



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

Applicant's Statement of Henry Gonzalez and Risa Tochiki  
For 5012 Nebraska Avenue NW (Square 1879 Lot 0038)

**I. Introduction and Nature of Relief Sought**

This application is submitted on behalf of Henry Gonzalez and Risa Tochiki (the Applicant), owner of the property located at 5012 Nebraska Avenue NW (Square 1879 Lot 0038). The property is located in a R-2 zone district. There is an existing two-story, with cellar, semi-detached, single-family row dwelling located on the property. The Applicant is proposing improvements to the existing structure to include a rear addition and an ADU in the cellar of the property. The application includes relief for a special exception from the 10-foot rule (D-207.4), 12' relief.

**II. Jurisdiction of the Board**

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2, D-5201.

**III. Proposed Project**

The property is an interior lot, semi-detached structure located in a R-2 zone district and is 4,513sf in land area. To the southeast of the property is Nebraska Avenue NW. Adjoining the property to the southwest is 5010 Nebraska Avenue NW, a two story, single-family, semi-detached row-dwelling. Neighboring the property to the northeast is 5016 Nebraska Avenue NW, a two story, single-family, semi-detached row-dwelling. To the northwest of the property is a public alley. This block of Nebraska Avenue, NW, between Fessenden Street NW and Connecticut Avenue NW is primarily made up of single-family, semi-detached, row dwellings.

Existing on the property is a two-story single family, semi-detached row dwelling, including a cellar and two above-ground levels. The Applicant is proposing improvements to the existing structure to include a rear addition and an ADU in the cellar of the property. The rear addition will extend 22' past the adjoining rear wall of the attached neighbor to the southwest. Other than the 10' rule, the proposed addition meets all development standards for a R-2 zone district.

**IV. The Application Meets the Requirements for Special Exception Relief**

**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 judgement of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not

tend to affect adversely the use of neighboring properties, subject also to the specific requirements for relief under D-207.4.

**1. Granting of the Special Exception will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.**

The granting of the Special Exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The property is located in a R-2 zone district. The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings. The proposed rear addition to the existing semi-detached, row-dwelling will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

**2. The granting of the special exception will not tend to affect adversely the Use of the neighboring properties in accordance with the Zoning Regulations and Zoning Maps.**

The granting of the Special Exceptions will not adversely affect the use of the neighboring properties as described in detail below.

**B. Specific Special Exception Requirements of Subtitle D-5201 (10' Rule)**

The Board's discretion in reviewing applications for a Special Exception under the Zoning Regulations is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, then the Board ordinarily must grant the application.

The Applicant is seeking relief in order to extend twenty-two feet (22') beyond the adjacent property to the southwest, pursuant to D-5201.4(a). The Applicant is seeking 12' of relief from Subtitle D-5201.

**5201.4**

***An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:***

***(a) The light and air available to neighboring properties shall not be unduly affected;***

The addition will not unduly affect the light and air available to the adjacent properties as the proposed addition extends only 12 feet beyond the southwest walls of the 10-foot rule. See Applicant provided shadow study showing a negligible impact of the proposed addition.

***(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;***

The proposed addition shall not unduly compromise the privacy of the use and enjoyment of the neighboring properties, as the Applicant is not proposing windows adjacent to the neighboring property at the southwest side of the addition.

***(c) The proposed addition or accessory structure, together with the original building, or the proposed new building, 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; and***

The requested relief will not substantially visually intrude upon the character, scale, and pattern of the house as viewed from Nebraska Avenue NW. The view from Nebraska Avenue NW, will remain unchanged from what is a matter-of-right development. The character, scale, and pattern of the houses as viewed from the alley will not be substantially intruded upon.

***(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition, new building, or accessory structure to adjacent buildings and views from public ways.***

The applicant has provided all graphic representations, plans and elevations, photographs, sections, and renderings to represent the relationship of the proposed addition to the neighboring row dwellings.

#### **IV. The Application Meets the Requirements for Special Exception Relief.**

#### **V. Conclusion**

For the reasons stated above, this Application meets the requirements for Special Exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Sincerely,

Gregory Kearley, AIA, LEED AP