BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

BZA Case No. 21404
Application of 512 Taylor LLC
5034 Nebraska Avenue NW (Square 1879, Lot 30)

RESPONSE OF PARTY OPPONENTS JASON AND PATRICIA KOVACS

Filed pursuant to the Board's memorandum of August 14, 2026 (Exhibit 57)

Jason and Patricia Kovacs, owners of 5036 Nebraska Avenue NW and parties in opposition, submit this response under the schedule set in the Board's memorandum of August 14, 2026 (Exhibit 57). That memorandum directed the applicant to file four items by September 18, 2026 and permits responses from the parties and ANC 3F by September 30, 2026. As of the date of this filing, the applicant has filed nothing.

I. The four items directed in Exhibit 55

At the close of the July 22, 2026 hearing, the Board moved the application to a decision meeting and requested additional information for the record (Tr. 122:20–25). The Board's memorandum of July 24, 2026 (Exhibit 55) directed the applicant to file four items by August 28, 2026: (1) information on current property conditions and maintenance; (2) proposed screening for 5032 Nebraska Avenue; (3) additional neighbor outreach; and (4) the width of the applicant's property and the adjacent properties. On the party opponents' motion of July 31, 2026, which the applicant declined to consent to, the Board extended that date to September 18, 2026 (Exhibit 57). Exhibit 55 did not direct a revised shading study or any other solar item. No filing by the applicant appears in the record after Exhibit 57.

Item 1. Property conditions and maintenance.

The applicant did not file this item. The record reflects that the District inspected the property and posted a vacant-property notice before the hearing (Tr. 75:1–4). That notice, dated July 3, 2026, remains posted on the front of 5034 as of the date of this filing. The chair of ANC 3F describes the property's condition as observed on September 22, 2026 at Exhibit 58.

Item 2. Screening for 5032 Nebraska Avenue.

The applicant did not file this item. The item as directed concerns 5032. No screening measure has been proposed for 5036, and none of the impacts on 5036 described in Exhibits 44, 44A and 44B is of a kind that screening would address.

Item 3. Additional neighbor outreach.

The applicant did not file this item. Vice Chair Goldstein described what the Board wanted: additional discussion with the neighbors, and "for the applicant to think about whether there are some changes that could make it less adverse to their neighbors," adding, "if there isn't, if this is the plan, they can just tell us that's the plan" (Tr. 120:7–17). Board Member Lindsjo joined that

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request, noting the ANC chair's testimony that neighbors and applicants on this block "really like to work together, and this one has not been the case" (Tr. 121:4–12).

The record of the applicant's outreach to 5036 since the hearing is as follows. On August 6, 2026, the applicant's counsel and Mr. Kovacs held a telephone conference of approximately fifteen minutes. The same day, Mr. Kovacs sent counsel an email memorializing the conference; counsel replied in writing that the memorialization was accurate, and stated that a written proposal would follow, expected early in the week of August 10, 2026. On August 19, 2026, counsel's office wrote that it was still waiting on the revised proposal. On August 21, 2026, Mr. Kovacs replied, copying counsel, asking whether there was a date he should plan around for the revised proposal. No reply was received, and no proposal has been received. On August 6, Mr. Kovacs committed in writing to give serious consideration to any written proposal the applicant made. That commitment stands. Copies of the August 6, August 19 and August 21 correspondence are available to the Board on request.

Item 4. Property widths.

The applicant did not file this item. The Chair asked for it because "it sounded like this property has a particular constraint because it's not quite as wide as some of the adjacent properties" (Tr. 123:22–124:2). The widths of record appear on the Surveyor's subdivision plat for Square 1879 (Subdivisions Book 111, page 24, recorded March 3, 1939; Attachment A): 5034 (Lot 30), 19.0 feet; 5032 (Lot 31) and 5036 (Lot 29), 29.25 feet each; all three lots 154.29 feet deep. The plat divides the row into three-unit groups, each a 19-foot middle lot between two 29.25-foot end lots, and 5034 is the middle lot of its group. Under § 5201.4 the question is the addition's effect on neighboring properties, not any constraint on the applicant's; the width figures do not bear on whether those findings can be made on this record.

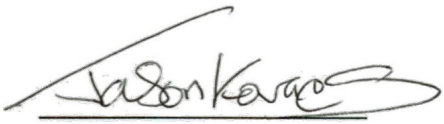
II. Position

The applicant made no submission by September 18, 2026 and none since. The record is as it stood at the close of the hearing on July 22, 2026. The party opponents' position is the one stated in Exhibits 20A, 44, 44A and 44B and at the hearing (Tr. 63:16–64:10; 68:13–69:6): the findings required by Subtitle D §§ 204.2 and 5201.4 cannot be made on this record, and the application should not be granted on it.

If the Board nonetheless grants relief, the party opponents ask that the order recite that the applicant certified under Subtitle Y § 300.6 that relief from § 208.7 was the only relief required and that the Board's decision rests on that certification, consistent with the statements of the Vice Chair and Commissioner Miller that any relief not requested is at the applicant's risk at the time of permitting (Tr. 124:5–24).

The party opponents remain open to a reasonable compromise and will give serious consideration to any written proposal the applicant makes.

Respectfully submitted,



Jason Kovacs, for Jason and Patricia Kovacs

5036 Nebraska Avenue NW, Washington, DC 20008

jkovaks@gmail.com

September 29, 2026

Attachment

Attachment A. Surveyor's subdivision plat, Square 1879, Lots 26 through 40 (Subdivisions Book 111, page 24, recorded March 3, 1939), from the Department of Buildings eRecords system.

