

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

WEDNESDAY

MAY 15, 2019

+ + + + +

The Regular Public Meeting convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 9:30 a.m., Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
CARLTON HART, Vice Chair (NCPC)  
LESYLLEE M. WHITE, Board Member  
LORNA JOHN, Board Member

ZONING COMMISSION MEMBER PRESENT:

MICHAEL TURNBULL, Zoning Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
JOHN NYARKU, Zoning Specialist  
KEARA MEHLERT, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQ.

## OFFICE OF PLANNING STAFF PRESENT:

BRANDICE ELLIOT  
MATTHEW JESICK  
MAXINE BROWN-ROBERTS  
KAREN THOMAS

The transcript constitutes the minutes from  
the Public Meeting held on May 15, 2019.

P-R-O-C-E-E-D-I-N-G-S

9:10 a.m.

CHAIRPERSON HILL: All right, good morning. The hearing will please come to order. We're located in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W. This is the May 15th, 2019 public hearing of the Board of Zoning Adjustment of the District of Columbia.

My name is Fred Hill, Chairperson. Joining me today is Carlton Hart, Vice Chair, Lesyllee White and Lorna John will also be joining us in a moment. Representing the Zoning Commission with Michael Turnbull and then also Anthony Hood for the day.

Copies of today's agenda are available to you and located on the wall bin near the door. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live. Accordingly, we must ask you refrain from any disruptions or actions in the hearing room. When presenting information to the Board, please turn on and speak into the microphone, first stating your name and home address.

When you're finished speaking, please turn your microphone off, so that your microphone is no longer picking up sound or background noise. All persons planning to testify either in favor or in opposition must have raised their hand and been sworn in by the Secretary. Also, each

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1 witness must fill out two witness cards. These cards are  
2 located on the table near the door and on the witness table.  
3 Upon coming forward to speak with the Board, please give both  
4 cards to the reporter sitting at the table on my right.

5           If you wish to file written testimony or  
6 additional supporting documents today, please submit one  
7 original and 12 copies to the Secretary for distribution.  
8 If you do not have the requisite number of copies, you can  
9 reproduce copies on an office printer in the Office of Zoning  
10 located across the hall. Please remember to collate your set  
11 of copies.

12           The order of procedures for special exceptions,  
13 variances and appeals is also listed as you come walking in  
14 through the door. The record shall be closed at the  
15 conclusion of each case, except for any materials  
16 specifically requested by the Board. The Board and the staff  
17 will specify at the end of the hearing exactly what's  
18 expected and the date when the persons must submit the  
19 evidence to the Office of Zoning.

20           After the record is closed, no other information  
21 shall be accepted by the Board. The Board's agenda include  
22 cases set for decision. After the Board adjourns, the Office  
23 of Zoning, in consultation with myself, will determine  
24 whether a full or summary order may be issued. A full order  
25 is required when the decision it contains is adverse to a

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1 party, including an affected ANC. A full order may also be  
2 needed if the Board's decision differs from the Office of  
3 Planning's recommendation.

4 Although the Board favors the use of summary  
5 orders whenever possible, an applicant may not request the  
6 Board to issue such an order. The District of Columbia  
7 Administrative Procedures Act requires that the public  
8 hearing on each case be held in the open before the public  
9 pursuant to Section 405(b) and 406 of that Act.

10 The Board may, consistent with its rules or  
11 procedures and the Act, enter into a closed meeting on a case  
12 for purposes of seeking legal counsel on a case, pursuant to  
13 D.C. Official Code Section 2-575(b)(4) and/or deliberating  
14 on a case pursuant to D.C. Official Code Section 2-  
15 575(b)(13), but only after providing the necessary public  
16 notice, and in the case of an emergency closed meeting, after  
17 taking a roll call vote.

18 The decision of the Board and case must be based  
19 exclusively on the public record. To avoid any appearance to  
20 the contrary, the Board requests that person present not  
21 engage the members of the Board in conversation. Please turn  
22 off all beepers and cell phones at this time, so as not to  
23 disrupt the proceeding.

