

# **FOXHALL TERRACE, LLC**

## **PARTY IN OPPOSITION**

### **BZA APPLICATION NO. 20380**

**(Revised for July 14, 2021 Public Hearing)**

**John Patrick Brown, Jr., Esq.**  
**Greenstein DeLorme & Luchs, P.C.**



**Mr. Jack Feldman**  
**Ms. Peggy Greenspan**  
**Foxhall Terrace, LLC**

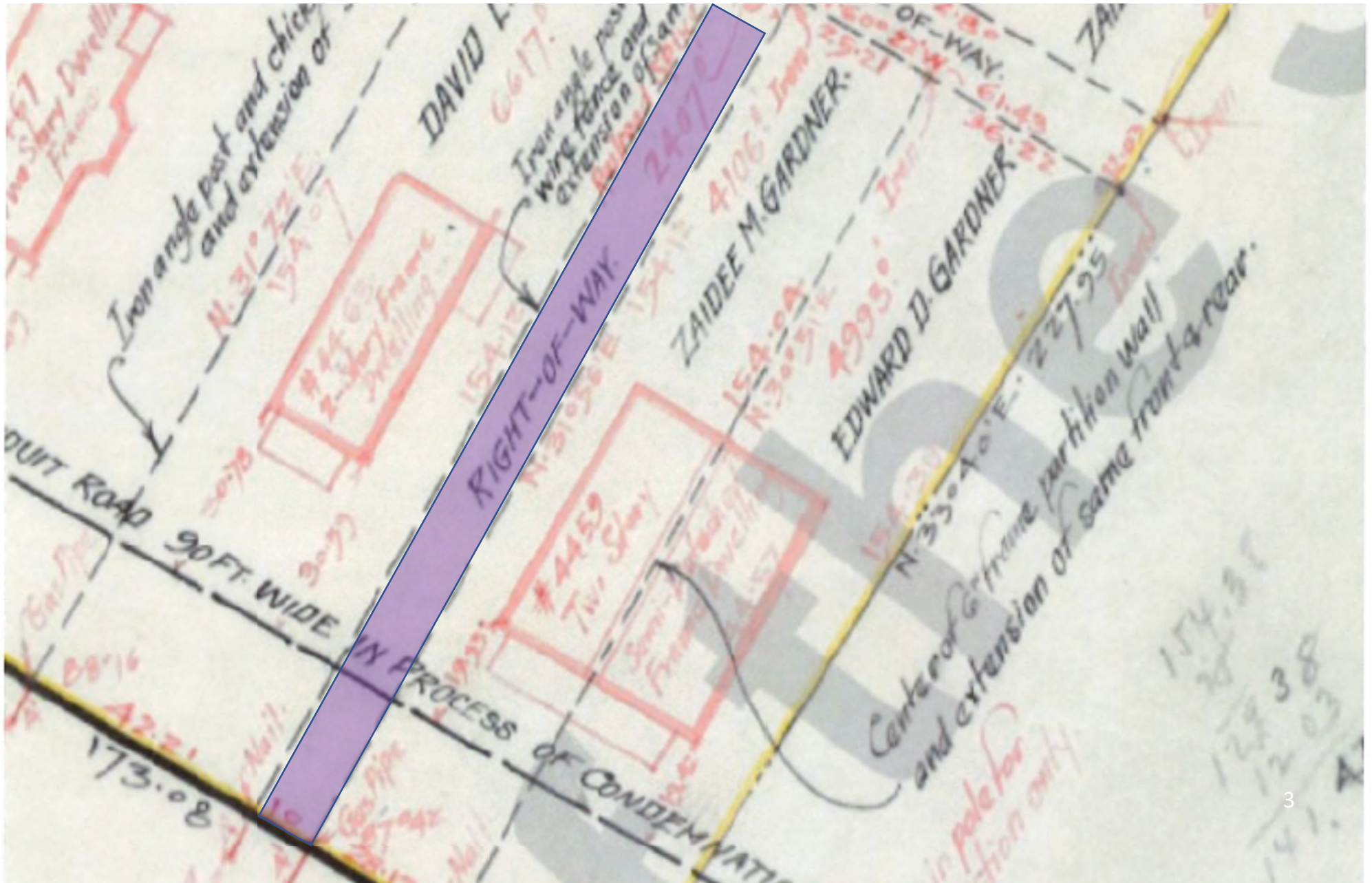
Board of Zoning Adjustment  
District of Columbia  
CASE NO.20380  
EXHIBIT NO.68

