Detailed Statement of Existing and Intended Use of Square 5545, Lot 3.

Square 5545, Lot 3 is currently under construction. A single family detached barrier free residential dwelling is currently being built on lot 3 by applicant. The applicant is residing next door with her parent until the structure is completed. The applicant's parent has resided next door to lot 3 since 1971 in her own fee simple single family dwelling. Applicant's parents purchased lot 3 in 1972, and deeded fee simple title to applicant on May 22, 2001.

The applicant requests a variance pursuant to section 3125.8 for interior modification of BZA Order No. 16929 approved plans for a single family dwelling detached structure in the R-1-B residential zone district located at premises 3120 Pennsylvania Avenue Southeast lot 3 in Square 5545 (Section 3103.2).

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Applicant is requesting relief to modify the attic to a mezzanine. The definition of a mezzanine, per District of Columbia Municipal Regulations, Title 11§, is a floor space within a story between its floor and the floor or roof next above it and having an area of not more than one-third (1/3) of the area of the floor immediately below. A mezzanine shall not be considered a storey in determining the maximum number of stories permitted. Per D.C. zoning officials (Mr. Denzil Noble and Mr. Toye Bello, both former Chief's of the Zoning Review Branch) a mezzanine is pre-deemed compatible with the Zoning regulations for an R-1-B District.

Currently, the construction of applicant's house is being built in compliance with the Department of Consumer and Regulatory Affairs (DCRA) permits B460054 and B466265, however, according to D.C. Zoning official Mr. Toye Bello, the BZA's approval of the applicant's request for a modification of the interior structure, would ensure the applicant is in full compliance with all current zoning regulations.

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Applicant Meets the Tests Identified in Zoning Regulations for a Variance.

The applicant, under BZA Application No. 16929 (See Attachments), has previously demonstrated the construction of applicant's residence will not be a substantial detriment to the pubic good and would be consistent with the general intent and purpose of the Zoning

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Regulations and Map. No person or entity appeared as a party to this case at the public hearing in opposition to BZA Application No. 16929. This new variance request will have no effect on the exterior of the house.

As of this date, the applicant has made all changes requested by D.C. zoning officials (see Attachments). The applicant, in good faith, obtained a mortgage and signed a construction contract based upon the approvals by both the BZA (BZA Summary Order No. 16929) and the DCRA (Permit No. B460054), which indicated to both the mortgage company and the contractor that applicant's plans were in compliance with D.C. Zoning Regulations. However, when the applicant was instructed by D.C. zoning official Mr. Denzil Noble to modify applicant's interior design of the residential dwelling (DCRA Permit No. B466265) to a mezzanine, the square footage of applicant's home became less than the total stated on the agreements with both the mortgage company and the contractor.

The applicant is a single mother who will suffer exceptional and undue hardship, if this house is not completed. Frankly, applicant cannot afford to discontinue the building of this house because if applicant ceases construction, applicant will be ruined financially and will have to file bankruptcy because of breach of contract (i.e., the mortgage company will demand their money in full, instead of the monthly 30-year agreement applicant has made), applicant will lose mortgage collateral and inheritance (i.e., land given to applicant by parents to build house), and applicant may even be denied future promotions in the Department of Justice Department (i.e., 18 year Department of Justice security clearance may be revoked due to filing of bankruptcy).

Currently, complying with D.C. zoning officials' additional requests, based on their interpretation of current zoning regulations, is placing an additional financial burden on the applicant. The expenses incurred, thus far, for the modification of the attic to a mezzanine (DCRA permit B466265) is $250 for the DCRA permit and $4,780 for the carpentry. As of this date, the architect's expenses have not been determined.

The stress of building this house is also having an adverse effect on the applicant's health. Applicant is currently seeking medical assistance to prevent further erosion of health.