24 Preliminary matters and those which relate to  
25 whether a case will or should be heard today, such as a

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1 request for postponement, continuance of the trial or whether  
2 a proper or adequate notice of the hearing has been given.  
3 If you're not prepared to go forward with the case today or  
4 believe the Board should not proceed, now is the time to  
5 raise such a matter. Mr. Secretary, do we have any  
6 preliminary matters?

7 MR. MOY: Good morning Mr. Chairman, members of  
8 the Board. I do have a few announcements related to today's  
9 docket. First off are case applications that have been  
10 postponed and rescheduled. Appeal No. 19961 of ANCLC has  
11 been rescheduled to June 2019.

12 MS. WHITE: June what?

13 MR. MOY: June 19th, 2019, and Case No. 2004 of  
14 General Services, Inc. has been postponed/rescheduled to June  
15 19th, 2019 as well. 2008 of Brighter Chapter Investment, LLC  
16 postponed and rescheduled to June 19th, 2019, and finally  
17 Case Application No. 2009 of Amanuel has been postponed,  
18 rescheduled to June 19th as well, 2019.

19 Finally Mr. Chairman, we have -- which was  
20 submitted very early this morning, a request for postponement  
21 and they go to Case Application No. 2001 of Simone  
22 Management, LLC and Application No. 19996 of Mallard Estates,  
23 LLC. And that's it from the staff, Mr. Chairman.

24 CHAIRPERSON HILL: Okay. Mr. Moy, let's go ahead  
25 and just address some of those preliminary matters when we

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1 call each one of those cases, okay?

2 MR. MOY: Thank you.

3 CHAIRPERSON HILL: And then as far as the audience  
4 is concerned, we are going to go a little bit out of order  
5 in our decision-making process. We're going to start with  
6 Application 19972, followed by 19954, and then ending in  
7 19942. In terms of the hearings agenda, we're going to  
8 follow it more or less until we get to whatever preliminary  
9 matters we need to handle with some of the cases.

10 If you're here wishing to testify, if you'd please  
11 stand and take the oath administered by the Secretary to my  
12 left.

13 MR. MOY: Good morning. I'm looking around the  
14 corner here.

15 [WITNESSES SWORN.]

16 CHAIRPERSON HILL: All right, Mr. Moy. You can  
17 call our first meeting case if you want to.

18 Application No. 19972

19 MR. MOY: Thank you, Mr. Chairman. So that would  
20 be Case Application No. 19972 of David Do, as amended for  
21 special exception from the penthouse requirements under  
22 Subtitle C, Section 1500.4, and under Subtitle C, Section  
23 1500.04 from the penthouse setback requirements of Subtitle  
24 C, Section 1502.1 to construct a third floor with a roof deck  
25 and a penthouse enclosure on an existing two story flat, RF-1

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1 Zone at premises 1449 through 1451 Holbrook Street, N.E.,  
2 Square 4075, Lot 182 and participating on this decision is  
3 Chairman Hill, Vice Chair Hart, Ms. White and I have an  
4 absentee vote from Peter May.

5 CHAIRPERSON HILL: Okay. Are we ready to  
6 deliberate? Okay. I can start. So we did go through  
7 deliberations last week on this, and we heard from Vice Chair  
8 Hart, myself and then also the Commissioner at the time was  
9 Peter May.

10 The argument that I thought, at least at that  
11 point; I mean the applicant's arguing that the existing  
12 configuration of the flat as a row home necessitates locating  
13 the rooftop stair access along the side of the building, and  
14 that would be in violation of the penthouse setback  
15 requirements.

