

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY

SEPTEMBER 11, 2019

+ + + + +

The Regular Public Hearing convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, located at 441 4th Street, N.W., Washington, D.C., pursuant to notice at 9:54 a.m., Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBERS PRESENT:

- MICHAEL TURNBULL

OFFICE OF ZONING STAFF PRESENT:

- CLIFFORD MOY, Secretary
- JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- ALEXANDRIA CAIN, ESQ.

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OFFICE OF PLANNING STAFF PRESENT:

ANNE FOTHERGILL
MATTHEW JESICK
CRYSTAL MYERS
KAREN THOMAS

The transcript constitutes the minutes from the
Public Hearing held on September 11, 2019.

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9:54 a.m.

MR. MOY: All right, that would be, if we can have parties to the table to Case Application Number 20093 of KPNR Investment, LLC. This is a request for a special exception under the Residential Conversion Requirements of Subtitle U, Section 320.2. This would construct a third story and rare addition to an existing principal dwelling unit and convert it to a three-unit apartment house, RF-1 Zone. This is at 1330 Randolph Street, NW, Square 2825, Lot 123.

CHAIRPERSON HILL: Okay. Good morning, everyone. If you could please introduce yourselves for the record from my right to left. And you need to push the button there.

MS. MATTIES: Thank you. Good morning, I'm Debbie Matties, Commissioner for ANC 4C.

MR. BROWN: Patrick Brown from Greenstein, DeLorme & Luchs on behalf of the Applicant.

MR. SAWANT: Hi, I'm Kuldeep Sawant. I'm the Applicant.

CHAIRPERSON HILL: Could you spell your last name for me, sir?

MR. SAWANT: S-A-W-A-N-T.

CHAIRPERSON HILL: Okay, great. All right, Mr. Brown, I guess you're going to be presenting to us. Is that correct?

1 MR. BROWN: Yes, Mr. Chairman. Our architect
2 hasn't arrived yet, but I think we can proceed.

3 CHAIRPERSON HILL: Okay. And you say Sawant?

4 MR. SAWANT: Yes.

5 CHAIRPERSON HILL: Sawant, if you could just turn
6 that microphone off. I'm sorry, I get feedback if there's
7 more than one mic on at a time.

8 Commissioner, welcome. Glad that you're able to
9 be here with us today.

10 MS. MATTIES: Thank you.

11 CHAIRPERSON HILL: So, I mean, your ANC is a
12 party, and so what we're going to be doing is Mr. Brown's
13 going to have an opportunity to give the presentation.
14 You'll have an opportunity ask any questions of that
15 presentation.

16 You'll then also have an opportunity to give your
17 presentation, Mr. Brown will have an opportunity to ask any
18 questions of your presentation. We're just going to kind of
19 go back and forth until we get through this.

20 I do know some of the issues in terms of why
21 you're here. And we kind of can talk through some of those
22 conditions as well.

23 So, Mr. Brown, I'm going to go ahead and let you
24 start, if that's all right. And if you could, just kind of
25 walk us through what it is your client is trying to achieve

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1 and how they're meeting the standards for us to grant the
2 relief requested.

3 I mean, I see your slide presentation here, and
4 it seems somewhat extensive. But I'm going to go ahead and
5 put 15 minutes on the clock just so I know where we are. And
6 if it takes longer, then it takes longer. But then I just
7 kind of know, okay?

8 MR. BROWN: Well, let met, yes --

9 CHAIRPERSON HILL: And you can begin whenever you
10 like.

11 MR. BROWN: Yes. I shouldn't take 15 minutes.

12 CHAIRPERSON HILL: Okay, sure.

13 MR. BROWN: I think it's, from the starting
14 point, this is a fairly straightforward conversion from a
15 pre-1958 single-family dwelling, the house actually dates
16 back to 1920, converting that, which was in poor condition,
17 and converting that single-family dwelling to a three-unit
18 apartment.

19 The threshold question is the 900 square feet per
20 unit. And this property is 2,700 feet and meets that
21 threshold question. And I'll go through the section U320.2
22 criteria, but I think a couple of points are notable to
23 mention.

24 First, at the front the existing tree will be
25 maintained. The third-floor addition at the front will be

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1 set back five feet to minimize the intrusion of that
2 addition. The height is 35 feet which meets the standard.
3 The rear addition is ten feet. We'll maintain the court area
4 in back. The ten-foot extension is permitted.

5 All the other criteria applicable, the height, the
6 lot occupancy is less than 60 percent at 52. The pervious
7 surface exceeds the minimum 20 percent. The garage that
8 exists, but was in very poor and open condition, will be
9 restored and, in fact, has been sealed off at the request of
10 the ANC. And cameras and lights have been installed from
11 that.

12 Those are the four corners of the project. Mr.
13 Sawant has been to the ANC twice, it was productive meetings,
14 and met with the immediate neighbors to deal with some of the
15 specific issues.

16 As far as the 320, U320 criteria, we don't see,
17 it's an existing building, 2,700 square feet, meets the
18 criteria. The rear addition is ten feet, which is permitted.
19 There are no solar panels on either adjoining properties.

20 The property at 1328 Randolph has a chimney that
21 my client has agreed to, one, repair, and two, extend the
22 height so that it meets the requirements in the building
23 code. That will be done at the permit stage. You'll have
24 to provide proof to DCRA as it relates to the chimney
25 extension.

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1 As far as expectations of, again, the minimal rear
2 addition, no impact on light and air. A similar case came
3 before the Board on the same street, on the same side of the
4 street, found the same conclusion. And the rear addition
5 won't have any impact. These are 18-foot wide lots that are
6 150 feet deep. So you have a different dynamic than you're
7 used to seeing in other row dwellings where they generally
8 have 100-foot deep properties.

9 In line with OP's recommendation, there are no
10 special treatments other than the ones I've mentioned being
11 proposed.

12 As far as outstanding issues, really all the
13 issues set forth in the ANC letter have been agreed to.
14 Those that were time sensitive, the lights, the camera, and
15 securing the garage area, have been accomplished.

16 The only, I think, outstanding issue is the amount
17 of the Voluntary Housing Production Trust Fund contribution.
18 My client has agreed to pay \$5,000. That is in line with a
19 similar case, 19821, at 1352 Randolph, which is a couple of
20 doors down.

21 And we think, one, it's voluntary and, two, it's
22 appropriate under the circumstances and leave it to the
23 Board's discretion on that. It's not a requirement that the
24 Board can impose, but we think it's appropriate under the
25 circumstances here.

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1 With that, I'll answer any specific questions you
2 may and will run you through the slides.

3 CHAIRPERSON HILL: Okay. Does the Board have any
4 questions for the Applicant?

5 MEMBER WHITE: Just one question. What was the
6 thought process behind the dollar amount that you agreed to?

7 MR. BROWN: One, it's voluntary, there's no
8 requirement to do it. And, two, BZA 19821, which was in the
9 latter part of 2018 at 1352 Randolph, was almost identical
10 three-unit conversion on the same block. And in that, the
11 contribution was \$5,000. And to be honest, while I
12 understand the ANC would like a larger contribution, we
13 thought that was in keeping with past experience. And again,
14 we're talking about a voluntary contribution.

15 MEMBER WHITE: How many units was the other
16 property?

17 MR. BROWN: The exact same, it was a single-
18 family dwelling converted to a three-unit apartment building.

19 MEMBER WHITE: Thank you.

20 CHAIRPERSON HILL: Okay, anyone else? Okay,
21 Commissioner, do you have any questions for the Applicant?
22 You have to push the button, sorry.

23 MS. MATTIES: Okay. Yes, I don't have any
24 questions for the Applicant.

25 CHAIRPERSON HILL: Okay, great. So then in that

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1 case as well, if you go ahead, I mean, do you have a
2 presentation to give? Or are you just here to kind of answer
3 some questions that the Board might have?

4 MS. MATTIES: Answer some questions and, you know,
5 make a statement if necessary.

6 CHAIRPERSON HILL: Okay. Would you like to make
7 a statement?

8 MS. MATTIES: Sure.

9 CHAIRPERSON HILL: Okay, sure. Go ahead.

10 MS. MATTIES: So, you know, I came today because,
11 even though I'm supposed to be at work, I came today because
12 our Commission feels very strongly about supporting
13 affordable housing in the District of Columbia.

14 We recently passed a resolution sending a letter
15 to the DC Council, because there was dispute on the budget
16 about how much money should be put into public housing and
17 what kind of income levels it should support.

18 We also just passed, at the same meeting where
19 they made their presentation, a seven-page document, excuse
20 me, providing recommendations on how the Commission would,
21 going forward, talk about public housing and affordable
22 housing. So this is an issue that we care about a lot. And
23 we don't typically come to these hearings. But in this case,
24 we felt like it was important to do so.

25 Our standard agreement for zoning variances for

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1 letters of support requires a \$15,000 contribution to the
2 Housing Fund. So here, we don't have anywhere near what
3 we're asking for as a standard contribution.

4 There's been a reference to a different case. I
5 don't have any of the information about that in front of me,
6 and I wasn't a Commissioner when that happened. So it's hard
7 for me to respond to that.

8 I do understand from talking to Commissioners who
9 were there that there were other factors involved in the
10 amount of money that that developer had to spend on some
11 solar panel issues or something. But I'm not, because it's
12 not in front of us, it's really hard to rely on that as
13 precedent, because we just don't have the documentation in
14 front of us, unfortunately.

15 So we're just hopeful that, as a good neighbor and
16 someone who wants to do development in our ANC, perhaps going
17 forward, that they would be interested in providing some
18 ability for the housing stock of this city to be affordable
19 for all residents.

20 And, you know, we're just hoping that they will
21 see that it's a better idea, and if they want to get the
22 support of the ANC, you know, without any reservation, that
23 they would provide the full amount of \$10,000. We're not
24 asking for the \$15,000, we're just saying \$10,000 here. They
25 have made a few other improvements to help the neighbors, but

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1 that's a separate issue from providing public housing.

2 They're adding another unit of housing stock, and
3 that's the variance they're asking for. They're asking for
4 additional housing. And the other provision that we often
5 will ask for, in contrast to providing a contribution, would
6 be to make that additional unit affordable. And they've not
7 chosen to do that.

8 The Applicant, as far as I know, is not going to
9 be living there himself which would be another reason not to
10 make the contribution. But we're just at a loss as to why
11 they're not interested in participating in the programs that
12 we have set up.

13 CHAIRPERSON HILL: Okay. I'll let the people --
14 just to be clear though, they're here for a special
15 exception, not a variance.

16 MS. MATTIES: Sorry, my apologies.

17 CHAIRPERSON HILL: That's all right.

18 MS. MATTIES: I'm not typically before this Board.

19 CHAIRPERSON HILL: That's okay. And then also,
20 I guess, you know, and this is where I'm going to try to
21 figure this out a little bit. Like, it's the fourth unit
22 that qualifies for IZ. And so there's not really anything
23 in the regulations right now in terms of a dollar value for
24 anything. Like, it's not something the we necessarily
25 assign.

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1 And it is something that is voluntarily done by
2 the developer. I'm just trying to point out that there's
3 nothing in the regulations that says \$15,000, \$10,000,
4 \$5,000, I mean, that's the part that ---

5 MS. MATTIES: Of course.

6 CHAIRPERSON HILL: -- we're actually going to be
7 kind of talking about. Like, I mean, I don't know what your
8 particular ANC's opinion was as to how these special
9 exceptions might get processed, but just kind of clarifying.

10 MS. MATTIES: We appreciate that. And we know
11 that there's not a particular legal requirement. But we are
12 trying to maintain the housing stock, at least in our ANC,
13 to be affordable. And because the additional unit is not
14 going to be affordable or, you know, resident by the
15 developer, then we're just hoping that they will make a more
16 substantial contribution to help affordable housing.

17 CHAIRPERSON HILL: Sure.

18 MS. MATTIES: We're disappointed.

19 CHAIRPERSON HILL: No, yes. Sure, I mean, I
20 don't, you know. So does anybody have any questions for the
21 Commissioner?

