



## **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 in Support of a special exception for 5330 42<sup>nd</sup> Street NW in BZA Case No. FY-15-29-Z**

**Whereas**, Jon Brumer and Diana Kurnit (the “applicants”) have an application pending for a special exception from the required lot occupancy maximum of 40% to instead allow for a 50% lot occupancy and also require a special exception for the side yard requirement of 8 feet to allow for a 6.7 foot variance from the Board of Zoning Adjustment (the “BZA”) for the proposed addition of an unenclosed rear deck and attached stairs to 5330 42<sup>nd</sup> Street NW (square 0030, lot #1664) in BZA Case No. FY-15-29-Z (DCRA File job #B1500995), and

**Whereas**, the ANC has reviewed the plans, presented at a fully noticed public meeting, and

**Whereas**, when the applicant purchased their home there was an existing rear deck which was deemed unsafe which will be replaced with the proposed new deck, and

**Whereas**, the applicant has shared their plans with all of the immediately impacted neighbors all of whom, save one, support such plans, and

**Whereas**, the objecting neighbor, who occupies the other half of a semi-detached home, also has not consented to support any of the 3 alternate plans the applicants have had drawn up and have filed with the BZA in response to her opposition and has only agreed to not oppose one of the four options, and

**Whereas**, the objecting neighbor has a larger enclosed rear deck with attached stairs similarly sited on her property, and

**Whereas**, the plan the objecting neighbor has indicated she will not oppose would result in the loss of some of the remaining green space on the lot while also siting the staircase on the edge of the property line adjacent to the detached single family home rather than utilizing space in between the property lines in the same manner as the objecting neighbors deck has done and in a manner that would be symmetrical and more efficient, and

**Whereas**, in past cases similar to this the ANC has strongly encouraged applicants to save as much of their properties green space and trees as possible and the plan favored by the applicant does that while the counterproposal favored by the objecting neighbor would require removing a tree, and

**Whereas**, none of the proposed plans result in additional paving or loss of permeable surfaces on the lot, and

**Whereas**, the ANC considers all of the proposed deck and stair designs to be reasonable, particularly in light of the support expressed for the proposed project by the owners of all but one of the adjacent houses most affected by the proposal and, to the knowledge of ANC 3E, no other person has come forward in opposition to the application, and

**Whereas**, the applicant requires relief on their side yard requirement because their existing structure does not meet the required lot width or the required side yard requirement and is thus considered a non-conforming structure.

**Now therefore be it resolved**, ANC 3E supports the application for a variance from the Board of Zoning Adjustment for the proposed deck and stairs at 5330 42<sup>nd</sup> Street NW in BZA Case No. FY-15-29-Z.

ANC 3E approved this resolution at its meeting on April 8, 2015, which was properly noticed and at which a quorum was present. The resolution was approved by a vote of 5-0-0. Commissioners Jonathan Bender, Amy Hall, Jonathan McHugh, Tom Quinn and Anne Wallace were present.

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ANC 3E  
By Jonathan Bender, Chairperson