

October 29, 2013

Dear Honorable Chairman and Members of the Board:

We, at 404 Independence Avenue SE, are applying for a special exception under Section 223 to build a second story addition. Our neighbor at 402 is opposing, saying the addition will unduly affect the light and air they are enjoying.

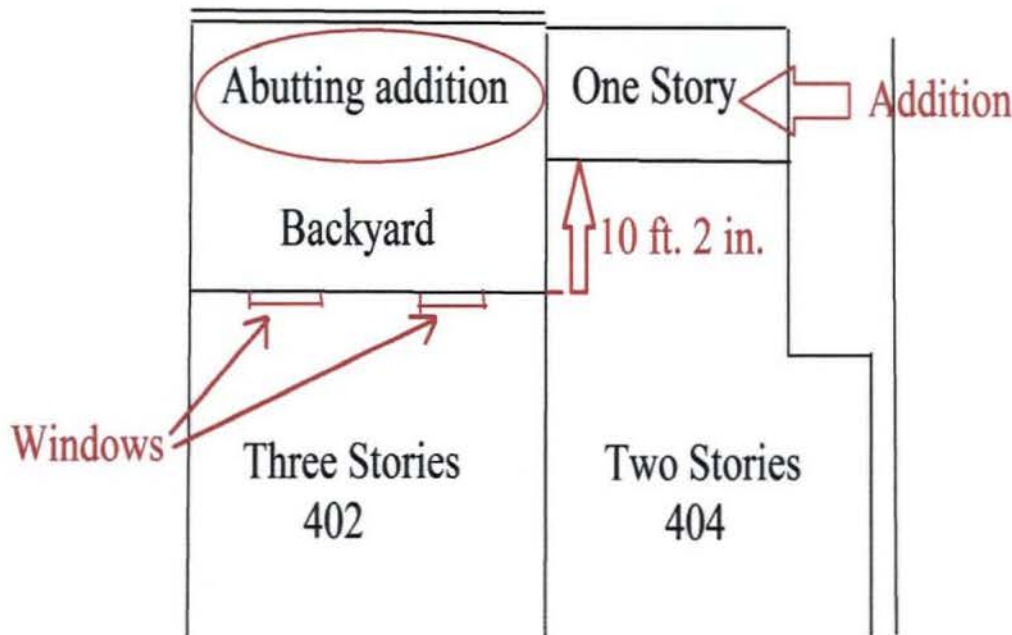
§ 223.2 (a) says :

The light and air available to neighboring properties shall not be unduly affected;

According to Merriam-Webster Dictionary, "**unduly**" means "**to an extreme, unreasonable, or unnecessary degree.**" People have no rights to substitute "unduly affected" in the law with "slightly, minimally, marginally or hardly affected."

Here are the reasons why our addition is in no way to **extremely, unreasonably or unnecessarily affect** the light and air of 402.

1. The addition will be only 10 feet long abutting the very end HALF of their 20 feet long backyard and on the sideline of their property. It will be more than 10 feet away from the back wall of 402. The addition is a small portion of the properties.



OCT 29

Independence Avenue, SE

Figure 1. Top View of 402 and 404.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18641

