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July 19, 2026

Board of Zoning Adjustment
D.C. Office of Zoning
441 4th Street, NW, Suite 200-S
Washington, DC 20001
Via IZIS and bzasubmissions@dc.gov

Re: BZA Case No. 21404 — 512 Taylor, LLC, 5034 Nebraska Avenue, NW (Square 1879, Lot 30)

Third Supplemental Submission of Parties in Opposition (Kovacs) — Sufficiency of the Applicant's Shadow Study (Exhibit 28A, Sheets 9–10)

Dear Chairperson and Members of the Board:

This submission makes a single point: the shadow study at Exhibit 28A, sheets 9 and 10 — the sole evidentiary basis for the Office of Planning's conclusion that the additional shadow attributable to the requested exception "appears limited in nature" (Exhibit 41) — cannot bear that weight. Each of the following defects is demonstrable from the face of the exhibit itself.

1. The sheets provide no scale. The applicant's shadow study implies (but doesn't specify) that it contrasts the shadows created by their claimed matter of right against the shadows created by their proposed design. They (sometimes — see below) demarcate the differences in the shadows in red — but they provide no tools for measuring the actual size of those differences. The title block on sheets 9 and 10 states the scale "AS INDICATED." Nothing on either sheet indicates a scale — no ratio, no graphic scale bar. Every other graphic in Exhibit 28A specifies scale. Only the two sheets offered to prove the magnitude of a shadow impact fail to do so.

2. The modeled massing is not consistent across the study's own frames — and no frame depicts the plans as filed. The filed design extends the enclosed third story approximately 17 feet over the existing building footprint (see e.g. Exhibit 28A, sheet 04, drawing 4, "Third Level"). The applicant's shadow study never reflects that 17-foot, third-floor massing. In every panel but two, the main block of the subject building is rendered with its existing roof forms unchanged. No volume above any portion of the existing footprint casts a shadow (see e.g. Exhibit 28A, sheet 9, vernal equinox, 3:00 PM, where shadows fall almost perfectly to the left of all the structures in the image, and the third-floor massing of applicant's property casts no shadow on the roof of the adjacent home to its immediate left). Those frames model the existing

house with a three-story tower attached to the rear of the structure. The exceptions are the two Winter Solstice 12:00 PM panels: their shadow geometry indicates massing extending on the order of three to five feet over the existing footprint — calibrated against the known offset between the two buildings' rear walls — far short of the approximately 17 feet the plans file, and appearing in no other frame (Figure 4). The study thus depicts at least two different buildings across its own frames, *and neither is the design before the Board.*

3. The two equinox panels contradict each other. At the vernal and autumnal equinoxes the sun's position at a given clock hour is nearly identical; the corresponding panels should match to within a few degrees of rotation. They do not. At 12:00 PM, the vernal panel demarcates a large additional-shadow region while the autumnal panel demarcates a small sliver of categorically different shape and a fraction of the extent. At 3:00 PM, the vernal panel is marked and the autumnal panel — its geometric twin — is blank. At least one panel of each pair is wrong.

4. The demarcation is absent or incomplete in seven out of twelve "proposed" frames. The additional massing the exception would permit, the infill of the 5-foot side yard they seek to eliminate, exists in every "proposed" frame; its shadow therefore exists in every "proposed" frame in which shadows exist at all. The study omits the demarcation entirely from four proposed-condition frames — Vernal Equinox 9:00 AM, Autumnal Equinox 9:00 AM, Autumnal Equinox 3:00 PM, and Winter Solstice 3:00 PM — and incompletely demarcates three others:

Frame (proposed condition)	**Additional-shadow demarcation**
Vernal Equinox 9:00 AM	ABSENT
Vernal Equinox 12:00 PM	Present
Vernal Equinox 3:00 PM	Present
Summer Solstice 9:00 AM	Present (fragments; see Figure 5)
Summer Solstice 12:00 PM	Present
Summer Solstice 3:00 PM	Present (red demarcation fails to include shading of adjacent second-floor deck)
Autumnal Equinox 9:00 AM	ABSENT
Autumnal Equinox 12:00 PM	Present (fragments; see Figure 3)
Autumnal Equinox 3:00 PM	ABSENT
Winter Solstice 9:00 AM	Present
Winter Solstice 12:00 PM	Present
Winter Solstice 3:00 PM	ABSENT

Defects of this kind deprive the study of evidentiary value. A document this internally inconsistent cannot establish that any impact is "limited," because it cannot reliably establish anything.