16 I think that the applicant did make the argument  
17 that they're meeting the burden in order to have this special  
18 exception approved. I voted in approval last week and I  
19 think that I'm not changing my mind, due to the discussion  
20 that we had with Commissioner May. I do appreciate and  
21 understand his arguments, and actually these -- this  
22 penthouse structure, this kind of solution to the stairways,  
23 you know, that we've talked about like hatches versus  
24 different things.

25 But in this particular case, I would also agree

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1 with the analysis that the Office of Planning had provided,  
2 in terms of how they're approving the project, as well as the  
3 ANC was not in objection to the -- they were in favor of the  
4 project. And so I thought they were meeting the burden for  
5 us to grant the special exception, and I would be voting to  
6 approve. Vice Chair?

7 VICE CHAIRPERSON HART: Yeah. Just to add, I  
8 would also be in support of the application. I'll just note  
9 that the, that the penthouse that is proposed is set back  
10 almost two times the height of the, of the penthouse. I mean  
11 it's set back quite a bit from the front of the building, and  
12 I think that that's helpful in helping to, you know, have it  
13 be less visible from the street.

14 I know that they provided the image that showed  
15 it, that it was visible, but I think that they've tried to  
16 push this back to -- in an effort to make it less visible.  
17 So I'd be in support of it. That's it.

18 MS. WHITE: So again, you know, this is a special  
19 exception application from the penthouse requirements under  
20 Subtitle C, 1500.4 under C 1500.04 from the penthouse setback  
21 requirements of 1502.1, to construct as you said the third  
22 floor with a roof deck and a penthouse enclosure on the  
23 existing second story flat in the RF-1 Zone, located at --  
24 located on Holbrook Street, N.E.

25 I did review the record. Last week I was not here

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1 and I did look at the tape as well, and listen to the  
2 deliberations from my colleagues last week. I was a part of  
3 the original hearing on April 17th, and I did note that we  
4 didn't have a majority vote during the deliberations last  
5 week.

6 I looked at Exhibit 42, which Mr. Vice Chair just  
7 noted in terms of the setback. I didn't find that  
8 objectionable, and you know, the applicant argued during the  
9 hearing that the existing configuration of the flat as a  
10 rowhouse requires that the rooftop stairs be located along  
11 the side of the building, in violation of the penthouse  
12 setback requirements, and a special exception is needed from  
13 the penthouse setback requirements that houses the stairway  
14 and the proposed HVAC equipment and HVAC mechanical equipment  
15 as part of that system.

16 The applicant again is required, is requesting a  
17 nine foot -- nine feet of setback relief from the north side.  
18 So I mean I reviewed the additional images that were  
19 submitted by the applicant on the front and the side of the  
20 proposed penthouse, and I think that the applicant did meet  
21 the criteria for the special exception and made a case for  
22 support.

23 I'd also like to note that both the Office of  
24 Planning and the ANC were in support of the application, and  
25 there appeared to be no community concerns that were

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1 submitted into the record. So for me, I will be in support  
2 of this particular application, Mr. Chair.

3 CHAIRPERSON HILL: Okay. Thank you very much for  
4 your input. I'm going to make a motion to approve  
5 Application No. 19972 and ask for a second. Oh, I'm sorry.  
6 I ask -- make a motion to approve Application No. 19972 as  
7 captioned read by the Secretary, and ask for a second?

8 VICE CHAIRPERSON HART: Second.

9 CHAIRPERSON HILL: Motion made and seconded. All  
10 those in favor say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON HILL: I think -- is there an  
13 absentee?

14 MR. MOY: Yes sir. Do you want to go first or  
15 should I --

16 CHAIRPERSON HILL: We voted. We just voted. The  
17 three of us voted.

18 VICE CHAIRPERSON HART: Didn't we just vote?

19 MS. WHITE: Yes.

20 CHAIRPERSON HILL: All those in favor say aye.

21 (Chorus of ayes.)

