

March 18, 2016

Board of Zoning Adjustment

Applicant's Preliminary Burden of Proof Statement

This statement is submitted on behalf of Frances Seymour (the "Applicant"), owner of the property location at 525 Park Road 5517 Carolina PL NW in the R-1-B zone district, is located near the intersection of Park Road and Warder Street, NW. The property currently has two existing structures, 1 two story brick house, and 1 two story garage apartment.

The Applicant is planning to convert an existing building at the rear of her property into an accessory dwelling unit. To do so, the Applicant is requesting a Special Exception under 11 DCMR 202.10:

An accessory apartment may be added within an existing one-family detached dwelling if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the following provisions:

- (a) The lot shall have a minimum lot area for the following zone Districts:
 - (1) Seven thousand, five hundred square feet (7,500 ft.²) for R-1-A;
 - (2) Five thousand square feet (5,000 ft.²) for R-1-B; and
 - (3) Four thousand square feet (4,000 ft.²) for R-2 and R-3;
- (b) The house shall have at least two thousand square feet (2,000 ft.²) of gross floor area, exclusive of garage space;
- (c) The accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house;
- (d) The new apartment may be created only through internal conversion of the house, without any additional lot occupancy or gross floor area; garage space may not be converted;

- (e) If an additional entrance to the house is created, it shall not be located on a wall of the house that faces a street;
- (f) Either the principal dwelling or accessory apartment unit must be owner-occupied;
- (g) The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6);
- (h) An accessory apartment may not be added where a home occupation is already located on the premises; and
- (i) The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (h) of this subsection; provided, that the following occurs:
 - (1) The owner-occupancy requirement of paragraph (f) shall not be waived;
 - (2) Any modification(s) approved shall not conflict with the intent of this section to maintain a single-family residential appearance and character in the R-1, R-2, and R-3 Districts; and
 - (3) Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a use variance.

The regulations state that the accessory apartment must be added within the single family detached dwelling. To achieve this, the owner will construct a covered trellis to create a substantial connection between the existing single family detached house and the existing building. Therefore under 202.10, subsection (i), we are asking the board to waive requirement 202.10 subsection (d). No other subsections need to be waived.

Granting a special exception will allow for the applicant to rent out the building at the rear of her property. The surrounding area is comprised of single family detached houses. Since the conversion requires only the addition of a covered trellis to connect the two existing buildings, it will have minimal effect on the light, air, and views of adjacent properties.