Independent recomputation resolves the equinox contradiction against the study. Figure 3 presents our recomputation of the study's own scenario at the autumnal equinox at 12:00 PM.[1] The resulting difference region matches the size, shape, and position of the study's vernal equinox noon demarcation — and bears no resemblance to its autumnal equinox noon demarcation. Holding the study's own apparent assumptions constant, recomputation reproduces one equinox panel and contradicts the other: the autumnal panels understate the impact.

The same method applied to the Summer Solstice 9:00 AM frame (Figure 5) shows the additional shadow as a single continuous band extending from the tower toward the public alley, interrupted where an intervening garage stands and re-emerging beyond it. The applicant's study demarcates only two small fragments, one of which — the red square nearest the alley — seems to have been marked in error.

Nor is the deficiency merely one of evidentiary weight. Subtitle D § 5201.4 provides that an application "shall demonstrate" the absence of a substantially adverse effect, and § 5201.4(d) prescribes the form of that demonstration: the applicant "shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition, new building, or accessory structure to adjacent buildings." As to light and air under § 5201.4(a), the graphical representation the applicant offered — and the only one the Office of Planning cited — is the shadow study addressed here. For the reasons set out above, that study is not "sufficient to represent" that relationship. The demonstration § 5201.4(d) requires with respect to § 5201.4(a) has therefore not been made.

Consequence. The Office of Planning's light-and-air conclusion under Subtitle D § 5201.4(a) rests wholly on this study. A study with no scale, no defined markings, a massing that does not depict the filed design, internally contradictory panels, and missing or incomplete demarcations is not substantial evidence of anything — prima facie, it cannot carry the applicant's burden under Subtitle X § 901.3.

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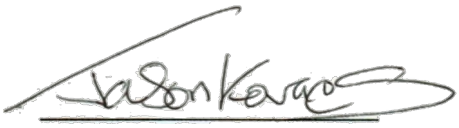
[1] The recomputation was prepared as follows and is offered with full disclosure of method: using a consumer solar-modeling application (Shadowmap), we, as non-engineers, modeled two rectangular towers replicating the massing the study appears to depict — each 39 feet tall and 19.21 feet long, the "matter-of-right" tower 12.92 feet wide with the five-foot side yard placed on the shared lot line (the baseline the study's own matter-of-right panels use), and the "proposed" tower 17.62 feet wide, extending to the property line. Because the lot slopes toward the front yard, tower height was controlled by fixing the towers at 15 feet above the existing roofline — the relationship between the applicant's stated existing height of 24 feet (Exhibits 11 and 41) and the proposed roof at 39′-0½″ (sheets 06–07) — rather than relying on grade. (The filed sections place the existing roof at 21′-1″ above front grade, which would imply a larger differential; our figure is conservative under either datum.) The two scenarios were rendered for September 23 at 12:00 PM, overlaid at 50% opacity in an image editor (Acorn), and the difference region traced by hand and filled in red; the tracing is ours and is disclosed as such.

We accordingly renew the relief requested in our prior submissions (Exhibits 44 and 44A): denial on this record, or deferral until the applicant produces a conforming comparative shading study of the full massing as filed, with a fair opportunity for the parties to respond.

Scope. This submission addresses only the sufficiency of Exhibit 28A, sheets 9–10, as proof. It is not offered as, and is not a substitute for, the comparative solar shading study Subtitle D § 204.1(d) required of the applicant, which remains absent from this record for the reasons stated in Exhibit 44. Our figures are the owners' illustrations, not a survey or engineered study.