# Foxhall Terrace, LLC

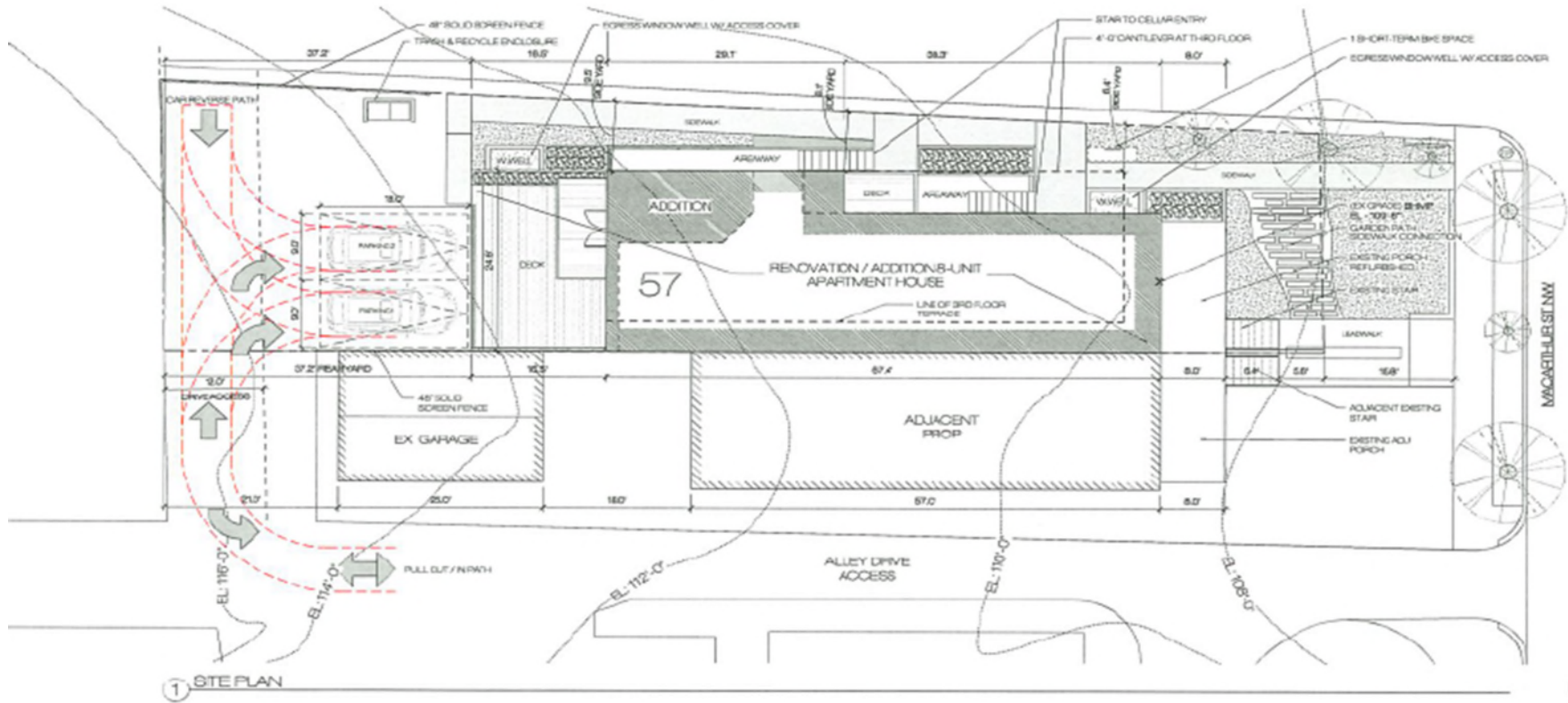
**Jack Feldman**  
**Peggy Greenspan**

- 4465 MacArthur Boulevard, N.W. (Lot 976)
- 36-Unit Apartment Building Constructed in 1962-1963.
- Subject to Ten (10) Foot Right-of-Way over 4465 MacArthur.
- Applicant failed to provide requested dimensioned survey showing right-of-way and paved driveway.
- Existing Paved Driveway outside limited boundary of 10-foot right-of-way.
- Proposed Travel Path/Turning Radius for access to 4457 will create/require continuing trespass on 4465 MacArthur.
- For Limited Benefit of Single-Family Dwellings at 4457 (Lot 57, formerly Lot 962), 4459 (Lot 961) and 4461 (Lot 849) MacArthur Boulevard.
- 4457 MacArthur Boulevard Landlocked with No Public Street or Alley Access to Proposed Rear Parking.
- 4457 and 4459 MacArthur Have Reciprocal Twelve (12) Foot Rights-of-Way over the Rear of each Property to Access Driveway.
- Foxhall Terrace Historically Maintained Driveway Right-of-Way at its Expense.

