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DATE: August 8, 2013

TO: DC Board of Zoning Adjustment

RE: 5144 Nebraska Avenue, NW (Zoned R2) – Application for Special Exception, specifically: The Resident/Owner of an existing semi-detached house in an R2 Residential District, wishes to convert part of the existing basement living area into an Accessory Apartment. The only required physical changes for this are the addition of a cooking stove and the insertion of two interior doors.

-Application item #5D. A detailed statement of existing and intended use:

- Existing: The existing use of the house is as a single-family residence. The current use of the basement today is as a basement living room, wet bar, extra bedroom, bathroom, laundry area and storage.
- Intended Use: The proposed use is as a single-family residence with an accessory apartment in the basement.
 - Three proposed physical changes:
 1. Adding a stove to the existing wet bar in the basement.
 2. Adding one interior door on the basement bedroom.
 3. Adding one interior door at the bottom of the stairs, in the basement.

-Application item #5E. A detailed statement of specific tests outlined in the Zoning Regulations for a Special Exception (Section 202.10, special exception provision):

Generally: Because the subject property is located in an R2 district, a special exception is required for creating an accessory apartment within the existing residence, provided the listed criteria of Section 202.10 are met. The Board is allowed to waive up to two of the listed criteria.

202.10 Stipulation of type of house where Accessory Apartment can occur

-Required: Single-Family "Detached" House

-Existing: Single Family "Semi-Detached" House

-Condition not met, modification requested (Modification #1)

202.10.a.3. Minimum required lot area for R2 District:

-Required: 4000 SF

-Existing: 4630 SF

-Condition met, no change.

202.10.b. Minimum GSF of House:

-Required: 2000 GSF

-Existing: 2520 GSF

-Condition met, no change.

202.10.c. The accessory apartment may not occupy more than 25% of GSF of the house:

-Required: 25%

-Provided: 22.5%

-Condition met

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EXHIBIT NO. 4

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202.10.d. Apartment must be created without additional lot coverage or GSF nor can a garage space be converted:

-**Required AND Provided:** A total internal conversion, and not related to existing garage.

-**Condition met**

202.10.e. Additional entrance must not face street:

Entrance is on below-grade wall that faces street, however there is another wall parallel to the entrance wall and located between the entrance and the street; This creates a below-grade areaway, under the existing front porch, that is marginally visible and mitigates any sense of an "additional entrance".

Condition not met; Modification requested (Modification #2)

202.10.f. Either principal dwelling or the accessory apartment must be owner-occupied:

-**Required:** Owner occupancy

-**Provided:** Owner will occupy main house

-**Condition met**

202.10.g. The aggregate number of persons in the house shall not exceed six

-**Required:** 6 or less persons

-**Provided:** 2-3 persons likely but never more than 6

-**Condition met**

202.10.h. Accessory apartment not allowed where a home occupation exists:

-**Required:** No home occupation allowed.

-**Provided:** The owner does not have and has no plans for a home occupation.

-**Condition met**

202.10.i. The Board may waive not more than two of the above listed requirements provided:

202.10.i.1. Owner-occupancy requirement shall not be waived: **Condition met**

202.10.i.2. Must maintain single-family appearance & character: Exterior conditions do not change from existing. Apartment access is discreet as entrance areaway is below grade and the house is elevated from the front sidewalk. **Condition arguably met**

202.10.i.3. More than two waivers of listed requirements not allowed for special exception:
Condition met.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Eagleburger', followed by a long horizontal line extending to the right.

Phil Eagleburger, AIA, (Agent for Rosalyn Millman, Owner of 5144 Nebraska Avenue, NW)