22 CHAIRPERSON HILL: And then that was good. All  
23 those opposed, but I think I know there's an opposition over  
24 there. So that's --

25 MR. MOY: Oh, that's good. I thought I was on

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1 Chinese time. But anyways, okay. We do have an absentee  
2 ballot vote and it's from Mr. Peter May, and his vote is to  
3 deny the application. So that would give a resulting vote  
4 of 3 to 1 to 1. So the motion carries, this is on the motion  
5 of Chairman Hill to approve the application for the relief  
6 requested. Seconding the motion is Vice Chair Hart. Also  
7 in support Ms. White. Mr. Peter May opposed, and we have a  
8 Board member not participating.

9 CHAIRPERSON HILL: Okay, great. Thank you, Mr.  
10 Moy.

11 VICE CHAIRPERSON HART: So we can start with the  
12 next case, Mr. Moy, whenever you're ready?

13 Application No. 19954

14 MR. MOY: Yes sir, thank you. So that would be  
15 Case Application No. 19954 of Nation's Mosque, M-O-S-Q-U-E.  
16 This is a request for a special exception under Subtitle E,  
17 Section 205.5 and 5201 from the rear addition requirements  
18 of Subtitle E, Section 205.4 and under Subtitle C, Section  
19 15.04 from the penthouse enclosure requirements, Subtitle C,  
20 Section 1500.6 and the penthouse setback requirements of  
21 Subtitle C, Section 1502.1(b) and 1502.1(c)(2)(A).

22 This would construct an addition to an existing  
23 place of worship in the RF-1 Zone at 1519 4th Street, N.W.,  
24 Square 521, Lot 829.

25 VICE CHAIRPERSON HART: Is the Board ready to

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1 deliberate? Yep, okay. So after reviewing the full record,  
2 I do believe that the applicant has provided sufficient  
3 information showing how they meet their criteria for us to  
4 approve the application. So the applicant requested several  
5 special exceptions for rear addition requirements, penthouse  
6 enclosure requirements and penthouse setback requirements.

7           The Office of Planning did support the application  
8 by recommending to, that we approve it, and noting how the  
9 applicant has actually met the criteria in their Office of  
10 Planning report. The ANC also supported the application, and  
11 this is in Exhibits 12 and 13. The applicant has also  
12 demonstrated how, which I thought was very helpful, how the  
13 project would be --

14           What the impacts of the project would be that  
15 they're proposing, versus what is the matter of right  
16 proposals or the matter of right projects. The matter of  
17 right is much larger than what would -- the massing is much  
18 larger, and that would cast of course more -- greater shadows  
19 to the -- on the neighbors.

20           And so what they are proposing is actually less  
21 impactful than that, and I thought that was very helpful to  
22 see that. They provided a number of different exhibits that  
23 showed those impacts, and I thought that that was very  
24 helpful in seeing that.

25           I'll also note that the -- I know that there were

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1 several neighbors that are I guess adjacent, but they're  
2 behind the applicant, and they were -- noted a couple of  
3 different issues that they had, some of them being that  
4 there's just kind of privacy, because this is a -- this would  
5 be a larger building. So they would, you know, might able  
6 to see into their lot.

7           And what the applicant has done, I think after we  
8 kind of talked to them and they heard the discussion, they  
9 included in their -- in newer drawings the translucent glass  
10 that would help to provide more privacy for the -- for the  
11 neighbors that are in the rear. Again, because of the height  
12 of the building, I don't think that they're -- they're not  
13 requesting any relief from the overall height, so that's not  
14 something that is necessarily an issue.

15           I understand the neighbor's concern, but it is  
16 something that is already allowed in the under-zoning. So  
17 I just -- I'd like to note that. The only other issue that  
18 I thought was kind of remaining was the DDOT concerns  
19 requiring certain changes to the site plan, and those had to  
20 do with several of the parking spaces were in public space,  
21 and the applicant has actually provided in Exhibit 50, I  
22 guess, several options for what that might -- what that  
23 might, what the site plans might be.

