BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPLICATION OF
4590 MACARTHUR LLC **ANC 3D**

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of 4590 MacArthur LLC (the "**Applicant**"), owner of the property located at 4590 MacArthur Boulevard, N.W. (Square 1358, Lot 78) (the "**Property**"), in support of its application for area variance relief from the floor area ratio ("**FAR**") requirements of Subtitle G § 201.1. The requested relief will permit construction of an elevated outdoor recreation platform above the existing rear parking area serving St. Patrick's Episcopal Day School (the "**School**") in the MU-3A zone.

The permitted FAR is 1.0, and the existing building has a FAR of 1.2. The Project will increase the FAR to 1.54. The additional FAR results from the inclusion of the lower parking level beneath the platform, even though that area will remain open to the air rather than enclosed. The platform will provide secure outdoor recreation space for elementary-age students while preserving parking below.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the area variance relief requested herein pursuant to D.C. Code § 6-641.07(g)(3) and Subtitle X §§ 1000.1 and 1002.1(a) of the Zoning Regulations.

III. BACKGROUND

A. The Property and the Surrounding Neighborhood

The Property is a corner lot at the intersection of MacArthur Boulevard and Elliot Place, N.W., containing approximately 13,874 square feet of land. The Property is located in the MU-3A zone and is improved with an existing two-story school building with a cellar and a surface

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parking area at the rear (the "**Existing Building**"). A copy of the Zoning Map will be included at **Tab A**. The Existing Building has a footprint of approximately 6,513 square feet. The Property is surrounded by residential uses, with a park across Elliot Place, N.W.

The Property has a substantial change in grade between the front of the Existing Building and the rear parking area. The rear grade is approximately 9'9.5" below the existing first-floor elevation. The proposed platform will sit approximately one foot above that first-floor elevation, placing its surface approximately ten feet, ten inches above the rear grade. This configuration allows outdoor recreation space to connect to the School's first-floor level while parking remains at the lower rear level.

The combination of the corner location, street exposure, Existing Building, and pronounced grade change distinguishes the Property from a level site on which parking and secure outdoor recreation areas could be arranged at a common elevation. Here, the design must accommodate the existing school and vehicle access while providing an outdoor area that school staff can supervise and control.

B. Traffic Conditions

The Property has frontage on MacArthur Boulevard and Elliot Place, N.W. The Project is designed to retain parking beneath the outdoor platform. The Project will not change the number of parking spaces or the existing circulation patterns.

C. The Project

The Applicant proposes a platform supported by columns over the rear parking area serving the Existing Building (the "**Project**"). A copy of the architectural plans are enclosed at **Tab B**. The Project will provide outdoor recreation and learning space for the School, with parking retained below. The design of the platform includes a perimeter parapet, planters, stairs, and an accessible ramp connecting the platform with the Existing Building. The lower parking area will remain open to the air.

The Project responds to the School's need for a secure outdoor setting for recess, physical education, outdoor learning, and other school-sponsored activities. Elementary-age children require close and continuous supervision during these activities. Locating the outdoor area at the School's first-floor level will allow students and staff to reach it without descending into the parking area and will separate recreational activities from vehicle circulation and unrestricted access at the lower level.

The Zoning Administrator has verbally confirmed that rear-yard relief is not required and that the lower covered-parking level must be included in the Project's gross floor area ("**GFA**") and FAR calculations. The Existing Building contains 16,380 square feet of GFA (1.20 FAR). The Project adds 4,697 square feet of GFA (0.34 FAR) attributable to the covered parking area beneath the platform, resulting in a total of 21,077 square feet of GFA and a proposed FAR of 1.54. The covered parking area will remain open to the air and will not be enclosed or converted to interior school space. The application seeks area variance relief for the resulting increase in FAR.

IV. NATURE OF VARIANCE RELIEF SOUGHT AND STANDARD OF REVIEW

The Applicant seeks area variance relief from Subtitle G § 201.1, which establishes a maximum FAR of 1.0 in the MU-3A zone. The Existing Building is already at 1.2 FAR and, therefore, is non-compliant. However, the Project will increase that non-conformity with a new total FAR of 1.54. The requested relief is dimensional: it permits additional countable floor area associated with the covered parking and outdoor platform serving the School.

Under D.C. Code § 6-641.07(g)(3) and Subtitle X §§ 1000.1 and 1002.1(a), an applicant for an area variance must establish that:

> (1) The property is affected by an extraordinary or exceptional situation or condition;
>
> (2) Strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to the property owner; and
>
> (3) The relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The exceptional condition may arise from the existing building as well as the land itself. *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). It may also result from a confluence of factors affecting a particular property. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). For an area variance, the applicant must demonstrate that compliance would be unnecessarily burdensome and that the practical difficulties are unique to the particular property. *Id.* at 1170.

V. THE APPLICANT MEETS THE STANDARD FOR VARIANCE RELIEF

A. The Property is Affected by an Exceptional Situation or Condition

The Property is affected by a confluence of existing physical conditions: its corner location and exposure to two streets, its substantial change in grade, the configuration of the Existing Building, and the location of parking at the lower rear level. Together, these conditions create a unique confluence of facts that are exception to the Property.

1. Corner Location and Unique Topography

The Property's corner location exposes it to public rights-of-way along two sides. At the same time, the rear parking area is nearly a full story below the School's first floor. The Property is uniquely located at the end of MacArthur Blvd before the Georgetown Reservoir.