22 VICE CHAIRPERSON HART: Yes. I have one question.
23 Thank you very much for coming.

24 MS. MATTIES: Sure.

25 VICE CHAIRPERSON HART: Just a really quick

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1 question, you said that you typically request the \$15,000?

2 MS. MATTIES: Yes, it's in our, we have a standard
3 template that we use when we're approaching a BZA case. And
4 the \$15,000 is what's in our template.

5 VICE CHAIRPERSON HART: And so there are other
6 cases, BZA cases that have \$15,000 that are in the
7 conditions, that we have ---

8 MS. MATTIES: That I'm not, I don't know. I've
9 only been on the Commission this year. And I did not have
10 time to do research on past cases.

11 VICE CHAIRPERSON HART: No, that's fine. I just
12 wanted to know. When you said it, it kind of, well, maybe
13 there are other cases that we have that we're just aware of
14 that have actually said that that was something that they
15 were doing. We just don't have that. So it's just a little
16 bit ---

17 MS. MATTIES: I appreciate that. I'm sorry.

18 VICE CHAIRPERSON HART: It was a bit odd for us,
19 because we were trying to think, well, how do we do this when
20 it's, as the Chairman said, it's not IZ. It is not something
21 that is actually in the zoning regs. This is kind of outside
22 of that, and so then it becomes a little bit more nuanced to
23 try to figure that out.

24 MS. MATTIES: Absolutely.

25 VICE CHAIRPERSON HART: Thank you.

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1 CHAIRPERSON HILL: Anyone have any more questions
2 for the Commissioner?

3 Mr. Brown, you got any questions for the
4 Commissioner?

5 MR. BROWN: No, just thank her.

6 CHAIRPERSON HILL: Okay. All right, great. I'm
7 going to turn to the Office of Planning.

8 MS. THOMAS: Yes, good morning, Mr. Chair, members
9 of the Board. Karen Thomas with the Office of Planning.
10 This application satisfies the conversion test of Subtitle
11 U, Section 320. And we would stand on the record of our
12 report. Thank you.

13 MEMBER JOHN: All right. Does the Board have any
14 questions for the Office of Planning? Great.

15 Mr. Brown, you got any questions for the Office
16 of Planning?

17 MR. BROWN: No.

18 CHAIRPERSON HILL: Commissioner Matties, do you
19 have any questions for the Office of Planning?

20 MS. MATTIES: No.

21 CHAIRPERSON HILL: Okay. All right, Commissioner,
22 just out of curiosity, you guys had a chance to look at the
23 Office of Planning's report?

24 MS. MATTIES: I have not looked at it.

25 CHAIRPERSON HILL: Okay.

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1 MS. MATTIES: Is there something in there that
2 relates to affordable housing or ---

3 CHAIRPERSON HILL: No. It's basically, and this
4 is where --- It's funny, we were away for August. So when
5 I show back up here in September, I always kind of forget
6 what I do as well here. And so, you know, it's always a
7 learning experience, even for me.

8 Like, I mean, the Office of Planning just
9 basically tells us or gives us a recommendation, as well as
10 the ANC, as well as everyone here, as to why they think the
11 standards are being met for them to grant either the special
12 exception or the variance.

13 And then the ANC can also, you know, obviously
14 provide their input as to what they think in terms of kind
15 of more of the grass roots level of what's going on. So
16 they're just basically, supposedly, the non-biased person
17 telling us what they think.

18 So, I forget, did I ask if anybody had a question
19 of the Office of Planning? All right, nobody? Oh sure, go
20 ahead.

21 MEMBER WHITE: So I just want to, I mean, I'm very
22 passionate about affordable housing too but, you know,
23 obviously we have to follow the regulations. And I think
24 it's admirable too that the ANC and the developer can get
25 together and come to some agreement on certain items.

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1 But I just want to clarify. Is the approval of
2 the ANC conditioned on the \$10,000 payment, or would the ANC
3 still be in approval of this project with, let's say, if they
4 contributed the \$5,000 into the Housing Production Trust
5 Fund?

6 MS. MATTIES: So we would not be in support of the
7 application if it wasn't a \$10,000 contribution. We would
8 hope that they would still abide by all the other
9 requirements that they've agreed to in the application
10 though. Because those are to the benefit of the neighbors.
11 And the neighbors are relying on those.

12 MEMBER WHITE: Thank you.

13 MS. CAIN: Chairman Hill? What needs to be
14 clarified off of Board Member White's comment is whether the
15 ANC is in support of this application if the Board does not
16 adopt all of the conditions that they've requested in their
17 letter in the Board's final order. That's really what's of
18 issue for the Board.

19 CHAIRPERSON HILL: Sure. So Commissioner Matties,
20 just again to be a little bit more, you know, just to be
21 clear, and we're going to keep talking through this just a
22 little bit here with Mr. Brown and the Applicant, but there's
23 a variety of conditions that you guys have kind of worked
24 through with the Applicant, right. And so one of them is the
25 Housing Trust Fund contribution.

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1 And I'll be kind of cutting a little bit to my
2 chase in terms of some of the conditions that you have kind
3 of put out from the ANC. A lot of them are things that are
4 kind of outside of our purview. Like, we're just here for
5 kind of some zoning related, we're here for the zoning
6 issues and how those conditions necessarily relate to those
7 zoning issues.

8 And some of those conditions, and we'll end up
9 kind of going through them as to what we would be able to
10 apply, but in the past, at least while I've been here, I
11 mean, primarily the contributions have been voluntary. And
12 it's something that's been worked out between the ANC and the
13 Applicant.

14 It's not something we've necessarily put in the
15 condition, but as talking even recently with OAG, it seems
16 as though it's something that we would be able to possibly
17 do if we were also kind of figuring out possibly whatever the
18 metric is to kind of, like, determine, you know, so it's just
19 not random. It's, you know, how is it that you're getting
20 to this dollar amount, right? And so that's another
21 discussion that we can have here with the Board that we're
22 going to have right now, I suppose.

23 But just to clarify, if you --- and this is where
24 I am even actually curious how this would work with OAG in
25 terms of the ANC, like, do they need to pass another --- so

1 right now you're just saying that is they didn't do the
2 \$10,000 and they only did the \$5,000, the ANC would withdraw
3 their support and now be in denial of the application. Is
4 that what you're clarifying?

5 MS. MATTIES: Yes, but with the provision that the
6 things that we already agreed upon would be maintained.
7 Because those are to the benefit of the neighbors, and we
8 don't want to do anything to put that in jeopardy.

9 So there are items in the agreement that have
10 nothing to do with the housing.

11 CHAIRPERSON HILL: No, I understand. I'm just
12 trying to understand whether or not, because it's only a yes
13 or a no. I mean, you're either in favor or you're not in
14 favor. And so if they didn't, you know, agree to the
15 \$10,000, then the ANC would be rejecting the application?
16 That's basically my first question.

17 MS. MATTIES: Yes.

18 CHAIRPERSON HILL: Okay. So then to OAG, is that,
19 like, a resolution that needs to happen, or can the
20 Commissioner just speak on behalf of the ANC?

21 MS. MATTIES: I think our letter speaks for
22 itself. Because it ---

23 CHAIRPERSON HILL: You know, I'm just curious.

24 MS. MATTIES: Oh, okay.

25 CHAIRPERSON HILL: I'm just asking. Because it

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1 was a vote that was taken before.

2 MS. MATTIES: Yes.

3 CHAIRPERSON HILL: So I'm just curious how, like,
4 you know, I'm just asking.

5 MS. MATTIES: Our meeting is tonight. So we could
6 always kick this to next month. And we can talk about it
7 either this month or, more likely, it's going be ---

8 MR. BROWN: Sure. Hold on, Mr. Brown, just let
9 me find out from, I'm just curious.

10 MS. MATTIES: We could bring it up again in
11 October at our ---

12 CHAIRPERSON HILL: That's okay. I'm just asking
13 a ---

14 MS. MATTIES: We could.

15 CHAIRPERSON HILL: -- a quick question, I mean ---

16 MS. MATTIES: It would be no problem.

17 CHAIRPERSON HILL: The Commissioner's here
18 speaking on behalf -- because I'm just learning for something
19 else later now. The Commissioner's here acting as, you know,
20 on behalf of the ANC, so the Commissioner can withdraw the
21 ANC's vote and now make it a rejecting vote? Is that
22 correct?

23 MS. CAIN: I really don't want to speak to what
24 the ANC has the authority to do or what their rep has the
25 authority to do, you know, in terms of rescinding the ANC's

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1 vote that's been submitted to the record

2 MR. BROWN: Mr. Chairman, can I interject?

3 CHAIRPERSON HILL: Okay, sure, Mr. Brown.

4 MR. BROWN: I'm trying to be helpful.

5 CHAIRPERSON HILL: Sure.

6 MR. BROWN: That doesn't always work for me. But
7 if you go to the ANC's letter, the last paragraph, the
8 Commission also voted to appoint a Commissioner for the
9 single member district, which is Commissioner Matties, or any
10 member of the Executive Committee in their absence, to be
11 authorized to communicate this resolution and represent the
12 ANC before BZA related this matter, which is standard
13 language. But I don't think that, I'll just leave it at,
14 that's what's before you.

15 CHAIRPERSON HILL: Well, that helps, Mr. Brown.
16 That didn't clarify to me, that's okay.

17 MR. BROWN: Well, I think ---

18 CHAIRPERSON HILL: I'm back over to OAG.

19 MR. BROWN: I don't --

20 VICE CHAIRPERSON HART: That's all right. I know
21 Commissioner Matties is here speaking on behalf of the ANC.
22 I have no problem with that. I'm just curious as to whether
23 or not a vote can be rescinded and a new, I mean not a vote,
24 I don't know what to say. I mean, now the ANC's no longer
25 in favor. They're now, you know, opposed to the application

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1 based on what the Commissioner just said. I'm just trying to
2 understand if that's, in fact, what can happen. And I'm
3 turning to OAG, and nobody's able to tell me.

4 MEMBER JOHN: Mr. Chairman, I was trying to find
5 the ANC letter, because I thought that the ANC would not be
6 in support of the application if that \$10,000 payment was not
7 made. And do I thought was fairly clear.

8 CHAIRPERSON HILL: Yes, I didn't see that in ---

9 MEMBER JOHN: But maybe I'm mistaken.

10 CHAIRPERSON HILL: -- no, that's fine. If that's
11 in the letter, then that's ---

12 MEMBER JOHN: That's why I'm trying to read it
13 again. Does anyone know what Exhibit it is?

14 VICE CHAIRPERSON HART: It's 29. I mean, the
15 letter basically says at the very beginning, before it gets
16 to all of the conditions, the Applicant has met with the
17 community, and the ANC 4C agrees to support the developer's
18 application conditional to the developer agreeing to all of
19 the following terms. And then it lists all of those terms.
20 So that's what we have before us.

21 CHAIRPERSON HILL: All right. Okay, great. So
22 that was clear, I guess. So before I get back to this long
23 discussion, so is there anybody here wishing to speak in
24 support? Is there anyone here wishing to speak in
25 opposition?

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1 Okay, then we're back. So I guess I can kind of
2 speak to just the conditions a little bit in terms of here
3 with the Board. And then we can kind of have this discussion
4 out in the open.

5 I'm kind of sharing with our guests what I am kind
6 of thinking here, that there are a variety of conditions that
7 are going on that the ANC has come up with and that the
8 Applicant has agreed to.

9 The ones that I think that the Board could
10 necessarily kind of talk about is incorporating additional
11 landscaping in the front, incorporate alternate facade
12 materials, e.g. cedar wood rather than siding, and then
13 repair and extend the existing chimney shared with 1330,
14 right?

