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160 North Carolina Ave SE

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Burden of Proof

Proposed expansion of Attic space for a 3rd Story Addition That require Zoning Adjustments. This proposed 3rd Story Addition has been submitted to the BZA for relief from the following zoning requirements.

Variance Section 2001.3 (a) (b): Non Conforming Use

Variance Section 403.2: Lot Occupancy exceeding 60% Lot Area

Variance Section 406.1: Open Court less than minimum width of 6ft

Variance Section 2500.3: Exceeding 30% Rear Yard area for an Accessory Building

Variance Section 2001.3 (a) (b) Non Conforming Use

The Existing House on the property as it exists is non conforming for Lot Occupancy and Rear Yard Set-Back. The proposed addition is expanding an existing 1/2 story (attic) into a 3rd story that does not exceed the original building footprint. This addition will not increase either the Lot Occupancy or create a worse condition of the Rear Yard Set-Back. The Owners wish to expand the living space inside the house to accommodate bedrooms for their young children as they grow older and need separate rooms. They want to be able to stay in a house and neighborhood they love and not have to move to support their aging family. We believe that the is no detriment to the public good or the Zone Plan because the property will not alter the existing Lot Occupancy or Rear Yard Set-Back.

Variance Section 403.2 to exceed Lot Occupancy of 60%

The proposed addition will occupy the exact footprint the existing house footprint now occupies. This Addition will not exceed a 79.9% Lot Occupancy which includes a rear Yard Alley Garage that was built before 1958 and provides valuable storage and Parking for the homeowners. We believe that the proposed 3rd floor expansion is no detriment to the public good or the Zone Plan because this addition will not worsen the existing conditions of the Lot Occupancy.

Variance Section 406.1: Open Court less than minimum width of 6ft

We are asking for a variance for an existing Open Court that currently 3'-6" wide. The proposed 3rd floor expansion encroaches 3-4" into this existing Open Court and adds about 4 ft in height to this small portion of the Open Court. We believe that the is no detriment to the public good or the Zone Plan because this proposed addition will not worsen the light and air quality of the neighbor because there are no windows along the property line at this Open Court. And in addition, this 3rd floor expansion will not create any additional shadow on the Rear Yards of the neighbors due to the large set-back (approximately 14'-6") the addition has from the rear of the house.

Variance Section 2500.3: Exceeding 30% Rear Yard area for an Accessory Building

We are asking for a variance for an existing garage built before 1958 that now occupies more than 30% of the Rear Yard. We believe that the is no detriment to the public good or the Zone Plan because this proposed addition will not worsen the existing conditions of the Rear Yard Set-Back.