

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of Biemmnet S. Eshete**  
**5113 2<sup>nd</sup> Street, NW (Square 3399, Lot 25).**

**I. INTRODUCTION.**

This Statement is submitted on behalf of Biemmnet S. Eshete, the owner of the property located at 5113 2nd Street, NW (Square 3399, Lot 25)(the “**Property**”). The Property is located in the RA-1 zone district and is currently improved with a four-unit apartment building (the “**Building**”). The proposed project (the “**Project**”) consists of adding two units in the cellar of the existing Building for a total of six units. New residential developments in the RA-1 zone require special exception relief pursuant to U-421. The Zoning Administrator’s interpretation of what constitutes a “new residential development” under U-421 includes the conversion of the floor area of an existing apartment house that adds any new dwelling units. Accordingly, the Project requires special exception approval pursuant to Section U-421 of the D.C. Zoning Regulations.

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the special exception approval requested pursuant to Subtitle X-901, and U-421.

**III. WITNESSES**

The Applicant anticipates that Alexandra Wilson from Sullivan & Barros will lead the presentation and that someone from the architecture team will be available for questions.

**IV. BACKGROUND.**

**A. Description of the Property and Surrounding Area.**

The Property is a rectangular lot with a land area of 4,150 square feet. The Applicant is proposing to add two new dwelling units in the cellar level of the Building. Abutting the Property to the north is 5119 2<sup>nd</sup> Street, NW, a four-unit apartment building. Abutting the Property to the south is 5109 2<sup>nd</sup> Street, NW, a four-unit condo building. Abutting the Property to the west is 2<sup>nd</sup> Street, NW. Abutting the Property to the east is a public alley. The area is made up of a mix of multi-family buildings and some single-family homes. In 2022, the corner lot, 5131 2<sup>nd</sup>, was approved by the Board (Case No 20801) for a similar proposal to add two units in the cellar.

In terms of the surrounding infrastructure, the Fort Totten Metro is located approximately one-half of a mile (0.5 miles) from the Property. The Property is located approximately one block from New Hampshire Avenue and several bus stops. There are a number of Charter Schools and Public Schools nearby, as well as some low-density commercial uses to the north, near the intersection of Missouri, Kansas, and Kennedy Street. The area is made up primarily of residential use and more specifically, multi-family use.

**B. Description of the Proposed Project.**

The Applicant proposes to add two family-sized units in the cellar of the existing Building on the Property. The Applicant is not altering the existing Building exterior envelope and the only changes to the exterior will be the addition of window wells on the front and sides, for egress. The plans show trash bins adjacent to the parking area, as well as roll up doors along the alley to screen the parking spaces. The Applicant is proposing a 6-foot-high fence along the side lot lines.

**V. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X § 901.2, AND U § 421.**

**A. General Special Exception Requirements of Subtitle X § 901.2.**

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including low-rise apartments, which are permitted with the approval of a special exception, as has been requested in this case for the proposed internal expansion of the existing apartment building. The proposal would not include additions to the building, so the height, bulk and form would remain consistent with the intent of the zone. Therefore, the request is in harmony with the general purpose and intent of the Zoning Regulations and Zoning maps.

**B. Specific Requirements of U § 421.**

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

The Zoning Administrator's interpretation of what constitutes a "new residential development" under U-421 includes the conversion of the floor area of an existing Apartment house that adds any new dwelling units. Accordingly, the proposed conversion of the cellar area to two new units shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section:

**Section 421.2: The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:**

**(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and**

It is expected that the Office of the State Superintendent of Education will not have an issue with the increase in residents from two additional units. According to DC Public Schools online Enrollment Boundary System Information, the following public schools are considered "in-boundary" schools for the Building: Barnard Elementary School, MacFarland Middle School, and Roosevelt High. All DC public students eligible for grades K-12 have a guaranteed right to enroll in their respective in-boundary schools.

**(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.**

The Applicant is providing four parking spaces where one is required. There are some small retail options near the property, as well as bus stops within walking distance and a metro stop approximately one-half mile. As the Applicant is only proposing two new units, is providing four parking spaces, and the Property is located close to the metro and other amenities, the new residents should be adequately served by the surrounding public streets, recreation, and other services.

**Section 421.3: The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.**

The Applicant is not altering the existing Building footprint. The Applicant will defer to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they

relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

**Section 421.4: In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.**

The Applicant has submitted a site plan and set of typical floor plans and elevations. The Applicant has provided information about proposed landscaping on the site plans and elevations. The proposal is not subject to GAR requirements and therefore the Applicant is not submitting GAR sheets. The Applicant is requesting to waive the requirement for an existing and proposed grade plan as the grade is not being altered. The Applicant is not proposing any new rights-of-way of easements.

**VI. CONCLUSION.**

For the reasons stated above, this Application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested special exception approval.

Respectfully submitted,

*Alexandra Wilson*

---

Alexandra Wilson  
Sullivan & Barros, LLP  
Date: December 27, 2024