STATEMENT OF EXISTING AND INTENDED USE AND
STATEMENT OF SATISFACTION OF APPLICANT'S BURDEN
OF PROOF FOR SPECIAL EXCEPTION

Application of Eric & Holly Takamura

August 6, 2003

This statement ("Statement") is of the existing and intended use of the building and an explanation as to the manner in which the application ("Application") of Eric and Holly Takamura meets the specific tests and burden of proof identified in the Zoning Regulations for a special exception. This Statement is submitted on behalf of Eric and Holly Takamura by their attorneys, Greenstein DeLorme & Luchs, P.C. by Lyle M. Blanchard, Esquire.

Summary of Application. The Application seeks a special exception pursuant to Sections 3104.1 and 223 of the Zoning Regulations to allow a two story rear addition to a single family dwelling not meeting lot occupancy requirements (Section 403.2) in a R-4 district at premises 622 A Street, N.E. (Square 867, Lot 93) (the "Property").

Existing Zoning Authority. The Property is a single family row house built in approximately 1900. The Property has lot dimensions of 19.46 feet wide and 136.09 deep and a lot area of 2652.2 square feet. A 14.75 foot wide public alley running north-south lies on the east side of the Property, and a 30 foot wide public alley runs east-west behind the Property. The Property is zoned R-4.

Existing and Intended Use. The Applicant requests the above-referenced relief to allow for the renovation of his row house, making improvements to both renovate and modernize the dwelling to better suit him and his family's needs. The row house presently has a one-story addition adjacent to the rear of the structure, and a courtyard on the east side of the structure. According to Section 403.2, the maximum lot occupancy of a single family dwelling in a R-4 district is sixty percent (60%). However, the lot occupancy of the home is currently approximately sixty-seven percent (67%), due to the one-story addition. As a matter of right, the lot occupancy of a single-family row house in a R-4 district may be up to seventy percent (70%) (See Sec. 223.3). Applicant's plans involve the replacement of the existing one-story addition with a slightly wider two-story addition, resulting in a lot occupancy of sixty-eight

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percent (68%). (See Zoning Administrator's Memorandum, Exhibit "A".)

Statement of Satisfaction of Burden of Proof for Zoning Relief Sought. The Applicant submits that, based upon (i) its Application and the materials submitted in conjunction therewith, (ii) the evidence to be presented at the public hearing and (iii) other evidence to be submitted subsequent hereto, it will satisfy and comply with the applicable legal standards and burdens of proof for a special exception.

Specifically, the Application submitted by Eric and Holly Takamura will satisfy the requirements of Section 3104.1 of the Zoning Regulations that require the special exception to "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 property in accordance with the Zoning Regulations and Zoning Maps... ." In addition, the Application will comply with the requirements of Section 223 of the Zoning Regulations. This section requires that the proposed addition "shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property" (223.2). In particular, the "light and air available to neighboring properties shall not be unduly affected" (223.2(a)); "[t]he privacy of use and enjoyment of neighboring properties shall not be unduly comprised" (223.2(b)); and "[t]he addition, together with the original 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 subject street frontage" (223.2(c)). Compliance with the above conditions is demonstrated with the plans, drawings and photographs accompanying this Application (223.2(d)). Furthermore, Section 223.3 requires that the lot occupancy of the dwelling, together with the addition, not exceed seventy percent (70%) in the R-4 District.

The proposed addition will be the same length from the main structure of the house as is the present addition, however the width of the new addition will be almost the entire width of the house (eight (8) inch setback from the east lot line). The lot occupancy with the new addition will be to a large extent the same as the lot occupancy with the old addition. The new addition will add sixty (60) square feet or two percent (2%) to the lot occupancy.

The Property is located at the end of a row of houses with an alley on its east, another alley located to the north, and a single

abutting structure to the west, 620 A Street, N.E. Both alleyways will maintain a substantial buffer zone with the rear properties fronting on Constitution Avenue, and the properties to the east along A Street. The proposed addition to the existing addition is increasing the lot occupancy on the east side and this increase is buffered by the alley on the east. The abutting structure to the west has an open courtyard which provides a separation between this abutting structure and the Applicant's Property. Thus, there is adequate physical separation between the addition to the Property at both the rear and the sides, avoiding any affect on the availability of light and air. (See Baist and Sanborne Maps, attached as Exhibit "B".) Additionally, the increased width of the addition will not materially effect the privacy and enjoyment of the neighboring properties.

When viewed from A Street, N.E., the addition will not be visible. The east elevation, the view from the alley on the east side of the Property, will be consistent in character, scale and pattern with the other houses in the neighborhood and the existing house. The rear elevation, although obscured by the garage at the rear of the lot, will also be consistent in character, scale and pattern with the other houses in the neighborhood and the existing house. The proposed design issues have been reviewed and approved in concept by the Historic Preservation Review Board. (See attached HPRB staff report, Exhibit "C".)

In addition to the Site Plan, Floor Plans, Elevations and site photographs submitted to the Board with the Application, the Applicant has also submitted excerpts from the Baist and Sanborne Maps, Exhibit "B", showing the subject property and its relationship to the adjoining properties.

As proposed, the lot occupancy with the enlarged addition will be sixty-eight percent (68%) which is less than the maximum of seventy percent (70%) which complies with the standard imposed in a R-4 zone pursuant to Section 223.3. Moreover, the addition has been designed in such a way to respect their neighbors and the character of the neighborhood. The addition will not have windows facing the west, giving the adjacent neighbors to the west, sustained privacy.

The proposed addition will not have any adverse impacts on the neighborhood and is supported by the community. Furthermore, the Application is consistent with the purpose and intent of the Zoning Regulations and the R-4 zoning of the property in that the lot occupancy

Conclusion. For the reasons set forth above, Eric and Holly Takamura, by and through counsel, submit that their Application has satisfied (and will satisfy) all applicable zoning requirements and the requisite burden of proof and, therefore, should be granted.

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