

June 23, 2020

via IZIS

Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

**Re: Request to Re-Open the Record to Accept an Alternative or Substitute Proposal;
BZA Case No. 20178**

Dear Members of the Board:

I am writing on behalf of the Applicant in the above-referenced case. The Applicants, Kat and Murat Kayali, are most concerned about a growing security issue with the rear of their property. To address this concern, they desire to build a garage at the rear of the Property, with a deck of some kind connecting the garage and the house. While the size of that deck is important to them for logistical and financial reasons, they cannot risk a denial of the overall request, which would jeopardize the ability to construct the garage. Therefore, the Applicant hereby requests of the Board to re-open the record to allow the Applicant's submission of an alternative or substitute request and proposal.

We do believe that the Zoning Regulations contemplate that an Applicant may submit, and the Board may entertain, alternative proposals; including alternative requests for relief.¹ However,

¹ Subtitle Y. Section 3180 provides that: "In the case of an application combining two (2) or more actions, *or for an application requesting consideration of more than one alternative*, the fee shall be the total of the amounts for each action *or alternative* computed separately. However, for applications involving owner-occupied, one-family dwellings or flats, regardless of the number of variances, special exceptions, *or alternatives requested*, the fee is three hundred and twenty-five dollars (\$325.00)." Section 1600.1(24)(d) provides for the owner-occupied filing fee: "Owner-occupied, single dwelling unit or flat, regardless of the number of variances, special exceptions, *or alternatives requested*, three hundred twenty-five dollars (\$325)."

the Applicant defers to the Board and OAG on this point. If the Board determines that alternatives are not appropriate, then the Applicant requests that it consider the attached new proposal to be a substitute proposal, rather than an alternative, should the Board decide to re-open the record rather than granting the currently-pending 72.5% lot occupancy variance request.

Should the Board choose to grant the request to re-open the record, the Applicant is concurrently submitting a separate submission to amend the Application to include the request for special exception relief for a 70% lot occupancy proposal.²

Thank you for considering this request.

Sincerely,

Martin P Sullivan

Martin P. Sullivan, Esq.
Sullivan & Barros, LLP

² The special exception request for penthouse setbacks remains as originally requested.

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Request to Re-Open the Record

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2020, an electronic copy of this Request to Re-Open the Record was served on the following on behalf of the Applicants, Murat and Kathryn Kayali.

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