24           I thought that those were helpful because the  
25 Public Space Committee can now look at kind of several

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1 options and kind of say this is what we, you know, like. My  
2 issue with -- I know the applicant wanted to have kind of a  
3 blanket kind of do whatever you want. We give you  
4 flexibility and kind of do whatever.

5 I think it's helpful to have the site plans,  
6 because I think we can then point to the site plans and be  
7 able to say these are the site -- you know, we would be -- an  
8 approval of this project and there may be several options,  
9 and those options are in Exhibit 50, and we are okay with  
10 those. I just don't like giving a blanket kind of whatever  
11 you want to do design. That just seemed a little bit odd to  
12 me. So I think it was helpful to have.

13 I probably put in a condition that the Board  
14 approve, and this would be the language, the Board approve  
15 plans that allow for flexibility to comply with DDOT's  
16 required space, public space corrections using the options  
17 shown in Exhibit 50. That's in the case record. So it's  
18 just we kind of narrow down the options that they would be  
19 allowed to do, which would be the ones that are already in  
20 the case, the case record in Exhibit 50. So those are kind  
21 of my thoughts on it.

22 MR. TURNBULL: Well Mr. Vice Chair, I would concur  
23 with your analysis and I think you did an excellent  
24 presentation of going through all the ramifications that are  
25 involved in this project, and I would agree with all of them.

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1 There's only one technical glitch that I see, and I don't --  
2 when you referenced the plans. The architect has  
3 unfortunately labeled two Option 1's.

4 VICE CHAIRPERSON HART: Yeah, I think that there's  
5 supposed to be Option 1, 2 and 3.

6 MR. TURNBULL: 1, 2 and 3. So I don't know  
7 whether we need to --

8 VICE CHAIRPERSON HART: I don't think so. I think  
9 that it should -- I think because we have the three options  
10 that are clearly different from each other, that they can  
11 then choose whichever one they would like. But I think that  
12 we are limiting it to those three options. I think that  
13 that's -- and I agree with you. I saw that too.

14 MR. TURNBULL: I saw that.

15 VICE CHAIRPERSON HART: And I'm just like, you  
16 know, you're --

17 MR. TURNBULL: Oh, I didn't know if you wanted to  
18 have them submit a corrected version for the record,  
19 whatever.

20 VICE CHAIRPERSON HART: I think that as long as  
21 we have the image, that we know that it's in Exhibit 50, that  
22 those are the images that they can choose. They can decide  
23 how they want to move forward with it, but as long as we have  
24 those images --

25 MR. TURNBULL: Whatever approval they get.

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1 VICE CHAIRPERSON HART: Yes. Whatever approval  
2 that they get. I just think -- I just wanted to limit it to  
3 those, you know, something that we have, that was kind of a  
4 known.

5 MR. TURNBULL: Okay, all right.

6 VICE CHAIRPERSON HART: As opposed to an unknown.

7 MR. TURNBULL: Other than that, I am, I would be --

8 VICE CHAIRPERSON HART: Yeah, and I thought about  
9 it and I just thought that it's -- as long as we have the  
10 image, I've read out the image, then necessarily having the  
11 one, two and three, which one is, you know, which one they  
12 decide to choose.

13 MR. TURNBULL: Well, I would concur with your  
14 analysis on this.

15 VICE CHAIRPERSON HART: Thanks.

16 MS. WHITE: Mr. Chair I -- Mr. Vice Chair.

17 VICE CHAIRPERSON HART: Yes.

18 MS. WHITE: But Mr. Chair for this purpose, so  
19 again the applicant is requesting special exception relief  
20 under E205.5, and a 52.01 from the rear yard requirements,  
21 asking for 30 feet of relief. So under Subtitle C, 15.04  
22 from the penthouse setback requirements, and also a request  
23 for 100 percent relief from the 1 to 1 minimum setback.

