To: ANC 3 D c/o Mr. John Finney

CC: Eleanor Lewis, Chair, ANC3D

Ms. Sheri Pruitt, Secretary, BZA

From: Jack Koczela

Date: 10/18/01

Re: BZA Application #16710

In accordance with the instructions from the BZA with respect to the subject application (#16710), attached please find letters from the following:

1.	Andrew and Marie Chiarodo	5120 Klingle Street
2.	Linda Vitella and Paul Brewster	5501 Hawthorne Place
3.	Michael Brown	5511 Hawthorne Place
4.	Caroline and James Ervin	5515 Hawthorne Place
5.	Leo and Susan Coco	5521 Hawthorne Place
6.	J. Anthony Romero	5524 Hawthorne Place
7.	Julie and Jack Koczela	5525 Hawthorne Place
8.	Daniella Nicotra	5528 Hawthorne Place
9.	William Andersen	5529 Hawthorne Place
10.	William Kernan	5533 Hawthorne Place
11.	John & Elaine Kennedy	5538 Hawthorne Place

They are all in opposition to the application and require no further explanation. Please note that the Chiarodo letter indicates that two other neighbors, Chris and Mary Mahle (5137 Klingle) and Patricia Hevner (5134 Klingle), have expressed opposition to the application. Finally, note that Mr. Michael Brown (5511 Hawthorne Place) also does not support the application, contrary to testimony given by Mr. Pande's attorney at the BZA hearing. We entrust the letters to you for delivery to the BZA and the parties to this matter.

I would like the ANC and the BZA to be aware that I took the time to consult with an architect about Mr. Pande's situation. It would appear to be possible for Mr. Pande to simply excavate his drive starting at the curb and run it straight down to the rear door of the house, thus eliminating ANY need for a structure of any kind (and no chair lift would be required). This should suit his mother's needs. All the neighbors to whom I spoke liked the idea. It certainly is consistent with how other houses in the neighborhood have dealt with their off-street parking issue. It cannot be any more expensive than widening his parking pad, constructing a roof, building new steps and installing a chair lift. His failure to investigate that alternative leaves me still to wonder about his intentions.

Case No. 16710
Exhibit No. 42-A

Board of Zoning Adjustment
District of Columbia
CASE NO.16710
EXHIBIT NO.42

5120 Klingle Street, NW
Washington DC 20016
October 18, 2001

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

Re: BZA Application #16710

Dear Ms. Pruitt:

We have lived on Klingle Street for almost 32 years. We care about our neighborhood and have watched it grow and yet retain its neighborliness for all those years. The granting of this request for a special exception would drastically affect the character, scale, and pattern of the houses on the street, and ours which is nearby, while at the same time setting a precedent for other such requests.

We live at 5120 Klingle Street, just seven houses from the location of the existing illegal structure. We are writing regarding our opposition to the above referenced application of Mr. Vinay Pande for a special exception under Section 223 of 11 DCMR §3104.1 to allow for the construction of a cover over a driveway and stairway located at the rear of a home located at 5210 Klingle Street, N.W. As requested by the Chair at the BZA Public Hearing held on Tuesday, October 16, 2001, we have sent a copy of this letter to Advisory Neighborhood Commission 3D, an official party to this case, for purposes of the ANC providing notice to the applicant. We appreciate this opportunity to further clarify our opposition to the subject request for a special exception.

We have seen the applicant's not to scale drawings; however, we remain opposed to the BZA granting a special exception for the following reasons:

1. The proposed drawings allow for a permanent, obtrusive structure to be seen by all. Additionally, a precedent will be set, because it establishes a car at the property line under what will always look like a temporary structure because the pattern in our neighborhood is for garages or open driveways, not carports. Furthermore, the drawings are incomplete in that they do not show the proposed chairlift.

2. The applicant's proposed structure would adversely affect neighboring property. We make this claim based on the language of §223.2© which states in part that, "The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage...." The applicant's request intrudes upon the character, scale, and pattern of houses.