# 10-Foot Right-of-Way Running Along 4459 MacArthur Property Line

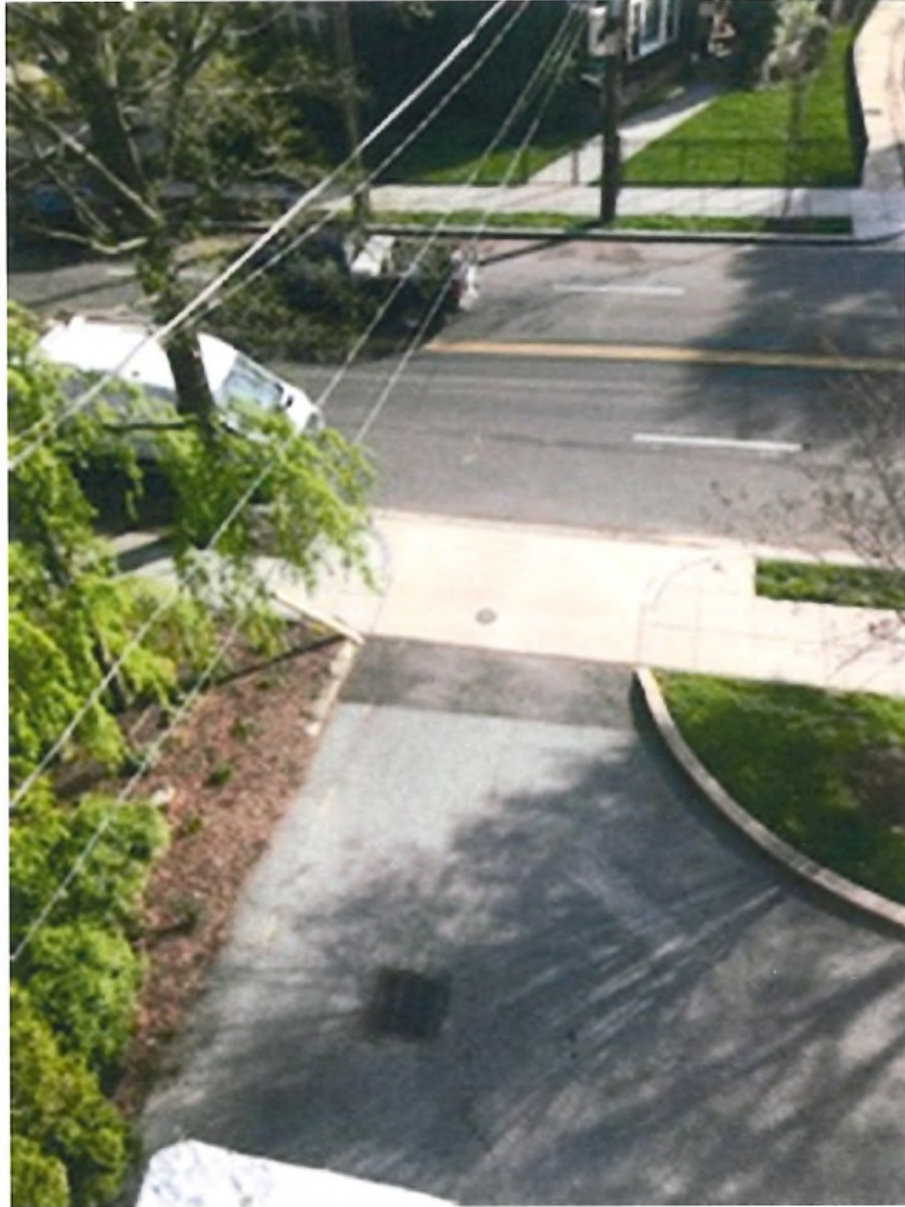


# Travel Path/Turning Radius Beyond Limited 10-Foot Right-of-Way



8 UNIT RENOVATION / ADDITION  
 4457 MACARTHUR BLVD NW, WASHINGTON DC 20007

**02**  
 SCALE: 3/32" = 1'-0"

















# Objectionable Conditions

- Driveway Right-of-Way Limited Purpose for Only 3 Single-Family Dwellings.
- Right-of-Way not Suited or Capable of Supporting Proposed Eight New Dwelling Units, Visitors, Deliveries, Trash Collection, Move-In and Move Outs.
- 4457 Driveway Users will Trespass Beyond Narrow Right-of-Way.
- Too Narrow for Required Two-Way Circulation.
- Too Narrow for Required Turning Movements.
- Too Narrow to Prevent Blockage by Expected Increase in Vehicular and Pedestrian Access.
- Proposed Use will Create Safety Hazards.

# Objectionable Conditions (continued)

- Illegal Parking at 4465 MacArthur Encouraged.
- Excessive Wear and Tear on Driveway.
- No Agreement with Applicant Seeking Increased Use/Continued Trespass.
- No Provision for Increased Costs of Repair and Maintenance.

# Alternative Proposed Conditions For 10-Foot Right-of-Way

- Vehicular access limited to two vehicles using/assigned the two 4457 parking spaces.
- No pick-up or drop off at the rear.
- No deliveries, move-in or move-out, or trash services using the 10-foot right-of-way.
- No bicycle storage or pedestrian access from the 10-foot right-of-way.
- No Construction Access for 4457 MacArthur.
- No parking of 4457-related vehicles on 4465 property.
- Written agreement/license governing use of private driveway, including rules and regulations, annual maintenance fee, insurance and indemnification, and binding on successor condominium.

# **Conclusion**

Applicant has not met its Burden of Proof that Pedestrian and Vehicular Access Can Be Provided without Creating Numerous and Sustained Objectionable Conditions to 4459, 4461 and 4465 MacArthur Boulevard.