

John Patrick Brown, Jr., Esq.  
JPB @ gdllaw.com

December 30, 2020

**BY IZIS**

Mr. Frederick L. Hill  
Chairperson  
Board of Zoning Adjustment  
One Judiciary Square  
441 4<sup>th</sup> Street, N.W.  
Suite 210 - South  
Washington, D.C. 20001

Re: BZA Application No. 20380  
4457 MacArthur Boulevard, NW,  
Square 1363, Lot 57 (“4457 Property”)

Dear Chairperson Hill and Members of the Board:

This firm is counsel for Dawn Lea, Ph.D., the owner occupant of the single-family dwelling at 4459 MacArthur Boulevard, NW (“4459 Property”) since July 1993. As authorized by the attached Agent Authorization letter, the undersigned respectfully submit the Form 140 Party Status Request in OPPOSITION and supporting information set forth below.

The proposed redevelopment and extreme expansion in occupancy load and density of the 4457 Property cannot be viewed in isolation from the 4459 Property. The 4457 and 4459 Properties were constructed in 1905 as a single structure with undivided front porch, front façade, basement, attic space and roof. Both are semi-detached dwellings which each have been occupied as single-family dwellings. The 4457 Property has no direct vehicular access to MacArthur Boulevard or any public alley. The only access to the rear of the 4457 Property is limited to a ten-foot driveway right-of-way over 4465 MacArthur Boulevard. This right of way is utilized by 4457, 4459 and 4461 (Square 1363, Lot 849) MacArthur Boulevard. There is also a twelve (12) foot-wide reciprocal right-of-way running along the northern or rear property lines of the 4457 and 4459 Properties which will be encroached upon by at least two of the proposed required parking spaces. These rights-of-way were created and maintained to provide limited single family access, not for nine dwelling units.

Dr. Lea’s continued use, enjoyment, privacy and occupancy of the 4459 Property as her single-family residence will be totally overwhelmed by the scale and proximity of the proposed multi-family development. The Applicant’s front perspectives are misleading and fail to show the extreme visual and physical intrusion of the proposed project on the existing character and scale of the 4459 Property. Further, while the Applicant acknowledges the existence of the 4459 Property, it provides no discussion or analysis of the proposed project’s impact on Dr. Lea’s property.

Board of Zoning Adjustment  
District of Columbia  
CASE NO.20380  
EXHIBIT NO.27



GREENSTEIN DELORME & LUCHS, P.C.

www.gdllaw.com

Mr. Frederick L. Hill

December 30, 2020

Page 2 of 2

Although the proposed development appears to comply with the area requirements of the RA-1 zone, the nine-unit apartment building will create numerous direct and extremely objectionable conditions and adverse effects to Dr. Lea and her continued use of her single-family property. Both the 4459 Property (3,710 square feet; 27.65 feet wide) and the 4457 Property (4,700 square feet; 29.86 feet wide) are small, narrow, and deep lots. In this confined space, the negative impacts of the proposed nine-dwelling unit development will be magnified. The scale and number of occupants and intensity of use of the 4457 Property will overwhelm the existing single-family use of the 4459 Property. The numerous occupants, visitors and others at the 4457 Property will create unacceptable and continuous levels of noise, activity and other external and visible impacts directly impacting the 4459 Property.

Given the immediate proximity and reasonably anticipated impacts of this project, it is surprising that the Applicant has made no meaningful attempt to contact Dr. Lea to initiate a productive discussion. A responsible developer would have engaged Dr. Lea long before filing this application. Given the age and unique unitary construction of the 4457-4459 structure, the construction of the proposed project will physically involve and impact the 4459 Property in ways that are currently under review.

At the public hearing, we request not less than thirty (30) minutes for presentation, including testimony from Dr. Lea and to be designated expert witnesses in architecture and structural engineering.