BZA
Case No. 16710
Exhibit No. 42-A

3. Mr. Pande has *not* complied with the request of the ANC 3D to a) tear down his illegal structure, and b) provide an agreeable plan to the "line of sight" neighbors. In a further demonstration of lack of good faith, Mr. Pande claims that neighbors on Klingle Street do not object to the canopy. This is not accurate. We signed the original petition opposing the application. Other Klingle Street residents who signed the petition include Chris and Mary Mahle, 5137 Klingle, and Patricia Hevner, 5134 Klingle. They are unavailable this week and therefore, not informed of the BZA recommendation at its October 16 meeting, they do not have the opportunity to write a letter at this time.

4. Because this structure violates the architectural pattern of the neighborhood in yet another way by ignoring proper setbacks and landscaping in a neighborhood of carefully done homes, another dangerous precedent might be set. The design and materials of the proposed structure remain irrelevant; what is at risk here is the permanent damage to the character, pattern and scale of our neighborhood.

We strongly request that the BZA deny the applicant's request for a special exception.

Sincerely yours,

Andrew Chiarodo

Marie F. Chiarodo

cc: ANC 3D

5501 Hawthorne Place, NW
Washington DC 20016

October 18, 2001

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

RECEIVED
D.C. OFFICE OF ZONING
2001 OCT 23 P 3:15

RE: BZA Application #16710

Ms. Pruitt:

We live at 5501 Hawthorne Place, NW Washington DC 20016, our residence for 15 years. We are writing to you with regard to our opposition to the above referenced application of Vinay Pande for a special exception under Section 223 of 11 DMCR 3104.1 to allow for the construction of a canopy over a driveway and stairway at a home located at 5210 Klingle Street, N.W. A copy of this letter will also be provided to Mr. John Finney of the ANC 3D.

We have seen the applicant's not to scale drawings (A1-3). We are opposed to the BZA granting a special exception for the following reasons:

1. We feel it sets a bad precedent to allow a structure such as this to be built right up to the property line in the visual line of sight of neighboring properties.

2. The proposed structure is out of character with the other structures on the street.

We hereby request that the BZA deny the applicant's request for a special exception.

Sincerely yours,

Linda A. Vitella
Paul F. Brewster

cc: ANC 3D

16710
4/2-B

5511 Hawthorne Place, NW
Washington, DC 20016

October 18, 2001

Ms. Sheri Pruitt
Secretary
Board of Zoning Adjustment

441 4th Street, NW
Washington, DC 20001

Re: BZA Application #16710

Dear Ms. Pruitt:

I live at 5511 Hawthorne Place, NW, Washington, DC 20016. Having now reviewed all the available information from Mr. Pande and the ANC 3D, and contrary to what may have been represented at the BZA hearing held on October 16, 2001 with respect to my position, I am writing to express that I am unable to support the above referenced application for a special exception.

The application would allow for a permanent structure fronting on Hawthorne Place that is not at all in keeping with the architectural pattern of the other homes and set-backs on the street and in the neighborhood.

Finally, Mr. Pande has not complied with the requests of the ANC 3D as stated in their letter of October 9, 2001 with respect to this matter.

Sincerely yours,

Michael Brown

Cc: ANC 3D

16710
42-C

October 17, 2001

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

Re: BZA Application #16710

Dear Ms. Pruitt:

We write to you today to express our opposition to the above referenced application of Vinay Pande for a special exception under Section 223 of 11 DCMR §3104.1 to allow for the construction of a canopy, or rather carport, over a driveway and stairway at a home located at 5210 Klingle Street, NW. As requested by the Chair at the BZA Public Hearing held on Tuesday, October 16, 2001, we have sent a copy of this letter to Advisory Neighborhood Commission 3D, an official party to this case, for purposes of the ANC providing notice to the applicant.

