

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

Rule U 201.1 states that "In all R zones, one (1) Principal dwelling unit per lot of record shall be permitted as a matter of right." I am applying for a use variance from U.201.1 to use my single-family home at 5200-4th Street, NW 20011 as a two flat/two family home (the lower level/basement separate from the upper level).

The Board of Zoning Adjustment is authorized to grant special exceptions under title 901.2 where , in their judgment the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and zoning Maps:
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in this title.

Regarding 901a, 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. 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.

Regarding 901b, in addition to the issues addressed above (re 901a), 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.

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

Regarding Subtitle X 1002.1, which states:

- (b) "An applicant for a use variance must prove that.....the strict application of a zoning regulation would result in exceptional and undue hardship upon the owner of the property."

My home has been rented as a two flat 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. To be unable to rent the house as a two flat will be an undue hardship as I would have to evict one of the tenants, both of which has called this address home for approximately 9 years. I would have to

spend time and money to come to DC and stay in DC to oversee the change over to a single-family home and to ensure I had a tenant willing to pay rent for the entire house. I have kept the rent low for the area, helping to ensure affordable housing to DC residents. I have not raised the rent, however, this past year each tenant has had to also pay their own electric bill (I separated the electric).

Gwendolyn Keita