STATEMENT OF EXISTING AND INTENDED USES

The owners and applicants, Gordon Bremer and Carla Yates Bremer, recently acquired the row dwelling at 633 A Street, S.E., which is located in the R-4 District and used as a flat. The Bremers intend to construct an addition to the side of the house, measuring approximately three feet by thirty-two feet. The Bremers also intend to construct a partial third-story to the house to be used as a solarium.

The property is comprised of two assessment and taxation lots. The house is located on A&T Lot 832 and the accessory garage is located on A&T Lot 833. The house currently constitutes a non-conforming structure with respect to lot area, lot occupancy, and rear yard.

Under the proposed project, the two tax lots will be subdivided into one lot of record. After subdivision, the property will only be non-conforming with respect to lot occupancy. The building area of the house and accessory garage will comprise 70% of the new lot. The proposed addition to the side of the house will fill in an existing court, which is approximately three feet wide. Because this area already counts toward lot occupancy pursuant to the definition of "building area" in 11 DCMR § 199.1, the proposed addition will not increase the non-conformity. Nevertheless, it will still exceed the maximum permitted occupancy of 60% for the R-4 District. The construction of a partial third story likewise will not increase the lot occupancy, but will constitute an addition to a structure that does not conform with the lot occupancy requirements under 11 DCMR § 2001.3(a). Accordingly, the Bremers seek special exception relief under section 223 to allow a maximum lot occupancy of 70% as permitted under the recently adopted amendments to section 223 published in the *D.C. Register* on September 28, 2001.

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