

STATEMENT OF THE APPLICANT

1. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Colleen Eubanks, the owner of the property located at 133 U St. NE, Lot 186 in Square 3535 (the "property") in support of her application for:

- Area variance from (§403) to add a 3rd story pop-up to a Flat that exceeds the maximum allowable lot occupancy requirements in R-4, § 3103-2.
- Area variance from (§404) to add a 3rd story pop-up to a Flat that does not meet the minimum rear yard requirements in R-4, §3103-2.
- Area variance from (§406) to add a 3rd story pop-up to a Flat that does not meet the minimum open court requirements in R-4, § 3103-2.

2. BACKGROUND

A. Description Of Existing Property

The property at 133 U St. NE, Lot 186 in Square 3535 has an area of 1,220 square feet and a width of 16 feet along U Street NE. The property is not located in a Historic District, and the building on the property is not listed on the D.C Inventory of Historic Sites. The Property is presently improved with a 2- story and a cellar row dwelling and a garage located at the rear. The current use of the row dwelling is Flat (2- dwelling units)

B. Description Of Proposed Project

As shown in the architectural plans, the Applicant proposes to build a third story pop-up on the exact footprint of the existing 2 story row dwelling (front porch excluded) and a deck on existing garage located at the rear of the house.

- The lot occupancy of the proposed building will not increase as a result of the 3rd story pop-up or the deck over garage.
- The proposed building height will be 34 feet, which is less than the maximum 35 feet building height allowed in the R4.
- Although the house is not located in a Historic District, the proposed elevation design is in proportion with the scale of the existing row houses. The existing mansard roof will be extended by 5 feet to accommodate a usable third story space while maintaining the row house scale and architectural character.
- No windows are proposed on the west side of the house to allow for a future next-door-neighbor third story pop-up as well.
- The proposed pop-up will be used as an expansion to the Applicant's living space. The use of the property will remain as Flat.

BURDEN OF PROOF

- 1) The physical characteristics of the property make it difficult for the owner to use the property in compliance with the Zoning Regulations, and create financial hardship for the owner in using the property.
 - a. The subject property was built in 1912, which pre-dates the May 12 1958 Zoning Regulations.
 - b. The subject property is nonconforming with respect to lot size. The lot area is 1,220 square feet where the minimum lot area in R4 is 1,800 square feet. (11 DCMR §401.3)
 - c. The subject property is nonconforming with respect to lot width. The lot width is 16 feet where the minimum lot width in R4 is 18 feet. (11 DCMR §401.3)
 - d. The subject property is nonconforming with respect to lot occupancy. The property's existing lot occupancy is 92% where the maximum lot occupancy in R4 is 60%. (11 DCMR §403.2)
 - e. The subject property is nonconforming with respect to rear yard. The property's existing rear yard is 8 feet (distance between house and garage) where the minimum rear yard in R4 is 20 feet (11 DCMR §404.1)
 - f. Due to existing lower grade level at rear yard, an existing stair leading to the cellar's floor level is considered a structure (height over 48 inches). This stair creates an open court condition with a width of 8 feet that is nonconforming with the 13 feet minimum open court width in R4 (11 DCMR §406.1)

Exceptional Conditions

Both subject property and existing structures 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.

The size of the lot is exceptionally small which results in a high lot occupancy. The existing structure area is 1,116 square feet which is 92% of the 1,220 lot area, but is only 62% of a lot with 1,800 square feet area. The lot width is exceptionally narrow. It's only 16ft where minimum lot width in R4 is 18ft.

The existing dwelling interior is exceptionally small with a living room and an open kitchen on the first floor and only one usable bedroom on the second.

Practical Difficulty

In light of the existing nonconformities, particularly with respect to lot size and width, the Applicant cannot make any addition to her house that complies with Zoning Regulations unless she demolishes 40% of the existing structure.

2) No substantial detriment to public good.

The 3rd story pop-up will not have an undue impact on the light and air of neighboring properties.

The property is an end unit connected to only one dwelling on the west side. The property is an end unit bounded by 10ft east side alley and a 15ft rear alley that act as buffers between this dwelling and other neighboring properties.

The Applicant is willing to share her construction plans with neighboring property owners and address any issues that might arise in the ANC meetings.

3) No inconsistency with the general intent and purpose of the Zoning Regulations and Map.

The 3rd story pop-up will not increase the lot occupancy or decrease rear yard. The open court is formed by an existing stair at 50 inches high and not an enclosed structure.

The 3rd story pop-up will be below the height limit of 35 feet in R4.

The property will continue to be used as Flat. No change of use is proposed for the 3rd story pop-up.