Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

June 18, 2001

Ms. Sherri Pruitt
Secretary, Board of Zoning Adjustment
441 4th Street NW
Washington DC 20001

Re: BZA # 16710

Dear Ms. Pruitt:

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on Wednesday, June 6, 2001 at Sibley Memorial Hospital. In the absence of Chair Eleanor Lewis, Vice Chair Stephen Griswold presided. There was a quorum (4) present at all times during the meeting.

One of the items on our agenda was BZA #16710- application of Vinay Pande for a special exception to allow the construction of a canopy over a driveway and stairway leading to a single family dwelling that does not comply with the side yard requirements in an R-1-B District at premises 5210 Klingle Street NW.

The owner, Mr. Pande, and his attorney, Howard Ross, explained to the Commissioners that the awning had been built in 1998 as future protection for a motorized chair lift, which would provide transportation for Mr. Pande's severely arthritic mother from the driveway down into the back door of the house. Mr. Pande had failed to determine if a building permit was required for construction of the awning. One of his neighbors, who said his view was obstructed by the awning, contacted the BZA and found that the awning had been built without a required permit and without a variance. Several suggestions were offered to Mr. Pande including cutting back the awning, lowering it and redesigning it to conform more to the home and the neighborhood. He said he was open to all suggestions and promised he would do whatever was necessary to keep an awning up but make it acceptable to the neighbors.

The Commission voted 4-0 against granting a special exception for the awning in its current form and urged Mr. Pande and neighbors to try to work out an acceptable compromise.

BZA
Case No. 16710
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16710
EXHIBIT NO.26

In support of its recommendation, the Commission makes the following findings and observations:

- The owner failed to make a reasonable effort to determine if a building permit was required for construction of the awning and is now seeking to offset his violation of the zoning code by receiving a special exception that will permit the structure to stand.

- The awning, which extends within a foot of the back property line and extends into the public space reserved for a sidewalk, violates zoning setback requirements on two sides.

- To grant the relief sought by the owner would substantially impair the intent, purpose and integrity of the zoning requirements in the neighborhood.

- In height and length, the awning infringes upon the privacy of use and enjoyment of neighboring properties.

- In height and structure, the awning is unsightly and incompatible with the residential neighborhood.

- If the intent, as stated, is indeed to provide protection for a chairlift for a mother with arthritis, then a question arises as to why such an elaborate structure is needed.

- As demonstrated by a petition signed by 12 neighbors on the block of Hawthorne, neighbors find the awning distasteful and intrusive and wish it removed.

At the same time, ANC3D urges the owners to consult with each other and to come to an amicable agreement.

If such an agreement is reached, ANC3D invites Mr. Pande to return to another meeting to review the changes.

This recommendation was passed unanimously 4-0-0. We have learned that the July 10 hearing has been postponed until October 16. This should allow all parties to come to a friendly compromise. We urge the BZA to give our decision the "great weight" to which it is entitled under DC law.

Sincerely,

Stephen Griswold by m

Stephen Griswold
Vice Chair, ANC3D
(Acting Chair)