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

RECEIVED
D.C. OFFICE OF ZONING
2002 NOV -7 PM 4:06

Nov. 5, 2002

Jerrily R. Kress, FAIA
Director, Office of Zoning
441 4th St. NW, Suite 210-S
Washington, DC 20001

Re: Request for Reconsideration of Case No. 16710-B on Basis of Misstatement of Fact

Dear Ms. Kress:

As a party to the case, I hereby request BZA reconsideration of Case No. 16710-B on the basis that the Final Order dated Oct. 28, 2002, is based on a serious factual error.

In the Findings of Facts in this case, the BZA order states (#4 in list) that "the applicant's mother, **who resides in the dwelling**, is debilitated by rheumatoid arthritis." That finding is not correct. The applicant's mother does not reside in the house nor has she or her son resided in the house over the past five years, according to neighbors on Hawthorne Place. (Affadavits from neighbors will be supplied attesting that Mr. Vinay Pande has not lived in the house over the past five years but rather has rented out the property.)

This is no small matter of tense. Rather it goes to the motives and intent of Mr. Pande in seeking a special exception to build a "porte cochere" on his property without the normal setbacks. Throughout the lengthy proceedings, Mr. Pande has invoked the illness of his mother in seeking to justify building what amounts to an open-sided garage, replacing an awning that was erected without proper permit. I think it is fair to say that the repeated invocation of his mother's illness struck a sympathetic chord with the majority of the BZA members in influencing their decision, to the point they found that Mrs. Pande was already living in the residence.

By reconsidering the case, the BZA would have an opportunity to clarify Mr. Pande's intent. Does he really intend to occupy the residence with his mother or is he invoking his mother's illness in order to obtain permission to add a car shelter, thus enhancing the rental value of his property but intruding upon and lowering the value of his neighbor's property?

Should the Board still support Mr. Pande's case, reconsideration would permit it to impose certain conditions to its approval, such as a requirement that Mr. Pande and mother occupy the house within three months of the issuance of the final order; otherwise the special exception would expire.

I urge the Board to reconsider its order, dated Oct. 28, 2002

Sincerely yours,
John Finney
John W. Finney
Chair, ANC3D

BZA
Case No. 16710
Exhibit No. 60

Board of Zoning Adjustment
District of Columbia
CASE NO.16710
EXHIBIT NO.60

BZA Application No. 16710

I, John W. Finney, hereby certify and attest that on Nov. 6 a copy of the foregoing request for reconsideration in this case was mailed to each party and public agency, either by first class post or by Fax, to each party and public agency who appeared and participated in the public hearing and who is listed below:

Howard J. Ross
Troutman Sanders Mays & Valentine LLP
1600 International Drive, Suite 600
McLean VA 22102

John and Elaine Kennedy
5538 Hawthorne Place NW
Washington, DC 20016

Ellen McCarthy, Deputy Director
Development Review Division
D.C. Office of Planning
801 North Capital Street NW Suite 4000
Washington, DC 20002

Robert Kelly, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs,
941 North Capitol St NE, suite 2000
Washington, D.C. 2002

Alan Bergstein
Office of Corporation Counsel
441 4th St. NW. 6th Floor
Washington, D.C. 20001

ATTESTED BY: J. W. Finney

John W. Finney
Chair, ANC3D