



**Written Testimony of Michael A. Carter, Interim Director
Department of Public Works**

**Before the
Board of Zoning Adjustment
Frederick L. Hill, Chairperson
441 4th Street NW, Suite 200S
Washington, DC 20001**

May 18, 2022

**Application No. 20636 – Application of Penguin, LLC for a special
exception and an area variance at the premises 4509 Foxhall
Crescent NW (Square 1397, Lot 960)**

Good morning Chairperson Hill and members of the Board of Zoning Adjustment (“Board”). I am Michael A. Carter, Interim Director of the Department of Public Works (“DPW”).

Thank you for the opportunity to submit my written testimony regarding the application of Penguin, LLC (“Applicant”) to construct a detached, two-story single family principal dwelling unit in the R-1-A Zone at the premises 4509 Foxhall Crescent NW. This hearing was originally scheduled for March 2, but the Board postponed the hearing until May 18 at the request of the Applicant.

The Applicant is specifically seeking:

- (1) A special exception from the subdivision regulations of Subtitle C § 302.1 of the Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (DCMR); and
- (2) An area variance from the vehicular ingress and egress requirements of Subtitle C § 305.3(b).

As you know, Chairman Hill and the Board, an application for special exception relief shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property. Furthermore, the Board is authorized to grant a special exception where, in its judgment, the special exception:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in the Zoning Regulations.

In addition, an applicant for an area variance must prove that, as a result of the attributes of a specific piece of property, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property.

DPW's main focus in this matter is whether the proposed construction, if commenced, would interfere with any of the agency's operations. DPW's Solid Waste Collections Division ("SWCD") has been out to look at the property to see whether this construction would have any impact, in particular, on the agency's solid waste collection operations. Based on DPW's inspection, we have determined that the premises and area at issue, as well as the streets, are private property. The community's trash and recycling collection is serviced by a private collector. Because DPW does not provide solid waste collection service to this community, the proposed construction by the Applicant will have no impact on DPW's operations.

This is the extent of my comments regarding the application to the BZA for special exception relief and an area variance regarding the proposed construction at 4509 Foxhall Crescent NW. Thank you again for allowing me to submit my written testimony on behalf of DPW regarding this matter.