EXHIBIT NO. 35

2. The second story addition will minimally affect only the far end half of 402's backyard.

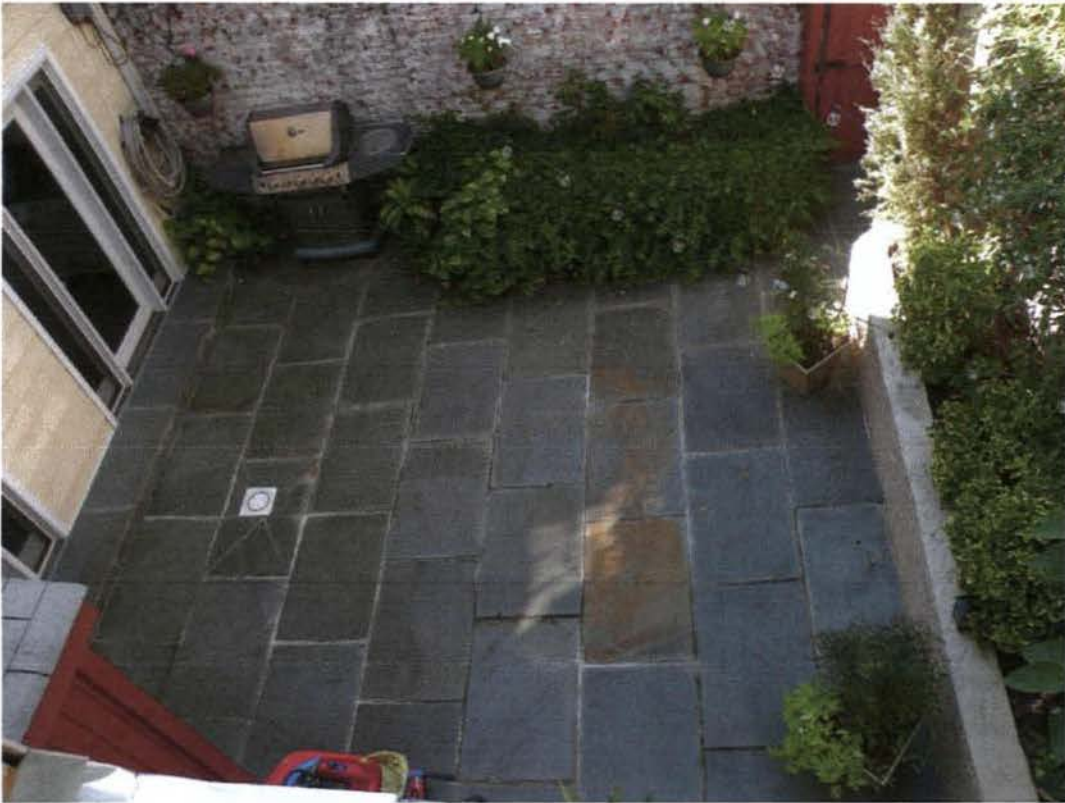


Figure 2: Full backyard of 402

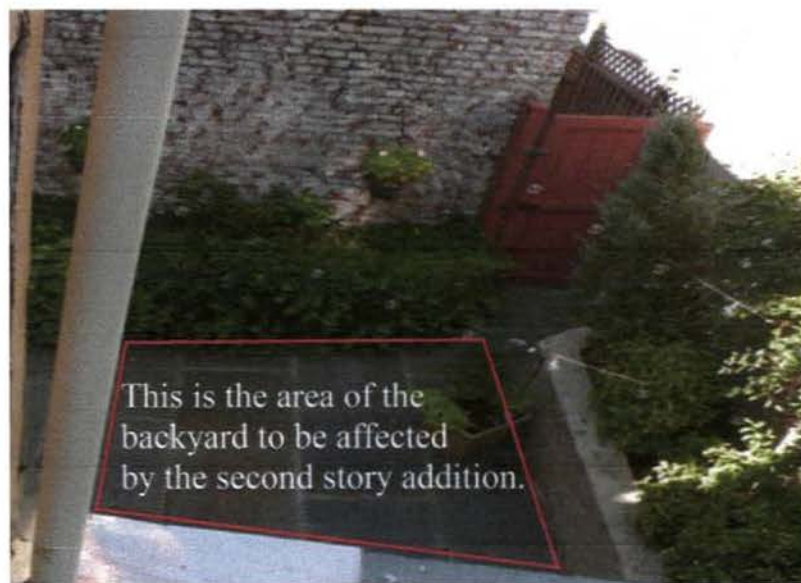


Figure 3: Far end half of the backyard of 402 that abuts the proposed addition.

3. Second floor windows of 402 are more than 12 feet and 18 feet away from the addition. Third floor windows overlook the roof of 404. Addition will not be facing the windows and is not in close proximity. So light and air of the windows are not affected.

