
Case 21404, 5034 Nebraska Ave NW

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I am writing to formally object to the proposed expansion of 5034 Nebraska Avenue NW.

As a long-time homeowner and resident on this block, I am astonished that such an extreme expansion proposal is being seriously considered. The proposed addition would dramatically alter the character of the property, impose burdens on neighboring homes, and appears inconsistent with both the spirit and letter of the applicable zoning regulations.

Before addressing my specific objections to the plans, I believe it is important to consider the track record of the current owner. The property has been poorly maintained for an extended period of time. The grass has not been cut in approximately a year, the shrubbery has been allowed to grow unchecked, and neighboring residents have experienced a significant rat infestation associated with the condition of the property. When an owner demonstrates so little regard for the impact of his property on surrounding neighbors, it is difficult to take seriously assurances that a substantially larger project will be managed responsibly. The proposal appears motivated primarily by maximizing profit rather than by any genuine effort to improve the property or contribute positively to the neighborhood.

The site plan itself is troubling. The proposed addition would consume virtually the entire rear yard, leaving only the minimum area necessary to accommodate a single parallel parking space. The resulting structure would loom over 5032 and 5036 Nebraska Avenue and block light and the flow of air across the rear yards. What makes this especially perplexing is that the property has a generous front yard. If additional square footage were truly the objective, expansion toward the front of the property would be far less intrusive to neighbors while also creating a more attractive and functional residence, with additional parking and a usable rear yard. Instead, the proposal seeks to maximize building mass at the expense of neighboring properties.

The plans may avoid explicitly describing the project as an Accessory Dwelling Unit (ADU), but they unmistakably create two separate living spaces. Even a casual review of the floor plans makes this evident. While I do not object in principle to additional housing options, I do object to the apparent lack of transparency. The design appears carefully crafted to avoid parking requirements and other regulations that would apply to a true two-unit configuration. It strains credibility to suggest that a property effectively containing two dwelling units and five bedrooms requires only a single parking space.

Several nearby homeowners have received zoning relief for additions in recent years. However, those projects are not comparable. The properties that obtained variances had significantly deeper rear yards, allowing additions that were far less intrusive and far more compatible with neighboring homes. Those approvals should not be viewed as precedent for a proposal of this scale on a substantially more constrained lot.

Board of Zoning Adjustment
should not be
CASE NO. 21404
EXHIBIT NO. 35

As a licensed real estate professional with more than two decades of experience in the DMV, I am intimately familiar with the market on Nebraska Avenue and in the surrounding neighborhood. I am not against development but I am against someone coming onto our beloved block and changing the character of the neighborhood by creating a massive eyesore that towers and behind every home on the block. This will forever change the block and for what? My prediction is that the developer will either lose money or make a meager profit that wasn't worth his time. He will get to move on from this project but this block will be stuck with it in perpetuity.

Since 2004, I have personally listed nearly every property that has come to market on this section of Nebraska Avenue. The most recent sale on this side of the street was a fully renovated end-unit townhouse that sold in 2022 for \$1,250,000. That property was located farther from the Exxon station and included three parking spaces. More recently, I listed and sold 5103 Chevy Chase Parkway, a detached single-family home which share the alley with the 5000 block of Nebraska Ave. This property has a large yard and over-sized garage and closed at a sales price of \$1,935,000.

Against that backdrop, the apparent assumption that buyers are eagerly searching for a \$2 million center-unit townhouse directly across from a 24-hour gas station is optimistic, to put it politely. If that is the economic rationale behind this proposal, the market is likely to provide a reality check that zoning regulations should not be asked to provide. This neighborhood is predominantly composed of single-family homes. Buyers who choose attached housing typically do so because it offers a more affordable alternative, not because they are seeking detached-home pricing without detached-home amenities.

Like several people who have written before me, I will quote the regulatory standards that, I believe, uphold my objections:

Under Subtitle D 5201.4, an applicant for special exception relief has the burden to justify a proposed special exception. As it stands, there is no question that the proposed home addition and ADU will have a "substantially adverse effect on the use or enjoyment" of 5032 Nebraska Ave and 5036 Nebraska Ave. The regulations further state, "specifically (a) the light and air available to neighboring property shall not be unduly affected. (b) The privacy of use and enjoyment of neighboring property shall not be unduly compromised..... (c) The proposed addition ... as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the street and alley frontage" To grant these exceptions, the exceptions must "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and . . . not tend to affect adversely the use of neighboring property." None of these prerequisites are true here.

(b) Zoning compliance issues

In Form 135 - Zoning Self-Certification the Applicant certifies that they request an exception to the requirement for "1, 5 ft. (existing Nonconforming)" side yard. However, D § 208.7 stipulates that "an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.)." The Applicant mistakenly reads this to require a single, five-foot (5 ft.) side yard. The intent of the zoning code in question is clarified by the language of two earlier clauses in the same code, D -§§ 208.2 & 208.3, which require "(2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.... one (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings." The Applicant's property is only a rowhouse due to its nonconforming (non-existent) side yards. The Applicant cannot further exacerbate this nonconformity by assuming that the non-conforming side yard renders the structure a "semi-detached" building that requires only a single 8-foot side yard. In fact, two eight-foot side yards are required for the structure itself. This interpretation is consistent with the zoning regulations as a whole, which do not permit extensions of nonconforming structures, and which therefore require an interpretation in which a minimum side yard clearance applies to new construction based on the number of exposed side walls in the new structure. In a structure with two exposed side walls (a fully detached building) two eight-foot (8 ft.) side yards are required; in a structure with one exposed side wall (a semi-detached building), one eight-foot (8 ft.) side

yard is required on the exposed side. Accordingly, D § 208.7 must be interpreted as requiring an extension with two exposed side walls, such as that proposed by Applicant to have a minimum five-foot (5 ft.) side yard on each exposed side, to protect the light and air of both adjacent neighbors. See A-§ 101.1(a) (rules of interpretation).

Thank you for your consideration.

Sincerely,

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