



**ADVISORY NEIGHBORHOOD COMMISSION 3E**  
**TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS**  
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**RESOLUTION REGARDING APPLICATION IN BZA CASE NO. 19120**

**RESOLVED:**

ANC 3E respectfully asks the Board of Zoning Appeals (BZA) to postpone a hearing on the above-referenced application to allow for additional time for the applicant and the party in opposition to reach accommodation and to allow for a complete application to be placed before the BZA which the ANC has time to review.

**BACKGROUND:**

The subject property, 4308 47<sup>th</sup> Street, NW, is located at Square 1533, Lot 0028. The subject house is fully detached. It sits on a nonconforming lot at the corner of Yuma and 47<sup>th</sup> St. NW. This property, as a corner lot, abuts two neighbors who would be most directly affected by the proposed renovations: 4702 Yuma Street and 4304 47<sup>th</sup> Street.

The Commission's understanding is that the neighbors at 4304 47<sup>th</sup> Street, with the accommodation of additional landscaping to improve privacy as a barrier between the two properties, are not in opposition to the proposed renovations. The residents at 4702 Yuma Street, however, have filed as a party in opposition to the case.<sup>1</sup> They contend that the proposed renovation will unduly affect their privacy of use and enjoyment as well as the light and air available to their property.<sup>2</sup>

The Commissioners further understand based on communication with the Office of Planning that the application before the BZA may be incomplete in the relief that is sought. Specifically, with a side yard of less than five feet, the applicants may require (1) an exception from 405.8 relating to extension of a nonconforming structure in a side yard and (2) and exception from the lot occupancy restriction of 40 percent, which in the instance of a side yard of less than five feet would require that portion to be included in the lot occupancy calculation.

As there is now a party in opposition to the case, it has been removed from the Expedited Review Calendar. ANC 3E has had only a short time to review the party in opposition's arguments, but believes the arguments are non-frivolous and merit careful review.

The applicant will be required to have a public hearing on their proposed renovation and zoning relief request, which cannot be scheduled until December at the earliest. The Commissioners urge the applicant to renew efforts to work with the party in opposition to find

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<sup>1</sup> BZA case 19120, exhibit 23.

<sup>2</sup> BZA case 19120, exhibit 25.

a mutually agreeable solution to the situation. In addition, the Commissioners urge the applicant to submit a completed application seeking relief in all necessary areas before moving forward.

## **CONCLUSION**

For all the foregoing reasons, ANC 3E respectfully asks BZA to delay a hearing the above-referenced application until such time as the application is complete and the applicant and party in opposition have additional time to come to a resolution, but in no event before December 18, 2015, which is seven days after the day of the ANC's December meeting. Both the applicant and the party in opposition are in agreement with this request.

If BZA does not grant this request, ANC 3E respectfully opposes the application for the reasons set forth in the party in opposition's BZA submission, among other things, and will further address the merits at the hearing. ANC 3E designates Commissioners Amy Hall and Jonathan Bender to represent it at such a hearing.

For avoidance of doubt, if BZA reschedules the hearing on or after December 18, 2015, ANC 3E herein renders no opinion on the merits of the case.

This resolution passed by a vote of 5-0-0 at a properly noticed meeting held on November 12, 2015, at which a quorum was present, with Commissioners Bender, McHugh, Quinn, Hall, and Wallace in attendance.

ANC 3E

By Jonathan Bender, Chairperson