

1336 Emerald Street NE - Jacobs Addition

Owner/Applicant **Hiroshi and Anna Jacobs**
 1336 Emerald Street, NE
 Washington, DC 20002
 ANC 6A

STATEMENT OF THE APPLICANT

This statement outlines the existing and proposed conditions of the property and the manner in which the application complies with the specific tests and burden of proof for the variances sought in this application before the Board of Zoning Adjustment (BZA).

NATURE OF RELIEF SOUGHT

Hiroshi Jacobs and Anna Jacobs, owners and residents (Applicant), hereby apply for a variance from the lot occupancy requirements under § 403, a variance from the rear yard requirements under § 404, a variance from the court requirements under § 406, and a variance from the nonconforming structure provisions under § 2001.3 to allow the replacement of an existing addition and the construction of a new partial third story to an existing two-story single-family row dwelling , in addition to the construction of a new accessory use building in an R-4 District.

BACKGROUND

The property, also known as Lot 132 in Square 1029, is located in Northeast Washington, D.C. It is bounded by Emerald Street NE to the south, adjacent properties to the east and west, and a 10' wide public alley to the north. The property measures 16 feet wide in the east-west direction, 64 feet deep in the north-south direction, and is 1,024 square feet. The property is not located within any historic district, nor is the existing building on the property listed on the D.C. Inventory of Historic Sites.

The property is presently improved with a two-story single family rowhouse with three (small) bedrooms and one and one half baths. There is an existing rear deck that is built to the extents of the rear yard and is raised 3' 9" above the grade with an 8'-0" fence surrounding it. The existing home does not have a basement, nor does the property contain any garage or storage shed.

PROPOSED IMPROVEMENTS

The Applicant proposes to demolish the existing deck and the existing rear addition and re-construct them with along with a partial third-story. In addition, the Applicant proposes to construct a new accessory use building (shed). A summary of nonconformance for the proposed project is as follows:

1. The proposed addition, together with the new accessory use building, would increase the lot occupancy from 768.6 SF (75.1%) to 818.0 SF (79.9%), which is 19.9% over the allowed

lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 4.8% above the existing lot occupancy. These numbers include the open court, due to its dimensional nonconformance. Note the addition without the shed would in fact decrease the lot occupancy to 763.4 SF (74.6%), which is 0.5% lower than the existing lot occupancy.

2. The proposed addition would increase the rear yard setback from 14'-1" to 14'-7", which is 5'-5" beyond the 20'-0" setback requirement for a row house in an R-4 zoning district (11 DCMR 404.1).
3. The required court width is calculated as 4" for each foot of height for a one-family dwelling in an R-4 zoning district (11 DCMR 406.1). At 22' high, the required court width is 7'-4". The proposed addition would require no change to the existing court width of 4'-1", which is 3'-3" narrower than the required dimension (11 DCMR 406.1). In addition, because the court is nonconforming, it is counted in the lot occupancy percentage.
4. The proposed addition is a non-conforming structure of a conforming use that does not meet the lot occupancy requirements

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

The Applicant, by preponderance of the materials submitted with this application and facts to be presented in the course of the public hearing process, will prove compliance with the three pronged test necessary for the granting of the variances sought, as outlined below. The BZA is authorized to grant variances where a proposed application demonstrates three characteristic elements:

1. The physical characteristics of the property make it difficult for the owner to improve the property in compliance with the Zoning Regulations:
 - a. Exceptional Condition
 - i. Both the property and existing structure were in existence prior to the adoption of the Zoning Regulations and became nonconforming with respect to lot area, lot width, lot occupancy, rear yard, and open court upon the adoption of the regulations.
 - ii. The size of the lot is exceptionally small and narrow.
 - iii. The nonconforming open court is counted as building area, thereby increasing the lot occupancy and further decreasing the matter-of-right development options.
 - iv. Unlike many of the row dwellings on the block, the Applicant's existing house does not have a basement or shed, which minimizes the available storage space. The existing kitchen is very small, and the home has only one and one-half bath.
 - b. Practical Difficulty
 - i. Giving the existing nonconformities with respect to rear yard setback and lot occupancy, the Applicant cannot make any addition to their dwelling without zoning relief or demolishing part of the existing structure.

- ii. The existing building is 15.1% above the permitted 60% lot occupancy. To bring the building into conformance with the Zoning Regulations, 15.1% of the building would have to be removed from the existing footprint.
 - iii. The Applicant's building envelope is limited by a 20-foot setback in the rear, and the existing building is already in nonconformance with this setback. Every building on the block is in nonconformance with the 20-foot setback.
 - iv. The Applicant's options for expansion are also limited due to a desire to set back the third story addition from the street façade in order to maintain the visual conformity of the streetscape.
- 2. The proposed project will not be of substantial detriment to the public good:
 - a. The proposed project is a modest vertical addition that will not create any new nonconforming conditions, except for a minor height limit adjustment. Lot occupancy will only be increased due to the new accessory use building, which will be built as part of the new deck such that the resulting structure is less obtrusive to the neighborhood than the existing deck. (1-foot lower in height).
 - b. The property values of adjacent properties will likely increase due to the new renovation.
 - c. There are many homes in the surrounding area that exceed the height limit and lot occupancy requirements. The mass of the proposed project would not be noticeably out of character with the neighborhood.
 - d. The proposed addition will be minimally visible from the street, as it will be set back from the street façade a distance greater than its height above the parapet. It will not significantly impact the character of the existing street scape.
 - e. The light and air available to neighboring properties will not be unduly affected.
 - i. Neighbors to the East and West. A shadow study of the proposed addition has been completed to show the extent of overshadowing to adjacent properties. The study shows conclusively that the proposed addition would have a very minimal impact on the available daylight and direct sunlight to these adjacent properties on some days and times. There are many days and times when it would not affect them at all.
 - ii. Neighbors to the North. The aforementioned shadow study conclusively demonstrates that neighbors to the north across the alley will be very minimally affected by the proposed addition with respect to daylight and direct sunlight.
 - iii. Neighbors to the South. The aforementioned shadow study conclusively demonstrates that the available daylight to neighbors to the north will not be affected by the proposed addition.
 - f. The privacy of use and enjoyment of neighboring properties will not be unduly compromised.
 - i. Neighbors to the East and West. The proposed addition will substantially improve the privacy of neighbors to the east west because the proposed

new windows at the rear of the addition face due north, whereas the existing house has a second story bay window with windows that directly face the neighboring rear yards.

- ii. Neighbors to the North. The neighboring properties to the north are separated from the applicant's property by a 10' wide alley. Given the existing development of the block, visual privacy of rear yards is already minimal due to views from existing two story homes across the alley. The proposed addition will result in no change to the existing privacy of these rear yards.
 - iii. Neighbors to the South. The proposed addition does have windows facing south, however these windows are set back from the street façade at a distance greater than their height. They will have no impact on the privacy of the neighbors to the south.
3. The proposed project will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.
- a. The property will continue to be used as a single family residence.
 - b. While a very small portion of the proposed project does violate the new 35-foot height limit in an R-4 zone, the majority of the proposed addition lies well inside the matter-of-right zoning envelope and is consistent with the intent of the new regulation.

COMMUNITY OUTREACH

The Applicant has been in communication with adjacent neighbors and expects to receive letters of support prior to the hearing. They will contact ANC 6A once an application number has been assigned.

CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for variance relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the BZA grant the application.