15 So those are things that I think would necessarily
16 be pertaining to what is within the Board's purview and we're
17 actually able to do. So just speaking to those real quick,
18 Commissioner, so when it says incorporate additional --- I'm
19 just trying to understand if you and the ANC have come to
20 agreement with those three conditions in that that's clear
21 enough for you and the ANC in terms of incorporating
22 additional landscaping in the front, incorporate alternative
23 facade materials, e.g. cedar wood rather than siding, and
24 then for 1328 Randolph, repair and extend the existing
25 chimney shared with 1330. Those are clear conditions that

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1 the ANC is comfortable with, those three.

2 MS. MATTIES: Well, we're comfortable with all of
3 them but, yes, those three included.

4 CHAIRPERSON HILL: Okay.

5 MS. MATTIES: I'm not sure what you're getting at.
6 I apologize for not following.

7 CHAIRPERSON HILL: No, that's all right. I'm
8 saying that I don't think that the rest of the conditions are
9 necessarily within our purview. But what has happened in the
10 past is that the Applicant can go ahead and work with the ANC
11 to come up with whatever kind of agreement they might have,
12 right.

13 There might be construction management agreements,
14 there might be different agreements that basically, you know,
15 adhere to things that are more particular about the community
16 like alley access, or different kinds of things that happen
17 during the construction phase. And so that's kind of outside
18 of the Board's purview. But agreements get entered in all
19 the time between the ANC, or even neighbors, whatever it is.
20 But it's not necessarily pertaining to zoning.

21 So those three conditions would be pertaining to
22 zoning which I think we, as a Board, could kind of get
23 behind. And I'm just kind of throwing this out here. And
24 my other Board members can also chime in.

25 And so I think that all of those other factors

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1 that the Commission, the ANC has come up with are mitigating
2 some kind of, you know, circumstances, annoyances, or what
3 have you that the community is concerned about. Then we're
4 basically down to the Housing Trust Fund allowance.

5 And as I had mentioned before, I wasn't sure as
6 to how, in the past, as I recall, at least for me, I don't
7 remember ever tying a financial value to anything that we've
8 necessarily done in terms of approval for, you know, if the
9 standards met, if the conditions are met, those are kind of
10 what we base it upon, not the voluntary amount of a dollar
11 value.

12 So I wouldn't necessarily be behind that. Because
13 I just don't feel comfortable with it. I'll be frank. And
14 I think that if they had come up with whatever they've come
15 up with, it's voluntary, and they're contributing to the
16 fund.

17 Now, I just do have a question for Mr. Brown. And
18 then I'm going open it up to any discussion that the Board
19 has on these matters. Because we are kind of coming down to
20 -- and we haven't talked about at all whether or not we think
21 they've met the standard. We're just kind of talking through
22 these conditions.

23 Is it, Mr. Brown, so as your client may or may not
24 be aware, and I don't really particularly care for this
25 either, meaning what I'm about to say, and this is a data

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1 point, but if the ANC is, in fact, pulling their support, you
2 are back now to a full order, right? And the full order
3 could take, you know how long a full order takes, right?

4 And I don't know if your client understands how
5 long a full order takes versus a summary order and what that
6 does to your project. So you might want to fill that in on
7 your client's behalf, just so you could kind of, like, talk
8 that through for the \$5,000. And I'll ask my colleagues, if
9 they have thoughts on any of the things I just said.

10 VICE CHAIRPERSON HART: Yes. I mean, I think
11 that, I understand that the ANC has a list of conditions.
12 And I would agree that there are a limited number of those
13 that are applicable to the zoning regulations or pertain to
14 the zoning regulations themselves.

15 So I would be understanding that the three that
16 you had described were ones that I would be comfortable with
17 and understand that they are applicable to this particular
18 case.

19 Yes, regarding the \$10,000, I don't recall us
20 doing that either. And so that's also why it's been hard to
21 understand how that connects into this particular case. As
22 we've always said, we have to look at these cases on a case
23 by case basis.

24 The ANC has described or let us know that they
25 have included this in their discussions in other cases that

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1 have come before them. I don't know if they've actually
2 come, how that has been handled in the past at the BZA. But
3 right now, that's just a point that I think that we're going
4 to have to, I guess, have further conversation about, you
5 know, even as --

6 MEMBER JOHN: Yes, I'll let Ms. White go.

7 MEMBER WHITE: Well, you can go first. But I'll
8 jump in. Well, in line with what Chairman Hill said about
9 the three conditions that we are comfortable with, because
10 it ties directly to the zoning relief that's being requested,
11 I would be comfortable with incorporating additional
12 landscaping in the front, discussion about alternative facade
13 materials, as well as adding in, in the order as part of a
14 condition, the repair of the existing chimney shared with
15 1330.

16 With respect to the contribution towards the fund,
17 I mean, one, you know, the ANC is obviously tied into the
18 affordability issues in that ward. And they see it, I would
19 imagine, like the city sees it, as reaching crisis levels.
20 So I am comfortable with an agreement that's made between the
21 parties with respect to a contribution into the Housing Trust
22 Fund.

23 I would like to avoid putting the ANC in a
24 scenario where they're totally rescinding their support of
25 the application. So it sounds like, if the contribution is

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1 not increased from \$5,000 to \$10,000, that they would rescind
2 their support which means that it would have to go into the
3 status, if we approve the application, to a full order which
4 could take a significantly longer amount of time to complete.

5 So I would imagine one way around it would be to
6 have the ANC and the Applicant come to some kind of agreement
7 outside of the order to be able to resolve the dollar amount
8 with respect to the Housing Trust Fund. So I don't know if
9 the Applicant is willing to increase it, but to me that's the
10 only way we're going to be able to have a scenario where the
11 ANC is going to be in support of this conversion. So those
12 are my comments.

13 MEMBER JOHN: So I'm going to try to say this in
14 a way that doesn't offend anyone. But I think that it might
15 not be appropriate for the ANC to withdraw its support for
16 a non-zoning related issue.

17 So the \$10,000 contribution is not a zoning
18 matter. And the Board gives great weight to the ANC's issues
19 and concerns with respect to zoning matters. And so I have
20 not been able to find a way, thinking through this case, to
21 tie this \$10,000 to a zoning issue.

22 And so I just would hate to see a situation where
23 ordinary citizens are trying to do a standard conversion, and
24 this is a standard conversion, and I'll just tip my hand as
25 to where I am. This is a non-controversial, you know,

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1 garden-variety conversion, no major extension, 30 feet in the
2 rear or anything like that, no side yard relief, nothing.
3 It's straight, you know, it complies with the regulations in
4 every respect. And it's a special exception. It's not a
5 variance, area variance or a use variance.

6 So I am having a hard time. And I fully support
7 the need to increase affordable housing, but I would hate to
8 see a situation where folks come in and make demands that are
9 not related to the zoning issues. At the same time, I am
10 going to encourage Applicants to be mindful of the purpose
11 of these voluntary contributions.

12 So to the extent that these agreements can be made
13 outside of this process, I have no objection to them. But
14 I am concerned that this straight forward application could
15 be delayed, at perhaps some financial injury to the
16 Applicant, relating to a non-zoning matter. So that's sort
17 of where I am on that.

18 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
19 think Ms. John brings up some very good points. And it's
20 difficult at times for the Board. I mean, we're sent here
21 to look at zoning issues. And we look at straight zoning
22 issues. I mean, the only time that I've ever dealt with
23 money on a project is on a planned unit development in the
24 Zoning Commission.

25 But there, the applicant comes before the Zoning

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1 Commission, and the relief is a lot greater. And they work
2 with the ANCs, the neighborhoods, the civic organizations,
3 and they come to certain agreements. And a lot of that
4 involves financial money, I mean, financial outlay, an outlay
5 of funds to satisfy the neighborhood and the ANC's concerns.
6 But it's a different scenario. I mean, that's part of the
7 give and take of the planned unit development process.

8 For the Board, you really don't get involved in
9 all that. I mean, and as Ms. John says, this is really a
10 straight forward case where the Applicant is meeting the
11 requirements and providing -- and again, we're all concerned
12 about affordable housing.

13 If you're going to get an extra unit of housing
14 here, they don't meet the threshold where they have to
15 provide an IZ unit, but there is conditional housing being
16 provided. So it's a conundrum of sorts as to you want to do
17 good for the whole neighborhood, but again, we are restricted
18 by the zoning regulations as to what we can incorporate.

19 And I think the three items that have been
20 mentioned are clearly Board related zoning items that can be
21 dealt with and that the imposition by the ANC of \$10,000 to
22 the Housing Trust, which is commendable in one way, but that
23 goes beyond the regulations of what the Board is looking at.

24 So, and as Ms. John said, it would be, I think it
25 would be an oversight on the ANC to suddenly withdraw their

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1 approval given the fact that they're going to get \$5,000.
2 That's what the Applicant's agreed to. And so it's a very
3 awkward situation to put the Board in, a situation to approve
4 or not approve something that really includes items that are
5 beyond the review of the Board, despite the good intentions.
6 I think that's all very worthy, but I think Ms. John put it
7 better.

8 But I think we're limited to looking at zoning
9 issues. And I think we like to get the Applicant, and the
10 ANC, and the neighbors to work together to this. But at some
11 point in time, we're going to be voting on what are strictly
12 zoning related items.

13 CHAIRPERSON HILL: Okay. Well, I appreciate all
14 my colleagues. I think, actually, everything was very well
15 said. And was better than I would have been able to have
16 done so. So thank you very much.

17 From again, and Commissioner, like, this is, it's
18 an interesting discussion. It's an interesting discussing
19 to come back from after summer. But we're trying to kind of,
20 like, talk through this. And I just want to be able to talk
21 through this now with you as well, so you can take this back
22 to your ANC and just kind of realize where we are and how we
23 get to the decisions that we make and also how, you know,
24 what it within our purview, what isn't within our purview.

25 And then I guess what also --- and now, since I

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1 have the mic, I'm going to just continue to speak even to
2 other people in the audience that are here. This is, again,
3 now the system is set up the way the system's set up. And
4 so I'm turning back to you, Mr. Brown, okay, and Mr. Sawant.
5 And you can decide. And I'm just kind of curious as to where
6 you stand after this discussion as to whether or not you have
7 any comments.

8 MR. BROWN: Well, I'm still listening, but I think
9 the points made by Commissioner John and Commissioner
10 Turnbull are important. In the same vein, Chairman Hill, you
11 identified the items in the ANC letter that were appropriate
12 Board conditions. I don't think the voluntary contribution
13 is an appropriate condition for the Board to impose. The
14 Board has been very careful about that, moreso in recent
15 times than in the past.

16 The ANC voted to support, subject to a whole
17 laundry list of items. And I don't think they have won the
18 ability to say we withdraw it now. I think they supported
19 it. The Board has the ability to impose the conditions they
20 think are appropriate. I think the Board also has the
21 ability, without rendering this an opposed case. I mean,
22 that's really what we're talking about.

23 The ANC hasn't opposed this case for any
24 substantive zoning issue, as Ms. John points out. This is
25 a cookie-cutter conversion case. And so to all of a sudden

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1 turn it into an opposed case with a full order seems
2 inappropriate, because ---

3 CHAIRPERSON HILL: Yes, Mr. Brown. I'm just going
4 to interrupt you. As we kind of went through this already,
5 and in the exhibit stated that the ANC is going to withdraw
6 their support, and what apparently was in the letter, right,
7 and so I can go back in the exhibit ---

8 MR. BROWN: I don't think the ANC has the ability
9 to do that today sitting at the table. I mean ---

10 MS. MATTIES: If I may ---

11 CHAIRPERSON HILL: That's okay, hang on one
12 second.

13 CHAIRPERSON HILL: I just don't understand what
14 we're talking about. And I'm looking at OAG, which is our
15 lawyer, right. And so, you know, this can all get hashed out
16 later, but regardless of what I think is going to happen,
17 whether it happens here right now or they go back and take
18 another vote again, you're going to get a no, okay. And so
19 you're going to get, you know, so I'm turning to OAG, and I'm
20 back to my original question which was can now the ANC, now
21 can they oppose this?

