john h. kennedy
5538 hawthorne place, nw
washington, dc 20016

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D.C. OFFICE OF ZONING
2002 NOV -6 PM 3:07

Date: November 6, 2002

To: Jerrily R. Kress
Director, Office of Zoning

Fax #: 202.727.6072

From: John Kennedy

Re: Request for Reconsideration – Case No. 16710-B

Four (4) pages including cover.

Notes:

Please disregard the Andersen's name in the letter signed by Michael M. and William K. Kernan. They were not home in time to sign this letter and have it forwarded to you.

John Kennedy

Case No. 16710
Exhibit No. 61

Board of Zoning Adjustment
District of Columbia
CASE NO.16710
EXHIBIT NO.61

November 5, 2002

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

RE: Request for Reconsideration – Case No. 16710-B

Dear Ms. Kress:

We are property owners whose homes are across the street from the proposed porte cochere location at 5210 Klingle Street, NW. We attest that Mr. Vinay Pande, the applicant seeking special exception relief, does not occupy the dwelling at this address.

William Andersen
5529 Hawthorne Place, NW
Washington, DC 20016

Roxanne Andersen
5529 Hawthorne Place, NW
Washington, DC 20016

Michael M. Kernan
5533 Hawthorne Place, NW
Washington, DC 20016

William K. Kernan
5533 Hawthorne Place, NW
Washington, DC 20016

john h. kennedy
5538 hawthorne place, nw
washington, dc 20016

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November 6, 2002

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

RE: Request for Reconsideration – Case No. 16710-B

Dear Ms. Kress:

As a party in the above noted case, I hereby request reconsideration of the BZA's order dated October 28, 2002 on the basis of an error in the "Findings of Fact".

In the "Findings of Fact" section of the order, Item #4 states: "The applicant's mother, who resides in the dwelling, is debilitated by rheumatoid arthritis." I have owned and lived in the property immediately next door to Mr. Pande's house since September 1997 and neither the applicant nor his mother have lived there during that time. Mr. Pande has rented the house for as long as I have lived next door.

I would hope that the BZA would reconsider the case based on this misstatement of fact and I would argue that the Board should retract the order as this erroneous supposition was given weight in taking a decision. Should the Board reconsider the case and still support the application for a special exception, I would encourage the requirement of some sensible provisions, such as:

- that the wheelchair lift be installed prior to the porte cochere,
- that the applicant take occupancy of the dwelling prior to the porte cochere being erected,
- that the special exception be revoked if these conditions are not met.

These conditions should be set forth to ensure that the applicant is indeed installing a permanent structure for the benefit of a handicapped family member, and not to simply enhance the value of his rental property at the expense of the property value of my home and that of my neighbors on Hawthorne Place.

Very truly,

John H. Kennedy

Attachments: (2) Neighbors Affidavits

Cc: Howard J. Ross, Esq.
John W. Finney

John S. and Julia B. Koczela
5525 Hawthorne Place, NW
Washington, DC 20016

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November 6, 2002

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

RE: Request for Reconsideration – Case No. 16710-B and Affidavit

Dear Ms. Kress:

We write in reference to the above noted case and hope you grant the request for reconsideration of the BZA's order dated October 28, 2002 filed by Mr. John Kennedy and by Mr. John Finney, the latter on behalf of the ANC 3D, on the basis of an error in the "Findings of Fact".

In the "Findings of Fact" section of the order, Item #4 states: "The applicant's mother, who resides in the dwelling..." We hereby affirm, as is evidenced by our signatures below, that:

1. We have lived at 5525 Hawthorne Place, NW since 1989.
2. To the best of our knowledge, and as verified with the previous owners (who still live in the general neighborhood) of Mr. Kennedy's house (5538 Hawthorne), the applicant, Mr. Pande, has not resided at 5210 Klingle since 1993 and his mother has *never* resided at 5210 Klingle.

We also note for the record that in Mr. Pande's original communication with neighbors (September 20, 2001), *implied* that he and his mother were living at 5210 Klingle, although we knew otherwise and therefore always questioned his veracity. That same communication requested that he be contacted at a phone number "...at home..." in Connecticut ("203-625-0127"). In addition, Mr. Pande's lawyer, Mr. Ross, *delicately* indicated that, "Mr. Pande makes this application our of necessity, so that he *may* [emphasis added] live at 5210 Klingle Street with his wheelchair-bound mother." Such a statement is clearly intended to be truthful; i.e., an acknowledgement that the applicant and his mother do *not* presently reside there.

We never thought that this matter should rest on the issue of whether an applicant was truthful about his living arrangements or the health of his mother, but if the BZA intends to "hang its hat" on a fabrication, we simply want to set the record straight. We also wonder whether the applicant, who does NOT resided at the house (a single, adult male diplomat is the tenant), has already installed an elevator or other chair lift *inside* the house.

Sincerely yours,

Julia B. Koczela

John S. Koczela