ADVISORY NEIGHBORHOOD COMMISSION 3-C

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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2737 DEVONSHIRE PLACE, N.W.
WASHINGTON, D.C. 20008
(202) 232-2232 FAX: 232-0667

Single Member District Commissioners:

01-Cheryl A. Opacinch
02-Alan Blevins
03-Maureen Blum
04-Jeanne Ingram
05-Gloria D. Redman
06-Phil Mendelson
07-Gail Daubert
08-Rosalyn P. Doggett
09-Jeremy Bates

September 24, 1997

'97 SEP 24 AM 11:09

Ms. Susan Morgan Hinton, Chairman
D.C. Board of Zoning Adjustment
441 4th Street, N.W. Suite 210
Washington, D.C. 20001

RE: Application No. 16260 (3223 Klingle Road, N.W.(Furchgott/Fleischmann)

Dear Ms. Hinton:

At the close of the September 17th public hearing in this case, the Board left open the record in part for this ANC to submit a revised recommendation. You may recall that we had initially voted to express "no objection ... provided [that] the neighbors at 3225 Klingle Road reach agreement with the applicants." Subsequently, those neighbors became parties in opposition to the applicants.

At our regular monthly meeting held September 22nd, this ANC voted to oppose the variance. However, rather than recommend simply that the application not be granted, we would prefer -- and it is our recommendation -- that the applicant seek a postponement of the proceedings in order to consider design alternatives, mediation, or otherwise to explore changes that will ameliorate the problems giving rise the the neighbors' opposition.[1]

This ANC devoted a considerable amount of time at our public meeting to this one issue and heard extensively from both parties. The matter was difficult for us (and probably is for you as well) because it starkly pits neighbor against neighbor. We felt so strongly that it would be preferable for the parties to work things out that a motion to make that our sole recommendation -- i.e., that we simply request a postponement -- failed by a 4-to-5 vote.

A majority of the Commission felt that combining a request for postponement with a position of opposition is the most effective means available to us to encourage compromise by the parties. Should that not happen, then it is our view that a balancing of the arguments between the neighbors weighs against the proposed variance. In this our position is unanimous.

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[1]In addition to next-door-neighbors Jack Turton and Helen Hanson-Turton, the record includes a September 9th letter from Richard Nettler expressing opposition on behalf of several other neighbors.

BZA
CASE No. 16260
EXHIBIT No. 30

Board of Zoning Adjustment
District of Columbia
CASE NO.16260
EXHIBIT NO.30

9/24/97

This Commission is aware of the legal criteria necessary for a variance and in our debate no Commissioner asserted that those criteria are met. Moreover, there may be design alternatives that meet the applicants' putative needs while not diminishing the immediate neighbors' legitimate right to light and air. The attached photos enabled us to better understand this light & air problem. Finally, Mr. Nettler's letter indicates that there is a restrictive covenant that the proposed addition violates.

The following is the resolution of ANC 3-C adopted by unanimous vote (nine Commissioners present, seven voting) at our regular monthly meeting held September 22, 1997.

WHEREAS: David Furchgott and Fetneh Fleischmann have filed application no. 16260 with the Board of Zoning Adjustment for a variance from section 2001.3(a) & (b) of the Zoning Regulations to allow an addition to an existing nonconforming structure in an R-1-B zone, to wit, their semi-detached, single-family home at 3223 Klingle Road, N.W.; and

WHEREAS: The proposed construction that requires zoning relief is a dormer on the third floor of the house, and the lot occupancy, side yard, and rear yard will all be unchanged by the addition; and

WHEREAS: Ronald Costell, Marsha Swiss, and David and Ruth Robbins, all owners of nearby houses, have through counsel written the Board to express their opposition to the application, citing potential adverse impacts on light, air, and vistas; and

WHEREAS: Karen and Jack Turton, owners of the immediately adjacent house at 3225 Klingle Road, have objected to the application on the grounds that:

-- Mr. Furchgott and Ms. Fleischmann can solve their current difficulty -- a leaky roof -- without the dormer extension that requires a variance;

-- The dormer extension would block views from, adversely affect access to light and air from, and potentially harm the structural integrity of their house; and

-- The application will impair the zone plan by extending beyond the lines of most of the buildings in the "English Village" section of Woodley Park; and

WHEREAS: Advisory Neighborhood Commission 3-C at its regular monthly meeting on August 25, 1997 adopted a resolution expressing "no objection to the granting of this variance, provided the neighbors at 3225 Klingle Road reach agreement with the applicants"; and

WHEREAS: No such agreement has yet been reached; therefore,

BE IT RESOLVED BY ANC 3-C: That this Commission opposes this variance application and authorizes the Chairman or his designee to present testimony on the basis of this resolution; and further

BE IT RESOLVED: That this ANC would support postponement if the applicant seeks postponement of BZA action in order to pursue mediation or other resolution of objections with neighbors.

It is our hope that our position is now clarified regarding how you should decide this case, but we urge you to use your powers to encourage the applicant to work things out rather than risk denial.[2] We thank you for leaving the record open to consider our views.

FOR THE COMMISSION:

Phil Mendelson
Chairman

Attachment
cc: David Furchgott & Fetneh Fleischmann
Jack Turton & Karen Hansen-Turton
Brian Paul Jenny, Esq.

[2]Of course the neighbors should realize that negotiation is worthwhile for them, too, since there is no assurance that the BZA will agree with ANC 3-C's recommendation.

September 24, 1997

ATTACHMENT TO ANC 3-C LETTER
Re. BZA Case No. 16260

'97 SEP 24 A11:08

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1. Left: rear of 3223 (with white siding); Right: rear of 3225 (with dark shingles). The view is of the third floor, which is set back from the roof line of the second floor. Thus, the photographer is standing on the Turton's second floor roof; Mrs. Turton is looking out of her third floor dormer. The variance would permit the the white siding addition to be replaced with a larger structure, extending over the entire second floor roof at 3223 Klingle Road.



cont'd . . .

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ATTACHMENT TO ANC 3-C LETTER
Re. BZA Case No. 16260

2. View of second floor roof at 3223 Klingle (Furchgott/Fleischmann). Photograph is taken from the Turton's roof (their dormer window is to the near right). This openness and view would be blocked by the proposed addition.



3. View of second floor roof at 3225 Klingle (Turton). Photograph is taken from the Furchgott/Fleischmann roof (their present 3rd floor addition which is proposed for removal is to the near left). The proposed new roof structure would cover entirely the foreground. The structure's original roof lines can be seen in the middle and distance.