22 MS. CAIN: So based on the language in the letter,
23 it is a conditional approval. It is conditional on the
24 Applicant agreeing to all the conditions as spelled out in
25 that letter, including the \$10,000 donation.

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1 CHAIRPERSON HILL: Yes.

2 MS. CAIN: So what's clear from that if the
3 Applicant does not agree to any one of those conditions, that
4 approval is then withdrawn and becomes an opposition. If the
5 Applicant and the ANC wanted to go back and sort of try to
6 renegotiate, that would be one thing.

7 But I think, based on the language of the letter,
8 it has to be read as just a conditional approval, that if
9 they don't agree to everything, if the Applicant's not
10 willing right now to agree to everything with the ANC,
11 regardless of whether the Board can incorporate those into
12 the final order, that approval is no longer valid and becomes
13 a ---

14 CHAIRPERSON HILL: All right. So, Mr. Brown, give
15 me one second. Like, I've got one more year on this term,
16 okay, meaning me. And so, like, we're going to be back here
17 again for the same discussion. And regardless of what I
18 think you say, this is now going to be an opposed order,
19 okay.

20 So, you know, that's just what we're all now
21 agreeing to. I don't necessarily agree with the way this
22 system is necessarily going through. But it is the way it
23 is going through. So you had a comment?

24 MR. BROWN: Well, yes. I mean, we can end the
25 discussion now. My client has agreed to make a \$10,000,

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1 which is, we use the term voluntary loosely at this point,
2 but he's agreed to make the \$10,000 contribution so that we
3 can resolve this issue today as an unopposed case and move
4 forward on that basis.

5 CHAIRPERSON HILL: All right. So I'm going to put
6 something on the record which is, again, that I am very
7 uncomfortable with how this thing all plays out. Okay, I
8 don't have any issue with, obviously, public housing, or the
9 Housing Trust Fund, or what we're trying to do. And
10 Commissioner, you've only been there for a year. Your first
11 term? Congratulations.

12 And so, you know, this is something that is not,
13 I mean, we're spending a lot of time here, actually. Because
14 I didn't think that this was going to take as long as it was
15 going take. And the reason why, actually, it's taking as
16 long as it's taking, which is great, is because you're here,
17 right. If you weren't were here, this probably would have
18 gone all the way through already. And the Applicant would
19 have had an opposing order, okay.

20 So this, I guess, something that is of benefit to,
21 I suppose, everyone in some capacity. But I do want to point
22 out that, like, what Board Member John mentioned, and I would
23 like you to just at least discuss with the ANC, it puts us
24 in a bad situation. It puts us in an odd situation.

25 And I don't know whether you understand the

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1 leverage that a full order versus a summary order pertains
2 to. Do you?

3 MS. MATTIES: I'm beginning to appreciate it.

4 CHAIRPERSON HILL: Okay. So I want to say I've
5 here long enough. I don't necessarily agree with that
6 leverage that's put down. Because it puts the Applicant in,
7 a normal ordinary citizen also right, you know, in a odd
8 situation, one that, as Board Member John mentioned, is
9 probably outside of zoning issues. We're not going to talk
10 of zoning. I'm sorry, we're not going to talk about any of
11 the conditions anymore, we're only just going to talk about
12 zoning issues here moving forward.

13 So this was more just to try to go through an
14 exercise, I think, with the members here on the Board to see
15 where we're going to stand or how this is going to work and
16 what we might be able to do moving forward. Because even
17 OAG, I'd be kind of curious as to now, or the Office of
18 Planning, how this actually, we're in this situation often.
19 And I don't necessarily feel comfortable with it anymore,
20 okay.

21 All right, so since I had the mic, I got to say
22 what I wanted to say. Anybody else?

23 Okay, all right. Is there anything you'd like to
24 add in conclusion, Commissioner?

25 MS. MATTIES: I just want to thank the developer,

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1 Mr. Sawant, for agreeing to provide some additional funding
2 for housing, for affordable housing.

3 CHAIRPERSON HILL: Thank you. Mr. Brown, do you
4 have anything to add in conclusion?

5 MR. BROWN: No. We'll stand on the record as it's
6 been developed.

7 CHAIRPERSON HILL: Okay. Does anybody else have
8 anything they'd like to add?

9 All right, good, close the record. Is the Board
10 ready to deliberate?

11 Okay. I can start. As we've already kind of
12 deliberated and spoke through, this was a relatively straight
13 forward case, I believe, in terms of the special exception,
14 in terms of what has happened with the Office of Planning's
15 recommendations. I will agree with the Office of Planning's
16 recommendations, and I will be voting towards approving this
17 application.

18 Is there anything anyone else would like to add?

19 Okay. I'm going to make a motion to approve
20 Application Number 20093 as captioned and read by the
21 Secretary, and ask for a second.

22 MEMBER WHITE: Second.

23 CHAIRPERSON HILL: Second, the motion's been made
24 and seconded. All those in favor say ---

25 PARTICIPANT: Hold it, hold it.

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1 CHAIRPERSON HILL: Sorry? Sure. Oh, sorry,
2 sorry, thank you. And so the conditions, so before we make
3 a motion, thank you very much, so in terms of deliberations,
4 the conditions that I had stated before, that I think would
5 be pertaining to the zoning issues that are before us, would
6 be 11, 12, and 14 of the ANC's conditions. Those would be
7 to incorporate additional landscape in the front, incorporate
8 alternate facade material, e.g. cedar wood rather than
9 siding, and then for 1828 Randolph, repair and extend the
10 existing chimney shared with 1330. Are there any other
11 conditions anyone would like to add?

12 MEMBER WHITE: No, I think that covers it.

13 CHAIRPERSON HILL: Okay. Then I will go ahead and
14 make that motion again. We choose to approve Application
15 Number 20093 as read and captioned by the Secretary,
16 including the conditions that I listed through, and ask for
17 a second.

18 MEMBER WHITE: Second.

19 CHAIRPERSON HILL: Motion made and seconded. All
20 those in favor say aye.

21 (Chorus of aye.)

22 CHAIRPERSON HILL: Aye. All those opposed?

23 Motion passes, Mr. Moy.

24 MR. MOY: Staff would record the vote as five, to
25 zero, to zero, this on the motion of Chairman Hill to approve

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1 the application for the conditions as he has stated which,
2 I believe, were conditions Number 11, 12, and 14 as listed
3 in the ANC 4C report. Second to the motion is Ms. White,
4 also in support, Ms. John, Vice Chair Hart, and Commissioner
5 Michael Turnbull.

6 CHAIRPERSON HILL: Okay, great. Thank you all
7 very much for coming down. We're actually going to take a
8 quick five minute break. Sorry, you guys, it went a little
9 longer than I thought. And we'll see you in a little bit.

10 (Whereupon, the above-entitled matter went off the
11 record at 10:40 a.m. and resumed at 10:53 a.m.)

12 MR. MOY: Thank you, Mr. Vice Chair. If we can
13 have parties to the table to Case Application Number 19978.
14 This is of 775 Fairmont Street LLC.

15 And reading through the transcript, as amended for
16 special exceptions under Subtitle E, Section 5108 and 5204
17 from the rear yard requirements of Subtitle E, Section
18 5104.1, side yard requirements Subtitle Section 5105.1 and
19 pursuant to Subtitle X, Chapter 10, for area of variance from
20 the height requirement, Subtitle E, Section 5102.1, alley
21 centerline setback requirements, Subtitle E, Section 5106.1
22 minimum pervious surface provisions under Subtitle E, Section
23 5107.1, this would construct a second story edition to an
24 existing alley lot structure and convert it to a detached
25 principal dwelling unit, RF-1 Zone. This is at 775 Fairmont

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1 Street, Northwest, Square 2885, Lot 862. And I believe, Mr.
2 Vice Chair, this was last heard at its hearing on July 24th.

3 VICE CHAIRPERSON HART: Thank you, Mr. Moy.

4 If you could introduce yourselves from my right
5 to left?

6 MR. BELLO: Good morning. Toye Bello representing
7 the Applicant.

8 MR. NOBLE: Hilmar Noble representing the
9 ownership.

10 MR. JONES: Patrick Jones, architect.

11 VICE CHAIRPERSON HART: Okay. Mr. Bello, I'm
12 assuming you're going to be, you're the kind of the point
13 person on this. And we've had a number of, I guess this has
14 been before us a number of times or at least, it has been
15 scheduled a number of times. We actually haven't heard the
16 case yet.

17 And the scheduling has occurred over the last, I
18 don't know, basically since about April for the case because
19 there have been a number of questions. And I think,
20 especially back in April but I think also in July, there were
21 several questions that we asked to have addressed.

22 I have to say I'm a little bit perplexed by some
23 of the responses that we've, or lack of responses that we've
24 gotten for some of this.

25 I'm perplexed because I think some of this is

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1 fairly, I don't know, not straightforward, but at least I
2 understand it. I just don't understand the resistance to
3 responding to some of this, in particular the issue about C,
4 Subtitle C, 303.3 and the issue regarding the record lot
5 issue.

6 Because we have actually gone through a number of
7 cases, we've gone through number of scheduling for this
8 meeting and we haven't gotten some of that information, I'm
9 really at the point now that I almost want to dismiss this
10 case because I don't think we've received this information
11 that I think we have requested and just not received a real
12 response for.

13 And I'm, it's kind of where I am. And this is
14 really strange to me because I feel that we were fairly
15 straightforward in that requesting that information.

16 In particular, while we did get some information
17 regarding the C 303, it was basically to tell us that it
18 wasn't applicable even though we'd asked for a response to
19 C 303.3(a) and (b), we were provided the information that it
20 wasn't, that (a) and (b) were not necessary because the
21 project fell under C 303.3 © which it clearly does not, or
22 at least it was not, no information was provided as to how
23 it met that standard.

24 Regarding the basic special exception and variance
25 standards, there was some information in there but I felt

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1 that it was very, it was really pretty lacking in the
2 information that was provided to us.

3 And we're really still not understanding as to
4 whether or not this is a record lot or not, and like I said
5 I'm at a loss and I don't know my other commission, my other
6 Board members are on this but that's kind of where I am with
7 it.

8 I don't know if you have any other thoughts on it
9 but I'd like to hear from the other Board members before we
10 hear this.

11 MEMBER WHITE: Yes, my thoughts are kind of
12 similar to yours and I see Mr. Bello a lot and so I know he's
13 familiar with the rules. But there are a lot of gaps in the
14 application. We've been looking at it since April and I
15 don't think they've never really explained the application
16 and never really responded to our questions and addressed the
17 issues that we raise.

18 And as you said, you know, the Applicant made
19 submissions into the record but didn't specifically respond
20 to our requests.

21 We deliberated during the September, the July 24th
22 hearing whether the case should be dismissed or allow the
23 Applicant to further clarify and to provide the requested
24 information and we decided to postpone the case until 09-11,
25 which is today.

1 And we requested responses to address the previous
2 questions that we asked and I believe that the Applicant
3 still hasn't addressed the Board's questions and given them,
4 and I think we've given them adequate notice and we've done
5 so a few times.

6 But the information that we were trying to get
7 from the Applicant was to allow us to have a hearing on the
8 case and we still haven't been able to do that. We gave them
9 time in April, July, August.

10 And I think we have adequate grounds which we
11 don't do in rare instances, I think we have adequate grounds
12 to dismiss the case because of the deficiencies in the record
13 and the case, and it really prevents us from giving a legal
14 opinion on this as to the, whether or not certain regulations
15 are applicable.

16 But in my opinion, the Applicant hasn't really met
17 the procedural requirements here and there was a failure to
18 respond to C 303.3 back in July that was also pointed out to
19 us by OAG, and the Applicant responded that they fall under
20 C 303.3© which deals with moving from a smaller lot to a
21 larger lot which really doesn't apply here.

22 And they didn't address C 303.3(a) and (b) and
23 this is really the big issue here and the Applicant argues
24 that these sections don't apply and so and I disagree with
25 that argument.

