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

November 12, 2003

Mr. Geoffrey Griffis, Chair
Board of Zoning Adjustment
441 4th Street NW Suite 210-S
Washington DC 20001

Re:BZA case number 17089 (5822 Sherier Place NW)

Dear Mr. Griffis:

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on November 5th, 2003 at Sibley Memorial Hospital's Ernst Auditorium. Proper notice of this meeting was given in the Northwest Current paper, by fax, by phone and through our website. A quorum (4) was present at all times.

One of the items on our agenda was BZA #17089, 5822 Sherier Place NW, owned by Mr. James Gushner. After viewing the plans and taking testimony from the owner and his architect, ANC3D voted 7-0 to approve the special exceptions sought by Mr. Gushner for expanding his existing home at 5822 Sherier Place. NW.

The case involves an unusual case of a non-conforming lot where the owner's property is divided into two lots by a former trolley right-of-way established a century or so ago and whose current ownership is a mystery that neighbors would just as soon not solve as the abandoned right-of-way is incorporated into neighborhood use.

Taken individually, neither lot can meet the requirement of 40 percent lot occupancy. Taken together, as the owner proposes and the commission endorses, the proposed house would occupy 36 percent of the combined lots and thus meet the zoning requirement. The house also would meet the setback required for side yard That leaves the question of the requirement of a 25-foot rear-yard setback. Here the question can be answered by imaginative use of the 30-foot-wide right-of-way. If the purpose of a rear-yard setback is to

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provide green space behind a house, and then the right-of-way can serve that purpose. There is BZA precedent for using the right-of-way in this manner to meet rear-yard setback requirements. In a recent case involving 5812 Sherier, just two houses down from the home in question, the BZA, under similar circumstances, approved a special exception based on use of the right-of-way to meet the rear-yard setback. The Commission urges the Board to apply that precedent in this case.

The Commission found that the proposed new house is proportional in size to two existing, adjoining houses on that side of Sherier. The Commission noted that plans for the house had been approved by 18 neighbors on Sherier. The Commission also found that the granting of the application would not cause significant traffic, noise or lighting problems in a delightfully eclectic, tightly woven community.

ANC3Dtherefore urges the Board that its views be given the 'great weight' to which it is entitled under DC law by the Board and that the Board approve the application.

Sincerely yours,

John W. Finney
Chair, ANC3D