



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

**Resolution Regarding the Board of Zoning Adjustment Case Relating to
3918 Jenifer Street, NW (BZA Case No. 18789)**

WHEREAS

The Applicant seeks permission to remove an outdoor deck on the rear/south side of his home and replace it with an addition that alters his rear yard setback from 30.9 feet to 17.8 feet which exceeds the allowable rear yard setback of 25 feet requiring a variance for the additional 7.2 feet.

The construction of the proposed addition will result in the loss of permeable surfaces, and some shrubs and other plantings. It will remove this amount of land—for all intents and purposes—from serving the public good permanently.

The Applicant has presented letters of support for this project and special exception from numerous neighbors and the ANC has heard no opposition from any nearby neighbors.

ANC 3E and the BZA have routinely granted such requests, particularly when nearby neighbors express support, as is the case here.

While the law does not specifically require it today for residential projects, there is an increasing trend, as reflected in proposals in the zoning rewrite chapters on pervious surfaces, green area ratios, and tree canopy, to call for environmental mitigation steps to address potential adverse consequences in connection with requests for relief from zoning requirements.

ANC 3E believes that regulations governing zoning relief should be changed to (at a minimum) require such mitigation. Moreover, we believe that it may be more appropriate to consider deviations from zoning requirements through the variance rather than the special exception process.

Such an approach would serve to promote our city's environmental goals, including maximizing pervious surfaces and green area, managing stormwater, preserving habitat for wildlife, and reversing the decline of our tree canopy. All these things serve the greater good of our communities.

In the meantime, ANC 3E believes that it may properly condition support for applications to exceed zoning requirements on whether such projects at least reduce stormwater runoff and tree loss to no more than would be expected to occur were the same project to meet zoning requirements. ANC 3E has done so here and intends to do so for future applications.

In this instance, ANC 3E has worked with the Applicant, who himself desires to take steps to mitigate environmental harm, to develop a set of conditions ["Mitigation Requirements"] that the ANC and the Applicant jointly ask be incorporated into an order approving the application, to wit:

- Applicant will install a rain barrel on the new downspout attached to this addition.
- Applicant will pay costs associated with the purchase and planting of at least three large trees offsite in the District of Columbia. One of these three trees shall be in a tree box immediately adjacent to the applicant's home between 3916 and 3918 Jenifer Street NW and he will also plant 2 trees in the Tenley Hill Condominium triangle park which is bounded by 41st Street, Belt Road, Davenport and Chesapeake Streets NW.

THEREFORE BE IT RESOLVED, based on our assessment of the project, in light of the support for it expressed by the nearby neighbors and the Applicant's agreement to the foregoing terms, we support the Application here (BZA Case No. 18789) provided that BZA incorporate the Mitigation Requirements in its order approving the application.

ANC 3E approved this resolution at its Special meeting on June 12, 2014, which was properly noticed and at which a quorum was present. The resolution was approved unanimously by a vote of 4-0-0. Commissioners Jonathan Bender, Matthew Frumin, Tom Quinn and Sam Serebin were present.



ANC 3E

By Matthew Frumin, Chairperson