2. Existing Building and Site Configuration

The Existing Building already exceeds the permitted FAR, with an existing FAR of 1.2 where 1.0 is permitted. As such, there is no unused matter-of-right FAR available to accommodate the newly covered parking area. The Applicant must work around the Existing Building and lower-level parking rather than arrange these functions on an undeveloped site. These conditions, considered together with the corner location and topography, create the exceptional situation supporting relief.

3. Lack of Existing Outdoor Recreation Space

The School is unique due to its lack of safe and secure outdoor recreation space. Most schools are able to provide on-site outdoor recreation space that is secure from traffic and unauthorized individuals. The Project aims to remedy this deficiency while retaining the existing parking.

B. The Applicant Will Face Practical Difficulty with Strict Zoning Compliance

Strict compliance with the FAR limit would prevent the Applicant from providing the proposed platform – and outdoor recreation space - while retaining the Existing Building's parking arrangement. Therefore, strict application of the FAR requirements results in a practical difficulty to provide usable, secure outdoor space and retain parking within the constraints of the developed, sloping site.

The provision of secure outdoor recreation space supports the School's educational mission by allowing physical activity, structured play, and outdoor instruction to occur as part of the school day. The Project permits staff to supervise those outdoor activities in a space connected to the School while retaining the parking function at the lower level. Requiring the Applicant to choose between these functions would impose a practical burden arising from the Property's existing physical configuration.

There is no alternative reasonable space for outdoor recreation at the Property. Providing outdoor recreation at the existing parking lot level would require the School to accommodate children's activities in an area also needed for vehicle parking and circulation. It would also place those activities at the lower level, where the recreational space is exposed to public areas and thus unsafe. Additionally, the Existing Building already exceeds the non-residential FAR limit, and, therefore, reducing the platform's size would not eliminate the need for relief.

The Existing Building's layout and configuration also creates practical difficulty in providing outdoor recreation space that is secure, controlled, and protected from unrestricted

public access. Children require constant supervision during recess, physical education, outdoor learning, and other school-sponsored activities. A controlled outdoor area allows staff to maintain accountability for students, prevent unauthorized access, and respond promptly to emergencies. The platform's relationship to the School's first-floor level supports this supervision and avoids routing students through the lower parking area to reach their outdoor activities.

Privacy is also important to student welfare. A controlled setting helps protect young students from unwanted interactions with strangers, unauthorized photography, and other intrusions. The platform allows the School to manage access to the recreation area through its own premises and to incorporate perimeter protection into the design. These needs are particularly significant on a corner property with exposure to two public streets.

The grade difference, Existing Building, parking and topography create practical difficulty in complying with FAR. These unique conditions create lower level parking, which typically would not count toward FAR, because it is below the front grade and simultaneously open to the area on all sides; yet still counts toward FAR creating the practical difficulty. The resulting FAR increase reflects the physical relationship between the School, the sloping site, and the proposed platform.

C. The Variance Relief Will Not Cause Substantial Detriment to the Public Good or the Zoning Regulations and Maps

The requested relief will allow an improvement to the Existing Building that preserves parking beneath a dedicated outdoor recreation area. Nonetheless, the platform is only one level and will remain open to the air. Importantly, the Project does not propose to convert that area into enclosed classrooms, thereby limiting any external impacts.

The platform is located at the rear of the Existing Building and approximately at the School's first-floor level, below the existing main roof. Its placement uses the existing change in grade to accommodate both functions. The School's rear yard is compliant because it is located

above the 20 foot horizontal plane permitted under Subtitle G § 207.8. The platform's perimeter treatment and landscaping will help define the outdoor area and separate it from surrounding activity.

The platform will serve the School's existing educational activities and will be used during the school day. The Project will not change the School's operating hours. Providing a dedicated outdoor area in connection with the existing school use will allow these activities to occur in a supervised setting without introducing a new nighttime use. The daytime use of the platform, together with its location and perimeter treatment, will allow the outdoor activities to coexist with the surrounding residential uses without substantial detriment.

A private school use is a matter-of-right use in the MU-3A zone, and this application will continue that use. The Project responds to the corner lot configuration, existing development, and topography, while supporting the continued school use. For these reasons, the requested variance can be granted without substantially impairing the intent, purpose, and integrity of the Zoning Regulations and Map.

VI. COMMUNITY OUTREACH

Following the filing of the application, the Applicant will work with Advisory Neighborhood Commission 3D (the "ANC") to present the Project and requested FAR relief at the ANC's next public meeting. The Applicant will engage with the ANC and nearby property owners as the application proceeds and will provide the Board with an update on community outreach.

VII. SUMMARY OF WITNESS TESTIMONY

Timothy Sachs will testify on behalf of the Applicant regarding the Project. Eric Gronning of Gronning Architects will testify regarding the Property's topography, project design, FAR calculations, and practical difficulties associated with providing parking and outdoor recreation space on the Property. The Applicant reserves the right to add witnesses or expert witnesses as necessary.