We live at 5515 Hawthorne Place, NW and the proposed carport is within the line of sight of our property. We have seen the applicant's not to scale drawings (A1-3). We are opposed to the BZA granting a special exception based on the following:

1. The proposed structures would allow for a permanent, obtrusive structure to be seen by all the households which front on Hawthorne Place, including our own.

2. The applicants proposed structure would adversely affect our neighboring property. We make this claim based on the language of §223.2(c) which states in part that, "[T]he addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage...." The applicant's request intrudes upon the character, scale and pattern of houses on our street.

3. Mr. Pande has **not** complied with the request of the ANC 3D to a) tear down his illegal structure, and b) provide an agreeable plan to us, a "line of sight" neighbor.

We strongly request that the BZA deny the applicant's request for a special exception.

Sincerely yours,

Caroline C. Ervin James B. Ervin

Caroline C. and James B. Ervin

cc: ANC 3D

BZA
Case No. 16710
Exhibit No. 42-D

Leo and Susan Coco
5521 Hawthorne Place NW
Washington, DC 20016
October 17, 2001

RECEIVED
BOARD OF ZONING
2001 OCT 17 P 3:15

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

Re: BZA Application #16710

Dear Ms. Pruitt:

As long time residents of 5521 Hawthorne Place NW and 25-year residents of Washington, DC, we write to you in strong opposition to the above referenced application of Vinay Pande for a "special exception" under Section 223 of 11 DCMR §3104.1. This "special exception" would allow construction of a canopy over a driveway and stairway at a home located at 5210 Klingle Street, N.W. At the BZA Public Hearing held on Tuesday, October 16, 2001, we were requested to send a copy of this letter to Advisory Neighborhood Commission 3D, an official party to this case, to provide notice to the applicant.

We are grateful for the chance to clarify our opposition to the request for a special exception. **However, first we would like to point out that those of us who are opposed to this application are totally invested in the revitalization of our neighborhood as well as the preservation of its architectural and community character**. We are actively and directly involved in the support of neighborhood businesses, the public schools, the city recreational facilities, and the beautification of our neighborhood streets and MacArthur Boulevard.

The primary issue that we believe supports this challenge is the applicant's request for a "special exception under Section 3104." Our understanding is that these types of exceptions generally relate to use and adaptive use. Given the extent of the project and location of the proposed structure at the property line**, it is apparent that the applicant should be seeking a "variance under Section 3103." Please give this issue careful consideration**.

A second major concern is the precedent that this would set, both in the types of future applications for projects and the granting of the "special exception" for this particular type of application. Approval of this application would set a precedent which would allow for permanent, obtrusive structures to be constructed which would substantially intrude upon the character, scale and pattern of houses fronting Hawthorne Place and others in our neighborhood.

Finally, this proposed structure would be a permanent obtrusion to our household and all those fronting Hawthorne Place. It violates the integrity of the street scene and particularly the character, scale and pattern of houses on our street.

Mr. Pande has not complied with the request of the ANC 3D to tear down his illegal structure and to provide an agreeable plan to those of us who are considered a "line of sight" neighbor. **Because of this non-compliance and the reasons listed above, we strongly request that the Board of Zoning Adjustment deny the applicant's request for a "special exception."**

Sincerely,

Leo Coco

Susan H. Coco

Cc: ANC 3D

Case # 16710
Exhibit # 42-E

RECEIVED
D.C. OFFICE OF ZONING
2001 OCT 17 AM 8:35

October 17, 2001

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

Re: BZA Application #16710

Dear Ms. Pruitt:

I have lived in the neighborhood all of my life and I have lived at 5524 Hawthorne Place, NW, Washington, DC 20016 since 1995. I am writing you in regard to my opposition to the above referenced application of Vinay Pande for a special exception under Section 223 of 11 DCMR §3104.1 to allow for the construction of a canopy over a driveway and stairway at a home located at 5210 Klingle Street, N.W. As requested by the Chair at the BZA Public Hearing held on Tuesday, October 16, 2001, we have sent a copy of this letter to Advisory Neighborhood Commission 3D, an official party to this case, for purposes of the ANC providing notice to the applicant. I appreciate this opportunity to further clarify my opposition to the subject request for a special exception.

