

**BZA No. 20636; 4509 Foxhall Crescents Dr.**

**Presentation**

**Relief Requested and Compliance with Standards for Approval**

1. Variance from 24' driveway requirement

(a) 16' Street is existing – an extraordinary condition which presents practical difficulties—OP in agreement that the standard is met

2. Special Exception for Proposed House on Existing Theoretical Lot

(a) Proposed house meets all zoning requirements

(b) No adverse impacts on neighboring properties – Foxhall Crescents Home Owners Association has reviewed the proposal and voted to support the project

**Architect's presentation**

1. Architectural plans presentation—proposed house meets all zoning requirements
2. No adverse privacy impacts on neighboring properties

**Civil Engineer presentation**

1. Overview of Stormwater Management and Soil and Sediment Control Plans
2. DOEE comments and authority/process with respect to the same

### **Comments re Office of Planning Report**

The Office of Planning indicates that it cannot make a recommendation due to outstanding comments from DOEE and DDOT.

### **Applicant's response**

Section 405.7 of Subtitle Y , BZA Rules of Practice and Procedure provides that “The failure of an agency to provide a report does not prevent the Board from hearing and deciding an application.”

Regarding DOEE, the BZA does not typically obtain comments from DOEE relative to SWM and Soil and Sediment control plans. In most cases the Applicant doesn't even submit these plans to DOEE prior to a building permit application. Therefore the BZA relies on expert input in the record and the Board can condition its approval on DOEE approval as agreed to by the Applicant.

Regarding DDOT, the Urban Forestry Division (“UFD”) has indicated that it will not review the Applicant's landscape and TPP plans until the issue of the fine for the Heritage Tree is resolved. The BZA and Zoning Commission often have their own landscape architecture expertise and do not typically obtain or rely on UFD review. Further, the position of UFD in this case is not justifiable or helpful to the BZA but the Applicant is agreeable to a condition which requires good faith consultations with UFD regarding the final landscape and TPP plans.