BOARD OF ZONING ADJUSTMENT
Application No. 16443
Hearing April 21, 1999

'99 APR -7 P12:39

Statement of Attorney for Applicant
April 6, 1999.

1. This application asks for a medical variance for the homeowner. He is 100% disabled from severe diabetes, blind, has lost one leg, and has limited use of his hands from a stroke. He is limited to bed and to being moved in a wheelchair by others.

He asks for a medical variance for him and medical care-givers to use the parking pad as it now exists. It was extended in the years 1993 and 1996 when the diabetes became critical. No further extension is planned.

The medical variance asked for will be personal to the applicant - for his lifetime only.

2. The lot, only 39 feet in width does not permit parking on the side or in the rear.

3. The extensions made in 1993 and 1996 were required to meet the increasingly handicapped needs of the applicant and medical care persons, to permit the wheel chair-adapted van to park and still leave room for medical care persons.

The pad, as it now exists, is believed by the applicant to have been made legally. The DCRA permit B404128 obtained September 26, 1996 is enclosed with the application including a plat.

However, a question on the legality of the extensions has been raised by the Department of Consumer and Regulatory Affairs. The uncertainty caused by the DCRA is the reason the personal medical variance is needed.

4. The red brick parking pad as it now exists, and as applicant asks it be permitted to continue to exist by the approval of the medical variance, is shown in the attached 2 photographs:

(1) this shows the van, the applicant in the wheelchair, the pre-existing large gray stone sidewalk, and the red brick extended portion of the parking pad. The red brick to the right of the gray stone sidewalk is the extended portion.

(2) this shows the parking pad as it now exists and the medical variance is asked to permit its continuance for the personal use of the applicant. as it now exists.

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5. Additional detail on the applicant's physical handicaps, and on the difficulty of on-street parking, was stated in the attorney's memorandum accompanying the application (copy attached).

Further detail is provided in the statement filed this date by applicant's sister Ellen Kraus. Ms. Kraus grew up in a house near 2964 Newark Street, at the corner of Newark and Highland Place. From this and from continuous visiting to her brother in recent years she is familiar with the neighborhood housing and parking on neighboring lots. Ms. Kraus will be at the hearing and can testify that the parking pad as it now exists will not be a detriment to the neighborhood.

6. A statement from applicant's doctor, George Bren, M.D. is enclosed.

7. The applicant asks a medical variance to permit him to continue to use the parking as it now exists as long as his handicapped medical condition continues.

8. Specifically, application is made under 11 DMR 3107.2 which authorizes "...a variance where strict application would result in peculiar and exceptional difficulties to or exceptional and undue hardship upon the owner of the property..."

The relief can be granted "..without substantial detriment to the public good...." The parking pad south of the gray sidewalk (see pictures) is "grandfathered" and is not in issue. The brick extension is aesthetic. The Board is asked to find that the extension North of the sidewalk, as now exists, is not a substantial detriment to the public good.

Further, the Board is asked to find that the use asked for in the personal medical variance, for the owner's remaining lifetime, for the brick work for a relatively small number of feet, can be granted "..without substantially impairing the intent, purpose, and integrity of the zone plan...."

Respectfully submitted,

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2964 Newark Street NW

1.



SIDEWALK →

← EXTENDED PORTION OF PAD

Park pad - red brick

2.



sidewalk →

← NEIGHBORS PARKING

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OFFICE OF ZONING
DISTRICT OF COLUMBIA