Thank you for your consideration.

Respectfully submitted,



Jason Kovacs
For himself and on behalf of Patricia Kovacs
Parties in Opposition, BZA Case No. 21404

Figures

Figure 1 — Exhibit 28A, sheet 9 (Vernal Equinox and Summer Solstice panels), reproduced for reference.

Figure 2 — Exhibit 28A, sheet 10 (Autumnal Equinox and Winter Solstice panels), reproduced for reference.

Figure 3 — Enlarged comparison: the study's Vernal Equinox 12:00 PM and Autumnal Equinox 12:00 PM proposed-condition panels; and our Shadowmap recomputation of the autumnal equinox noon scenario (methodology disclosed above).

Figure 4 — Enlarged excerpts: the study's Winter Solstice 12:00 PM panels. Black trace lines added by us to mark the corner angles indicated by the shadow pattern; all other content as filed.

Figure 5 — Side-by-side comparison: the study's Summer Solstice 9:00 AM proposed panel, and our Shadowmap recomputation of the same scenario (June 21, 9:00 AM; same models and methodology disclosed above).

Certificate of Service

I hereby certify that, on July 19, 2026, a copy of the foregoing supplemental submission was served by email on the following:

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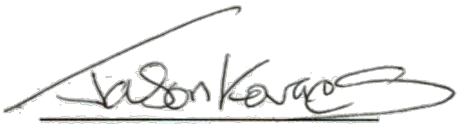


