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July 7, 2021

BY IZIS

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

Re: BZA Application No. 20380
4457 MacArthur Boulevard, NW,
Square 1363, Lot 57 (formerly Lot 962) (“4457 Property”)

Dear Chairperson Hill and Members of the Board:

Foxhall Terrace, LLC (“Foxhall”), as Party in Opposition, submits this response to information recently filed by the Applicant. In substantial measure, the Applicant’s submissions confirm and support the objections raised by Foxhall on at least two specific issues. As a result, the Applicant has not met its burden of proof and the application should be denied.

First, the Applicant submitted this Plat which shows the ten (10) foot wide right-of-way over the now 4465 property running along the 4459 property line for the limited and express purpose of providing access to the single-family dwellings at 4457, 4459 and 4461 McArthur Boulevard.

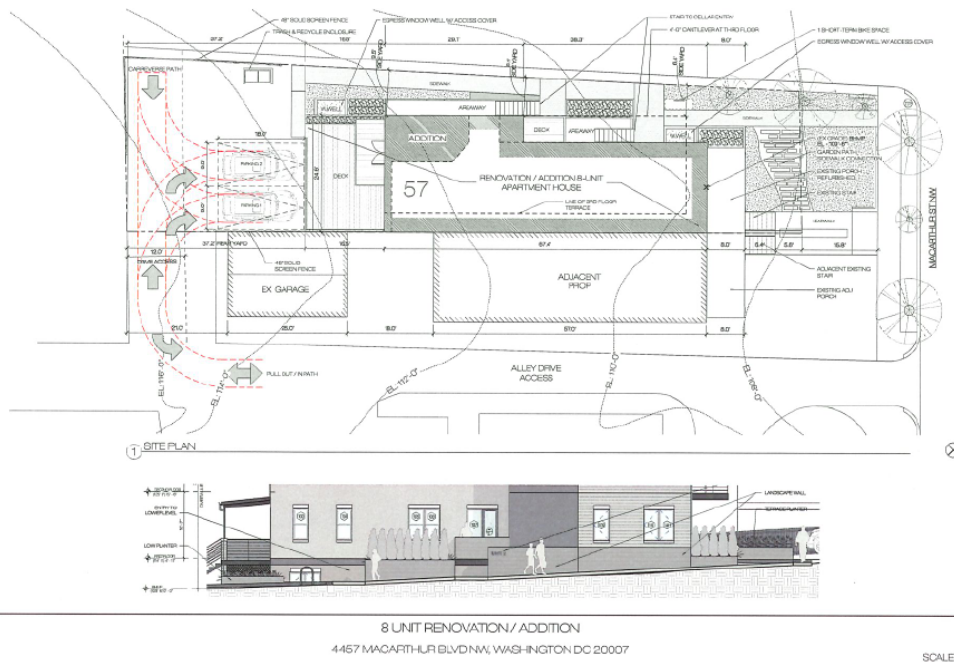


Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO.63

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Foxhall has disputed that this limited right-of-way can lawfully be used to provide access to the proposed eight-unit multiple dwelling at 4457 MacArthur. Although resolution of this dispute is ultimately a civil litigation matter and beyond the scope of the Board’s authority, the existence of this real controversy undermines the Applicant’s ability to provide the proposed access to the required and additional parking at the rear of 4457 MacArthur.

Second, the Applicant submitted the site plan below claiming to show the travel path and turning radius of vehicles accessing the rear of 4457 MacArthur using the ten foot right-of-way. This drawing does not provide the specificity (e.g. dimensioned survey drawing) requested by Foxhall to show the boundaries of the ten foot right-of-way in relation to the existing paved driveway on the 4465 MacArthur property.



However, the drawing does provide sufficient information to establish that the existing paved driveway is located substantially beyond the limited boundary of the ten foot right-of-way. As a result, the proposed travel path and turning radius of vehicles seeking access to the rear of 4457 MacArthur using the existing paved driveway will require a continuing trespass upon the Foxhall property and is not authorized.

Based on this critical evaluation of the Applicant’s submissions, it is clear that the burden of proof with respect to providing actual and lawful access to the rear of 4457 MacArthur has not been demonstrated.

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Alternatively, Foxhall requests the Board impose the following conditions on the Applicant's and successor's use of the ten foot right-of-way and additional portions of the 4465 property, including;

1. Vehicular access limited to two vehicles using/assigned the two 4457 parking spaces;
2. No pick up and drop of at the rear;
3. No deliveries, move-in/move-outs, or trash services using ten foot right-of-way;
4. Only front in/front out vehicular use of ten foot right-of-way;
5. No bicycle storage or pedestrians accessed from ten foot right-of-way;
6. No parking of 4457 related vehicles on 4465 property; and
7. Written agreement/license governing use of private driveway, including rules and regulations, annual maintenance fee, insurance and indemnification, and binding on successor condominium.

Thank you for your assistance.

Sincerely,

GREENSTEIN DELORME & LUCHS, P.C.

By: 
John Patrick Brown, Jr.

By: 
Lyle M. Blanchard

Enclosures

cc: Foxhall Terrace, LLC
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