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

FAX

TO: Sheri Pruitt
Secretary
BZA
FAX 727 6072

FROM: ANC 3D
Phone/FAX 3634130

5 pages including cover

re: BZA # 16710

BZA
Case No. 16710
Exhibit No. 32

Board of Zoning Adjustment
District of Columbia
CASE NO.16710
EXHIBIT NO.32

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

October 9, 2001

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

Re: BZA# 16710 – 5210 Klingle Street NW

Dear Ms. Pruitt:

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on Wednesday, October 3, 2001 at Sibley Memorial Hospital's Ernst Auditorium. Proper notice of this meeting was published in the Northwest Current and notices were placed around the neighborhoods. A quorum (4) was present at all times.

One of the items on the agenda was revisiting BZA #16710 in which Mr. Vanay Panday Is seeking to 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 a home which he owns at 5210 Klingle Street NW.

Mr. Pande came before ANC3D at our June 6, 2001 meeting and on June 18, 2001 we wrote the BZA a letter (attached) stating our position that we did not approve of the canopy and made certain findings and observations.

We suggested that Mr. Pande speak with his neighbors and find out exactly what would be acceptable to them and then hire an architect to prepare drawings which would need to be approved by the neighbors before he came before us again.

Mr. Pande did indeed hire an architect who prepared drawings but he failed to get the approval of the neighbors who are most directly affected by the present canopy.

After much discussion and after hearing from both Mr. Pande and his attorney as well as neighbors, the Commission voted 4-0-0 to send this letter to the BZA stating that we still stay with our former letter in which we suggest that he tears down the present structure and work with the "line of sight" neighbors.

The new cover must be proportionate in height and length and must not infringe on the use and enjoyment of neighbors on their property.

We feel that Mr. Pande is very willing to try and accommodate the neighbors while still providing adequate coverage for his mothers' sliding chair and we expressed this fact and

invited him to return once the present structure has been torn down completely and he can provide the neighbors with a plan to which they will agree.

Thank you for giving our decision the "great weight" to which it is entitled under DC law.

Sincerely,

Eleanor Roberts Lewis

Eleanor Roberts Lewis
Chair, ANC3D

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. His backyard neighbor, 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.

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 reerved 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 incompatable 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 instrusive 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, the 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
Vice Chair, ANC3D
(Acting Chair)