VIII. CONCLUSION

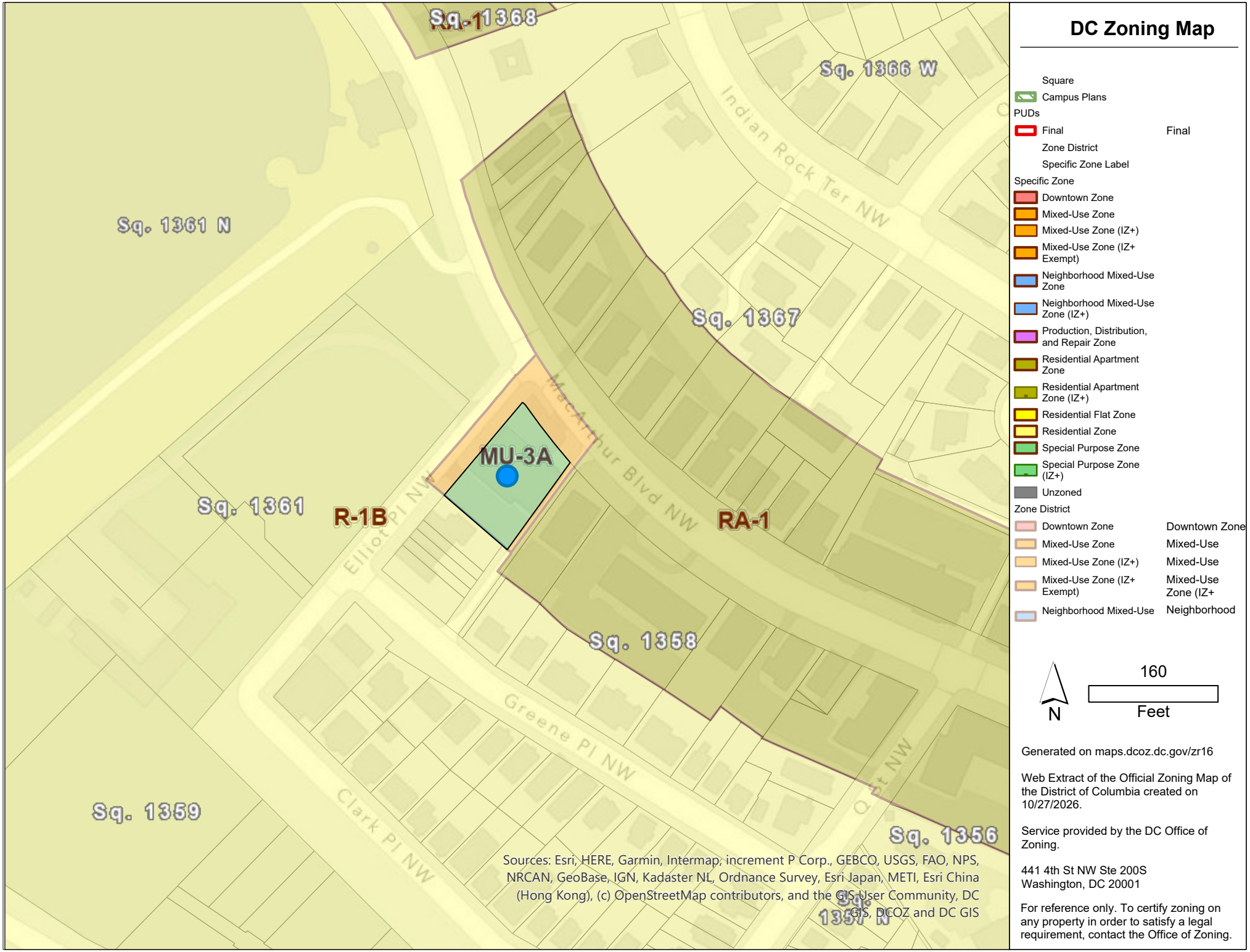
For the reasons stated above, the Project meets the applicable standards for area variance relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board approve the requested area variance from Subtitle G § 201.1.

Respectfully Submitted,
COZEN O'CONNOR



Meridith H. Moldenhauer

Tab A



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, DC GIS, DCOZ and DC GIS

DC Zoning Map

- Square
- Campus Plans

PUDs

- Final — Final

- Zone District
- Specific Zone Label

Specific Zone

- Downtown Zone
- Mixed-Use Zone
- Mixed-Use Zone (IZ+)
- Mixed-Use Zone (IZ+ Exempt)
- Neighborhood Mixed-Use Zone
- Neighborhood Mixed-Use Zone (IZ+)
- Production, Distribution, and Repair Zone
- Residential Apartment Zone
- Residential Apartment Zone (IZ+)
- Residential Flat Zone
- Residential Zone
- Special Purpose Zone
- Special Purpose Zone (IZ+)
- Unzoned

Zone District

- Downtown Zone — Downtown Zone
- Mixed-Use Zone — Mixed-Use
- Mixed-Use Zone (IZ+) — Mixed-Use
- Mixed-Use Zone (IZ+ Exempt) — Mixed-Use Zone (IZ+
- Neighborhood Mixed-Use — Neighborhood

N

160 Feet

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Web Extract of the Official Zoning Map of the District of Columbia created on 10/27/2026.

Service provided by the DC Office of Zoning.

441 4th St NW Ste 200S
Washington, DC 20001

For reference only. To certify zoning on any property in order to satisfy a legal requirement, contact the Office of Zoning.