Jason Kovacs

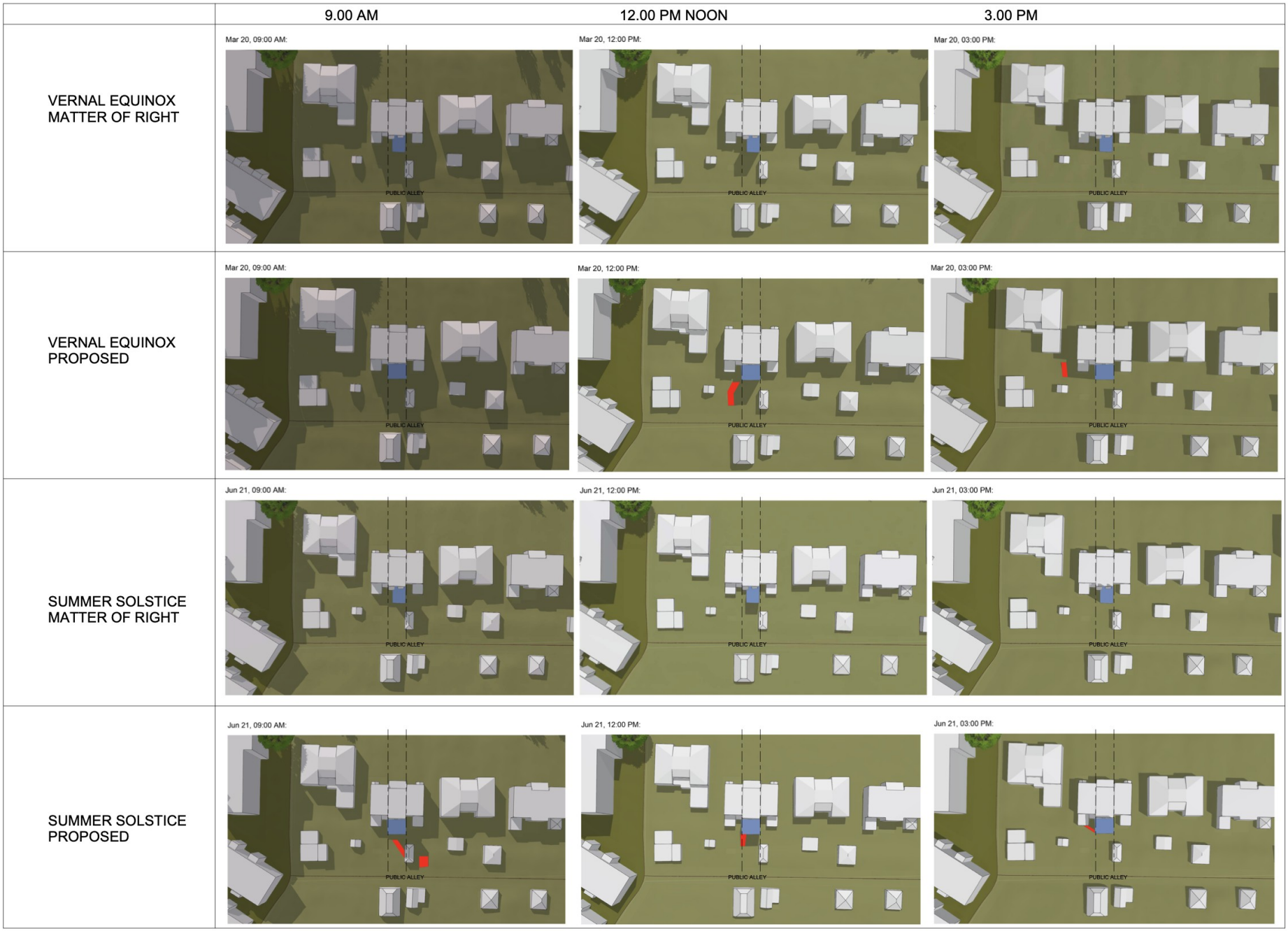


Figure 1 — Exhibit 28A, sheet 9 (Vernal Equinox and Summer Solstice), reproduced for reference. Demarcation absent from Vernal Equinox 9:00 AM proposed-condition frame.