Certificate of Service

I hereby certify that, on September 29, 2026, a copy of the foregoing response, with Attachment A, was served by email on the following:

Alexandra Wilson
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Martin Sullivan
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Kate Belinski
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Andrea C. Ferster
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Advisory Neighborhood Commission 3F Office
3F@anc.dc.gov

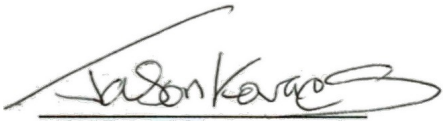
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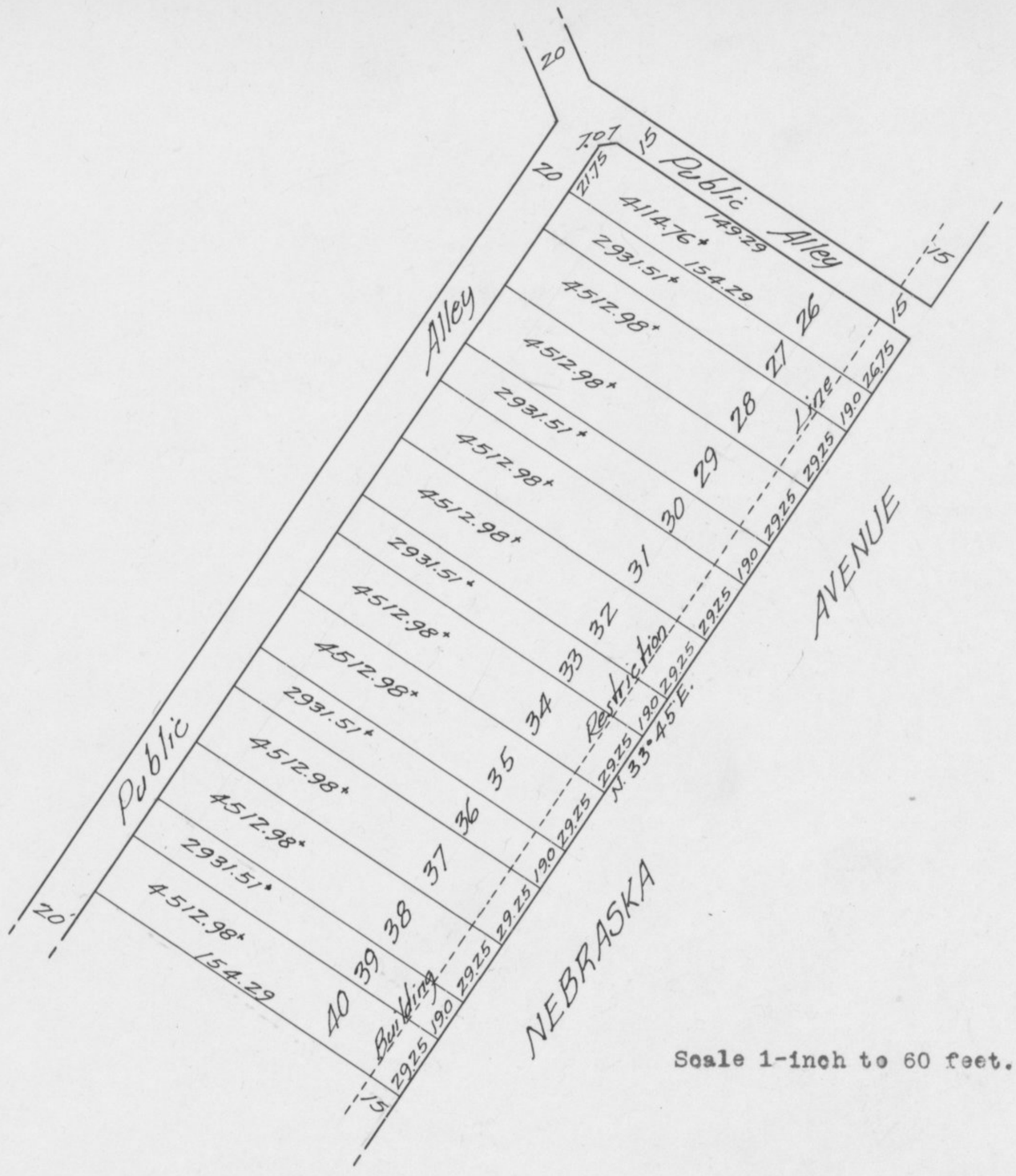
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Jason Kovacs
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SQUARE 1879



Scale 1-inch to 60 feet.

I hereby subdivide lots 19 to 25 (of subdivision by The Chevy Chase Land Company of Montgomery County, Maryland, recorded in Book 67, page 48) Square 1879, into fifteen lots, 26 to 40 as shown hereon.

OWNER

The Chevy Chase Land Company of Montgomery County, Maryland.

Two witnesses

By:(Signed) Edward L. Hillyer (President)

Two witnesses

Attest:(Signed) George E. Flemming (Secretary)

Corporate Seal

NO TRUST

I hereby certify that the foregoing plat is correct and agrees with the records of this office and was received for record at 3:50 P.M., March 3,1939.

Witness my hand and seal this 3rd.day of March 1939.

(Seal)

Surveyor, Dist. of Col.

FC

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