1 So under Subtitle Y, 600.3 and 0.4, the Board has
2 provided the Applicant with time to respond and noticed other
3 deficiencies and has the procedural ability I think in this
4 case to dismiss the application. So those are some of my
5 thoughts there.

6 VICE CHAIRPERSON HART: Thank you.

7 MEMBER JOHN: So I'm going to take a somewhat
8 different approach. I read through the Applicant's first and
9 second submission and I did see an attempt to address some
10 of the issues and there was a statement about 03.3 which
11 could possibly be clarified.

12 And I am not quite sure why the Applicant did not
13 take the opportunity to look at the Office of Planning's
14 report which is supportive of the application and then to
15 review their burden of proof to compare it against what OP
16 has submitted to make sure they have covered all of the
17 bases.

18 And so I think that in this case we have OP's
19 approval which is a huge thing. And so I'm not anxious to
20 dismiss the case and I always like to give people enough to
21 rope to really hang themselves so that there is no doubt that
22 they've hung themselves.

23 And so I would propose that we do one more
24 extension and ask the Applicant to read through the OP's
25 supportive report. This is not a minimal thing. OP has

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1 already supported the application but it is the applicant's
2 burden to submit the required documentation.

3 My other issue is there is no record lot and it
4 is, I agree that there's been an application submitted but
5 the Board has to live by these principles and so when the
6 next applicant comes in with the tax lot for new
7 construction, do we approve that application too without the
8 record lot being in place?

9 So I don't know and we're not, I don't believe
10 we're discussing this with the Applicant at the moment.
11 We're just debating whether to continue.

12 But I don't know how long it takes to, you know,
13 get the record lot and if it's six months or nine months, so
14 I would just propose that instead of dismissing the case, and
15 it is clear that the application is deficient but because OP
16 supports the application, we might want to give the Applicant
17 one more chance.

18 VICE CHAIRPERSON HART: Mr. Turnbull?

19 COMMISSIONER TURNBULL: Mr. Vice Chair, thank you.
20 I would agree for the most part with you and Ms. White on
21 your comments. I think that this has been going down the
22 road a long time and we seem to be still getting in a do-loop
23 of answers, yes, well, I have met the requirements, no, I
24 haven't and yes, I have.

25 And it seems like, to quote an old move, we have

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1 a failure to communicate and somehow, somewhere along the
2 line something's not being communicated back from the
3 Applicant as to what he's really trying to do and is he going
4 to do it.

5 But I also see Ms. John's point about the OP
6 report and everything else. I mean, if this is going to be,
7 but my only thing is this is going to be extended, I would
8 say I don't want to hear this case again for at least six
9 months.

10 I mean, let's make sure all the paperwork is in
11 and that we can go ahead and do this instead of coming back
12 every two weeks or something with hopefully trying to get the
13 paperwork done.

14 So I'm a little frustrated with this case that we
15 don't seem to be getting the clear answers that we think we
16 need about it.

17 I see Ms. John's point. But if this is going to
18 be if we do, if we either get rid of this case I am okay with
19 that. If we're going to go down then it better be like six
20 months from now so that we can get the answers we need.

21 VICE CHAIRPERSON HART: Okay. Thank you very
22 much.

23 So Mr. Bello, I wanted to actually start with that
24 because I thought it would be helpful for me to understand
25 and hear some of this.

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1 So you've heard that there has been some, there's
2 been quite a bit of frustration with understanding the case
3 and in understanding why we haven't, why there's reluctance
4 to respond to some of the questions that we've had already.
5 And so it makes it a little bit hard for us to be able to,
6 you know, move forward with this.

7 And so right now we have, it looks like we have
8 one or two options. One of them is to have a vote right now
9 to dismiss, the other one is to possibly move this off for
10 a number of months until we have responses about, clear
11 responses about C 303.3(a), (b), and (c), and what the, have
12 quite a bit more information about the, how it meets both the
13 special exception and variance standards and the issue about
14 the record lot concern and you've heard that I guess a couple
15 of times from several people up here. So that's where we are
16 right now.

17 MR. BELLO: Thank you, Mr. Hart and thank you, Ms.
18 John.

19 I do think that there's been some, I agree that
20 there's been some miscommunication but while we were here in
21 the last hearing, the instructions that I was given was that
22 to respond to the bullet points of the report of the Office
23 of Planning.

24 Now I think the miscommunication is with respect
25 to the question on the table. Is the question on the table

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1 whether an existing alley lot could be recorded and converted
2 to a record lot? There's a separate provision that deals
3 with that.

4 C 303.3 addresses new alley lot records, that
5 these are alley lots that are to be newly created. This is
6 an existing alley lot.

7 VICE CHAIRPERSON HART: But it's not a record lot.

8 MR. BELLO: I mean --

9 VICE CHAIRPERSON HART: Right, is that correct?

10 MR. BELLO: It is not a record lot.

11 VICE CHAIRPERSON HART: Okay. So that's the
12 issue. It's creating the record lot then makes it a new
13 alley lot because right now it's not an alley lot, it's a tax
14 lot and that's it.

15 And so that is a concern for us because if it
16 does, we're saying that it, actually not if, it is and it
17 needs, it should be under the proviso of 6, excuse me, of
18 Subtitle C 303.3 and we do not have any information as to,
19 well, the information that we have is that you're saying it
20 doesn't, you give a partial response to that but it's not a
21 full response to that.

22 And so that it makes it hard for us to then
23 understand how you are meeting that because that is something
24 that needs to be addressed in this discussion.

25 MR. BELLO: And I don't mean to come across

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1 argumentative but my opinion is that this section actually
2 addresses alley lots to be newly created.

3 VICE CHAIRPERSON HART: Mr. Bello, Mr. Bello, when
4 you're sitting up as a BZ member and are able to discuss what
5 it is or is not part of the zoning regulations, then you are
6 more than welcome to have that.

7 But right now we are asking as the Board, the
8 people that are actually supposed to be giving a response as
9 to whether or not something meets or does not meet something,
10 we're asking for this information and have been asking for
11 it.

12 I know specifically, personally I asked for it in
13 April of 2000, of April 24th of this year and what I received
14 was again a response that said, we don't, that doesn't
15 pertain to us and that was after we've asked for it, how you
16 meet (a) and (b).

17 And you said, well, you missed(c). Well, we
18 missed (c) because we're looking at (a) and (b) as the pieces
19 of the zoning regulation that needs to be addressed in a way
20 that is, that we need to understand and right now we don't
21 have that.

22 MR. NOBLE: Mr. Vice Chair, thank you, and other
23 members, thank you.

24 I'm going to back up and address one thing if I
25 could and that is we, where is the Mylar is in I guess

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1 progress of being converted to a record lot, unfortunately
2 Mr. Brown was on vacation for two weeks or personal leave for
3 two weeks who, and that's where it's been kind of stalled at
4 OR. So I have been rest assured that I'm picking that up
5 today and taking that to zoning.

6 The next part of it is, being that I'm the new guy
7 on the block and I appreciate what latitude you have given
8 us thus far, rest assured that going forward whatever time
9 you do give us will be spent answering these questions in
10 detail.

11 And I will make sure that we have, we're not going
12 to waste your time because we don't want to waste ours as
13 well and we can get those back to you fairly quickly.

14 If you can see it that you give us an extension,
15 I'll make sure that we use that time wisely and I will ensure
16 that all the people on the team get you what you need.

17 VICE CHAIRPERSON HART: Thank you.

18 Yes, Ms. John?

19 MEMBER JOHN: So can you give us a timeline for
20 getting the record lot designation?

21 MR. NOBLE: Typically it takes from anywhere from
22 12 weeks to six months depending on again, personnel changes,
23 what have you and, you know, Mr. Brown was out on a personal
24 leave.

25 I don't want to say vacation, he was out on

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1 personal leave so whatever that means and he is the only one
2 that deals with that at OR. They did not expect him to be
3 out that long. He was supposed to be out for four days and
4 it ended up being close to 16 days from what I understand
5 from my contacts there.

6 So I typically use an expediter but I myself am
7 down here from New York to specifically do this myself and
8 to deal this and walk this through from department to
9 department to make sure it gets where it needs to be, to
10 finalize it to going to a record lot.

11 So far there's been no opposition. Everyone seems
12 to be pretty much on board on a base level to converting this
13 and up to and including the surveyor.

14 So that's, hopefully that answers your question.
15 I can't give you a direct time but, you know, typically I've
16 known that they take 12 weeks to six months depending on --

17 VICE CHAIRPERSON HART: Starting from?

18 MR. NOBLE: Starting from, was it two months ago,
19 but again, 16 of those days were taken up with being stalled.
20 So it's, I've taken it on myself to make sure that we are
21 going to be walking this through step by step, person to
22 person and make sure it's completed correctly the first time,
23 so.

24 VICE CHAIRPERSON HART: So right now thank you
25 very much for that information. It's very helpful. So you

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1 heard where I was on it. I am, would be ready to dismiss but
2 I understand that there are some, there is some, some of the
3 Board members would also be willing to give a kind of a last
4 chance for this application to move forward.

5 And right now we're looking at, I don't know, the
6 outside, it'd probably four months from now but I mean that's
7 like the outside of this.

8 We're in September. I mean, I could see maybe
9 December, having a date in December and then we could at
10 least, I don't know if we're scheduling that far in advance,
11 Mr. Moy, but we could at least give a few months to be able
12 to provide that information and the responses for what we
13 have, what the Board has asked for already.

14 And again, I don't know what the schedule is, if
15 we've started scheduling anything at that date or when Mr.
16 Turnbull will be back with us.

17 MR. MOY: Well, let me add some dates here. And
18 I know this is too soon because on my commitment from the
19 zoning commissioners, Mr. Turnbull is back October 30th.

20 After that, I have not signed any case
21 applications for the month of December so those are open.
22 So we're talking, we're looking at December 4th, 11th, or the
23 18th. The 18th will be the last hearing of this year, okay?
24 After that we're into January so the first hearing date in
25 January would be January the 15th.

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1 VICE CHAIRPERSON HART: I think that we can, I
2 would rather do the sooner than later if, I don't necessarily
3 want to move it into January.

4 MR. MOY: Well, then I would suggest then --

5 VICE CHAIRPERSON HART: Do we want to do it on the
6 11th?

7 MR. MOY: Oh, you want like in November?

8 VICE CHAIRPERSON HART: No, December.

9 MR. MOY: December?

10 VICE CHAIRPERSON HART: Yes, that would be the mid
11 part of the --

12 MR. MOY: Okay. December 11th, yes.

13 VICE CHAIRPERSON HART: -- of the month. Because
14 I know that our 18th may be a larger case load just because
15 it's the end of the month.

16 MR. MOY: That's true.

17 VICE CHAIRPERSON HART: And the last case of the
18 month.

19 MR. MOY: Yes. Well, they as I said, they haven't
20 come in yet so I have some control how I distribute the
21 cases.

22 VICE CHAIRPERSON HART: The question would be is,
23 Mr. Turnbull, would you mind coming back for our discussion
24 in --

25 COMMISSIONER TURNBULL: I'll make myself

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1 available.

2 VICE CHAIRPERSON HART: If we can make it maybe
3 early in the, in that --

4 COMMISSIONER TURNBULL: Sure.

5 VICE CHAIRPERSON HART: So make it one of the
6 first cases that we hear that day?

7 COMMISSIONER TURNBULL: Yes. I could be here.

8 VICE CHAIRPERSON HART: Okay. So Mr. Bello, Mr.
9 Noble, and Mr. Jones, right now you understand what we are,
10 I mean we hear a number of cases throughout the year and
11 right now I really would like to have this, kind of responses
12 for these and this information so that we can understand what
13 the case is before us and then be able to, you know, to vote
14 however we see fit for it, whether or not it meets the zoning
15 regulations themselves.

