

OWNER STATEMENT REGARDING EXISTING AND PROPOSED USES

To: **The Office of Zoning**
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

From: **Aung Hla and Myint Myint San**
Owner/Applicants
404 Independence Avenue SE
Washington, DC 20003

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2013 JUL 30 AM 9:26

Dear Board of Zoning Adjustment,

We would like to submit a personal statement regarding our request for zoning relief.

The existing house currently has 4 rooms upstairs. These are the rooms: Master bedroom in the front (17 ft by 14 ft), a room in the middle of the house (16 ft by 10.5 ft), a den at the back of the house (10 ft by 6.5 ft) and a bathroom at the back of the house (10 ft by 4.5 ft). Since people from the master bedroom have to go across the middle room to go to the bathroom at the back of the house, the middle room is rendered useless as a bedroom. The den is too small to be a bedroom. So the whole house has only one legitimate bedroom. This is a real hardship for our family.

The house currently has 4 rooms downstairs. One room in the front (12 ft by 26 ft) is the living room/dining room. The bathroom is about 7.5 ft by 4 ft. The bathroom is too small. Then there is the kitchen which is about 11 ft by 11 ft and a patio which is about 11 ft by 10 ft at the back. Since the kitchen and the patio are too small, they are not usable as meaningful rooms. In addition, the patio is not conditioned.

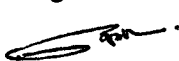
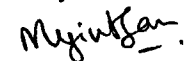
The house has several areas of water damage and termite damage. The ceiling has water damage and the floor has a big hole because of termite damage. Especially the back part of the house (starting from 30 ft depth from the façade to 56 2 ft end of the house) has several poles being damaged by termites too. These need to be replaced and rebuilt. If the rear half of the house is not rebuilt soon, it may collapse. This is a real hardship for our family.

The wooden wall of the façade has several weak spots and rotten wood. There is termite damage on the side wall too and we are really worried some parts of the house might collapse soon. A piece of wood has just recently fallen off from the top of a window of the façade. The decoration wood piece from the top of the front door fell off last year. We are still lucky that they did not fall on to a person. However, the house needs to be fixed soon if we do not want someone to get hurt by the falling wood pieces.

So if we are forced to comply with the Zoning Regulations, we would end up living in a one-bedroom house with two growing children of ten and thirteen years old. The owner's mother of 80 years old is living in this house too. She has nowhere to go. This is an exceptional and extraordinary situation of hardship. Following is a list of pertinent precedent cases for this type of relief. Thank you for your consideration.

Sincerely,

Aung Hla and Myint Myint San

PRECEDENTS

In addition, the reliefs can be granted because there are precedents:

1. **Application No. 16755 of Laura Canfield and Richard Thomas**, pursuant to 11 DCMR § 3104.1 for a special exception to allow an addition to a single family dwelling under section 223, not meeting the side yard requirements (section 405) in the CAP/R-4 District at premises 220 5th Street, S.E. (Square 843, Lot 804).

The application was GRANTED.

This petition for extension to the property line was granted. (See following photo)



2. Board of Zoning Adjustment Application No. 13331
106 - 5th Street , N. E. , (Square 815, Lot 28).

The applicant proposes to construct a second story rear addition over an existing one story kitchen. The addition is to serve as a master bedroom suite with bathroom. The one story kitchen addition was constructed without a building permit prior to the applicant's purchase of the dwelling. The addition caused the property to exceed the lot occupancy requirements and make it non-conforming.

The application was GRANTED.

3. Application No. 17216 of **Serena Schorr**, pursuant to 11 DCMR 5 3104.1 and 1202.1, for a special exception to allow a rear addition to a single-family semidetached dwelling under section 223, not meeting the lot occupancy (section 403), and side yard (section 405), requirements in the Capitol Interest OverlayIR-4 District at premises 408 East Capitol Street, N.E. (Square 8 16, Lot 825).

The application was GRANTED.

This applicant's proposed relief 2. A. above is the same as this granted application No. 17216. See the photo below. The two story addition is on the same line as the front main house and the side yard (section 405) does not meet the requirements.



4. Board of Zoning Adjustment Appeal No. 10702- **David and Karen Clarke**, appellants.
407 A Street, N.E., lot 817, Square 816.
The appellant proposes to erect a second story rear addition to the existing dwelling.
The application was GRANTED.
5. Application No. 13356, of **Sharon T. Nelson**, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a non-conforming structure which now exceeds the lot occupancy requirement (Paragraph 7107.21) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.21) for a proposed third - story addition to a row dwelling in an R-4 District at the premises 418 D Street, S.E., (Square 820, Lot 801).
The application was GRANTED.
6. Application No. 11659, of **Yvonne Treadwell** pursuant to Section 8207.11 of the Zoning Regulations, for variances from the lot occupancy and side yard requirements, as provided by Section 3303.1 & 3305.3 of the R-4 Zone to permit a two-story addition to a dwelling at 410 G Street, S.E., Lot 805, Square 822.
The application was GRANTED.
7. Application No. 15515 of **Roy Depew**, pursuant to 11 DCMR 3107.2, for a variance from the allowable lot occupancy requirements (Sub -section 403.2) for a two-story addition to a structure in a CAP/R-4 District at premises 509 5th Street, S.E., (Square 822, Lot 29).
The application was GRANTED.
8. **Application No. 18537 of John Merrick and Heather Phillips**, pursuant to 11 DCMR § 3104.1, for a special exception under section 223, not meeting the lot occupancy (section 403), side yard (section 405) and nonconforming structure (subsection 2001.3) requirements for an addition to an existing one-family semi-detached dwelling in the R-4 District at premises 525 5th Street, S.E. (Square 822, Lot 825).
The application was GRANTED.

July 29, 2013

Board of Zoning Adjustment

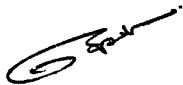
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Suite 210 South
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Re: BZA Zoning Application
Application of Aung Hla and Myint Myint San

Dear Board of Zoning Adjustment.

We authorize our architects, Jennifer Cox Fowler, A.I.A; Mike Fowler, A.I.A; and Catherine Tilghman to act as our agents regarding the BZA Zoning application for 404 Independence Avenue SE.

Sincerely,



Aung Hla
Owner/Applicant



Myint Myint San
Owner/Applicant