I have seen the applicant's not to scale drawings (A1-3) and I am opposed to the BZA granting a special exception based on the following:

1. The proposed structures would allow for a permanent, obtrusive structure to be seen by all the households which front on Hawthorne Place, including my own.

2. The applicants proposed structure would adversely affect our neighboring property. I make this claim based on the language of §223.2(c) which states in part that, "the addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage...." The applicant's request intrudes upon the character, scale, and pattern of houses on our street.

3. Mr. Pande has **not** complied with the request of the ANC 3D to a) tear down his illegal structure, and b) provide an agreeable plan to us, a "line of sight" neighbor.

I urge the BZA to deny the applicant's request for a special exception.

Sincerely yours,

J. Anthony Romero

J. Anthony Romero, Jr.

Case No. 16710
Exhibit No. 42-F

Cc: ANC 3D

JACK KOCZELA
5525 Hawthorne Place, N.W.
Washington, D.C. 20016
(202) 244-5681

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2001 OCT 18 PM 1:35
ZONING

October 17, 2001

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

Re: BZA Application #16710

Dear Ms. Pruitt:

We are writing you in regard to our opposition to the above referenced application of Vinay Pande for a special exception under Section 223 of 11 DCMR §3104.1 to allow for the construction of a canopy over a driveway and stairway at a home located at 5210 Klingle Street, N.W. We have sent a copy of this letter directly to Advisory Neighborhood Commission 3D, an official party to this case, as requested by the Chair at the BZA Public Hearing held on Tuesday, October 16, 2001, for purposes of the ANC providing notice to the applicant. We appreciate this opportunity to further clarify our opposition to the subject request for a special exception.

We have seen the applicant's drawings (A1-3) presented at the October 16 hearing, but have never been provided with a scale copy by Mr. Pande. We are **opposed** to the BZA granting a special exception based on the following:

1. The drawings we have received are incomplete. We have *not* seen any drawings of any proposed chair lift that Mr. Pande claims will be covered by the wood structure he wants to build and note that the chair lift will be a permanent affixture situated in a portion of the land area that would be subject to the special exception. Furthermore, we have seen first hand a myriad of exterior chair lifts all up and down the western coastline and estuaries of the Chesapeake Bay where the change in elevation from shoreline (sea level) to the location of individual houses is severe. *None* of those lifts, exposed all year to the elements, have canopies or other roof structures for protection. Therefore, we question the need for such cover as stated by the applicant.

2. While the requested exception might be a variance to rear and side yard set backs for Mr. Pande, the proposed structures would indeed infringe on the *front* yard of Mr. Kennedy, Mr. Pande's neighbor, and therefore would allow for a permanent, obtrusive structure to be seen by all the households which front on Hawthorne Place, including our own. Our neighborhood is full of hilly terrain, but that should not be the cause of or deciding factor in allowing one household to build on the front yard property line of another. As "line of sight neighbors" who live at a slight angle, but directly across the street from the subject property, we believe special consideration should be given to our objections.

BZA
Case No. 16710
Exhibit No. 42-G

3. We understand that "Special Exceptions" as stipulated in §3104.1 are only to be considered if the subject is "...in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property...." We respectfully submit that a wooden carport, built virtually on the property line of a front yard, is ***not*** in harmony with and will adversely affect the use of the neighboring properties. We make this claim based on the language of §223.2(c) which states in part that, "[T]he addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage...." We know of no other carports situated in such a fashion that they affect the front yards of any other houses in our neighborhood. The applicant's request indeed intrudes upon the character, scale, and pattern of houses on our street. (We ask you to note that those neighbors of Mr. Pande who he claims have little or no objection to the applicant's request do *not* have their front yards abutting nor looking out on the proposed carport.)

