

MATERIAL SUBSTANCE

Applicants' presentation on the zoning request was on the proposed agenda posted 7 days in advance for the duly-noticed ANC 3A public meeting on April 18, 2023, which was held as a "hybrid" meeting (in-person and virtual). All 5 ANC 3A Commissioners were present and heard the presentation by the project architect, Eric Teran, including plans of the proposed addition at 3617 Newark and other slides and photos from the BZA case file. The Commissioners invited comments and questions at that meeting, and heard from several residents about issues and concerns with the project, including the height and size of the proposed addition, effect on the vista from neighboring homes and shade and privacy of adjoining yards; potential use of the expanded structure and planned patio along the rear property line including for short-term rentals; possible outdoor barbecue/kitchen next to the accessory structure; and associated increases in noise, trash, and difficulties with additional parking and traffic in the alley.

The ANC also announced a public comment period for the following month to get input from additional residents and stakeholders, and received and reviewed comments from multiple residents around the subject property. Commissioners also reviewed materials in the case file, and saw the Report of the DC Office of Planning, and letter from The Abbey apartments building directly west of the subject property.

A discussion and vote on the zoning request was on the proposed agenda posted 7 days in advance for the duly-noticed ANC 3A public meeting on May 16, 2023, which was held as a "hybrid" meeting (in-person and virtual). All 5 ANC 3A Commissioners were present for the discussion. The property owner, Jeremy Marcus, and the project architect, Eric Teran, were also participating in the meeting by virtual technology and provided additional information including on the sun study. During the discussion, the ANC heard new comments from several residents in-person and online, and shared other comments that were received by Commissioners over the telephone.

At the meeting, the ANC reviewed the standards for a Special Exception and noted that the decision of the BZA and also the position of the ANC on the requested Special Exception under Subtitle D §5201 and Subtitle X § 901.2 must be based on the legal tests for assessing the matter in question, the maximum building area in the accessory structure under Subtitle D § 5003.1. The Commissioners asked the commenters to focus on adverse effects they anticipated from allowing the requested 632 square foot floor area in the proposed second story addition compared to the 450 square foot floor area allowed by right. The Chair provided time for the Commissioners to share questions and perspectives, deliberate among themselves, and express the issues and concerns they identified in the case.

The Commissioners acknowledged the concerns of the neighbors with problems such as rats, trash, noise, parking and traffic safety in the alley and exits from the alley, and expressed hope that those matters can be dealt with measures outside the zoning case. Commissioners also expressed support for the "good neighbor" policy encouraged by the Board of Zoning Adjustment and the Chair of the Zoning Commission. Several Commissioners noted they did not have evidence from neighbors of specific adverse effects of a second story addition of 632 square feet rather than 450 square feet. After their deliberations, the Chair made a motion to take a vote. The motion was seconded and the ANC voted 5-0 with no abstentions to adopt a statement to the BZA that does not take a position to support or oppose the Special Exception, with the stated intention to leave to the applicants and neighbors the opportunity to present their evidence to the BZA at the scheduled hearing on May 24, 2023. The ANC stated its hope that those voices will be fully heard, knowing that the statutory "great weight" accorded to the issues and concerns of an ANC can outweigh the testimony of other parties and individuals submitting comments.



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to Subtitle Z § 406.2 and Subtitle Y § 406.2 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	20896	Case Name:	JEREMY MARCUS AND UNA LEE
Address or Square/Lot(s) of Property:	3617 NEWARK STREET NW		
Relief Requested:	SPECIAL EXCEPTION		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	05 / 16 / 23	Was proper notice given?:	Yes	☒	No	☐
Description of how notice was given:	ANC 3A WEBSITE, EMAIL AND LISTSERVS IN CLEVELAND PARK, MCLEAN GARDENS, TENLEYTOWN AND CLOVER PARK, NEXTDOOR E-NETWORK IN ALL SURROUNDING AREAS					
Number of members that constitutes a quorum:	3	Number of members present at the meeting:	5			

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (a separate sheet of paper may be used):

SEE ATTACHED

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (a separate sheet of paper may be used):

SEE ATTACHED

AUTHORIZATION

ANC	3 A	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	5-0-0
Name of the person authorized by the ANC to present the report:		HANS MILLER	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:		HANS MILLER, VICE CHAIR	
Signature of Chairperson/ Vice-Chairperson:		Date:	5/16/23

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR SUBTITLE Z § 406 AND SUBTITLE Y § 406.