

Kaliah L Lewis

From: Endalk Asfaw <endbezz@gmail.com>
Sent: Wednesday, October 14, 2020 4:12 PM
To: Tony LaColla; Marlo Ford; Mary Christesen; Kaliah L Lewis
Subject: [EXTERNAL]5201 Dover PI BZA 2020-00016
Attachments: BZA # 2020-00016 .pdf

Follow Up Flag: Follow up
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Hello,

Please find attached my family's written explanation why we need a deck for Aaron Endalk and why we need this appeal for variance to be approved. I am sending it to your email because I don't know how to send it to the BZA any other way. Please advise if there is any other way that I can send it so that it can reach the BZA.

Thank you for all the assistance we received from your office to get this issue sorted out. I hope it will work out this time.

Very Respectfully,
Endalk

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BORD OF ZONING APPEALS
VARIANCE REQUEST – VARIANCE TO CONSTRUCT A DECK IN THE REAR YARD
ADDRESS: 5201 DOVER PLACE, ALEXANDRIA, VA 22311

This letter is in support of our request for variance to the rear yard setback requirement for an existing backyard. The intention is to build an 8.00 feet height deck in the required rear yard to allow a disabled child (Aaron Endalk) to have access to an outdoor area from the first floor which can accommodate the child's assistive equipment.

We want to introduce our son Aaron Endalk for the board, and we want to explain why we need the 8.00 feet height deck in our backyard.



This is Aaron Endalk on his activity chair

Aaron Endalk is a 4 years old boy who will become 5 on November 1st, 2020 after 12 days from this meeting. He has a Cerebral palsy which was the result of a brain injury he suffered at birth in INOVA Fairfax hospital. Aaron cannot walk, talk, hear and feed by mouth because of the brain injury. Aaron is currently using a wheelchair, a stander, a walker and P-Pod for his mobility purposes. Aaron is getting his feeding using a feeding machine through the G-tube. Because of the brain injury, Aaron has higher than normal secretion. We have to use suction machine to manage his secretion. Aaron also has an oxygen machine which he uses whenever he has difficulty of breathing. The pictures of some of his assistive equipment are attached below.

Aaron has a nursing service of 10 hours a day which is paid by our family private insurance. For the remaining 14 hours, he is always under the care of his parents. Because of the severity of his brain injury and the complexity of the care he needs, we have a high turnover of nursing service and it is his parent's responsibility to take care of him for 24 hours. The main reason for the nursing service turnover we have is because of the difficulty the nurses have when carrying Aaron to take him and his assistive equipment outside to the patio.

During the day Aaron spent most of his time in the living room on his medically prescribed bed (picture of the bed is attached below). His bed is higher and wider than normal which took almost one-third of the living room space. The bigger size of the bed limited the space Aaron is using for his mobility in the house.

What is perhaps most relevant here, and what we would ask the board to consider is

(1) we are bringing our son's personal medical information because we want the board to understand Aaron's situation and his need for outside access before making any decision;

(2) we didn't need a deck for the past 8 years we have been living in the house. The need for the deck arises because Aaron is growing and becoming heavier to carry him around. Carrying and taking Aaron to the backyard through the basement stairs with his all mobility and other relevant equipment is becoming very difficult. (pictures of Aaron's equipment are attached below).

3. During this COVID-19 pandemic season, I am not working, and I am not earning any income. My wife's home daycare business is working way below its approved capacity of nine kids. The daycare is currently providing service only for three kids. If the deck was not very important for Aaron, this wouldn't be the right time for our family to spend any money on a deck. We are financially struggling but we believe a deck will give Aaron an outside access that will give him a little bit of happiness and some changes in his difficult day to day life.

4) I just want this variance application to be about getting a deck for Aaron and getting him access to the outside fresh air. I don't want the meeting to be about the disagreement my next-door neighbor has with my family. If the next-door neighbor concern is his privacy, I can put a screen so that any person on the deck could not see his backyard.