16 So we're looking at, as you heard, December the
17 11th. That would give time to get this record lot issue at
18 least much further along and we'd understand where we were
19 with it, if not actually have the record lot, understand
20 where we are with the C 303.

21 And with regard to the kind of the special
22 exception and variance standards, I just think that they just
23 need to be beefed up.

24 I mean, I think that it's, there is discussions
25 on how and why there needs to be variances for, the variances

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1 are necessary for the side yard and the alley, as well as the
2 height but it seems a little bit loose to me and you're
3 asking again.

4 Variances are pretty high bars here and it's not
5 about what you would like to see, it's why is this a
6 necessity. Why is going over 20 feet a necessity for this
7 particular case and I just think that there needs to be a
8 definitive reason for that and I think there needs to be more
9 information in the record to be able to really justify that.

10 So I think that's where we are. Oh, yes?

11 MR. MOY: Just wanted to add, Mr. Vice Chair,
12 given the circumstances would you like the Applicant to
13 submit their filings two or three weeks prior to December
14 11th?

15 VICE CHAIRPERSON HART: Yes, that's be helpful.
16 The, try to look for a date. The, like the 27th of November?
17 Maybe not that day, that's, what day is Thanksgiving? Is
18 that the 21st or 28th?

19 MR. MOY: Thanksgiving is --

20 VICE CHAIRPERSON HART: I don't have it on my
21 calendar, that's why --

22 MR. MOY: It's the 27th, Thanksgiving is the
23 Wednesday the 27th.

24 VICE CHAIRPERSON HART: Thanksgiving's a Thursday,
25 the 28th.

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1 MR. MOY: Thursday, Thursday, Thursday, I'm sorry.

2 VICE CHAIRPERSON HART: That's fine. So maybe
3 it's a little earlier in that week? I mean, I don't know
4 what people's vacations are, so like the 25th? Like the
5 Monday? Sounds good. Okay. So if we could have it on the
6 25th, that's be helpful.

7 And if OP wants to opine on the submittals, a week
8 for you all? And I know that's be maybe like by the December
9 4th? That would be helpful for all of us. And that's it.
10 Thank you all. I apologize for that discussion but I think
11 it's something that we need to just fully understand so that
12 we can all move forward with this and good luck to you all
13 in getting the record lot and we will see you all on the
14 11th.

15 MR. NOBLE: Thank you.

16 CHAIRPERSON HILL: Mr. Moy, you can call the next
17 case whenever you like.

18 MR. MOY: Thank you, Mr. Chairman.

19 So if we can have parties to the table to
20 Application Number 20077, Richard J. Hamilton, III. This is
21 an application requesting a special exception under Subtitle
22 E, Section 5201 from the lot occupancy requirement, Subtitle
23 E, Section 304.1.

24 This would construct a three story rear edition
25 to an existing principle dwelling unit, RF-1 zone. This is

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1 at 1831 Ontario Place Northwest Square 2580 for Lot 825.

2 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
3 Moy.

4 Good morning still. If you would please introduce
5 yourselves from my right to left?

6 MS. JACOBS: I'm Bryce Jacobs, the owner of the
7 adjoining property at 1833 Ontario Place Northwest.

8 MS. PERRY: Amanda Perry, ANC 1C commissioner.

9 MR. HAMILTON: RJ Hamilton --

10 CHAIRPERSON HILL: You need to push the button,
11 sorry, sir.

12 MR. HAMILTON: RJ Hamilton, the owner of 1831
13 Ontario Place.

14 MS. HAMILTON: And Julie Hamilton.

15 CHAIRPERSON HILL: Okay, great. Okay. I guess
16 Mr. Hamilton or Ms. Hamilton, you're going to be presenting
17 to us or somewhat like that?

18 MR. HAMILTON: Yes.

19 CHAIRPERSON HILL: Okay. All right. Well, I
20 guess there's actually some question or issue we're waiting
21 from from DCRA, so before I get to whatever we're going to
22 end up doing I'm going to turn to OAG real quick.

23 MS. CAIN: Yes, so based on the ANC report that
24 came into the record yesterday, we had followed up with the
25 Zoning Administrator's office about the relief that was

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1 requested because there was some question raised about the
2 applicability of E 205.4 or 204.5, which is the rear edition
3 relief.

4 So our last understanding or OAG's last
5 understanding from DCRA was that they were going to be
6 reaching out to the Applicant and were potentially going to
7 be revising the Zoning Administrator's memo but there still
8 has been no formal response from DCRA on this point. We have
9 not gotten a revised memo, we have not gotten confirmation
10 that the relief is going to be officially amended.

11 So based on that not being in the record, OAG
12 would recommend probably postponing this case until we can
13 get a formal response from the ZA so that we know exactly
14 what the relief is that's going to be required in this case.

15 CHAIRPERSON HILL: Okay. Let's talk through some
16 of this stuff. Mr. and Ms. Hamilton, do you guys know what
17 OAG has talked about?

18 MR. HAMILTON: Yes, we're aware. It's relief from
19 E 205.5. The Zoning Administrator has already issued a
20 written determination on this and I have copies of what
21 they've sent.

22 They issued this in May of 2019, that the 205.5
23 is not applicable in this case and relief isn't necessary so
24 I'm happy to introduce that into the record if that's
25 helpful.

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1 CHAIRPERSON HILL: I'm sorry, so OAG, what are we
2 waiting for from DCRA again?

3 MS. CAIN: According to DCRA, they were looking
4 at the required relief again based sort of on the ANC's
5 response and some questions that OAG raised with regards to
6 the survey and some of the measurements they were going to
7 take a second look at the relief in the plans.

8 Like I said, because we don't have a formal
9 determination as to whether they are adding that relief, I
10 would recommend at this point postponing until we get a
11 formal response from them.

12 CHAIRPERSON HILL: When do you think we'd get a
13 formal response from them?

14 MS. CAIN: Last I heard, we should have something
15 by the end of the day.

16 CHAIRPERSON HILL: Oh, okay.

17 MS. CAIN: I would also note for the record if
18 this additional relief is required, it doesn't, it's the same
19 set of special exception standards that have previously been
20 evaluated so we're really not adding much in terms of relief
21 but I do think we need to have that formal final
22 determination from the ZA before proceeding.

23 CHAIRPERSON HILL: And would the Applicant have
24 to revise their burden of proof then?

25 MS. CAIN: Only really nominally to add in the

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1 additional provision. Like I said, it's also subject to E
2 5201 so, you know, they would have to be demonstrating the,
3 complies with the same standards as they already have. So
4 you're not really adding much substantively to the
5 application at this point.

6 CHAIRPERSON HILL: Okay.

7 I'm just going to turn to the Office of Planning
8 real quick. Do you have any thoughts on this?

9 MS. MEYERS: The Office of Planning actually
10 agrees with OAG on this. The relief, if the Zoning
11 Administrator is considering adding the additional relief on
12 it, then at this point there's only one relief that we've
13 actually officially reviewed so the other part of the relief,
14 or the other relief that they would need in order to I guess
15 get full permission to do what they've already done actually
16 would mean that they would need a Zoning Administrator letter
17 saying that they need second relief.

18 So right now the only thing that we've reviewed
19 is the first relief which is lot occupancy. We have not
20 looked at the rear extension.

21 And even if we were to go through the case right
22 now, there's still that other portion of it that's out there
23 and if the Zoning Administrator is going to write as an
24 administrator letter saying that that second relief is
25 needed, then we'll have to come back again.

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1 CHAIRPERSON HILL: Okay. All right. So I'd like
2 to talk to everybody. There's other people here and we're
3 going to figure out what everybody's here for. So but Mr.
4 and Ms. Hamilton, I think we're probably going to postpone
5 this until after we hear from DCRA, kind of figure out what
6 exactly you might need to be adding to this and then also
7 whether or not we need additional report from the Office of
8 Planning in terms of the additional relief requested.

9 So that's kind of where we are at this point. Let
10 me just find out real quick. So Commissioner and Ms. Jacobs,
11 Ms. Jacobs, I am just kind of looking through the record.
12 Commissioner, why are you here?

13 MS. PERRY: I'm here to speak to the ANC
14 resolution of no position. Our resolution said that we're
15 not taking a position one way or another on whether we would
16 encourage the Board to reject or deny the application but we
17 did request clarification on why 205.4 or I don't know if I'm
18 saying that, why it wouldn't apply in light of the fact that
19 the rear wall is now beyond, yes, 12.8 feet.

20 So that's really why we're here. So we'd
21 certainly be interested in seeing what DCRA and the Zoning
22 Administrator and Office of Planning come up with.

23 CHAIRPERSON HILL: Okay. And Ms. Jacobs, why are
24 you here?

25 MS. JACOBS: Same issue. We, as adjoining

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1 neighbors, feel like it is gone, the addition has gone beyond
2 the ten feet.

3 It is loud and I think like the Office of Planning
4 mentioned, this is already built but as adjoining neighbors
5 it really affects our property value and life enjoyment of
6 our property and it doesn't comply. And we really would like
7 to ensure that when I did my renovation I was complying, that
8 our neighbors do as well. And the ten foot setback will, is
9 clearly, we've gone beyond that and the addition is 12.8
10 feet.

11 CHAIRPERSON HILL: Right. Okay. So I don't see,
12 were you, did you have a letter in opposition?

13 MS. JACOBS: I have --

14 CHAIRPERSON HILL: No, I was just curious as to
15 whether or not because you came up, and it's okay, like
16 normally I call for people whether or not they're here in
17 support or in opposition and so you came forward to the table
18 so I was just a little confused. I didn't know whether you
19 were a party or not.

20 And so you're the immediate next door neighbor.
21 But I didn't, did you put anything in the record yet? No?

22 MS. JACOBS: Maybe a long time ago. I don't know
23 if I've done it recently.

24 CHAIRPERSON HILL: Okay. All right. Okay. So
25 all right.

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1 So Mr. Hamilton or Ms. Hamilton, again like I know
2 you guys, I mean, I know where you are. I mean, we've read
3 the record. We've read everything that's going on. You're
4 hearing, I mean, you've been here all day I would imagine
5 since the morning so --

6 By the way, did everybody get sworn in? Okay.

7 You didn't get sworn in?

8 Did the commissioners get sworn in? Okay. All
9 right.

10 If anybody hasn't gotten sworn in, if you could
11 stand and just take the oath real quick administered by the
12 secretary to my left?

13 MR. MOY: Yes, good morning.

14 (Witnesses sworn.)

15 MR. MOY: Thank you, you may be seated.

16 CHAIRPERSON HILL: Okay, Commissioner, I'm not
17 being silly. Everything you just said before was truthful,
18 correct?

19 MS. PERRY: Yes.

20 CHAIRPERSON HILL: Okay. So all right, Mr.
21 Hamilton or Ms. Hamilton, I mean, we know how you guys got
22 here and where you are here and we know that the thing has
23 been built.

24 And like, you know, what I'm a little bit trying
25 to understand is to make sure we respond to everything that

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1 we need to respond to and that's why we are waiting for the
2 information from DCRA and whether or not we need anything
3 additional from the Office of Planning. That I'm a little
4 bit unclear on but that will be cleared up for me in a
5 second.

6 I mean, it sounds, and I guess when we do hear the
7 case, there was again kind of the two percent flexibility
8 that was I guess given by the ZA which I guess we'll hear
9 more about again at the next time.

10 And then so basically you're 0.71 percent over
11 from what it was and I'm just kind of curious. What does
12 0.71 percent equal?

13 MR. HAMILTON: It equals about, across the entire
14 rear edition it's about eight inches.

15 CHAIRPERSON HILL: Eight inches across the entire
16 rear edition?

17 MR. HAMILTON: Yes.

18 CHAIRPERSON HILL: And how wide's the rear edition
19 again?

20 MR. HAMILTON: 16 feet.

21 CHAIRPERSON HILL: Okay. All right. Okay. So
22 if we waited for DCRA, and I'm just looking to OAG again, so
23 we wait for DCRA, then we have to wait for the ZA, then the
24 Office of Planning has to give a preliminary report, I mean
25 a supplemental?

