BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of 2224 R Street, LLC
2224 R Street, N.W., Washington, D.C.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background

A. Introduction

Laura and Raymond Saba, the managers of 2224 R Street, LLC (the "Applicants" or the "Sabas") seek to establish a Bed and Breakfast ("B&B") in their home at 2224 R Street, N.W., Washington, D.C. (the "Subject Property"), and request special exception relief under Section 203.10 and 3104.1 of the Zoning Regulations to establish a B & B with 10 guest sleeping rooms. The house at 2224 R Street, which is currently vacant, is being renovated by the Sabas for use as their principal residence. Pursuant to Section 203.10(b), the Sabas wish to increase the number of permitted sleeping rooms to ten under section 203.8(c)(1). They also wish to have more than eight clients at the site in any one hour period, pursuant to Section 203.4(m).

B. The Property

Located in the Sheridan-Kalorama Historic District, the Subject Property is improved with a three-story detached single family dwelling. The Subject Property is zoned D/R-3. The Sabas purchased the property for use as their sole residence in November 2003, with the intent to operate a B&B out of their home. Prior to their purchase, the house had been used for over 50 years for diplomatic purposes, most recently as a rooming house and chancery office for 28 male officers in the Taiwanese Military Attaché. The house was left vacant for ten years after the Taiwanese government's departure in 1993, and the condition of the house deteriorated considerably. The Sabas have been renovating the building since their purchase last year and are returning the residence to its once elegant appearance, in keeping with its contributing status to the historic district.

II. Compliance with Burden of Proof

A. Section 203.10 and 3104

Section 203.10 permits an applicant for a home occupation that is neither permitted nor prohibited under Sections 203.4 through 203.9 to be permitted subject to special exception relief from the Board. Section 203.10(b) of the Zoning Regulations provides that an applicant for a B&B home occupation (as permitted under sections 203.6 through 203.8) may request the Board to modify no more than two (2) of the conditions enumerated in sections 203.4 through 203.8, provided the applicant complies with the general purposes and intent of home occupation

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regulations. Further, section 3104 of the Zoning Regulations states that the Board may grant special exception relief if, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property. The proposed modifications will be in harmony with the general intent and purpose of the home occupation provisions and Zoning Regulations, and will not adversely affect neighboring property, as set forth in greater detail below.

B. Increase in the Number of Rooms (§ 203.8(c)(1))

The house at 2224 R Street, N.W. is listed as a contributing building to the Sheridan-Kalorama Historic District. Therefore, pursuant to section 203.8(c)(1) of the Zoning Regulations, the maximum number of sleeping rooms for a B&B is six. The Sabas seek to increase the number of sleeping rooms to ten. Because the house was previously used as a rooming house for up to 28 persons by the Taiwanese government, the large house was extensively altered on the interior to include a large number of sleeping rooms. The Sabas wish to reconfigure the existing rooms to accommodate ten guest rooms.

The increase to ten rooms is appropriate for a house of this size and is consistent with previous approvals of the Board of Zoning Adjustment. *See* BZA Case Nos. 16025, 16333, 16793, 17079 and 17194.

C. Increase in the Number of Clients at the Site (203.4(m))

To the extent that the Board considers guests of a B&B to be "clients" or "customers", the Sabas also request a modification of section 203.4(m), which limits the number of clients or customers on the site in any one hour to eight people. If all guest rooms are occupied at night, there will be more than 8 guests on site. The Sabas request permission for more than 8 clients on the site in any one hour.

The increase in the number of guests will not have any adverse impacts on the residential quality of the neighborhood. Because a B&B is significantly different from a hotel or inn, which include a significant number of services and products (i.e., restaurants, gift shops and other retail uses), the additional number of guests will not generate additional pedestrian or business traffic to the site.

III. Conclusion

Based on the foregoing, the Sabas meet the burden of proof for special exception relief for establishment of a B&B, and to modify two provisions of the B&B regulations. Through its prehearing statement, and testimony at the hearing, the Sabas will supplement and further demonstrate compliance with the regulations.

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