

June 28, 2021

Via JZIS

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

Re: 3rd Prehearing Submission - BZA Case No. 20380 – 4457 MacArthur Ave., NW

Dear Members of the Board:

I am writing on behalf of the Applicant in the above-referenced case. At the public hearing on April 28, 2021, the Board requested that the Applicant provide certain additional information. The Applicant responded to these requests in their 6/25/21 submission. However, due to new information received on that day, both from the Office of Planning and from the Zoning Administrator, the Applicant is requesting one additional day to provide revised architectural plans, a revised Surveyor's plan, shadow study, and a revised zoning self-certification. Please find the updated materials enclosed and discussed hereinbelow.

1. Revised Architectural Plans, Surveyor's Plat, and Zoning Self-Certification (Form 135).

Late plan and plat revisions were required due to comments from Office of Planning staff in a meeting on 6/25/21, and due to a determination from the Zoning Administrator, delivered via email to the Applicant late Friday afternoon, that penthouse habitable space is no longer permitted as a matter-of-right in the RA-1 Zone. This was the first definitive determination from the Zoning Administrator that Section C-1500.3(b) prohibits habitable penthouse space here. The following changes or clarifications have been made to the application, requiring updated materials which include the following revisions:

- a) Provided parking reduced from four (4) spaces to (2) spaces.
- b) Proposed FAR has been reduced from 0.9 to 0.89.
- c) The third story has been shifted away from the attached adjacent building to address snow load concerns.
- d) Unit count is reduced from nine (9) to eight (8) units.
- e) Habitable Penthouse has been removed.

2. Light and Shadow Study.

A shadow study is included which shows the additional shadow caused from the requested side yard relief.

Respectfully Submitted,
Martin P. Sullivan, Esq.

Martin P Sullivan

Sullivan & Barros, LLP

Andrew Justus

Andrew Justus, Esq.
Sullivan & Barros, LLP

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2021, an electronic copy of this submission was provided to the following:

D.C. Office of Planning

Jonathan Kirschenbaum
jonathan.kirschenbaum@dc.gov

Advisory Neighborhood Commission 3D

ANC Office
3D@anc.dc.gov

Chuck Elkins, Chairperson
Chuck.Elkins@ANC.dc.gov
3D01@ANC.dc.gov

J.P. Szymkowicz, SMD
3D09@anc.dc.gov

John Patrick Brown, Jr., Esq.
Counsel for Party Opponent, Foxhall Terrace, LLC
JPB@gdllaw.com

Dawn Lea, Party Opponent, 4459 MacArthur Blvd.
Lea.washingtondc@gmail.com

Respectfully submitted,

Martin P Sullivan

Martin Sullivan
Sullivan & Barros, LLP
Date: June 28, 2021