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October 23, 2014

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
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BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18708
EXHIBIT NO. 56

Re: Application No. 18708 – 4509 Foxhall Crescent
Letter in Opposition

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Chairperson Lloyd Jordan and Honorable Members of the Board:

On behalf of the Foxhall Crescent Homeowners Association (“FCHOA”), we hereby confirm our opposition to BZA Application No. 18708 (the “Application”) regarding 4509 Foxhall Crescent. The FCHOA does not oppose the construction of a house on the subject property. The Homeowners Association Covenants and Bylaws impose specific responsibilities on the FCHOA before they can approve construction, including construction of the proposed project pursuant to this Application. The opposition of the FCHOA continues to rest on the inadequacy of the Application as filed to meet the Applicant’s burden of proving his proposed plans will not adversely affect neighboring properties in Foxhall Crescents, particularly with respect to compatibility with the other properties within the FCHOA and stormwater management.

The BZA Should Deny Applicant’s Request for a Zero Front Yard Set-Back Variance under § 2516.5(b) Applicant asks for relief from the 25’ setback to allow no setback from the street. While the Applicant argues that a zero foot setback would be in keeping with the 1979 Approved Foxhall Crescents Development Plan, the statements appear to reference residences located in other Foxhall Crescent developments, not in Foxhall Crescent 1, in which Applicant’s lot is located. Of the 26 existing homes within Foxhall Crescent 1, 25 have setbacks from the curb to the front door in the 13’-15’ range, with one exception, which has a setback of 12’. Furthermore, the 1979 Foxhall Crescents master plan does not have the house proposed for Applicant’s lot sitting on the edge of the street. The original design by Arthur Cotton Moore avoided this result by designing a house 6’ less in depth than Applicant’s proposed house, and the master plan shows a sidewalk between the street and the Property. If the Board were to grant the Applicant relief from the 25’ setback, the setback should be limited to at least the 13’-15’ distance that is common in Foxhall Crescent 1 rather than 0’, which would not be compatible.

Board of Zoning Adjustment

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in design, overall character and appearance of the neighboring houses. Moreover, requiring a setback of 12' would likely allow the mature Tulip Tree to be saved as requested by OP.

Applicant's Borings Performed to Examine Subsurface Conditions on the Property Are Inadequate The borings performed by Applicant, intended to update the results of the study performed in 1993 by Professional Consulting Services ("PCS"), are insufficient to evaluate subsurface soil and groundwater conditions relevant to Applicant's proposed construction. The three-page letter dated September 9, 2014 to Ed Jacobsen from William F. Sledjeski describes the soil materials encountered at the test location, and includes a chart indicating that soil borings had been performed at depths ranging from 0 8' to 8 0' depths. A second letter dated October 14, 2014 from, Mr. Sledjeski to Mr. Jacobsen concludes that "[p]rior test borings indicated ground water below 18 feet from the existing surface. The present infiltration study indicated moderately rapid permeability and no ground water within 8 feet of the present surface." Neither of these letters offers any reliable evidence that Applicant's proposed construction would not result in increased underground water seepage or other underground water conditions that could affect neighboring properties. The deepest borings of 8' in the recent test are too shallow to provide any insight on conditions affecting Applicant's proposed excavations. Also, none of the Applicant's recent borings were performed within the footprint of the house proposed by Applicant.

The Proposed Road Extending into Applicant's Property Does Not Meet Zoning Grade Requirements In recommending flexibility in allowing a variance from the 25 foot ingress/egress street width zoning requirement to allow a 16' width, OP says the common FCHOA road that accesses Applicant's Property is a "roadway [that] would function more like a private driveway rather than a street." OP's statement that the ingress/egress will function like a private driveway directly conflicts with the recorded covenants and easements allowing use by the entire Foxhall Crescent community. Furthermore, while it is unclear from the Applicant's plans, it appears that the grade of the street on the Applicant's property exceeds the 12% grade permitted for driveways 11 DCMR 2117.8. The steep, impervious surface presents safety and stormwater management concerns unaddressed by the materials filed by the Applicant.

Our clients believe clearer, more detailed excavation plans and further geotechnical and environmental examination of the Applicant's proposed plans are needed to assess the impacts on neighboring lots. Moving forward without further review leaves the degree of detrimental impact on neighboring properties unaddressed and the Applicant's burden of proof unmet.

Thank you for your attention to this matter

Sincerely,

GRiffin, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By Meredith H. Moldenhauer