24 This is a place of worship, so it exists in the  
25 RF-1 Zone. The mosque has been a part of the community for

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1 a very long time, has been a good neighbor within the  
2 community. But as part of the special exception relief, the  
3 applicant was required to demonstrate that the accessory  
4 structure doesn't have a substantially adverse effect on the  
5 use or the employment of any abutting or adjacent dwellings  
6 or property under E5201.3.

7           The applicant submitted in the record and request  
8 a series of information, and has proved to me that they were  
9 willing to work with the community to try to come up with  
10 something that was less obtrusive and would not have an  
11 impact on the community.

12           So they submitted shadow studies showing the  
13 differences between the matter of right as you noted and what  
14 they are proposing, and a schematic of the proposed wall, a  
15 drawing of the existing conditions including the parking  
16 areas and changes and agreements that they could potentially  
17 have with DDOT.

18           The applicant also submitted plans showing  
19 treatment of windows, as you noted, two site plans to present  
20 to the Public Space Committee to address DDOT's public space  
21 requirements as you noted earlier, that had to do with the  
22 parking spaces, the redesigning of the curb cut, reducing the  
23 fence height and to provide positive landscaping.

24           What was also helpful to me was the analysis from  
25 the Office of Planning that they submitted into the record

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1 in Exhibit 29 and 43, where they're also recommending  
2 approval of the application.

3 They also worked very closely with ANC 5E, which  
4 is also recommending approval of the application, noting that  
5 they considered whether the rear wall extension, which  
6 exceeds the ten foot beyond the rear wall, would place an  
7 undue burden on the community and whether the planned  
8 penthouse enclosure would block the site lines and cast  
9 unacceptable shadows. They noted in their information that  
10 they found that the plans were not objectionable.

11 I did, however, consider the testimony and the  
12 information that was submitted in the record from the  
13 neighbors that had some concerns and some objections in terms  
14 of how it could impact light and air, and also they also  
15 mentioned something about lack of access for vehicles such  
16 as emergency vehicles. But that was not at issue with  
17 respect to the relief that they were seeking.

18 So based on the shadow studies in the record, I  
19 believe that the applicant has met the criteria for the  
20 special exception relief that they are requesting, and I  
21 would concur with you, Mr. Chair, in terms of your support  
22 of the application.

23 VICE CHAIRPERSON HART: Okay. Thank you all. So  
24 I guess I will make a recommendation to -- I'll make a motion  
25 to approve Application No. 19954 of Nation's Mosque, as read

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1 and captioned by the Secretary, with a condition that I read,  
2 which is that the Board approve plans that allow for  
3 flexibility to comply with DDOT's required public space  
4 corrections, with the options shown in the Exhibit 50 in the  
5 case record, and would ask for a second.

6 MS. WHITE: Second.

7 VICE CHAIRPERSON HART: Hearing a second, all  
8 those in favor say aye?

9 (Chorus of ayes.)

10 VICE CHAIRPERSON HART: Any opposed?

11 (No response.)

12 VICE CHAIRPERSON HART: Motion carries. Mr. Moy.

13 MR. MOY: Staff would record the vote as 3 to 0  
14 to 2, this on the motion of Vice Chair Hart to approve the  
15 application for the relief requested, with a condition as he  
16 has cited in his motion. Seconding the motion Ms. White.  
17 Also in support, Mr. Michael Turnbull. We have two Board  
18 members not participating. The motion carries sir.

19 VICE CHAIRPERSON HART: Thank you, Mr. Moy, and  
20 you can call the -- we've got one more case.

21 Application No. 19942

22 MR. MOY: Okay. That would be Case Application  
23 No. 19942 of Alula Abera, as captioned for relief for special  
24 exception under Subtitle G, Section 1200, from the lot  
25 occupancy requirements of Subtitle G, Section 404.1 to

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1 construct a third story and convert the existing semi-  
2 detached principal dwelling unit to a four unit apartment  
3 house in the MU-4 Zone at premises 3321 11th Street, N.W.,  
4 Square 2841, Lot 48.

