



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS**  
c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015  
[www.anc3e.org](http://www.anc3e.org)

### **RESOLUTION OF SUPPORT IN BZA #21205**

#### **WHEREAS:**

The owners of the property at 3730 Windom Place, NW, seek to demolish their existing deck and construct a new deck at the rear of the building (the "Addition"). The property is improved with a two-story semi-detached single-family dwelling (the "Building") and located in the R-2 Zone. The Addition is in part a reconstruction of the existing deck, which currently extends 5 feet off the rear of the Building. The proposed deck will extend 13 feet off the rear of the Building.

The owners are seeking a Special Exception for the following reasons:

- The resulting rear yard setback will be 15 feet, 2.25 inches, requiring special exception relief from the 20-foot minimum rear yard requirements of Section D-207.1;
  - The extension of the deck will also result in an increase of the lot occupancy from 44% to 49.5%, requiring special exception relief from the maximum lot occupancy requirements of D-210.1;
1. The property is currently a semi-detached single-family dwelling and will remain so;
  2. Other than the rear yard and lot occupancy, the owners' representative states that the Addition conforms with respect to all other development standards in the R-2 Zone;
  3. The application states that, in reference to the Specific Special Exception Requirements of Subtitle D § 5201.4:
    - a) The light and air available to neighboring properties shall not be unduly affected, as the Addition is a 10-foot, 2.25-inch expansion of the existing deck, and additional shade to neighboring properties is not to be expected;
    - b) The proposed Addition is an expansion of what currently exists. Accordingly, the Addition will not unduly compromise the privacy use and enjoyment of neighboring properties;
    - c) The proposed Addition will not be visible from Windom Place. The Addition is relatively small and there are similar decks along the alley. Accordingly, the Addition will not intrude upon the character, scale and pattern of the houses along Windom Place or the alley;
  4. The proposed addition does not appear to be out of character with the neighborhood;
  5. While the proposed project would not increase the impervious surface area generating additional storm water runoff, yet given the increase in the lot occupancy, the applicants have stated they would voluntarily install rain barrels to limit runoff;
  6. The applicants have filed a letter of support from the immediate neighbor next to their property at 3729 Windom Place, NW. However, the neighbor at the adjoining semi-detached property at 3732 Windom Place, NW, after initially filing a letter dated August 31, 2024 stating, "I have reviewed the

plans for the addition and have no objection to the project based on those plans,” since said that they submitted the letter under a misapprehension regarding impact on their solar panels. Subsequently the attached neighbor raised several objections, stating, “Given that the proposed deck floor, railings, and users would rise above the standard fence line of 7 feet, would project into the yard past the rear yard setback line, and the structure would be enclosed on the sides, the attached neighbors are concerned about the impact on their light, air, and privacy, including how the users of the deck would have a line of sight into the back of their home.” It is worth noting that the objecting attached neighbor currently is building a large, full story and extended screened-in porch off the first floor, and has a smaller deck at the rear of the topmost floor.

7. In response, the applicant provided a statement that the project, “will not unduly affect the light and air available to 3732 Windom property,” and provided a shadow study to demonstrate that. In addition, the applicant stated that “the privacy of use and enjoyment of 3732 Windom will not be unduly compromised. These are attached properties, and the extension of the deck doesn’t materially change any existing privacy situation,” but proposed screening in effort to settle that issue. The applicant also noted, “this is not an enclosed structure” as the objecting neighbor stated, and sought to demonstrate that with updated plans “to provide clarity on the context/perspective of this deck in relation to 3732 [Windom].” The applicant has also promised the neighbor to repair any damage to their fence resulting from construction of a retaining wall on their property.
8. After spending considerable time hearing and assessing the neighbor's objections and the applicant's responses, and working with the parties to seek compromise, and given that full compromise could not be achieved, the ANC must do its best to determine whether to support or oppose the application. Here, we believe that the objections are not supported to the extent they warrant opposition to the application. Given that this application will be granted a new hearing before the BZA, ANC3E reserves the right to opine again at that time.

#### **NOW THEREFORE BE IT RESOLVED:**

ANC 3E supports the above-referenced application. The resolution passed by a vote of 8-0-0 at a properly noticed meeting held on November 6, 2024, at which a quorum was present, with Commissioners Bender, Carney, Cohen, Denny, Gianinno, Ghosh, Hall, and Quinn in attendance.

ANC 3E

Jonathan  
Bender



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Bender  
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ou,  
email=jbender@businesslawy  
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Date: 2024.11.26 13:59:49  
+05'00'

by Jonathan Bender  
Chairperson