Tab B

PROJECT DATA

BUILDING ADDRESS:	4590 MACARTHUR BLVD NW WASHINGTON, DC 20007
BUILDING OWNER:	NICHOLAS DEVELOPMENT 5290 SHAWNEE ROAD, SUITE 300 ALEXANDRIA, VA 22312
ZONE: MU-3A	**LOT:** 0078 **SQUARE:** 1358
CONSTRUCTION TYPE:	3B
USE GROUP:	E EDUCATIONAL PRIVATE MIDDLE SCHOOL
NUMBER OF STORIES:	2 + CELLAR
FIRE ALARM:	YES
FIRE SPRINKLER:	YES
PARKING SPACES:	14 EXISTING SPACES
SCOPE OF WORK:	NEW ELEVATED ROOF / LANDSCAPE STRUCTURE ABOVE EXISTING PARKING LOT AT REAR.
LOT SF:	13,701 SF
EXISTING BUILDING FOOTPRINT:	6,533 SF
PROPOSED BUILDING FOOTPRINT:	11,230 SF (INCLUDES NEW ROOF AREA)
FLOOR AREA RATIO:	ALLOWABLE: 1.0 EXISTING: 1.20 PROPOSED: 1.54
LOT OCCUPANCY:	ALLOWABLE: N/A EXISTING: 48% PROPOSED: 82%
REAR YARD SETBACK:	ALLOWABLE: 20' EXISTING: +/- 45'-0 1/4" PROPOSED: +/- 45'-0 1/4"

GROSS FLOOR AREA (GFA)

FLOOR	AREA	FAR
EXISTING BUILDING AREA	16,380 SF	1.20
NEW ROOF AREA	4,697 SF	0.34
	21,077 SF	1.54

EXISTING BUILDING AREA
6533 SF



3 | SECOND FLOOR GFA PLAN
A400 SCALE 1/32" = 1'-0"

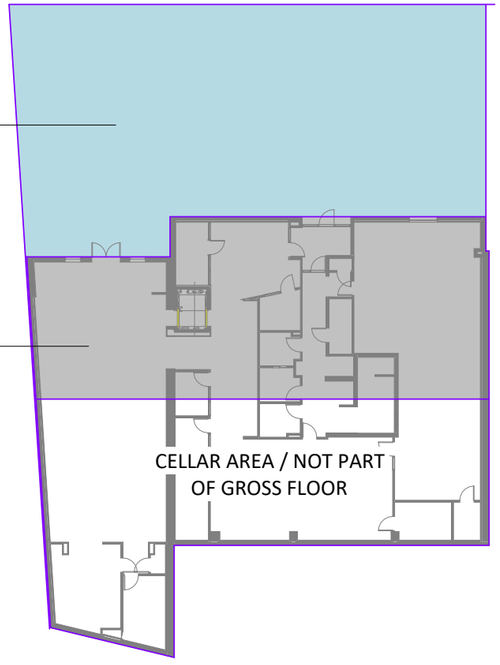
EXISTING BUILDING AREA
6387 SF



2 | FIRST FLOOR GFA PLAN
A400 SCALE 1/32" = 1'-0"

NEW ROOF AREA
4697 SF

EXISTING BUILDING AREA
3460 SF



1 | BASEMENT GFA PLAN
A401 SCALE 1/32" = 1'-0"