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1 MS. CAIN: So assuming that we get a revised memo
2 from the ZA today, I mean, I'll look to the Office of
3 Planning to comment, but I would think a week be able to have
4 a revised OP report and then the Board could take this up a
5 week after that if OP thinks they could get something in
6 faster.

7 I mean, again we're sort of waiting on when the
8 ZA actually submits something at this point. But like I
9 said, it's not much additional relief but it's pretty much
10 already been evaluated. It's just going through this and
11 making sure that it's a formally incorporated in the record.
12 So I would think a week to two weeks depending on when OP
13 thinks they can respond.

14 CHAIRPERSON HILL: When does OP think they can
15 respond?

16 MS. MEYERS: Oh, within a week we could respond
17 because I agree with OAG. I mean, for the most part it's the
18 same review criteria so it's something we can meet that week
19 marker.

20 CHAIRPERSON HILL: Okay. So let's do it in two
21 weeks, okay? So we'll come back here in two weeks and then,
22 yes, we'll come back here in two weeks.

23 And I guess again as far as like the working
24 through the application, I guess as far as Ms. Jacobs and
25 Commissioner Perry again, you know, I know, Commissioner

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1 Perry, I'm pretty sure you read the OP report, correct? And
2 so like just make sure you take a look at the OP report.

3 Ms. Jacobs, you can also take a look at the Office
4 of Planning's report after it comes out and as I understand
5 again, we're talking about eight inches across 16 feet.

6 I'm not saying that's not the case but that's what
7 I think we're looking at right now. You can come back and
8 argue it. I'm just letting you know that's what I think
9 we're looking at right now. And so we'll see you guys in two
10 weeks, okay?

11 MR. MOY: That date for the transcript, Mr.
12 Chairman, will be, the hearing will be September 25th.
13 That's two weeks from today.

14 CHAIRPERSON HILL: Sorry. September 25th. Okay.
15 You're welcome.

16 You have to, you guys have to sit down and use the
17 microphone if you want to say something, sorry. Okay.

18 CHAIRPERSON HILL: All right, Mr. Moy, you can
19 call the next one.

20 MR. MOY: Thank you, Mr. Chairman. If we can have
21 the Applicant to the table to Case Number 20090, Mark and
22 Dale Lippman, as amended for special exception pursuant to
23 Subtitle E, Section 5201 for the lot occupancy requirement,
24 Subtitle E, Section 504.1. This would construct a second
25 story rear addition to an existing attached principle

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1 dwelling unit, RF-3 Zone at 224 South Carolina Avenue
2 Southeast Square, 271 Lot 232.

3 MR. LIPPMAN: Yes, sir. Thank you, Mr. Chairman.
4 Thank you, members of the Board. I'm Mark Lippman. My wife
5 Dale could not be here today. I'm the owner and Applicant,
6 224 South Carolina Avenue Southeast.

7 I'm seeking relief from, or a special exception
8 from Subtitle E, Section 504.1. I'm actually looking to
9 construct a balcony, nothing more than that, a metal
10 structure off of the second story master bedroom. It'll be
11 the only access or egress, I guess either one, on the second
12 story.

13 We've lived in the house for 28 years and at
14 various times we've had some rickety wooden staircases back
15 there. Some years ago we took that off, built a doorway out
16 just to be able to see outside, get some air circulating.

17 But now we figure it's time to finish the look of
18 the house and make it even more consistent with our neighbors
19 who have balconies of the wooden type as I guess most D.C.
20 houses had back in the early part of the century, earlier
21 times. That was air conditioning back then, I suppose.

22 But so it is in fact a special exception. It is
23 a balcony only, not a rear edition as I think the record is
24 showing right now.

25 I've gotten support from all of my neighbors,

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1 especially the two adjacent at 222, 226. I've got letters
2 here. I don't know if they're in the record.

3 We met with ANC 6B last night and they all
4 approved. I think they sent the letter in. I'm not sure if
5 you received it, it was just last night, support from Office
6 of Planning, Capitol Hill Restoration Society met and
7 approved and have a letter of support here and I seek your
8 support here today.

9 CHAIRPERSON HILL: All right, Mr. Lippman. Are
10 you an attorney by any chance?

11 MR. LIPPMAN: Admitted in New York only.

12 CHAIRPERSON HILL: Yes, that's right. You seem
13 like an attorney.

14 MR. LIPPMAN: Oh, thanks, I think.

15 CHAIRPERSON HILL: No, yes, that was good. No,
16 everything went really well. All right. Does the Board have
17 any questions?

18 MEMBER WHITE: Oh, thank you. I was going to say
19 radio announcer but --

20 MR. LIPPMAN: If only I'd gone that route I might
21 have made some money over the years.

22 MEMBER WHITE: You've got a great voice, by the
23 way.

24 MR. LIPPMAN: People have told me that, thank you.

25 MEMBER WHITE: Yes. Just a quick question. Can

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1 you just talk a little bit about whether or not it will, the
2 work that you'll be doing there will kind of be in sync with
3 the look and feel of that block? Is it in character?

4 MR. LIPPMAN: Absolutely. And I, knowing what the
5 character of the neighborhood is and has been in the 28 years
6 since I've lived there, I see people adding to these
7 structures, these balconies, at least more often than not in
8 my time there.

9 They're usually wood. A lot of them as you know
10 probably have been converted into rear enclosed spaces. I
11 think all of these houses on Capitol Hill certainly have had
12 that similar kind of wooden frame balcony type structure.
13 Some people years ago took liberties of closing them up to
14 make separate editions, to make full rooms.

15 But no, we're looking at what our neighbors have
16 on the 200 block of South Carolina which are these wooden
17 balcony extensions, if you would. I have none. Just wanted
18 to maybe conform more to the look of our neighbors and I
19 think that's why we've gotten the support that we have.

20 MEMBER WHITE: Thank you.

21 MR. LIPPMAN: Thank you.

22 CHAIRPERSON HILL: Anyone else? No? All right.
23 I'm going to turn to the Office of Planning.

24 MS. FOTHERGILL: Good morning. For the record I'm
25 Ann Fothergill with the Office of Planning and the Office of

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1 Planning has recommended approval of the special exception
2 relief requested pursuant to E 5201, but I would also add
3 that it meets the criteria of E 5202 which is specific to the
4 RF-3 zone and was not addressed in the report but it does
5 meet the criteria for E 5202 as well. And I am happy to take
6 any questions.

7 CHAIRPERSON HILL: Okay, great. Does the Board
8 have any questions for the Office of Planning?

9 COMMISSIONER TURNBULL: Mr. Chair?

10 CHAIRPERSON HILL: Sure, please.

11 COMMISSIONER TURNBULL: Apparently the Architect
12 of the Capitol did not provide a report for this case and
13 I've talked to Mr. Turnbull about this and he apologizes
14 immensely for not doing this. Somehow it got missed in his
15 in box apparently. If you wish, he could give a report right
16 now?

17 CHAIRPERSON HILL: That would be welcome, Mr.
18 Turnbull. Please let us know what the Architect of the
19 Capitol has to say.

20 COMMISSIONER TURNBULL: All right. All right.
21 Pursuant to its authority under 11 E DCMR 5202 and in
22 particular, 5202.1 and 5202.2, to review and report on
23 special exceptions in the Capitol Precinct Residential Flat
24 Zone RF-3, the Architect of the Capitol has found that the
25 proposed relief requested under Subtitle, I won't worry about

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1 that, for the special exception needed for a proposed balcony
2 in an existing residence at 224 South Carolina Avenue Street
3 Southeast, is not inconsistent with the intent of the RF-3
4 zone district and would not adversely affect the health,
5 safety, and general welfare of the U.S. Capitol Precinct at
6 the area adjacent to this jurisdiction and is not
7 inconsistent with the goals and mandates of the United State
8 Congress as stated in 11-E DCMR 5202.1. The Architect of the
9 Capitol has no objections to this applications.

10 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
11 Turnbull.

12 Mr. Lippman, you were very lucky the Architect of
13 the Capitol was here today.

14 MR. LIPPMAN: I thank you very much.

15 CHAIRPERSON HILL: All right. Does anybody have
16 any questions for the Office of Planning? Okay.

17 Does the Applicant have any questions for the
18 Office of Planning?

19 MR. LIPPMAN: I do not.

20 CHAIRPERSON HILL: Okay. Is there anyone here
21 wish to speak in support? Is there anyone here wish to speak
22 in opposition?

23 Mr. Lippman, is there anything you'd like to add
24 at the end?

25 MR. LIPPMAN: Thank you for consideration. Thank

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1 you all.

2 CHAIRPERSON HILL: Great. Thank you.

3 I'm going to close the record. Is the Board ready
4 to deliberate? Okay. I think that the Applicant's met the
5 burden of proof in order for us to grant the special
6 exception. I didn't particularly have any questions of it.
7 There was a couple of questions that my fellow Board members
8 have asked including that with the Architect of the Capitol's
9 comment.

10 And so I will be in agreement with the analysis
11 provided by the Office of Planning as well as that of the ANC
12 6B and I'd be voting in favor of this application. Is there
13 anything else anyone would like to add?

14 Good and I make a motion to approve Application
15 Number 20090 as captured and read by the secretary and ask
16 for a second?

17 VICE CHAIRPERSON HART: Second.

18 CHAIRPERSON HILL: Motion made and seconded. All
19 those in favor say aye?

20 (Chorus of aye.)

21 CHAIRPERSON HILL: All those opposed? Motion
22 passes, Mr. Moy.

23 MR. MOY: If staff would record the vote as 5-0-0.
24 This is on the motion of Chairman Hill to approve the
25 application for the relief requested, second the motion, Vice

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1 Chair Hart. Also in support, Ms. John, Ms. White, and Zoning
2 Commissioner Michael Turnbull.

3 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
4 Moy.

5 Thank you, sir.

6 MR. LIPPMAN: Thanks again.

7 CHAIRPERSON HILL: All right, Mr. Moy. Whenever
8 you like.

9 MR. MOY: Okay, here we go, Mr. Chairman. So if
10 I could have the Applicant to the table to Case Application
11 Number 20099 of Margaret and Mark McCrone. This is a request
12 for area variance from the lot occupancy requirement,
13 Subtitle D, Section 304.1. This would construct a rear
14 addition to an existing attached principle dwelling unit, RF-
15 3 Zone. This is at 2103, I don't know if I can pronounce
16 this correctly or not but it's spelled, H-U-I-D-E-K-O-P-E-R
17 Place Northwest, Square 1301, Lot 1163.

18 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
19 Moy. If you could please introduce yourselves for the
20 record? Oh, you have to push the button, sorry.

21 MS. MCLANE: I'm Claire McLane. I am the designer
22 and the agent or the representative for the owners and
23 provided all the paperwork for you.

24 CHAIRPERSON HILL: Okay.

25 MS. MCCRONE: And I'm Margaret McCrone and the

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1 owner.

2 CHAIRPERSON HILL: All right. So Ms. McLane, are
3 you presenting or is Ms. McCrone presenting?

4 MS. MCLANE: I'll present.

5 CHAIRPERSON HILL: Okay. So Ms. McLane, if you
6 could just go ahead and tell us a little bit about what
7 you're trying to do in terms of the standard that you're
8 meeting the variance requirements by --

9 MS. MCLANE: Yes.

10 CHAIRPERSON HILL: -- and also just kind of what
11 you're trying to do to the property I suppose overall. If
12 you get a little, and again, we can kind of talk you through
13 this as you do go through this but if you could speak a
14 little bit more to the second prong of the variance test in
15 terms of how you're meeting that test, I'm going to put 15
16 minutes on the clock just so Mr. Moy and I know where we are
17 and you can begin whenever you like.

18 MS. MCLANE: This is on now. Okay. So Maggie and
19 Mark have a house on a very steep lot which is excessively
20 narrow and according to the zoning ordinance we need to meet
21 certain requirements or certain standards.

