ATTACHMENT D
Statement Explaining How Application Meets the Specific Tests Identified in the Zoning Regulations

Pursuant to the authority contained in the Zoning Act, we ask the Board to grant us a special exception, as provided in Title 11 DCMR. We hope that you will concur with our belief that the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps. Furthermore, we believe that the proposed addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property. In particular, we believe that we meet the guidelines for residential accommodations for the disabled recommended by the American Medical Association as well as the special conditions set forth in subsection 223.2 as follows:

223.2 (a) The light and air available to neighboring properties shall not be unduly affected.

The proposed addition will extent 19 feet beyond the existing rear most part of the building and the width on the right side of the walkway will have to be a t least 10 inches wider to accommodate the wheelchair but this will not unduly affect the light and air available to either our rear neighbor or our party wall neighbor. Due to the location, grade, and height of our homes relative to the position of the sun at various times of the day, our proposed addition will not unduly affect the amount of light and air our neighbors receive.

223.2 (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

The proposed addition will contain the same number of windows looking out onto the rear neighbor as currently exists. The porch will accommodate a lift for a wheelchair which requires less space than a ramp and is less intrusive to the rear neighbor and will not impact their view. There are also mature trees and evergreen shrubs near the rear neighbor and party wall neighbor which actually enhance their view.

223.2 (c) The proposed addition, together with the original building, as viewed from the alley, and other public way, shall not substantially intrude visually upon the character, scale and pattern of houses along the subject Street frontage.

Since the proposed addition will be to the rear of the building, the addition will not be visible from the front of the home (Nicholson St., N.E.). Furthermore, the proposed addition will not be easily visible from the side of the home (from 3rd Street, N.E.). Existing evergreen shrubs and 8 feet tall fences on the houses behind me on the adjoining property will help to minimize the visual presence of the proposed addition. Every effort will be made to keep the addition in character with existing homes and

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seamless with the original structure. We will attempt to match the existing brick as closely as possible.

223.2 (d) Demonstrating compliance with paragraphs (a), (b) and (c) of subsection 223.

In demonstrating compliance with paragraphs (a), (b) and (c) of subsection 223, we submit architectural drawings and elevations and photographs to represent the relationship of the proposed addition to adjacent buildings and views from public ways. Please see attachments.

223.3 The lot occupancy of the building, together with the addition, shall not exceed 50%.

The current lot occupancy is 37% and will increase to 50% with the proposed addition.

223.4 Board-required special treatment.

We welcome any requirements by the Board related to special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

223.5 No introduction or expansion of nonconforming use.

The building is used as an owner-occupied residence. We do not seek to permit an introduction of a nonconforming use. Our space is much needed because I am getting older and may not be able to use the stairs. But for now my double amputee husband has only one room, the living room, which he uses as his bathroom and bedroom. The current size of the house does not allow him to provide for his most basic personal needs nor does it allow him to wheel himself out of his own home and he is therefore confined to the interior of the house which is extremely dangerous in an emergency situation. The house is a single family residence and will remain that way but its current configuration makes it a health hazard as well as a safety hazard.