

To the Commissioners at BZA,
With this letter, we would like to apply for an area variance for our residence located at 1214 Kearney St NE.

First, a little background. Over a year ago we hired a contractor to construct a 13x18 addition to the back of our single family home in Brookland (R-1-B). He took care of the permitting and inspection process and then began building the structure. He framed and enclosed the entire addition and then he unfortunately disappeared - leaving us to sort out the mess, including most of the inspection process. After calling a surveyor to do a wall check, we were told that the distance between the side of the addition and our neighbors' property line was about 6 feet. (or almost 7 feet, if measured from the foundation piers).

In an email from 12/18/12 (attached) , Mr. Justin Bellow at the Permit Operations Division informed us that the side yard distance regulations require the setback to be 8 feet in an R1B zone. Unfortunately, we were also informed that our house does not qualify for the 5 foot side yard set-back exemption, because the existing 1925 structure, sits about 3 feet from the property line. Normally section 11-405.8 would allow an addition to sit 5 feet from the side property line if the existing structure is at least five feet from the neighboring property and built before 1958. However, the existing 1925 structure sits about 3 plus feet from the property line, which seemingly does not make it eligible for section 11-405.8 exemption.

As homeowners, we hope that the addition would qualify for a variance because:

- 1) The 13ft wide addition, as built, is already substantially narrower than the 22 foot wide existing house. Making it narrower, would substantially decrease the utility of the addition. We plan on using the first level as a family room, and the second level has been designed as an expansion of the upstairs bedroom. The existing bedroom is too small for a queen-sized bed, and the addition would provide enough room to set up a bed with room to walk on both sides. The rest of upstairs space has been designed as a traditional sleeping porch. The addition could not be expanded toward the other side of the house, because that side contains the basement exit stairs and our driveway.

- 2) We believe that the light and air available to neighboring property of 1218 Kearney St is not unduly affected, because even with the addition, our house is still smaller than the abutting house. (See attached **Letter of Support** from our neighbors at 1218 Kearney Street). The neighboring house also sits substantially higher than our property; thus providing light and air. Specifically, the neighboring driveway and basement are elevated above the foundation and first level of our

house, so that the addition does not infringe on the main levels of 1218 Kearney Street. The existing almost 10 foot wide driveway between 1214 and 1218 Kearney Street also ensures that the space between the two houses will remain unencumbered. With the room on our side yard added in, this would leave almost 16 feet between our addition and our neighbor's house at 1218 Kearney Street.

3) Most importantly, we believe that the addition does not affect how our neighbors use their side yard or any other part of their property: their driveway runs along the side of their house to the back of their house. The addition in no way compromises the access or use of their driveway or the access to their back entrances.

4) We believe that any light from the addition will not unduly affect the neighboring property at 1218 Kearney Street. The windows facing towards 1218 Kearney are small and narrow, measuring about 1.5 ' high x2.5w. They were put in for cross-ventilation and were kept small to ensure privacy in the bedroom and family room.

5) We believe that the addition has been designed in keeping with the general character of other houses on the street and in the neighborhood. The addition reflects the 1925 Craftsman bungalow design, and is in scale with the rest of the house. Since the house sits slightly elevated from street, the addition, together with the original building, is not unusual or especially noticeable from the street. (see photo)

6) Having put our trust in our contractor that everything was up to code, we unfortunately have been left with substantial unanticipated costs in trying to finish the addition. We are still trying to recoup the money from the contractor, who absconded with a substantial sum and did not finish the work for which he was paid. As it stands, our decision to pursue this addition has already imposed a substantial financial burden – even before the additional costs associated with finishing the project will be added up.

7) We believe that the problem with the side yard setback arose after our contractor submitted a plat that misrepresented the side yard property line in the initial application for a Building Permit. Unfortunately, as homeowners, we only became aware of these issues after the fact. Had we been aware of the regulations in the beginning, we would have approached the matter in a completely different way – either applying for zoning relief before any construction had started.

8) Finally, since the spirit of the Zoning Code does seem to allow for some

relief to the 8 foot rule (specifically, where some side yards only need to be 5 feet), and our addition as built does sit about 6 feet from the side property line, we hope that addition is not inconsistent with the general intent, purpose and spirit of the Zoning Regulations.

9) Finally, we ask you to consider the fact that since we are longtime residents and homeowners in the District (in this house since 2001), we are not looking to sell or turn a profit on the work that is being done. We are instead looking to update our house in a way that will accommodate our active family for many years to come. We are very happy living in Brookland, enjoy our neighborhood and great neighbors and hope to spend many more years living at 1214 Kearney St. NE.

We would like to thank you for considering our case. Please feel free to contact us with any further questions or concerns.

Sincerely,

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