



GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3D
PO Box 40846, Palisades Station
Washington, DC 20016

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

April 11, 2016

Ms. Marnique Y. Heath
Chairperson
DC Board of Zoning Adjustment
441 4th Street NW
Suite 200S
Washington, DC 20001

RE: Application 18983 of Carrie and Phong Trieu, pursuant to 11 DCMR §3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403, to construct an addition to a detached garage in the R-1-B District at premises 5236 Sherier Place, NW (Square 1415, Lot 85).

Dear Chairperson Heath and Members of the BZA:

At its regularly scheduled meeting on Wednesday, April 6, 2016, held in Elderdice Hall of the Kresge Building at Wesley Theological Seminary, with a quorum (5) present at all times, Advisory Neighborhood Commission 3D (ANC 3D) reviewed revised plans and reconsidered BZA Application No. 18983.

ANC voted 6-0-1 to approve the following motion:

ANC 3D supports the Special Exception application for a new structure at 5236 Sherier Place, NW with length of 23 ft. and width of 19 ft. for an overall footprint of 437 sq. ft. An eight (8) ft. setback will be provided between the exterior wall of the structure and the lot line shared with 5238 Sherier Place, NW.

The adjacent neighbor, Mr. Zdenek Becka, a Party to the case, appeared in opposition to the special exception request.

In its deliberations, ANC 3D took into consideration the BZA's suggestion that some flexibility be given with regard to the increase in overall footprint and design of the accessory structure; but, also considered that the subject lot only provides 60 percent of lot area required in an R-1-B zone district and a lot width of 28.92 ft. where 50 ft. are required.

Section 223 of the Zoning Regulations grants flexibility with regard to §§ 401, 403, 404, 405, 406, and 2001.3; however, it also frames that flexibility within the context of privacy of use and enjoyment of neighboring properties § 223.2(b).

An eight (8) ft. sideyard is required under § 405.1 in an R-1-B zone district. Under the redrawn plans for the accessory structure, a sideyard of six (6) ft. is proposed. This allowance was not acceptable to Mr. Becka as a compromise prior to the January 26, 2016 hearing and it is still not acceptable, given the narrow width of the nonconforming subject lot and the size of the proposed accessory structure.

In consideration of the flexibility requested by the BZA and the opposition of the immediate neighbor, ANC 3D voted to approve a replacement of the existing structure, an overall increase in the structure's existing footprint from 285.21 sq. ft. to 437 sq. ft., and a setback of 8 ft. between the exterior wall of the structure property and property line shared with 5238 Sherier Place, NW.

ANC 3D asks that the Board of Zoning Adjustment give its vote the great weight to which it is entitled under DC Law.

ANC 3D will be represented at the hearing by Commissioner Alma H. Gates.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Smith", with a stylized, cursive script.

Thomas M. Smith
Chair

cc: Carrie and Phong Trieu, by email
Zdenek Becka, by email