

THE FCCA FOXHALL COMMUNITY CITIZENS ASSOCIATION

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Robert B. Avery, President of the Board
Foxhall Community Citizens Association
4442 Greenwich Parkway, NW
Washington, DC 20007

June 20, 2013

Mr. Lloyd Jordan
Chairman, D.C. Board of Zoning Adjustment
441 4th Street NW
Washington, DC 20001

Re: Case 18573 Application of Kathleen M. Sullivan for special
exception accessory apartment, 4463 Greenwich Pkwy NW.

Dear Chairman Jordan and Members of the Commission:

I am president of the Board of The Foxhall Community Citizens Association (FCCA), a community organization which since 1928 has represented an area of 900 households in the eastern edge of the Palisades. Our service area includes 4463 Greenwich Pkwy NW, where Kathleen Sullivan is asking for a special exception to create an accessory basement apartment. The apartment is located in Foxhall Village, an area of over 300 Tudor row houses which four years ago was granted Historical District status (as sponsored by the FCCA).

The FCCA, as represented by its Board, asks the BZA to withhold final action on this case until it and other residents of Foxhall Village have a chance to fully evaluate the application. We are asking ANC 3D, which will act on this case at a special meeting next Monday June 24th, to also support a delay.

The FCCA first became aware of the proposed special exception when notice was given of an action at the June 5th ANC 3D meeting. At that time the applicant was asking for a "use variance" which would effectively convert the property to multi-family zoning from its present single family R-3. This was an unprecedented step for which we could find no previous case and our Board voted to vigorously oppose it. We were not given any details of the application by the applicant nor had she placed a sign on her door signaling a hearing. At the ANC meeting the applicant stated that she intended to live in the home raising a question as to why she had asked for a use variance rather than a special exception. Because of this confusion we asked the ANC to delay its decision whether to support the application until we could clarify the issue. The ANC voted 7 to 2 to support a delay.

In the past two weeks, as the BZA knows, the applicant has changed her application to a special exception. This action stems from numerous conversations with OP and BZA staff as well as conversations I have had with the applicant. This process was just completed (I received the revised application last night at the same time as the ANC). These last minute changes have made it difficult for the community to evaluate the application.

Most relevantly, the applicant did not place a sign on her front door (or any other visible part of the front of her house) until Tuesday, June 18th—only 7 days prior to the

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18573

EXHIBIT NO. 31

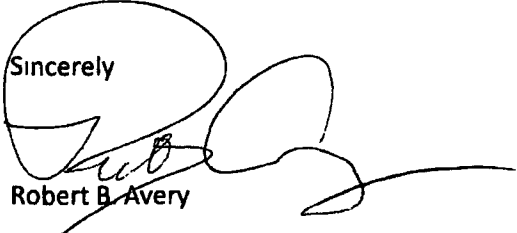
hearing (a week less than the required 15 days). The sign was placed on her front door only after I mentioned to her on Monday, June 15, that I had not seen a sign (I live across the street).

The FCCA understands that the problems with the application may have stemmed from confusion on the part of the applicant and not willful intent and that a special exception basement apartment is inherently a less far-reaching zoning change than the original use variance. Nevertheless, her delay in filing the right documents and failure to post the required sign within the required time period have not given the FCCA nor the full community of residents within Foxhall Village the time to appropriately evaluate the application.

This is particularly important because this is not a routine application. As far as we know, there has been no other application for a special exception accessory basement apartment in Foxhall Village for at least the past 20 years. The process established by this case will set the precedent for how future cases are handled. The applicant says that she intends to live in the property. Yet she has lived there only since February and rented it out for the previous two years. Once a special exception is granted, it conveys with the property. The applicant would be free to put the house on the market, with an increased market value in all likelihood. Obviously homeowners are free to live in or sell their property. But if it were to turn out to be the case that the intent of this application was purely to increase the market value of the house for sale *and* corners were cut on process--that would be a dangerous precedent.

Under these circumstances, we ask that the BZA delay action on this case until our association can canvas local neighbors and review the final application and architectural plans to determine if there is any evidence that some aspect of the application might be objectionable. Because the sign has only been taped to the front door of the house for two days (as of this writing) many neighbors are only just now becoming aware of the application. They should be given full opportunity to register any concerns that they might have.

Sincerely



Robert B. Avery

President, FCCA Board