5           Participating on this vote is Vice Chair Hart, Ms.  
6 White, Ms. John, Mr. Turnbull and as an alert to Mr. Chair,  
7 there is a recent filing revision of the drawings from the  
8 applicant last night.

9           VICE CHAIRPERSON HART: Thank you, Mr. Moy. Is  
10 the Board ready to deliberate? Yes?

11           MS. JOHNS: Yes, yes, yes.

12           VICE CHAIRPERSON HART: Oh, I can start. So I'll  
13 note that I thought this was a fairly straightforward case.  
14 There was no opposition to the case. The Office of Planning  
15 report recommended approval. It had support from the ANC,  
16 and I did feel that the applicant had provided sufficient  
17 information in the record so that I could support it, and  
18 they were really trying to add a third story and convert this  
19 to a semi-detached principal dwelling unit and sorry, convert  
20 this semi-detached principal dwelling unit into a four unit  
21 apartment house.

22           Noting that it is a fairly straightforward case,  
23 I will also say that I note that I would agree with plans in  
24 Exhibit 45, which include both plans and elevations. In  
25 particular, the elements that I would agree with that need

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1 to be included in the design for the roof area would be the  
2 pitched roof over the bay window, as well as the mansard  
3 roof, which are both in keeping with the existing houses  
4 along this portion of the block.

5 So I thought that consistency was very helpful and  
6 very necessary in the design. In earlier design, we didn't  
7 actually see that. It was a straight, flat roof. But I  
8 think that this helps to give a little bit more continuity  
9 to this particular design.

10 The only kind of hiccup that I had was with regard  
11 to several sections, Exhibit 46 and 49, that I think were  
12 trying to help bring some clarity, but they didn't really do  
13 that. So I would be basing the decision that I had on  
14 Exhibit 45, and I don't think that the Exhibit 46 or 49 are  
15 very helpful at all, because I think they bring in a little  
16 bit more confusion to the table that's not necessary.

17 So again, I think that the pitched roof over the  
18 bay window and the mansard roof at the roof level would be  
19 kind of the key elements to help to continue that, the rhythm  
20 of the facade along the street, which already have those  
21 elements. So those are really my comments, and I'd be --  
22 like to hear what my other Board members would like to say.

23 MS. WHITE: Okay. So you know, we concluded the  
24 hearing last week, I believe.

25 VICE CHAIRPERSON HART: Several times.

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1 MS. WHITE: Several times.

2 VICE CHAIRPERSON HART: We've had several kind of  
3 bites at this apple.

4 MS. WHITE: Right, right, so and we asked for, as  
5 you noted, revised, updated drawings. The ANC before -- the  
6 ANC also provided some feedback that we also took under  
7 consideration for purposes of this application. So again,  
8 this is a special exception application for lot occupancy to  
9 allow the third story, to allow a third story convert to a  
10 semi-detached dwelling to a four unit apartment house.

11 As you noted, I also looked at Exhibit 45, which  
12 provides a cover letter and updated drawings from the  
13 applicant. The drawings show the front mansard would be  
14 retained. The third floor would rise from the front door  
15 wall leaving the front bay and retain the peak over the bay,  
16 and then three, adding a roof that behind the peak for the  
17 third floor, and also a third floor exterior finish would be  
18 -- would be also provided, with siding in a medium gray color  
19 with the house trim painted white.

20 So the applicant again is making a request for,  
21 you know, the special exception under G12.1 from the lot  
22 occupancy requirements of G404.1, where 60 percent is the max  
23 and the applicant is proposing 68 percent lot occupancy.  
24 Right, Mr. Vice Chair? So I believe that the applicant in  
25 this particular application has met the special exception

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1 criteria for lot occupancy relief after reviewing the record.

2           And under G1200.1, relief can be granted as a  
3 special exception if the relief will be in harmony with the  
4 general purpose and intent of the MU zone, zoning regulations  
5 and the zoning maps. The proposed enlargement would provide  
6 a rear yard with a setback larger than what is required by  
7 the zone and the site is bounded by two public alleys.