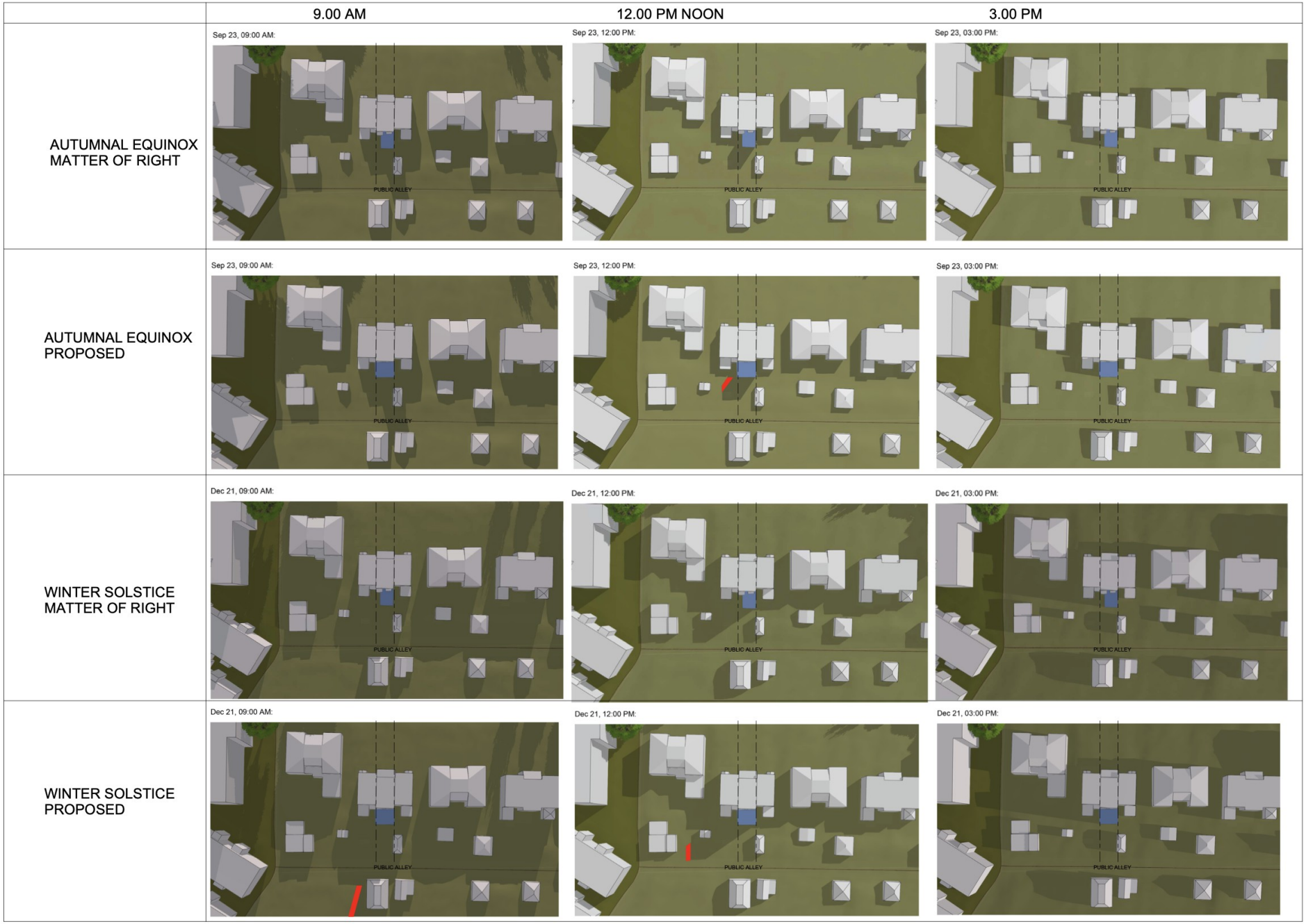
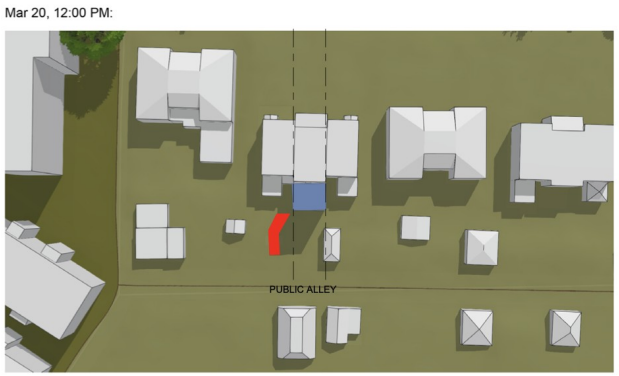
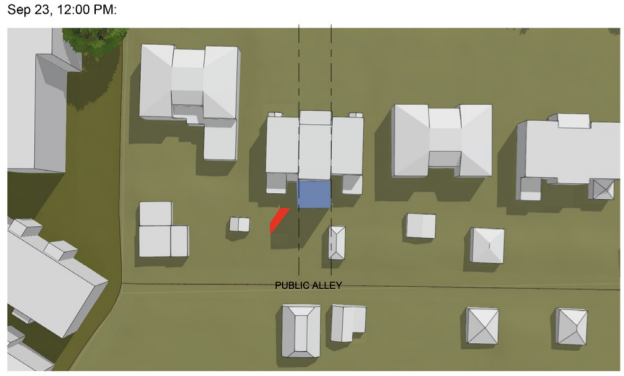


