



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ADVISORY NEIGHBORHOOD COMMISSION 3D  
PO Box 40486, Palisades Station  
Washington, DC 20016**

*PALISADES – KENT – SPRING VALLEY – WESLEY HEIGHTS – NEW MEXICO/CATHEDRAL –  
THE AMERICAN UNIVERSITY – FOXHALL VILLAGE – BERKELEY*

**Testimony of Alma H. Gates on Behalf of ANC 3D  
BZA Application No. 18983  
January 25, 2016**

Good Morning Members of the Board of Zoning Adjustment:

I am Alma Gates, Single Member District Commissioner for ANC 3D in which the subject property is located. I am presenting testimony today on behalf of ANC 3D.

The publication Palisades on Parade<sup>1</sup>, notes that sometime around the end of the 19<sup>th</sup> century, development began in the area around Arizona Avenue and Sherier Place. The Palisades of the Potomac Land Improvement Company suffered financial setbacks and “[t]o encourage growth, 25-foot lots were sold and houses began to appear on them.” This description would explain the non-conforming R-1-B subject lot, as well as other non-conforming lots in this section of the Palisades community.

ANC 3D considered the application of Phong and Carrie Trieu on January 6, 2016 and voted unanimously to oppose it, but was willing to approve a special exception subject to certain conditions. The Commission’s report is found in the record at Exhibit 39 as well as at the end of this testimony.

The Office of Planning (OP) submitted its report on January 9, 2016, which states that Exhibits 33 and 34 in the record do not reflect the most recently reviewed drawings or letter from DCRA. On page 4, paragraph two of the OP Report states, “The Applicant has provided graphical representations, including site plans, plans, elevations and photographs to demonstrate the relationship of the proposed deck to adjacent buildings and views from public ways.” The application is not for a deck. This is not only an inaccurate statement, but very sloppy work by OP.

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<sup>1</sup> 1966, Golden Anniversary Celebration 1916-1966, Palisades on Parade, Palisades Citizens Association.

Turning to the Zoning Administrator – on the afternoon of January 6, David Vollin, Zoning Technician at DCRA, informed me via email that he had met with Mr. Finn earlier in the day to review the status of the case and noted there will “be several changes to the proposed project.” Mr. Vollin also stated, “Mr. Finn has agreed to modify the plans and will provide them within the next couple of days so that I can make the final assessment of required BZA relief...I will update you if there are additional areas of relief required when Mr. Finn provides the revised plans and my BZA assessment is completed.” ANC 3D has not heard from Mr. Vollin or Mr. Finn since January 6, and as of January 25, the Applicant has not submitted any new documents into the record.

Nothing has been filed by the Applicant since meeting with the Zoning Administrator to indicate the initial use of the structure has changed or that the application is not to construct an accessory dwelling unit or second principle structure in the R-1-B district. (Exhibit 8). This would be in keeping with OP’s statement that the proposal is “to “accommodate accessory uses of the principle dwelling.”

While the Applicant cites three properties in the adjacent area which have been granted special exceptions or a variance, none of them has been to construct a second structure on the lot or to request 50 percent lot occupancy. Mr. and Mrs. Trieu previously expanded their home and currently exceed lot occupancy.

In terms of burden of proof, the Applicant has failed to make its case. Rather, the Applicant has succeeded in confusing OP as well as neighbors who submitted form letters which refer to a replacement shed. The proposed structure increases lot occupancy by 9 percent and would exceed total lot occupancy by 10 percent. This is not a replacement, it is a much larger structure which the current drawings indicate may be used as an accessory dwelling unit.

The Applicant has ignored both OP’s and the Zoning Administrator’s requests for revised plans. Without the two letters from the Zoning Administrator there would be little in the way of information with regard to the required zoning relief or the extent of the special exception request (Exhibits 7 and 34).

It should be noted that the required off-street parking space may not be properly provided and may not meet the requirements of § 2116.4(b). ANC 3D is including photos which show that the owner’s van is parked in front of, rather than behind, the façade of the home and just behind the public sidewalk. Driveway pavers do

not extend back far enough to accommodate the required parking space as the driveway is blocked by HVAC units, a window well and the area designated to store the owner's Supercans.

The OP Analysis notes that the Zoning Administrator is not requiring an 8 foot side setback along the property line shared with 5238 Sherier (§ 223.2 (b) and (c) and that this will not affect the privacy and enjoyment of the neighboring property. It is unclear how OP can make such an assumption when the use of the structure has not been revealed; and, nothing is stated in Exhibits 7 or 14 with regard to relief from the requirement to provide a side setback.

Will this structure visually intrude upon the character, scale and pattern of houses along the subject street frontage? Yes, not only would it intrude upon the character and scale of the surrounding neighborhood, it would be taller and considerably wider than it is currently. It will be very visible from the trolley right of way which has been proposed by the community for reuse as a bike path.

The Application, if approved, would be precedent setting. In the lot diagram submitted of surrounding homes on Sherier Place, there is no other home with a free standing rear accessory structure or a structure which shares a lot line with the trolley right of way.

The Policies of the Comprehensive Plan noted below are explicit on the conservation of neighborhood character and scale; the importance of maintaining visual qualities and identity; and, the protection of low density neighborhoods. The property is located in an R-1-B district and is non-conforming. That fact should limit what is approved in terms of any addition or new construction and is one reason ANC 3D opposed granting a special exception request for a footprint change or enlargement.

**Policy LU-2.1.5: Conservation of Single Family Neighborhoods<sup>2</sup>**

Protect and conserve the District's stable, low density neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale. 309.10

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<sup>2</sup> The Comprehensive Plan for the National Capital: District Elements, Land Use, p. 3-25.