4. We question why Mr. Pande is being allowed to make application for his carport and chair lift under §3104 rather than §3103 of the Code. Mr. Pande is not proposing a special use of his residential property (such as for a dentist's office or nursery school). Rather, he is proposing relief from normal setback requirements on a property that has "...exceptional narrowness, shallowness [and]...shape ... [as well as] exceptional topographical conditions...." There is a higher burden on the applicant under §3103 and we are concerned that Mr. Pande's application is being given consideration under the wrong section of the code.

5. Mr. Pande has **not** complied with the request of the ANC 3D to a) tear down his illegal structure, and b) provide an agreeable plan to "line of sight" neighbors.

We note that Mr. Pande and his architect have inserted the existing ***illegal*** structure on the A1-3 drawings, which show the new proposed structure. We wish to make certain that should the BZA actually grant the applicant's request, there is no approval being given—*implied* or otherwise—to that existing illegal structure, should Mr. Pande choose not to build anything new. This might be a small technicality, but we wanted to call it to your attention, especially since applicant previously built an illegal canopy/carport ostensibly for a chair lift but which was never wide enough to have covered a path for a chair and was at such difficult angles to have made a chair lift installation virtually impossible.

We strongly request that the BZA deny the applicant's request for a special exception.

Sincerely yours,

Jack Koczela

Julie Koczela

Cc: ANC 3D

5528 Hawthorne Place, NW
Washington, DC 20016

October 18, 2001

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

Re: BZA Application #16710

Dear Ms. Pruitt:

I live at 5528 Hawthorne Place, NW, Washington, DC 20016. I am writing you to express opposition to the above referenced application of Vinay Pande for a special exception under Section 223 of 11 DCMR §3104 to allow for the construction of a canopy over a driveway and stairway at a home located at 5210 Klingle Street, N.W. I have a view from my front porch of the existing illegal structure and would certainly have a view of any new porte cochere as described by Mr. Pande.

I am opposed because the application because it would allow for a permanent, unsightly structure to be seen by all the households which front on Hawthorne Place, including my own. What is proposed is not at all in keeping with the pattern of the other homes and architecture on the street and in the neighborhood.

Finally, Mr. Pande has not complied with the request of the ANC 3D to a) tear down his illegal structure, and b) provide an agreeable plan to me, a "line of sight" neighbor.

I request that the BZA deny the applicant's request for a special exception.

Sincerely yours,

Daniella Nicotra

Cc: ANC 3D

16710
42-H

October 17, 2001

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

Re: BZA Application #16710

Dear Ms. Pruitt:

This is in regard to my opposition to the above referenced application of Vinay Pande for a special exception under Section 223 of 11 DCMR §3104.1 to allow for the construction of a canopy over a driveway and stairway at a home located at 5210 Klingle Street, NW. As requested by the Chair at the BZA Public Hearing held on Tuesday, October 16, 2001, I have sent a copy of this letter to Advisory Neighborhood Commission 3D, an official party to this case, for purposes of the ANC providing notice to the applicant. I appreciate this opportunity to further clarify my opposition to the subject request for a special exception.

I live at 5529 Hawthorne Place, NW, Washington, DC 20016 which is directly across from the current awning.

I have seen the applicant's not-to-scale drawings (A1-3) and am opposed to the BZA granting a special exception based on the following:

1. The request for a special exception is not appropriate. It should be a request for a variance.

2. Mr. Pande has stated that the existing awing structure was built to protect his mother as she was getting out of the car and to protect a required wheelchair lift. He is using the same argument for the proposed structure. However, I find that argument not convincing for the following reasons:

- The current structure appears only wide enough to protect a car. A person walking along side would not have much weather protection. A wheelchair could not be used because it appears that the concrete pad is not wide enough for a car and a chair. Also the supporting poles would be in the way.

16710
42-I

- There are wheelchair lifts designed for unprotected areas.

- Mr. Pande lives and works in Connecticut. His house on Hawthorne PL has been rent since 1993.