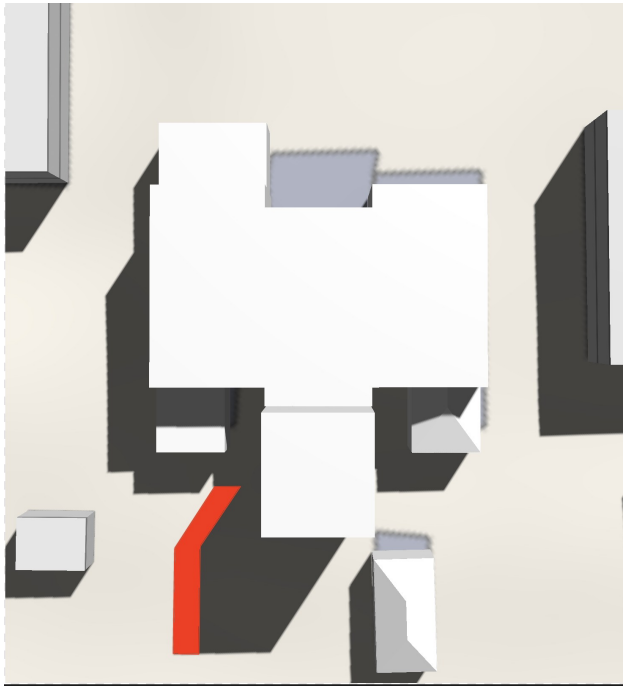
Figure 2 — Exhibit 28A, sheet 10 (Autumnal Equinox and Winter Solstice), reproduced for reference. Demarcation absent from Autumnal Equinox 9:00 AM and 3:00 PM and Winter Solstice 3:00 PM proposed-condition frames.



Study, Vernal Equinox 12:00 PM (proposed)

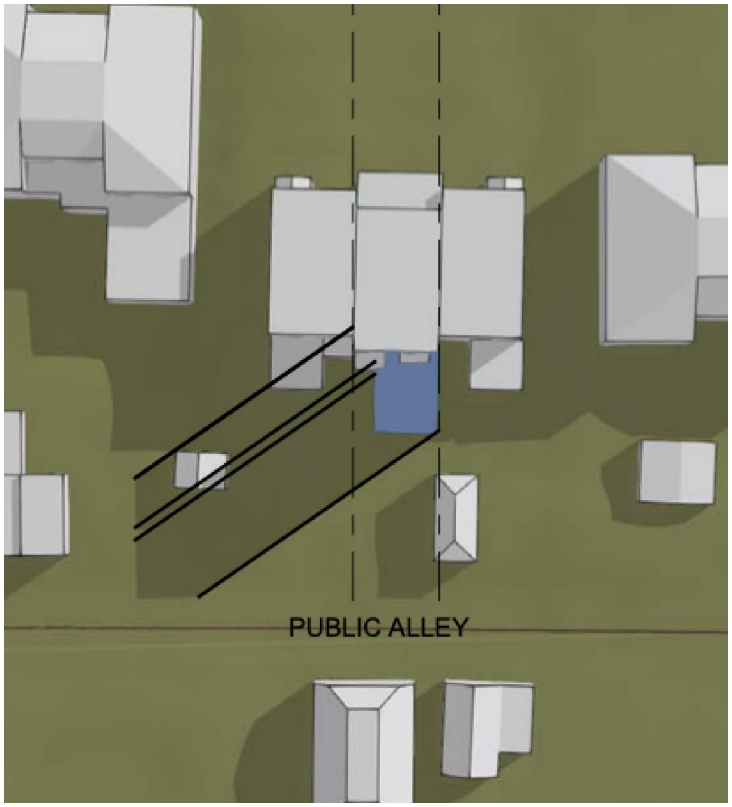


Study, Autumnal Equinox 12:00 PM (proposed)