8           The proposed project, as OP indicated in their  
9 report, would not adversely affect the use of the neighboring  
10 properties, which is what I also considered as part of my  
11 analysis. The proposed addition is below the permitted  
12 height and FAR would not be significantly larger than the  
13 built conditions on the other area lots and meets all the  
14 setback requirements.

15           The third floor addition would not enlarge the  
16 footprint of the existing row buildings and new windows face  
17 the alley. So there are no community concerns with this  
18 particular application. ANC1A approved with a vote of 11 to  
19 0 to 0. I believe in support, there were no identified  
20 concerns, but they note that they wanted the third floor  
21 addition to maintain the character of the other three homes  
22 on the row setting, an example for any future development.

23           So because of the information that I've reviewed  
24 in the record, I would be in support of this application for  
25 a special exception request for lot occupancy relief.

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1 MS. WHITE: Mr. Vice Chair, I'm also in support  
2 of the application, which is as you noted and as my colleague  
3 also noted is a straightforward request for special exception  
4 relief from the lot occupancy requirement of Subtitle G404.1.  
5 The project meets all other development standards, and the  
6 applicant is only seeking a eight percent relief caused by  
7 the addition of the third floor.

8 The building is also -- the improvement on the  
9 third floor is also within the existing footprint. So I  
10 agree with the analysis of OP and the ANC in its second  
11 letter expressed no concerns about the revised design,  
12 because that design now maintains the architectural elements  
13 that had caused some concern earlier. So I will be in favor  
14 of the application.

15 VICE CHAIRPERSON HART: So you don't have to say  
16 anything. You can if you'd like, but it's up to you.

17 MR. TURNBULL: Thank you, Mr. Chair. I will also  
18 vote in approval of this, and I'm not going to add any more  
19 comments from the standpoint of what's already been said.  
20 I think I would concur with that analysis. My only comment  
21 is this is probably the most terrible set of drawings I've  
22 seen. Very confusing, not very clear. The answer has raised  
23 a lot of questions at different times. But I'm not going to  
24 stand in the way of not approving this.

25 I just hope that the ZA, when he's going to give

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1 a permit for this, has a crystal ball, that he can look at  
2 these drawings and totally understand the intent or what we  
3 think is going to happen, because it's not totally clear.

4 You can look at these drawings a lot of different  
5 ways, and I think I know what they want to do and I'm okay  
6 with that. But it's just I hope that the ZA has some  
7 heavenly guide that will help him understand these things,  
8 and that he can approve these. Thank you.

9 VICE CHAIRPERSON HART: Thank you Commissioner  
10 Turnbull. With that, I will make a motion to approve  
11 Application No. 19942 of Alula Abera, as read and captioned  
12 by the Secretary. Do I have a second?

13 MS. JOHNS: Aye.

14 VICE CHAIRPERSON HART: Hearing a second, all  
15 those in favor say aye?

16 (Chorus of ayes.)

17 VICE CHAIRPERSON HART: Any opposed?

18 (No response.)

19 VICE CHAIRPERSON HART: Motion carries. Mr. Moy.

20 MR. MOY: Staff would record the vote as 4 to 0  
21 to 0, this on the motion of Chairman Hart to approve the  
22 application for the relief requested. Seconding the motion  
23 Ms. John. Also in support Ms. White and Mr. Michael  
24 Turnbull. We have no other Board members participating. The  
25 motion carries sir.

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1                   VICE CHAIRPERSON HART: Thank you. All right.  
2 I will turn the meeting over back to Chairman Hill.

3                   (Whereupon, the above-entitled matter went off the  
4 record at 10:20 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: PUBLIC MEETING

Before: BOARD OF ZONING ADJUSTMENT

Date: 05-15-19

Place: WASHINGTON, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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