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COVER SHEET | **BZA-0**

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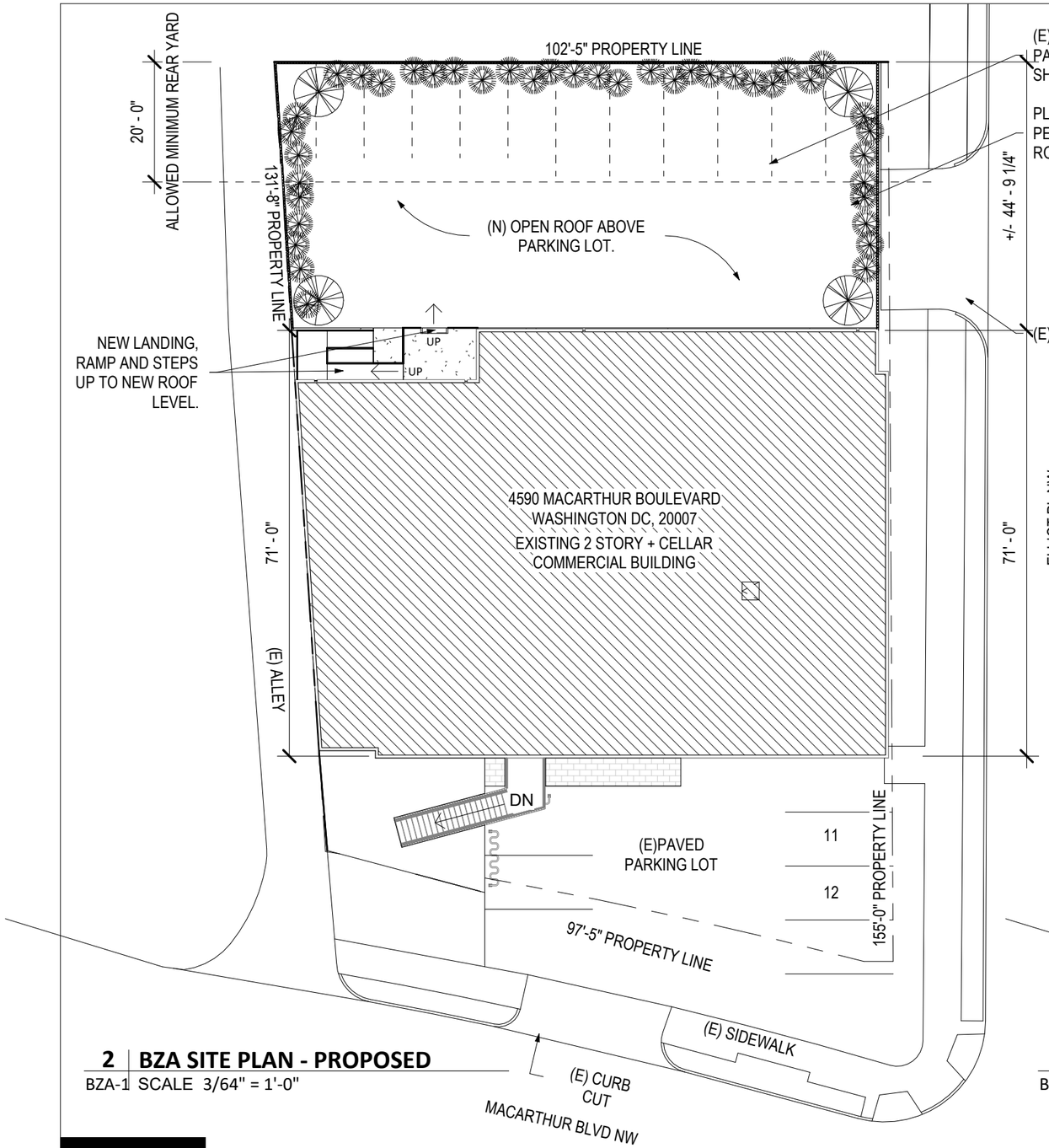
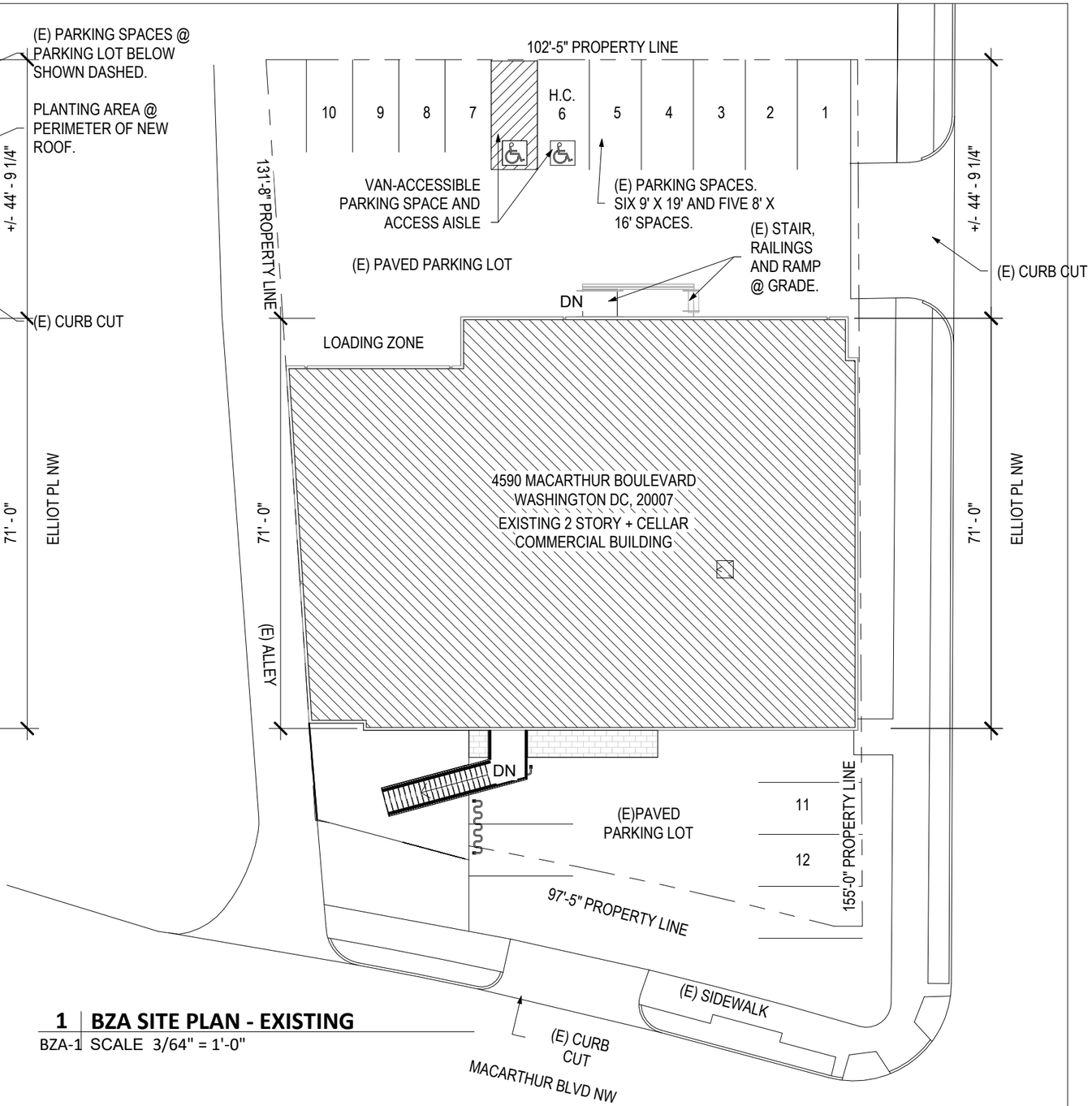


