



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



**FORM 150 – MOTION FORM**

**THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A  
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.**

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

**CASE NO.:** **20380**

**Motion of:**  Applicant  Petitioner  Appellant  Party  Intervenor  Other \_\_\_\_\_

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

**Waive the fourteen (14) day filing requirements of 11-Y DCMR 404.3 in order to submit the April 14, 2021 Request for Party Status in opposition of Foxhall Terrace, LLC.**

**Points and Authorities:**

On a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form (see instructions).

**Consent:**

Did movant obtain consent for the motion from all affected parties?

- Yes, consent was obtained by all parties       Consent was obtained by some, but not all parties  
 No attempt was made       Despite diligent efforts consent could not be obtained

Further Explanation: **See attached Motion.**

---



---



---

**CERTIFICATE OF SERVICE**

I hereby certify that on this **26** day of **April**, **2021**

I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning

in the above-referenced ZC or BZA case via:  Mailed letter  Hand delivery  E-Mail  Other \_\_\_\_\_

Signature:   
 Print Name: **John Patrick Brown, Jr., Esq. and Lyle M. Blanchard, Esq.**

Address: **801 17th Street, N.W., Suite 1000, Washington, D.C. 20006**

Phone No.: **(202) 452-1400**      E-Mail: **jpb@gdllaw.com, lmb@gdllaw.com**

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 20380  
EXHIBIT NO.51

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

**Application of Polygon Holdings, LLC  
Lot 57 in Square 1363**

**BZA Application No. 20380  
Hearing: April 28, 2021  
ANC 3D09**

**PARTIAL CONSENT MOTION OF FOXHALL TERRACE, LLC  
TO WAIVE ORIGINAL DEADLINE FOR PARTY STATUS REQUEST IN OPPOSITION**

Foxhall Terrace, LLC (“Foxhall Terrace”), by and through undersigned counsel, respectfully requests the Board with the Applicant’s consent to waive the original deadline to file its request for party status in opposition to this Application. In support of this Motion, Foxhall Terrace submits this information for the Board’s consideration.

The original public hearing in this case was scheduled for February 10, 2021. At the Applicant’s request on January 29, 2021, the public hearing was administratively continued until April 28, 2021. The Foxhall Terrace request for party status in opposition was filed on April 14, 2021 – fourteen (14) days before the new hearing date and served on the Applicant and all other parties.

Foxhall Terrace is wholly supportive of the well documented opposition to this Application by ANC 3D and the immediate neighbor, Dawn Lea, Ph.D. However, Foxhall Terrace’s specific opposition arises from the proposed and intensified use by the Applicant of a ten (10) foot right-of-way that crosses the Foxhall Terrace property at 4465 MacArthur Boulevard, N.W.

This specific and limited basis for Foxhall Terrace opposition to this application arose as a result of information received and events that occurred after the original party status request deadline of January 27, 2021. Specifically, the OP report filed on January 28, 2021, DDOT report filed on January 29, 2021, and later ANC 3D activities and report (April 9, 2021) established new facts and circumstances relating to proposed use of the 10-foot right-of-way over the Foxhall Terrace property.

As a result of these developments, Foxhall Terrace determined that its interest would be specifically, uniquely and adversely impacted by this Application. On April 12, 2021, Foxhall Terrace retained this firm. The pending Party Status Request was promptly filed on April 14, 2021 – fourteen (14) days before the current public hearing.

The Applicant, through counsel, has consented to this Motion. Further, under the circumstances, no prejudice will result to the Applicant or any other party.

Date: April 26, 2021

Respectfully submitted,  
GREENSTEIN DELORME & LUCHS, P.C.



---

John Patrick Brown, Jr. (DC Bar No. 417566)  
Lyle M. Blanchard (DC Bar No. 467457)  
801 17th Street, N.W.  
Suite 1000  
Washington, D.C. 20006  
(202) 452-1400  
*Counsel for Foxhall Terrace, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Partial Consent Motion was filed electronically with the Office of Zoning and was served by electronic mail, this 26th day of April 2021, upon the following:

Martin P. Sullivan, Esq.  
[msullivan@sullivanbarros.com](mailto:msullivan@sullivanbarros.com)

Dawn Lea, Ph.D.  
[lea.washintondc@gmail.com](mailto:lea.washintondc@gmail.com)

Jonathan Kirschenbaum, Office of Planning  
[Jonathan.Kirschenbaum@dc.gov](mailto:Jonathan.Kirschenbaum@dc.gov)

Paige Ela, Chair, ANC 3D  
[3D03@anc.dc.gov](mailto:3D03@anc.dc.gov)

J. P. Szymkowicz, ANC 3D09  
[3D09@anc.dc.gov](mailto:3D09@anc.dc.gov)



---

John Patrick Brown, Jr.