



July 3, 2024

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Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20010

**Re: BZA Case No. 18987B
Applicant's Prehearing Statement**

Chairperson Hill and Honorable Members of the Board:

On behalf of Applicant K Two, LLC, please find enclosed the Prehearing Statement for the above-referenced case. We look forward to presenting the application to the Board of Zoning Adjustment on July 24, 2024. Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

A handwritten signature in black ink, appearing to read "E. DeBear", written over a horizontal line.

BY: ERIC J. DEBEAR

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of July, 2024 a copy of the foregoing Prehearing Statement was served, via electronic mail, on the following:

District of Columbia Office of Planning
c/o Philip Bradford
1100 4th Street SW, Suite E650
Washington, DC 20024
Philip.Bradford@dc.gov

Advisory Neighborhood Commission 5D
c/o Anna Roblin, SMD 5D03
5D03@anc.dc.gov



Eric DeBear

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
K TWO, LLC**

BZA CASE NO. 18987B

APPLICANT'S PREHEARING STATEMENT

I. EXECUTIVE SUMMARY AND NATURE OF RELIEF SOUGHT

This prehearing statement is submitted on behalf of Applicant K Two, LLC (the "Applicant"), the owner of the property located at 1124-1126 Florida Avenue N.E. (Square 4070, Lot 808) (the "**Property**"), in support of this request for a Modification of Significance to BZA Order 18987 pursuant to Subtitle Y § 704. The purpose of this request is to revise the approved architectural plans to include a zoning-compliant habitable penthouse and increase the number of dwelling units from 46 to 48.

II. CLARIFICATION TO ARCHITECTURAL PLANS

As part of the application, the Applicant filed an architectural plan set (Ex. 7) depicting the proposed new zoning-compliant penthouse. The Office of Planning ("**OP**") requested clarification to the plan set to depict all setback measurements and confirm the height of the penthouse structure.

In response to OP's request, the Applicant is enclosing updated architectural plans at **Tab A**.¹ The penthouse structure will be 10'2" in height (with up to 12 ft. permitted in the MU-4 zone). *See* Sheets A201, A301. The penthouse will be setback a distance equal to its height from each side roof wall. *See* Sheet A105. The penthouse is also setback 11'9" from the front roof wall and 22'7" from the rear roof wall. *See* Sheet A105. Accordingly, the proposal remains consistent with the by-right standards for a penthouse under Subtitle C, Chapter 15.

¹ OP also requested confirmation that the project's front walkway is only 6 feet in width as required during the public space permitting process. While the ground level is not subject to this modification request, the Applicant is including an updated ground level plan to demonstrate consistency with public space requirements.

III. COMMUNITY OUTREACH

Since filing the application, the Applicant has worked with Advisory Neighborhood Commission 5D (“ANC”). On May 23, 2024, the Applicant presented to the ANC’s Zoning Committee, where the proposal was well received. On May 28, 2024, the Applicant presented to the ANC’s Committee of the Whole. On June 11, 2024, the Applicant presented the proposal at the ANC’s regular, public meeting where the ANC voted to support the modification of significance.

Additionally, the Applicant met in-person with an adjacent neighbor to answer questions and concerns about the modification. The adjacent neighbor is now in support of the proposal as reflected by a letter of support in the case record at Exhibit 16.

IV. CONCLUSION

For the reasons stated above, and for the reasons enumerated in the Applicant’s prior filings as well as the reasons discussed at the Board’s hearing, the Applicant submits that the application meets the requirements for a modification of significance and respectfully requests that the Board approve the application on July 24, 2024.

Respectfully submitted,
COZEN O’CONNOR



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