2 | BZA SITE PLAN - PROPOSED
BZA-1 SCALE 3/64" = 1'-0"



1 | BZA SITE PLAN - EXISTING
BZA-1 SCALE 3/64" = 1'-0"

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SITE PLAN | **BZA-1**

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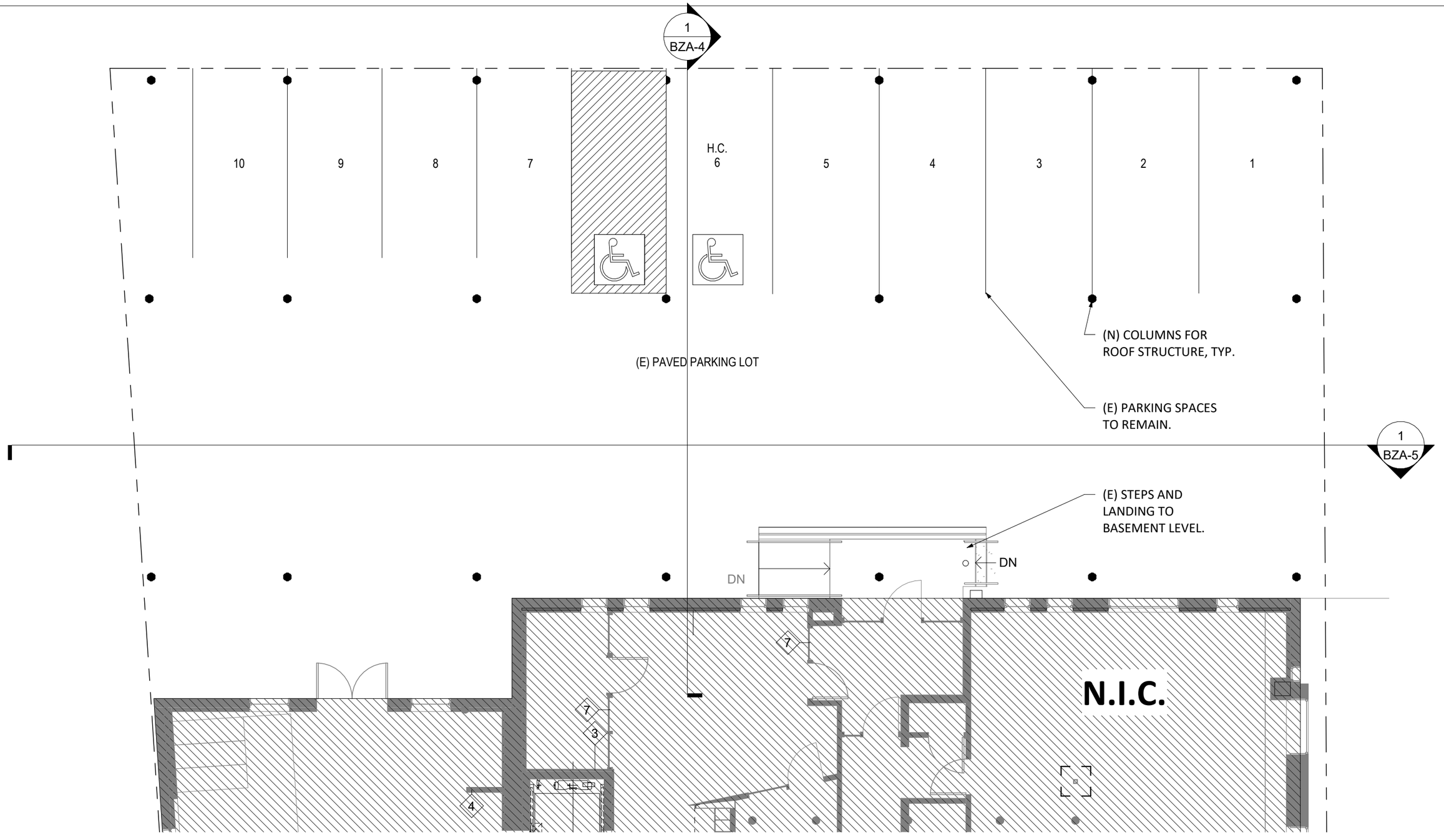

1 | PARKING LEVEL PLAN

BZA-2 SCALE 1/8" = 1'-0"

