

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

I am applying for a variance from use provisions of 320.3 to officially convert my single-family home at 5200-4th Street, NW 20011 into a two flat/two family (the lower level/basement separate from the upper level) home instead of a single-family home. The neighborhood is currently zoned for single family homes (primarily row houses in the neighborhood with some 4 flat apartments). However, I am currently renting it as a two flat in noncompliance. It has been rented as a two flat almost continuously since I purchased the house in 1981. In the early days, 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.

When I bought the house, the owner indicated that the basement could be rented as a separate unit and even had a separate address. However, at this point, as I or the tenants didn't use that separate address, it seems to have disappeared.

The basement apartment has a separate entrance which is on Hamilton Street and could even appear to be an entrance to a separate home in keeping with the neighborhood appearance. 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.

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.

Although my house is in keeping with the single-family home appearance and concept, there are apartments at the end of the 4th street block as well as on the next block on 4th Street.

I have had to move back to South Carolina to take care of family responsibilities. However, I have an experienced management company that ensures that the house is properly maintained.

I spoke with the ANC representative, Mr. Aaron Polkey, and he indicated that they are scheduled to discuss this issue at their meeting on November 20th. I am sending letters to my neighbors within 200 square feet to inform them of my request and the ANC meeting.

Gwendolyn Keita