**Policy UD-2.2.1: Neighborhood Character and Identity<sup>3</sup>**

Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context. 910.6

**Policy RCW-1.1.1 Neighborhood Conservation<sup>4</sup>**

Protect the low density, stable residential neighborhoods west of Rock Creek Park and recognize the contribution they make to the character, economy, and fiscal stability of the District of Columbia. Future development in both residential and commercial areas must be carefully managed to address infrastructure constraints and protect and enhance the existing scale, function, and character of these neighborhoods. 2308.2

On January 6, 2016, ANC 3D voted unanimously, 7-0-0, to oppose Application No. 18983 for an addition to a detached garage in the R-1-B district.

ANC 3D did not oppose replacement of the existing garage structure, which currently exceeds lot occupancy, under the following conditions:

ANC 3D voted unanimously 7-0-0 to support a special exception from § 223 for construction of a new accessory garage structure provided the footprint of the existing accessory garage structure does not change or increase, and height does not exceed 15 ft; ANC 3D supports granting the Special Exception from § 223 provided lot occupancy at Lot 85 in Square 1415 does not exceed the current lot occupancy or 41 percent; and, ANC 3D supports granting the Special Exception from § 223 provided one off-street parking space is provided in accordance with the requirements of § 2116.4(b).

ANC 3D asks that the Board of Zoning Adjustment supports its testimony and grants it the Great Weight to which it is entitled under DC Law.

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<sup>3</sup> Ibid. Urban Design, p. 9-20.

<sup>4</sup> Ibid. Rock Creek West, p. 23-13.



10 JULY 2015

5236 SHERRIER PLACE, N.W.  
WASHINGTON, D. C. 20016  
LOT 85 \* SQUARE 1415

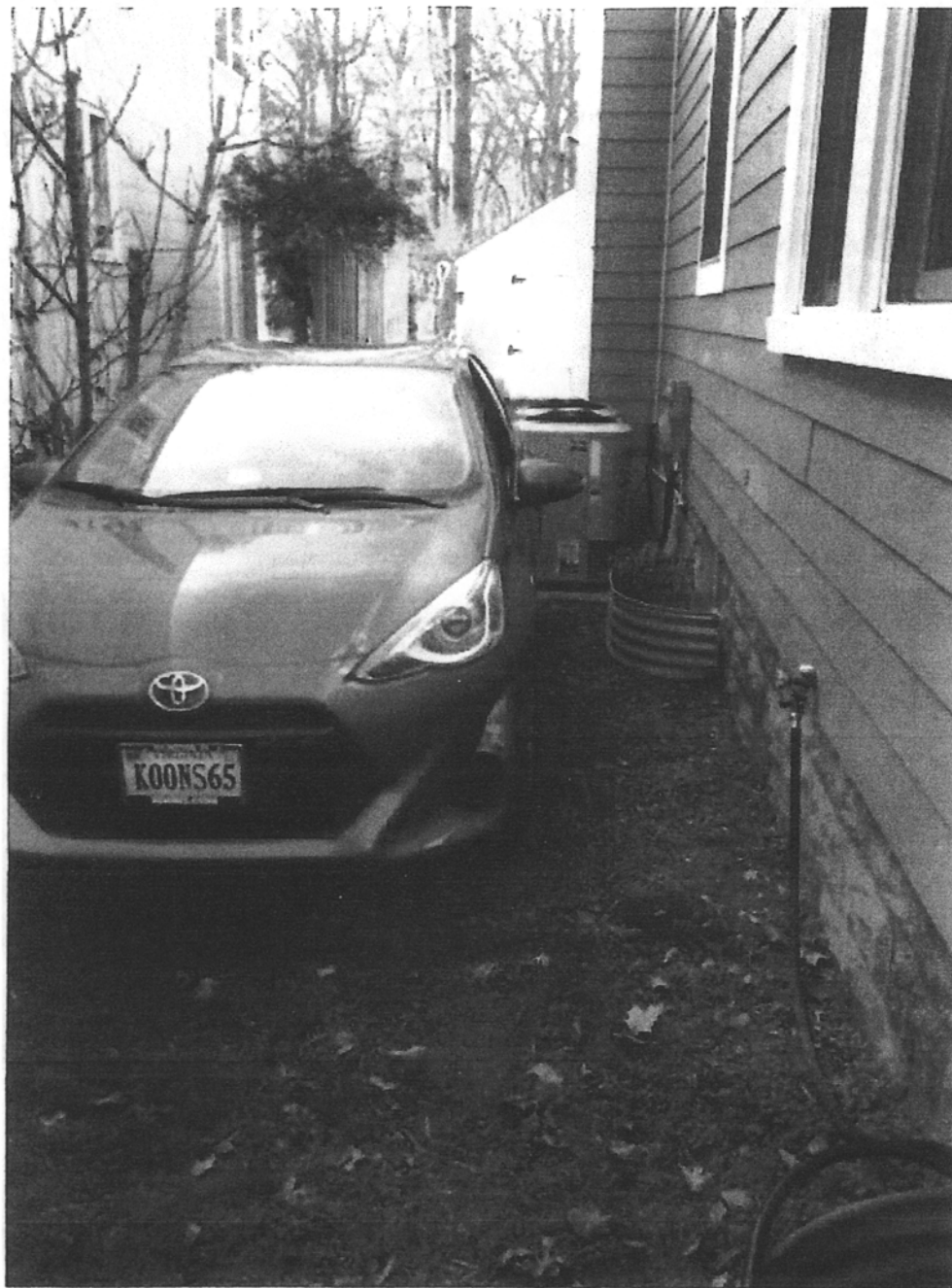
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**A NEW ACCESSORY GARAGE**



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