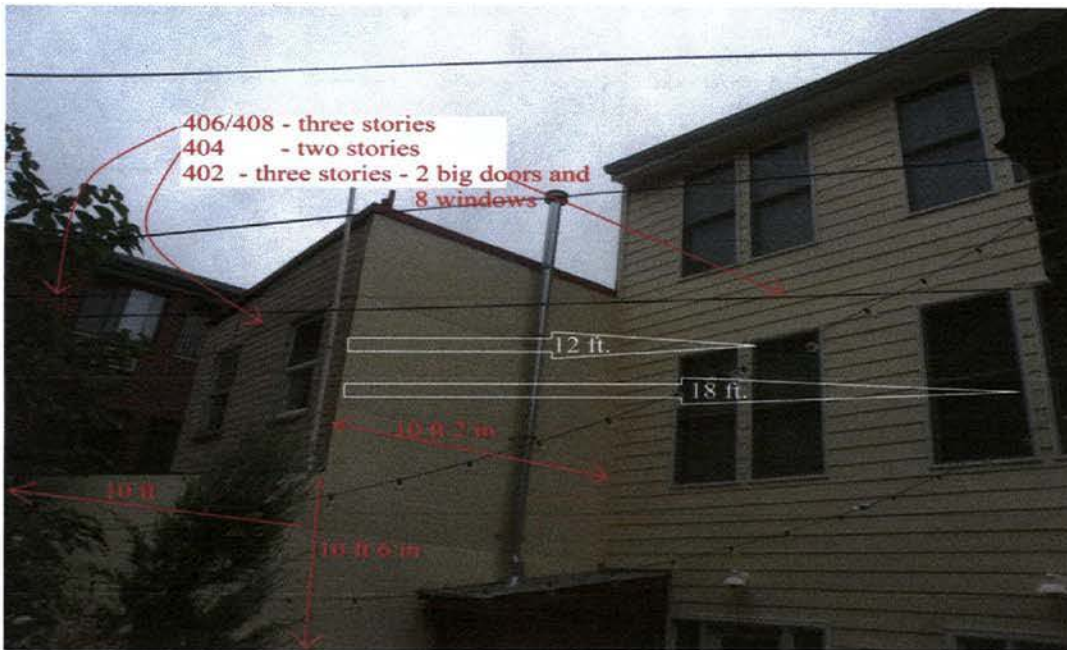


Figure 4

4. The following photos show that the backyard and windows of 402 get their light and air from above the roof line of the three story apartment building 408 in the east, from the top, from the north and from the west. They also show that the proposed addition will in no way block the light and air that 402 is getting.

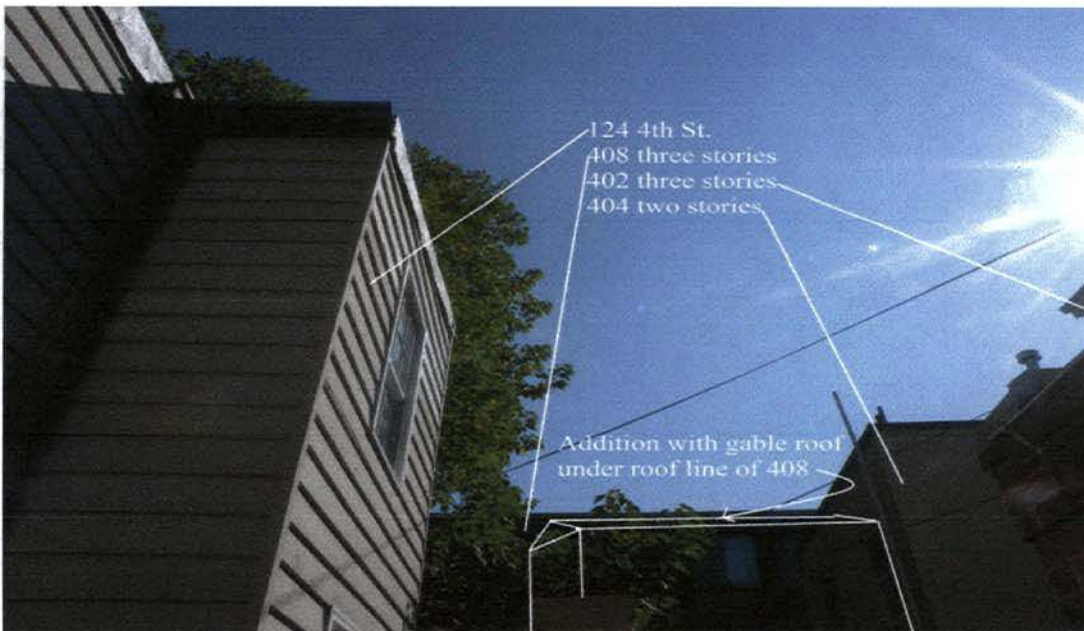


Figure 5: Plenty of light and air from the east over the roofline of 408 will be the same. Since the addition will be under roofline of 408, it will not block light and air of 402 from this direction.



Figure 6: Plenty of light and air from the north.
The addition will not block any light and air of 402 from this direction.



Figure 7: Plenty of light and air from the west.
The addition will not block any light and air of 402 from this direction.

5. The proposed addition of 404 will not block light and air that 402 is enjoying from their windows because other buildings are already behind the proposed addition, blocking the light and air. The larger and taller buildings and their roofs can clearly be seen among the trees.



Figure 8: View from the second floor window of 402.

We already offered **three compromises**: Our neighbor at 402 would not accept any.

Their demand: We cannot build on half of our property abutting their backyard even on existing footprint.

As seen above, there is nothing extreme, unreasonable or unnecessary for the extension to affect the view, light and air that 402 is enjoying. Only their demand that we cannot build on half of our property abutting their backyard is extreme, unreasonable and unnecessary.

Other seven neighbors, including the neighbors at 406/408 Independence Avenue and at 124, 4th St. who would be most affected, have signed support letters for the extension plans.

We would like to request the Zoning Commission to grant our request as:

1. Scientific sun study shows our addition will not affect our neighbor's backyard at all.
2. Design changes that the ANC6B requested have also been made.
3. We have also set the addition back 1.5 feet and lower the roofline to alleviate the neighbor's concern. Two bedrooms of 10 ft. wide are now only 9 ft. wide because of the setback.
4. The dilapidated house was built in 1860 and needs a major renovation soon or may collapse.
5. The requested relief complies with all the requirements of § 223 and is not inconsistent with the intent and purpose of the Zoning Regulations.
6. It will not alter the existing one-family residential use of the row dwelling either.
7. We have sacrificed enough even though the addition will not affect our neighbor at all.

Thank you.

Sincerely,

Aung Hla and Myint San