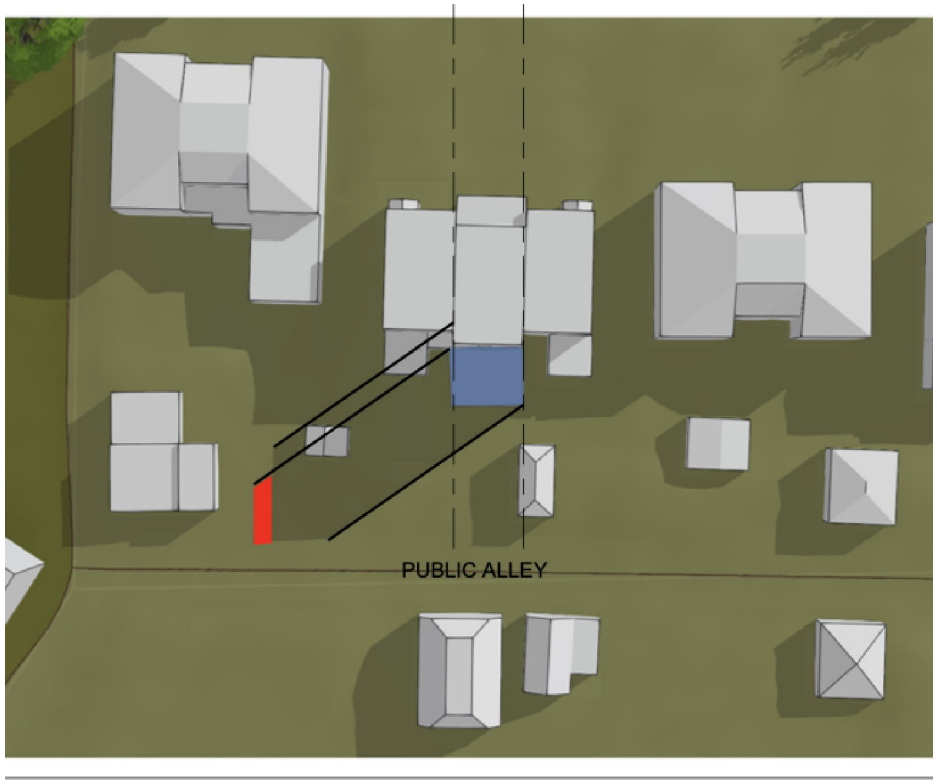


Recomputation, Sept. 23, 12:00 PM (Shadowmap; method disclosed in letter)

Figure 3 — The study's two equinox-noon demarcations differ categorically despite near-identical solar geometry. Independent recomputation of the same scenario reproduces the vernal demarcation and contradicts the autumnal one, indicating the autumnal panels understate the additional shadow.

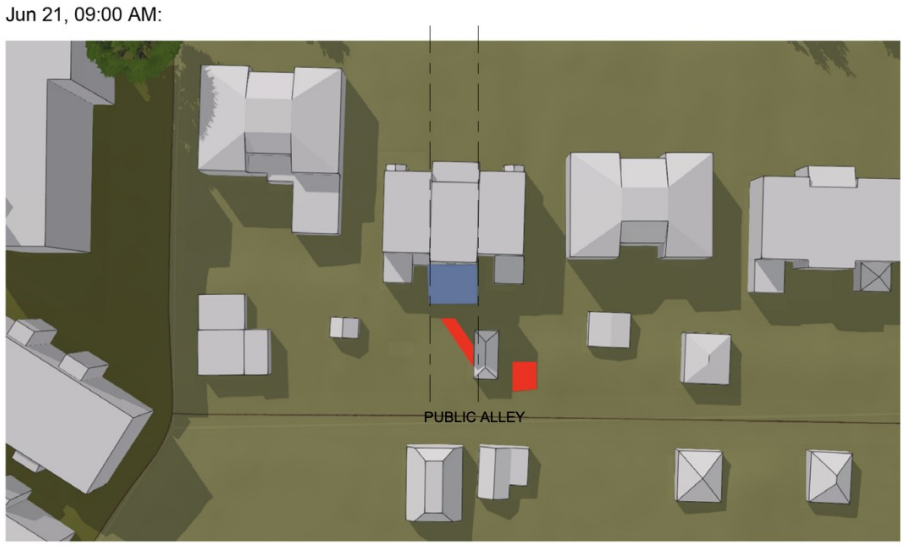


Winter Solstice 12:00 PM — matter-of-right panel (excerpt)

