



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN    AMERICAN UNIVERSITY PARK    FRIENDSHIP HEIGHTS**

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### Resolution Supporting Application for an Area Variance and

### Parking Space Variance at 5013 Belt Rd., NW, BZA Case No. 18001

#### **WHEREAS:**

Property owner Edward A. Hoyt has submitted an application to the Board of Zoning Adjustment (BZA) seeking a variance from the minimum lot dimension and side-yard requirements of the zoning laws in order to build a single family detached residence at 5013 Belt Rd., NW. In addition, Mr. Hoyt also seeks a variance from the one-space parking requirement.

#### **RESOLVED:**

ANC 3E supports the application for a variance. Through no fault of the current owner, the subject property has been the source of great frustration and inconvenience for the residents of Belt Road. The previous owner erected a structure that caused extensive damage to the adjacent property, created a nuisance to the entire block by presenting potential hazards, and has sat as an eye sore for far too long. Unlike the previous owner, a developer who intended to sell the property, Ned Hoyt is a current resident of the block who intends to move his family across the street into the new house. Mr. Hoyt has worked closely with his neighbors to rectify the problems created by the previous developer and to design a home that would be acceptable to the Belt Road residents.

ANC 3E believes that the current property satisfies the conditions set forth in §3103.2 of Title 11 of the D.C. Municipal Regulations for granting relief from the minimum lot dimension and side-yard requirements. First, the property is exceptionally narrow, making it extremely difficult and impracticable to build within the required dimensions. In addition, the history surrounding the construction of the currently existing foundation constitutes an exceptional condition warranting the variance. Furthermore, granting the application will not result in any detriment to the public good or substantial impairment of the intent, purpose or integrity of the zone plan. To the contrary, allowing the applicant to build on a portion of the existing, non-conforming foundation will expedite construction and minimize the risks of further

structural or water damage to the adjacent properties, thereby reducing the burden on both the neighbors and the environment. The intended use of the lot (as a single-family residence) and the design and character of the home are consistent with the surrounding properties and thus pose no threat to the integrity of the zone plan. Due to the exceptionally small lot, ANC 3E also supports the request for a variance from the one-space parking requirement.

Mr. Hoyt has garnered the support of those neighbors potentially impacted by the requested variance. Indeed, ANC 3E is unaware of any opposition to the request. ANC 3E agrees with the sentiment advocated by Mr. Hoyt that the BZA will better serve the Belt Road community by granting the requested relief than denying it.

ANC 3E therefore requests that the BZA approve the applicant's request for a variance.

ANC 3E approved this resolution at its regularly scheduled meeting on November 5, 2009, which was properly noticed and at which a quorum was present. The resolution was approved by a vote of 5-0. Commissioners Jonathan Bender, Mathew Frumin, Sam Serebin, Beverly Sklover and Lucy Eldridge were present.

*Jonathan Bender (with permission D.W.)*  
Jonathan Bender, Chair, ANC 3E