2. Mr. Pande has not complied with the request of the ANC 3D to a) tear down his illegal structure, and b) provide an agreeable plan to the, a "line of sight" neighbors.

3. A number of houses on Hawthorne Pl. do not have garages or parking areas. If this would happen, the proposed and existing structures would set a precedent which would allow garage type structures to be constructed on both blocks of Hawthorne Pl. I believe it would substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage.

I strongly request that the BZA deny the applicant's request for a special exception.

Sincerely yours,

William Andersen
5529 Hawthorne Pl. NW
Washington, DC 20016-2668

Cc: ANC 3D

5533 Hawthorne Place, NW
Washington, DC 20016
October 17, 2001

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

Re: BZA Application #16710

Dear Ms. Pruitt:

My father and I live directly across the street from the illegal canopy constructed by our neighbor, Vinay Pande. We have carefully reviewed Mr. Pande's proposed canopy replacement and his letters of explanation. After thorough consideration of his representations and actions, we remain opposed to his application #16710 for a variance.

We are most sympathetic to Mr. Pande's mother and have seriously considered Pande's assertions that he constructed the canopy to protect her and a proposed chairlift from the weather and "electric shock". However, the canopy that Mr. Pande allegedly built for his mother is very high with open sides all around that is completely vulnerable to blowing rain and snow. It does not serve her needs or those of our community and we are not confident in Pande's current proposals.

We question Mr. Pande's judgment and intent in this matter and urge the Board to deny his request for a variance. Your consideration of our concerns is greatly appreciated.

Very truly yours,

William K. Kernan

16710
42-J

john & elaine kennedy
5538 hawthorne place, nw
washington, dc 20016

October 17, 2001

Ms. Sheri Pruitt
Secretary
DC Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

RE: Application Number 16710

Please let this letter serve as indication of my opposition to the special exception sought by Mr. Vinay Pande in the case sited above. My wife, Elaine and I own the home directly south of the canopy over the driveway at 5210 Klingle Street, NW.

We have reviewed the plans for the proposed porte cochere as prepared by Ahman Architects. Our objections to the proposed structure follow:

The south face of the structure would be located only inches from our property (as the current illegal canopy does). Although a special exception is sought for Mr. Pande's side/back yard, it is our **front yard** that is impacted by the current/proposed structure.

The proposed structure would impede the line of sight of our home from the north on Hawthorne Place (as the current illegal canopy does).

A canopy or porte cochere of any variety is not remotely in keeping with the facades of homes found on our block. All of the homes located on the 5500 block of Hawthorne Place face the street, with the exception of Mr. Pande's, whose rear yard/driveway faces Hawthorne. A structure over this driveway such as what is there or what is proposed produces the effect of viewing 12 distinct, attractive homes with a carport as an anchor.

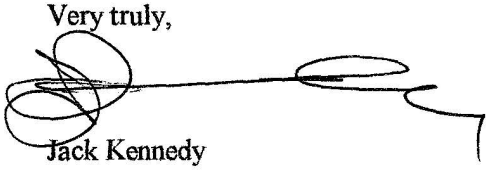
I have spoken with two manufacturer/suppliers of horizontal and vertical chair lifts. Their sales representatives have told me that they manufacture outdoor lifts that do not need to be covered with canopies. They claim that there are portions of the apparatus which are susceptible to rust, but overall they are designed to withstand the outdoors.

There should be no need whatsoever for the largest portion of the proposed structure, that which is intended to cover a vehicle. If the applicant was truly concerned with his neighbors appreciation for the aesthetics of their block and the property vales of their homes, he would have eliminated that portion of the structure which is entirely superfluous to the alleged protection of the sliding chair apparatus. It serves only as a convenience which is now and would be a unsightly structure which we should not have to live with. Please understand however, that my wife and I object to the proposed structure with or without the portion which is designed exclusively for vehicle parking.

16710
42-K

Thank you for your consideration in this matter.

Very truly,



Jack Kennedy