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LOWER PLAN | **BZA-2**

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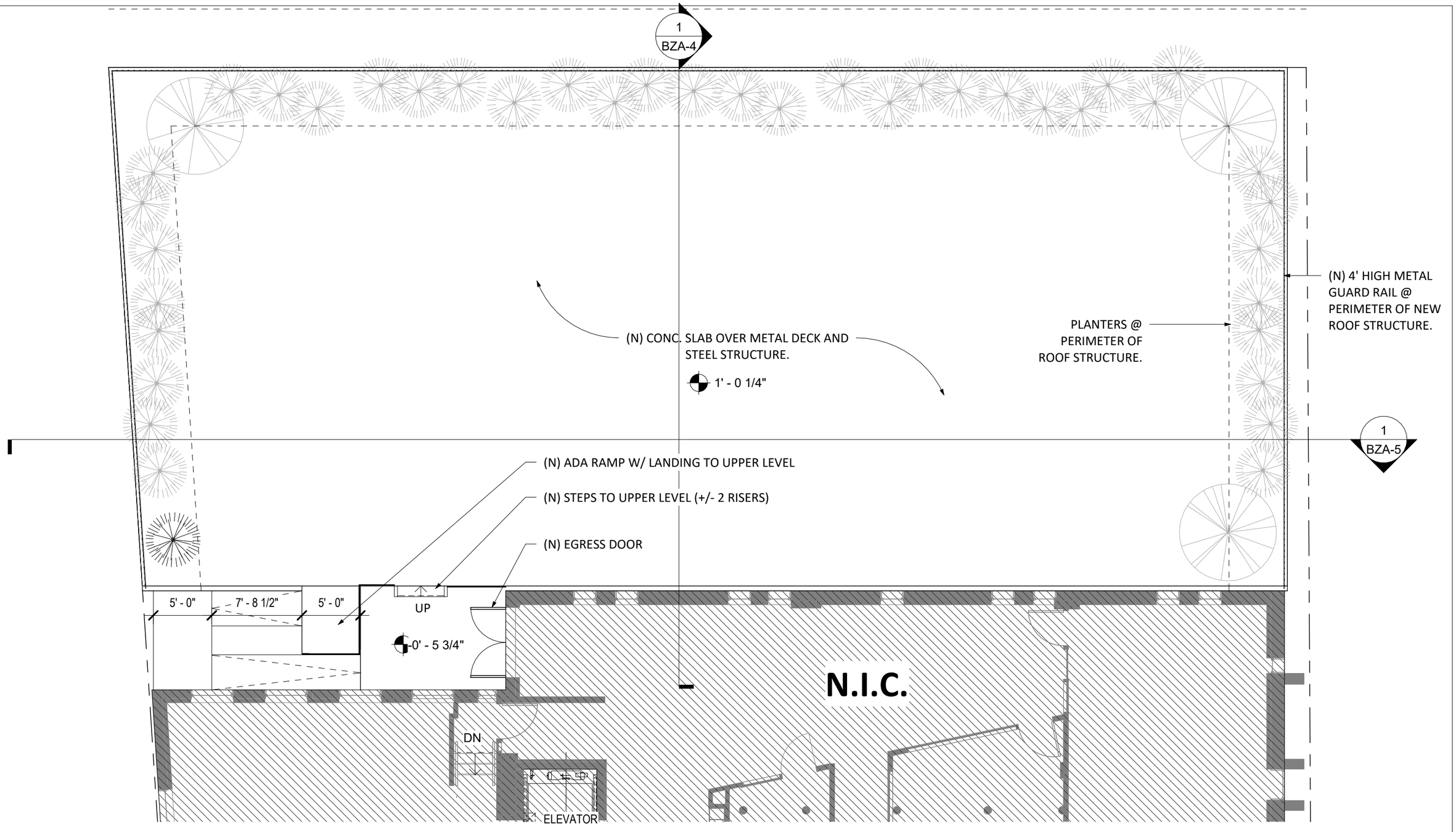

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1 | 1ST FLOOR PLAN

BZA-3 SCALE 1/8" = 1'-0"

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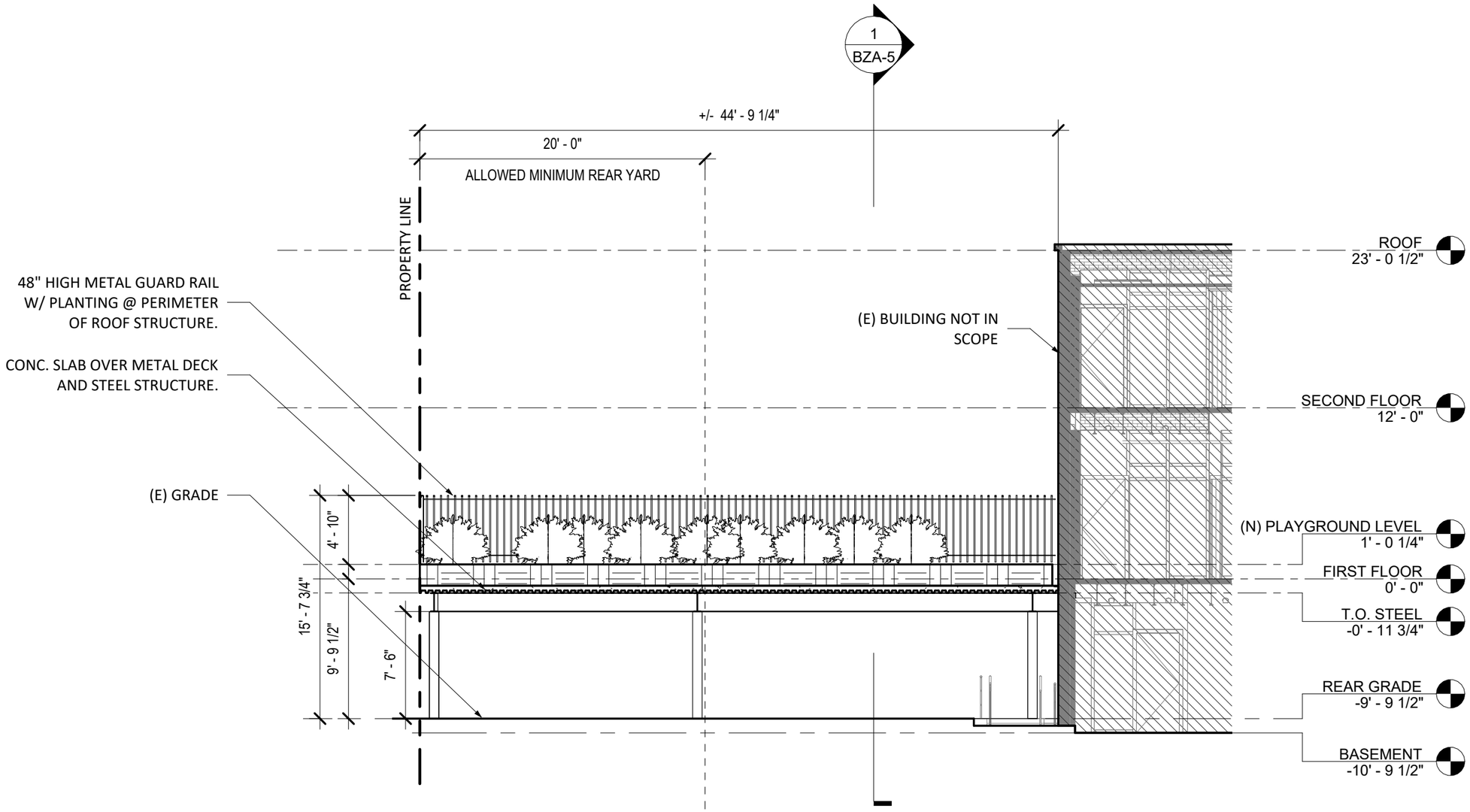

