential character and appearance of the dwelling unit and lot." Section 203.5 further controls the appearance of the property with strict limitations on signage. The fact that the principal use is single-family residential with an

accessory B&B home occupation and that there are substantial controls on the residential appearance of the property combine to ensure that this property will continue to be viewed as a residential property.

In order to change the residential zoning, a zoning map amendment would need to be filed with the Zoning Commission; the Board of Zoning cannot change the zoning of a neighborhood through its actions. Furthermore, any action that the Zoning Commission could take "cannot be inconsistent with the Comprehensive Plan". Square 2512, as well as squares to the north and south are designated "Low Density Residential" on the Generalized Land Use Map, therefore the Office of Planning would not recommend any non-residential zoning for the area.

Given the above, it follows that if the Office of Planning were required to provide analysis of the mixed-use ratio between residential-type uses and office, institutional and other land uses on the square, as was done for the implementation of the Mixed-Use Diplomatic Overlay District, it would designate a B & B as a residential-type use.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Ellen McCarthy
Deputy Director, Office of Planning