Some of Aaron's Equipment



Aaron Oxygen machine

Aaron's medically prescribed bed



Aaron's stander



Aaron's Walker



Aaron's suction machine



Aaron's activity chair





Aaron's P-Pod



Aaron's feeding machine

Kaliah L Lewis

From: PCZoning
Sent: Friday, October 16, 2020 1:10 PM
To: Kaliah L Lewis
Cc: Mary Christesen; Tony LaColla
Subject: FW: [EXTERNAL]Property Alteration Issue 5201 Dover Pl. Alexandria VA 22311 BZA #2020-00016

Please find letter from adjacent neighbor.

From: KAMSY MAKSY <kamsymaks@gmail.com>
Sent: Friday, October 16, 2020 1:07 PM
To: PCZoning <PCZoning@alexandriava.gov>
Subject: [EXTERNAL]Property Alteration Issue 5201 Dover Pl. Alexandria VA 22311 BZA #2020-00016

Attn: Zoning Division/Board of Zoning Appeals - **BZA #2020-00016**

This an addition to my previous grievance regarding BZA #2020-00016. As it was stated in the initial letter, any consideration of building a high accessory deck in 5201 Dover Pl. is an obvious exhibition of unfairness against me and my family.

In all charts that the city presents to the board, the 5201 Dover Pl is shown just like a stand-alone house. In no photo, I saw showing my house on the left from 5201. Such display misrepresents the actual situation. Allowing building a high deck in 5201 affects me and only me. Due to the configuration of the development, no other house may have any immediate concern about such a project. So, this alteration will turn only against me in terms of privacy, value, and the look.

Any high deck will turn my house into a complete disadvantage against 5201. On top of having the larger back yard and locating at the end, the high deck will individualize this property (against any other house in Dover Pl.) but mainly against me. As I stated before, 5201 Dover Pl. has all opportunities to solve the current problem without a deck. However, Mr. Endalkachev Asfaw childcare business counteracts of doing so. Please be aware that due to being so close to my fence the deck raises safety issues as well.

Any appeal by Mr. Endalkachev about ADA is not applicable here. ADA does not cover building extra balconies, decks, spaces or so on existing residences. ADA mainly supports ramps to public places and to multistory residences. Any misuse of the act is a direct inequity toward another citizen. In this case me and my family.

Another issue that allowing such a deck will cause a precedent for the entire zone. The applicants will surely use the 5201 Dover Pl. example as a model to go for dozens and dozens of requests. How the city will approach that? What about those who financially cannot afford the deck? Should their houses have devalued? What about the look? Are the members of the board sure that all decks will be built properly?

I and my wife – both senior citizens live in Dover for over 21 years. We never had such a situation when the city that we lived in will restrict our privacy and devalue our property. We did everything possible to make this house as our life investment. However, just because our neighbor pursues a better deal for his business, the City of Alexandria is ready to aggravate everything for us and do everything best for Mr. Endalkachev. Victimizing one household against another is not a solution. A solution is to suggest Mr. Endalkichev follow the regulations, bring the accessory deck project to the basement level or move out to the place that fits his situation.

I urge the City of Alexandria not to divert principles and follow the existing regulations. Not allowing a high accessory deck will sustain the current rules, prevent from any other incident to rise soon, and maintain the zone look as it is

today. As for the 5201 issue please review the house chart carefully. The house can get done all it's needed in the basement or backyard level. The ramp to the main entrance will not bother anyone. Likewise extending it a back yard also and it will be less costly to the owner himself.

Respectfully,
Karim Khodjibaev
Owner of 5203 Dover Pl.
703 7314126

(A copy of this letter was mailed to the City of Alexandria by US Mail)

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October, 15, 2020

To whom it may concern:

Aaron and his parents are participating in physical therapy services weekly to help improve his overall functional mobility. Aaron is now working on sitting up in a Rifton Activity chair to help improve core strength, head/neck control, posture and sitting tolerance. He is able to tolerate sitting up in this chair for short periods of time and has a goal to improve his sitting tolerance with both the frequency and duration.

Aaron would benefit from being able to access both his home and outside environment while sitting in this chair. The Rifton chair is very heavy and is difficult to access the outside environment within his current living environment. Aaron also needs access to a power outlet for use of his suction machine as he needs access to this incase he should cough or choke on secretion at any given time. It is reasonable that accommodations are made to facilitate greater ease for Aaron and his caregivers to access the outside environment on a regular basis to assist with Aaron's progress in therapies.

Thanks you

Dr. Jennifer Browne, DPT