

**Burden of Proof Statement**  
5200-4<sup>th</sup> Street, NW  
Request for exception/variance

Rule 253.1 states that "One (1) accessory apartment may be established in an R zone, subject to the provisions of this section."

Rule 253.5 states, "Either the principal dwelling or accessory apartment unit shall be owner-occupied for the duration of the accessory apartment use."

I am applying for a use variance from U.253.5 to allow the principal dwelling unit and the accessory apartment at my home at 5200-4<sup>th</sup> Street, NW 20011 to not be owner-occupied. Currently, I live in South Carolina and will be here for the immediate future. Therefore, I would like to keep both the principal dwelling unit and the accessory apartment rented to two separate families as it currently is. I currently have responsibility for my 95-year-old aunt and cannot be out of the city for extended periods of time. However, we would like to keep our options open to possibly return to DC to live some part of the year. Until (and unless) that time, I hope to keep both parts of the house rented as it currently is. Even if we return, I plan to keep part of the house rented.

General Provision 1000.1 states:

"With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

See below for an explanation of how my property meets each of the requirements for the variance.

**1. Extraordinary or Exceptional Situation or Condition of a specific piece of property.**

The house is located on a corner lot with the main entrance on 4th Street and the lower/basement level entrance on Hamilton Street. The lower level entrance is designed as to possibly give the appear as the entrance to a separate house. The house has been rented to two (2) families for over 30 years. When I bought the house, the owner indicated that the basement could be rented as a separate unit and even had a separate address, in keeping with the neighborhood appearance. I understand that the separate address could no longer be found, but it did have one at one time.

2. **The Strict Application Would Result in Peculiar and Exceptional Practical Difficulties to or Exceptional and Undue Hardship upon the Owner of the Property.**

To be unable to rent the house to two families will be an undue hardship as I would have to evict one or both of the tenants, both of which have called this address home for approximately 9 years. I cannot move to DC at this time as I am the only family member in Aiken, SC to help my 95-year-old aunt. I would also have to spend time and money to come to DC and stay in DC to oversee the major changes necessary to restore the property to a single-family home, and then change it back when I am ready to move into the house. This could be costly. I have kept the rent low for the area, helping to ensure affordable housing to DC residents. I have not raised the rent since the tenants moved in. Just this past year I have incurred major expense to separate the electricity for the house so that each tenant now has to pay their own electric bill. Before this time, I was paying the electric bill for the house.

3. **The Relief can be Granted Without Substantial Detriment to the Public Good and Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan as embodied in the Zoning Regulations and Map.**

To have the house continue being rented to two families will not negatively impact the zoning district or the neighboring properties. Both the basement and upstairs units have had very stable tenants. The current tenants have lived there for approximately 9 years. Thus, maintaining the stable neighborhood objective. Likewise, the previous tenants were there approximately the same amount of time if not more. Tenants in both units are small families, again in keeping with the zoning objectives. Although my house is in keeping with the single-family home appearance and concept, there are apartments at the end of the 4<sup>th</sup> street block as well as on the next block on 4<sup>th</sup> Street. Granting this variance will not adversely affect the use of neighboring properties and will not be of detriment to the public good – it doesn't increase traffic, noise or lighting. It looks like other houses in the neighborhood.

My home has been rented to two families almost continuously since I purchased it in 1981. At first, I lived upstairs and rented out the basement. When I moved, I rented out upstairs as well, so two families rented the house. During this time, I have never to my knowledge had a complaint from my neighbors.