

BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.: 18843A	Case Name: Application of Christopher Pashby
Address or Square/Lot(s) of Property:	5526 39th St., N.W.
Relief Requested:	

ANC MEETING INFORMATION

Date of ANC Public Meeting: 11/09/2015	Was proper notice given?: Yes ☒ No ☐
Description of how notice was given: Current Newspaper, Chevy Chase Listserve, ANC 3/4G website	
Number of members that constitutes a quorum: 4	Number of members present at the meeting: 7

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (a separate sheet of paper may be used):

See attached

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (a separate sheet of paper may be used):

Approve, with conditions (see attached)

AUTHORIZATION

ANC 3G	Recorded vote on the motion to adopt the report (i.e. 4-1-1): 5-2
Name of the person authorized by the ANC to present the report:	Commissioners Frombolati and Bradtke
Name of the Chairperson or Vice-Chairperson authorized to sign the report:	Chair Randy Speuk
Signature of Chairperson: Randy Speuk	Date: 11/10/15

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO 11 DCMR §§ 3012 AND 3115.

Board of Zoning Adjustment
District of Columbia
CASE NO. 18843A
EXHIBIT NO.39

Excerpt of minutes from ANC 3/4G meeting on November 9, 2015:

Special Exception application at 5526 38th Street, N.W.: This was the third meeting for the Commission's consideration of this application. At previous meetings, the Commission had urged the parties to meet and discuss possible solutions. Commissioners Speck and Bradfield reported that, as the Commission suggested at its last meeting, they had meet with all of the parties in an effort to mediate the dispute. Those efforts had not been successful, and neither side in the dispute had been willing to make significant compromises. The Chair indicated that, given the failure to reach an agreement, each party could describe their positions and answer any questions from the Commission, and the Commission would then consider any motions.

The applicants described their application and several neighbors shared their opposition and opinions of the design and potential effects of the new addition and garage structure on their light and the enjoyment of their property. The Commission understands that three of the immediately adjacent neighbors have requested to be parties before the BZA. Commissioners asked a number of questions of both the applicant and the immediately adjacent neighbors. One other neighbor spoke in opposition, one spoke neither for nor against, and one spoke in support of the application.

After the discussion, Commissioner Shapiro offered a motion that the Commission support the application, and it was seconded by Commissioner Maydak. Each of the Commissioner expressed her or his views about the application. Those Commissioners supporting the application relied on the following information: (a) the deviation from the code is very small (about one-half inch on the side yard) and is attributable to the pre-existing condition of the house; (b) the proposed design would not "unduly" interfere with the neighbors' light and the enjoyment of their property; (c) the applicant had agreed to make some changes to accommodate one neighbor by planting screening vegetation; (d) the removal of a tree that provides shade and screening for adjacent neighbors was not within the purview of the zoning regulations; and (e) the immediately adjacent neighbors had indicated "no objection" in September 2014, to the applicants' previous application, and no subsequent changes had been made to the proposed house addition (although proposed changes had been made to the garage). Those Commissioners opposing the application relied on the following information: (a) the proposed additions would deprive the immediately adjacent neighbors of light and the enjoyment of their property; (b) strict observance of the zoning code is necessary to preserve the unique character of the Chevy Chase neighborhood; (c) there are a number of neighbors who are strongly opposed to the proposed addition; and (d) the applicant had not been willing to make changes that would accommodate the neighbors' concerns.

Commissioner Bradfield offered a friendly amendment that the Commission approve the application but that we recommend to the BZA that it require further discussion and mediation amongst all of the parties. It is in the best interest of the neighborhood that these parties attempt further to find some compromise, particularly in the form of privacy screening and landscaping that could address the neighbors' concerns. The applicant had also indicated that they were in

the process of developing such plans. The motion, as amended, was adopted by a vote of 5 (Commissioners Shapiro, Bradfield, Fromboluti, Maydak, and Speck) to 2 (Commissioners Cook and Tuck-Garfield).