1 | SECTION 1

BZA-4 SCALE 1/8" = 1'-0"

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SECTION | **BZA-4**

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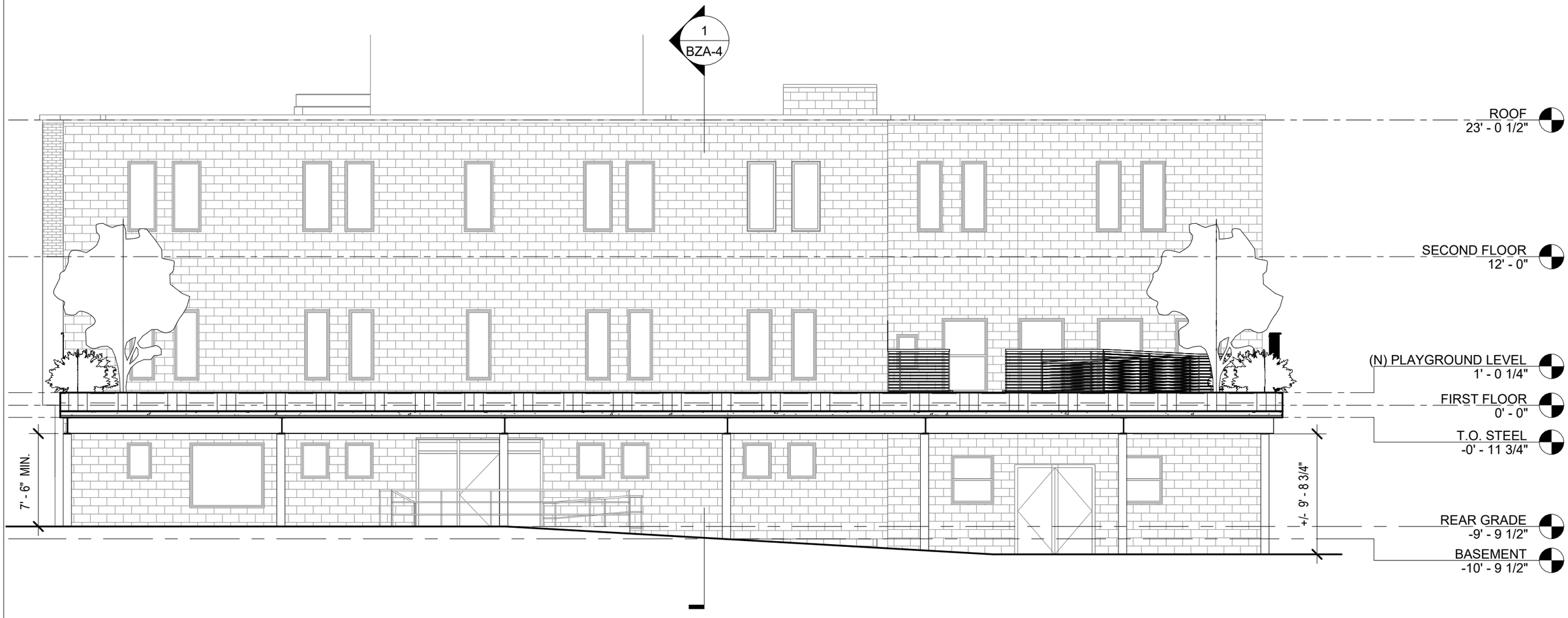

1 | **SECTION 2**
BZA-5 SCALE 1/8" = 1'-0"

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SECTION | **BZA-5**

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EXISTING PHOTOS | **BZA-6**

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