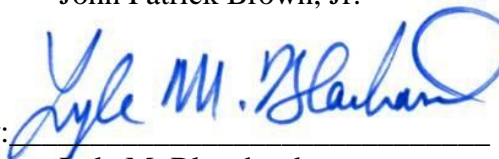
Thank you for your assistance.

Sincerely,

GREENSTEIN DELORME & LUCHS, P.C.

By: 

John Patrick Brown, Jr.

By: 

Lyle M. Blanchard

Enclosures

cc: Dawn Lea, Ph.D.  
Ms. Jennifer Steingasser, O.P. ([jennifer.steingasser@dc.gov](mailto:jennifer.steingasser@dc.gov))  
Mr. Joel Lawson, O.P. ([joel.lawson@dc.gov](mailto:joel.lawson@dc.gov))  
Mr. Chuck Elkins, Chair, ANC 3D ([chuck.elkins@anc.dc.gov](mailto:chuck.elkins@anc.dc.gov))  
Mr. P. Szymkowitz, ANC 3D09 ([3D09@anc.dc.gov](mailto:3D09@anc.dc.gov))  
Martin P. Sullivan, Esq. ([msullivan@sullivanbarros.com](mailto:msullivan@sullivanbarros.com))

**Dawn Lea, Ph.D.**  
**4459 MacArthur Boulevard, N.W.**  
**Washington, D.C. 20007**

December 18, 2020

Board of Zoning Adjustment  
Government of the District of Columbia  
One Judiciary Square  
441 4th Street NW  
Suite 210S  
Washington, D.C. 20001

Re: BZA Application No. 20380  
4457 MacArthur Blvd., N.W.  
Square 1363, Lot 57

Dear Members of the Board:

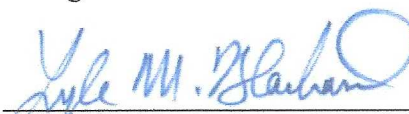
Please be advised that I hereby authorize the law firm of Greenstein, DeLorme & Luchs, P.C., as authorized agent ("Agent"), to represent me in any proceedings related to the above-referenced BZA Application.

  
Dawn Lea, Ph.D.

The Agents have read the BZA's Rules of Practice and Procedure (11 DCMR, Subtitle Y) and are able to competently represent the Owner.

**Greenstein DeLorme & Luchs, P.C.**

By:   
John Patrick Brown, Jr., Esq.  
Agent

By:   
Lyle M. Blanchard, Esq.  
Agent



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



**FORM 140 - PARTY STATUS REQUEST**

Before completing this form, please go to [www.dcoz.dc.gov](http://www.dcoz.dc.gov) > IZIS > Participating in an Existing Case > Party Status Request for instructions. Print or type all information unless otherwise indicated. All information must be completely filled out.

**PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.**

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	Dawn Lea, Ph.D.		
Address:	4459 MacArthur Blvd., N.W., Washington, D.C. 20007		
Phone No(s):	(202) 714-0174	E Mail:	lea.washingtondc@gmail.com

I hereby request to appear and participate as a party in Case No.:	20380
--	-------

Signature:		Date:	December 30, 2020
------------	--	-------	-------------------

Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
-------------------------	------------------------------------	--	--	---	-----------------------------

If yes, please enter the name and address of such legal counsel.

Name:	John Patrick Brown, Jr. and Lyle M. Blanchard		
Address:	Greenstein DeLorme & Luchs, P.C. - 801 17th Street, N.W., Suite 1000, Washington, D.C. 20006		
Phone No(s):	(202) 452-1400	E Mail:	jpb@gdllaw.com, lmb@gdllaw.com

**ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:**

I hereby request advance Party Status consideration at the public meetings scheduled for:	N/A
---	-----

**PARTY WITNESS INFORMATION:**

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness;
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; and
4. The total amount of time being requested to present your case.

**PARTY STATUS CRITERIA:**

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board? **Please see attached letter.**
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) **Please see attached letter.**
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.) **Please see attached letter.**
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied? **Please see attached letter.**
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied. **Please see attached letter.**
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public. **Please see attached letter.**