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**Proposed Interpretation re:  
Habitable Attic Exemption (Section 3.3.3.C of Subchapter F)**

- (1) To qualify for the "attic exemption" from Gross Floor Area under Section 3.3.3.C of Subchapter F, a habitable portion of an attic must meet each of the following requirements:
  - (A) As measured in accordance with Subsection 3.3.4, fifty-percent (50%) or more of the exempted portion of the attic must have a height of less than 7 feet, but more than 5 feet.
  - (B) The exempted portion of an attic must be limited to rooms used for human occupation, including but not limited to spaces used for living, (sleeping, eating, or cooking and all bathrooms, toilet rooms, circulation spaces and laundry rooms), working (home office, studio), and recreation (entertainment, exercise).
  - (C) Consistent with the staff memo by Daniel Word, dated July 29, 2008, the exempted portion of the attic must be fully contained within the roof structure and cannot extend beyond the footprint of the floor below.
- (2) This interpretation supersedes any conflicting interpretation previously issued by staff, including but not limited to the memo of Erica Eichert dated April 4, 2007.

1-11-12

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## Board of Adjustment Motion Sheet

January 9, 2012 BOA Meeting

**Case No. C15-2011-0110 Sarah Lynn Hill and John Deigh, 3704 Bonnell Drive**

### ***Boardmember's Motion:***

"I move to reverse the Director's interpretation of the 'habitable attic' exemption under the McMansion ordinance, as reflected by staff's approval of the permit at 3704 Mount Bonnell Drive, and to replace it with the following interpretation. Staff should prepare a memo including this interpretation and make it available to reviewers and the public."

### ***Text of Interpretation:***

- (1) To qualify for the "attic exemption" from Gross Floor Area under Section 3.3.3.C of Subchapter F, a habitable portion of an attic must meet each of the following requirements:
  - (A) As measured in accordance with Subsection 3.3.4, fifty-percent (50%) or more of the exempted portion of the attic must have a height of less than 7 feet, but more than 5 feet.
  - (B) The exempted portion of an attic must be limited to rooms used for human occupation, including but not limited to spaces used for living, (sleeping, eating, or cooking and all bathrooms, toilet rooms, circulation spaces and laundry rooms); working (home office, studio), and recreation (entertainment, exercise).
  - (C) Consistent with the staff memo by Daniel Word, dated July 29, 2008, the exempted portion of the attic must be fully contained within the roof structure and cannot extend beyond the footprint of the floor below.
- (2) This interpretation supersedes any conflicting interpretation previously issued by staff, including but not limited to the memo of Erica Eichert dated April 4, 2007.

### ***Findings:***

After the Board concludes its deliberations and any amendments have been clearly noted, a boardmember should make the following findings before calling for a vote:

- (1) There is reasonable doubt or difference of interpretation as to the specific intent of the habitable attic exemption under the McMansion ordinance; and
- (2) The resulting interpretation approved by the Board will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.

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Board of Adjustment

January 9, 2012 Board Meeting

Case D-1 #C15-2011-0110 Sarah Lynn Hill and John Deigh, 3704 Bonnell Drive

Exhibit "A"

Modification of the diagram included in the memo of Erica Eichert, dated April 4, 2007

