

## Appeal of 436 First Terrace LLC

### Narrative Statement

Appellant is proposing to add a half-story addition to an existing 1 and ½ story structure located at 436 First Terrace, so that the property would be a full two-story structure. The current use of the building is that of a student home, and the proposed addition would seek to expand that presently non-conforming use by 328 square feet, or approximately 34%. This is permitted by Special Exception pursuant to 1323.04(a) of the Zoning Code. The expansion is part of a complete remodel of the home to improve habitability and code compliance.

An additional 3 off street parking spaces will be added to the site to meet parking requirements.

The subject property at 436 First Terrace was purchased in August 2019 with the intent to be rented as a student home serving Lehigh University students. The purchase was prior to the enactment of restrictions limiting such use outside the SH Overlay District. The dwelling was occupied at the time of purchase, and Appellant allowed occupant to remain in the home during her health battle, where she died, rather than seeking her removal. However, Appellant applied for and paid a regulated rental license fee each year for the house since purchase, therefore the dwelling has maintained a lawful nonconforming use.

Although the Zoning Officer has since alleged abandonment based on a lapse in occupancy and licensing, Applicant asserts there was no intent to abandon, and the nonconforming use remains vested. Any periods of non-occupancy were due to prior occupancy, renovation and compliance work, not discontinuance of use.

In the alternative, if the Board determines the nonconforming status has lapsed, Applicant seeks a use variance under §1325.06 to permit continued student-housing use, as the property's location, design, and proximity to other student housing make strict adherence to the district's use restrictions an unnecessary hardship. Granting the relief will not alter the essential character of the neighborhood, will improve property maintenance, and will promote the public welfare through code-compliant housing.