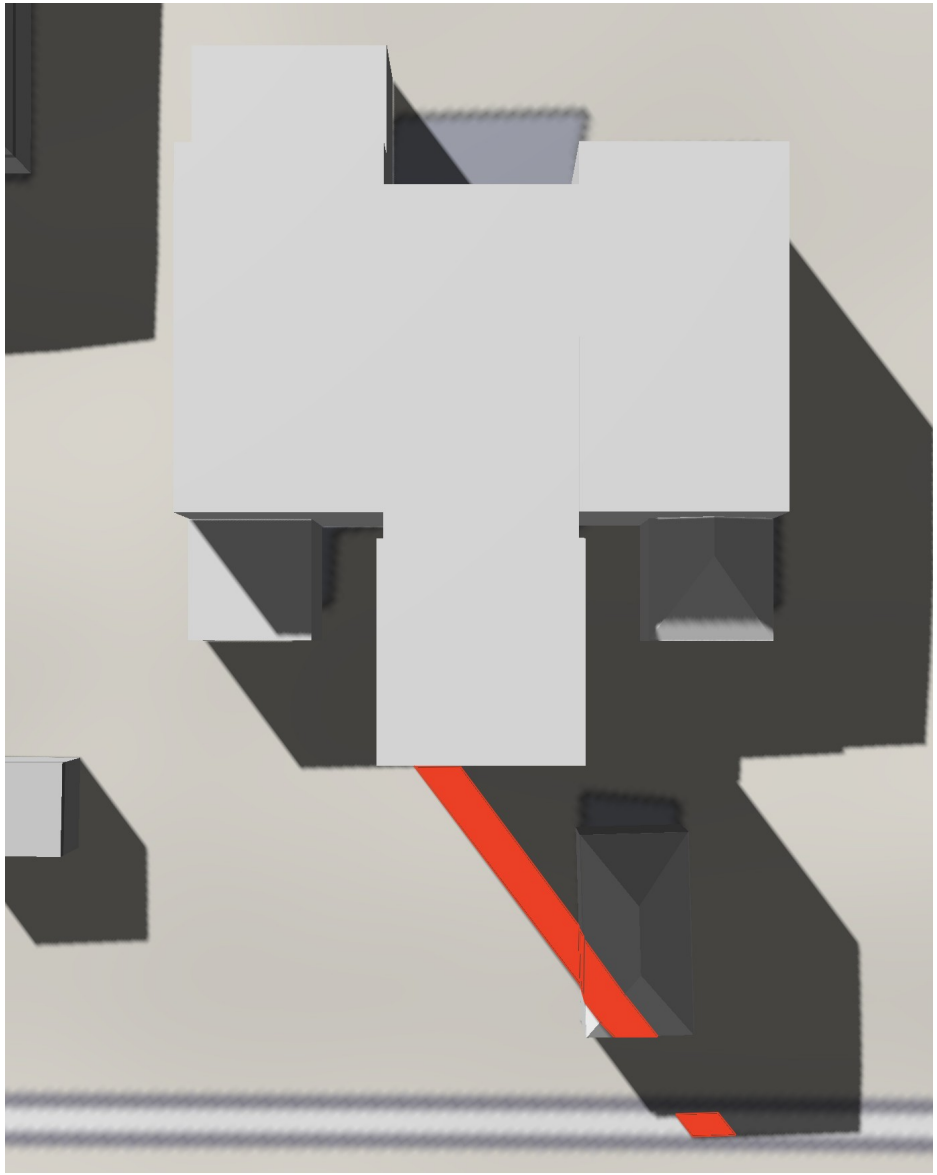


Winter Solstice 12:00 PM — proposed panel (excerpt)

Figure 4 — The Winter Solstice 12:00 PM panels: shadow geometry indicating massing extending on the order of three to five feet over the existing footprint, calibrated against the known offset between the two buildings' rear walls — far short of the approximately seventeen feet the plans file, and appearing in no other frame. Black trace lines added by us to mark the corner angles the shadow pattern indicates; all other content as filed in Exhibit 28A.



Study, Summer Solstice 9:00 AM (proposed panel, excerpt)



Recomputation, June 21, 9:00 AM (Shadowmap; method disclosed in letter)

Figure 5 — Summer Solstice 9:00 AM. Recomputation shows the additional shadow as a single continuous band from the tower toward the public alley, interrupted by the intervening garage. The study demarcates only two small fragments.