

December 10, 2024

Via JZIS

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

Re: Revised Self-Certification Form - BZA Case No. 21205 – 3730 Windom Place, NW

Dear Chairperson Hill and Members of the Board:

Upon reviewing the neighbor opponent's late filing (for which the Applicant does not object to the Board's acceptance of), we realize that some clarification is in order. The existing building on the Applicants' property – not counting the *existing* rear deck and stairs - has a lot occupancy of 40.1%, materially compliant with the matter-of-right lot occupancy limit. The current Form 135 cites an *existing* lot occupancy of 44%, which includes the existing deck and stairs. We realize this may have confused the neighbor opponent. The building at 3730 Windom Place, NW, is indeed materially compliant with the lot occupancy limit of 40%, and therefore was likely approved and built legally (we believe about 20 years ago)¹.

This Application seeks relief only for the proposed rear deck. This proposed deck has a lot occupancy of 9.5%, which represents the entire amount of relief being requested above the 40%. In other words, the existing building does not materially exceed lot occupancy, as claimed by the neighbor opponent, and any questions about how, when, and why the previous addition was approved and built are irrelevant to the Board's consideration of this Application.

Respectfully Submitted,

Martin P Sullivan

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¹ There is a question about whether any existing nonconformity would be relevant anyway – many applications include expansions of existing noncompliance, and proof of original construction has never been required.

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2024, an electronic copy of this submission was served to the following:

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Respectfully Submitted,

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