22 According to my research and to the Office of
23 Planning who provided me with some topographical information
24 and also to my observation in designing this project which
25 is a deck, it's a wooden deck on the rear of a row house.

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1 There are probably 15 or 20 houses on this row.
2 They all face Huidekoper, whatever, that street.

3 MS. MCCRONE: It's troubling. No one can quite --

4 VICE CHAIRPERSON HART: Please tell us how to
5 pronounce it.

6 MS. MCCRONE: So I'm not even quite sure.

7 VICE CHAIRPERSON HART: Oh, okay.

8 MS. MCCRONE: Everybody pronounces it different.
9 Huidekoper, Huidekoper.

10 VICE CHAIRPERSON HART: Yes. Like huide like
11 guide?

12 MS. MCCRONE: Possibly.

13 MS. MCLANE: Could be, could be.

14 MS. MCCRONE: Huidekoper, I've heard all different
15 kinds, so anyway.

16 VICE CHAIRPERSON HART: Thank you, sorry.

17 MS. MCCRONE: No. If you have any guess, let me
18 know.

19 MS. MCLANE: So the McCrones moved into the house
20 in the fall so they haven't been there long enough to get the
21 majority vote on the pronunciation of their house.

22 But anyway, of the houses on the row, they all
23 face this street which is a dead end street. It is very
24 narrow and the rear of the houses slope back very steeply.

25 There's a 22 foot drop from the front of the house

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1 to the rear of the lot line and that lot line in the rear
2 faces along an alley way or a two way narrow street but it
3 is a bit wider and a little bit more accessible than the
4 actual main street that the house is on.

5 The house is on a lot that is zoned to be 20 feet
6 wide. It is 18 feet wide. It is zoned also for a standard
7 2000 square feet. It is 1530 square feet so it's quite
8 small.

9 Most if not all of the other houses, I would say
10 at least 75 or 80 percent of the houses on that row have some
11 sort of rear edition, mostly decks of some sort because the
12 front of the house is two stories.

13 The rear of the house is three stories, the
14 basement level being essentially feeding out onto a yard
15 which is actually the roof of the detached garage. So there
16 is a very, very significant difference in the grade.

17 I suspect that most of the other neighbors have
18 added onto the backs of their home so they can access from
19 the first floor which is the main level which would be at the
20 same grade as the first floor entry.

21 They have added decks and some sort of access, in
22 most cases some sort of narrow staircase so that they can get
23 to the yard at the basement level and then to a steep set of
24 stairs leading down to the entrance of the garage which opens
25 onto the rear alley.

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1 So having seen that most of their neighbors have
2 the same thing including the direct next door neighbor. The
3 next door neighbor on the, for the other side has a pergola
4 arrangement but then there are more decks as you look down
5 at the row and I provided some photographs of that.

6 The McCrones would like to add a similar, some
7 sort of access to the rear yard. They moved into the
8 neighborhood with small children. I know this is subjective,
9 has nothing to do with your rulings. However, from a safety
10 standpoint as a designer, I look at the house itself and
11 beside the excessive narrowness, the excessive steepness of
12 the yard, the house itself is constructed in such a way that
13 there is absolutely no egress from the first floor to the
14 basement other than inside.

15 You would have to, if there were some emergency,
16 you would have to go inside the interior staircase which is
17 in the middle of the house, then come back around out to the
18 rear yard. Again, you're standing on the roof of the garage
19 essentially looking down another ten, 12 feet to the street.

20 So I felt that from the standpoint of safety as
21 well as esthetics and convenience, it didn't seem out of line
22 to request permission to design and build something that is
23 similar to most of what the other neighbors have.

24 So that's sort of the long and short of it. If
25 there's something else I can add, please let me know.

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1 CHAIRPERSON HILL: In terms of I guess no
2 substantial detriment to the public good, how would you say
3 that there's no substantial detriment to the public good?

4 MS. MCLANE: Well, firstly, since most of the
5 other neighbors have similar designs or similar structures,
6 clearly right now there would be no difference to the light,
7 sound, or anything else. We're not planning on using the
8 deck for other than primarily egress.

9 It's not a large deck. Nine by 13 is about large
10 enough for a table and chairs. There would be stairs to
11 separate the distance between the adjoining neighbor's deck.
12 We allow three and a half to four feet for that staircase so
13 that there would be some separation from that neighbor in
14 terms of privacy.

15 The other neighbor on the other side has a trellis
16 work. We've actually never seen anybody outside of that
17 yard, we don't know if they just don't use their yard, so I
18 doubt that they would be concerned about that.

19 And also, the deck is fairly shallow. It is nine
20 feet deep so it doesn't really express itself out into the
21 yard greatly.

22 MS. MCCRONE: And if I can clarify, it's over
23 already a patio space. There's actually no grass or dirt and
24 underneath where the deck will be. So we already have a
25 table and chairs out there and we use the space. So this is

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1 mostly for a safety and egress issue that we're lacking. So
2 and right, our neighbors have been in full support of us
3 doing this.

4 MS. MCLANE: Oh, yes, I didn't mention the, we
5 went to the ANC. The ANC supported us. I did have an Office
6 of Planning letter that said that they also supported I
7 believe, and then the BZA, we got an opinion from their staff
8 that they appreciated what we were trying to do and also
9 supported us. So we felt that we had a fairly positive --

10 CHAIRPERSON HILL: Okay. Yes, you mean DCRA, is
11 that correct? We're the BZA.

12 MS. MCLANE: I'm sorry. Yes, DCRA.

13 CHAIRPERSON HILL: That's all right.

14 MS. MCLANE: Yes.

15 CHAIRPERSON HILL: Okay. All right. Does the
16 Board have any questions for the applicant?

17 MEMBER JOHN: One quick question. Exhibit 4, your
18 photographs. So these stairs that go down to the garage --

19 MS. MCLANE: Yes, they are.

20 MEMBER JOHN: Okay.

21 MS. MCLANE: And most of the other houses on this
22 row also have detached garages. This garage, by the way, is
23 attached to the next door garage. So they're double garages.

24 MEMBER JOHN: Okay.

25 MS. MCLANE: So there are stairs on either side

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1 of the garages belonging to each of the owners of those
2 particular lots. Yes?

3 VICE CHAIRPERSON HART: In the second image that
4 you have in that same packet, that's looking, you're not
5 looking at your building at all, your house at all?

6 MS. MCLANE: Well, I'm, which one are we because
7 I have labeled them. One was the front view. Then there
8 was, I'm sorry. Maybe which one are we looking at?

9 VICE CHAIRPERSON HART: It's the second, there's
10 one, the --

11 MS. MCCRONE: The first picture's the back.

12 MS. MCLANE: This is the rear of the house.

13 VICE CHAIRPERSON HART: That's the rear. The next
14 picture after that.

15 MS. MCCRONE: Next picture.

16 VICE CHAIRPERSON HART: Yes. That's not --

17 MS. MCLANE: This is, this is --

18 VICE CHAIRPERSON HART: -- your property? That's
19 looking just to the others?

20 MS. MCLANE: No, no. That's actually standing and
21 looking down the road --

22 VICE CHAIRPERSON HART: Okay.

23 MS. MCLANE: -- to show you how many other --

24 MS. MCCRONE: That first deck that you see is our
25 next door neighbor's.

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1 MS. MCLANE: Next door neighbor, yes.

2 VICE CHAIRPERSON HART: Okay. I just wanted to,
3 I thought that that was the case but it was a little bit
4 confusing because I said, well --

5 MS. MCLANE: Yes, it is. I'm sorry.

6 MS. MCCRONE: Yes. So our house is right, you
7 just --

8 VICE CHAIRPERSON HART: Yes, it's to the right of
9 that image.

10 MS. MCCRONE: Yes. So they already have a large
11 deck, larger than what we are proposing.

12 MS. MCLANE: Larger than what we're proposing,
13 actually.

14 COMMISSIONER TURNBULL: But I think Exhibit 25,
15 the 3D images might give a better presentation of what's
16 going on.

17 MS. MCLANE: Yes, I did make 3D images because I
18 thought it would be best for you to see what we were up
19 against here.

20 VICE CHAIRPERSON HART: And just to make sure I
21 clarify this, Ms. McLane, you said that this is a safety
22 issue. It's not a requirement like a safety code issue,
23 you're doing this because it's a, it's more of a, well, I
24 guess that would be the owner and that's not you, but you're
25 doing this because this is a, this will make you feel safer

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1 in ease of access?

2 MS. MCCRONE: Yes, that was our main goal for this
3 proposal. You know, of course having it as a space for the
4 family is an added bonus but like I said, it's already built
5 over a patio. So we're certainly not, you know, that's, it
6 is mostly a we need to get downstairs out the back, you know.

7 VICE CHAIRPERSON HART: And you already have
8 doors?

9 MS. MCCRONE: And there are already doors.

10 MS. MCLANE: There are doors.

11 MS. MCCRONE: And it's a Juliet balcony, yes.

12 VICE CHAIRPERSON HART: Yes.

13 MS. MCLANE: If I could just expound on it just
14 a little bit. The thing of it is, the street on the front
15 end is so narrow that you can't turn around on that street.
16 The alley way is actually a little bit wider and it's where
17 they keep their cars. Should there be some sort of an
18 emergency in order to get from the first or the second
19 floors, you have to circuitously travel through the house and
20 out to the street.

21 This way one would and I'm just arguing this as
22 a point of safety, you could come right out, come down the
23 stairs, go right back, go right down to the alley where the
24 car would normally be and that's a two way street as well,
25 whereas the other is dead end. So I only brought that up and

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1 now have completely alarmed my client.

2 MS. MCCRONE: She's made me realize that my
3 children's bedroom to the back windows that you can see and
4 there is no way to get them out right now and that has
5 terrified me so I am very anxious to get this done --

6 MS. MCLANE: Sorry.

7 MS. MCCRONE: -- realizing that there is such a
8 steep drop out the back and we've, it's an old house and we
9 have some electric that we are also upgrading, so it's a
10 little --

11 MS. MCLANE: But I think that the crux of the
12 matter is that in terms of meeting the requirements of the
13 ordinance, the lot is excessively narrow, excessively small,
14 and extraordinarily steep. And I think that in terms of
15 meeting the standards it's difficult for us to do that, and
16 since everybody else has done it on the block it didn't seem
17 extraordinary to request this relief.

18 MEMBER WHITE: You shared this Exhibit 25 with ANC
19 and with the neighbors?

20 MS. MCLANE: Yes.

21 MEMBER WHITE: Okay.

22 MS. MCLANE: Yes.

23 MEMBER WHITE: Good comments? Comparable?

24 MS. MCLANE: We have at least a half a dozen
25 neighbors in support and letters that we uploaded and we, I

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1 mean, I didn't see anybody who was opposed.

2 MEMBER WHITE: You're maintaining that green space
3 there in the back?

4 MS. MCLANE: There is a tiny bit of green space,
5 yes, there is.

6 MS. MCCRONE: There is a tiny bit of green space.
7 We've also hashed around the idea of turning our roof into
8 a green roof. Our next door neighbor sort of has a bit more
9 of a green roof as well on top of these garages but, yes,
10 those are garage tops so it's a little, it's not even pure,
11 you know, ground that you're kind of building onto, so.

12 MEMBER WHITE: Okay.

13 MS. MCLANE: But there's actually a tree on that
14 hill.

15 MS. MCCRONE: There is. There's a little tree and
16 a little plant area.

17 VICE CHAIRPERSON HART: Also, if you could just
18 describe, if you were to have to fall within the zoning
19 regulations, sorry, you do have to fall within them but if
20 you were to meet them, what would that do to the size of the,
21 of what you're looking at?

22 MS. MCLANE: It's not possible. The house already
23 exceeds the lot coverage by my calculation and I communicated
24 with Mr. LeGrant in zoning at DCRA who was the one who
25 developed the outline for what I would have to ask for.

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1 And so we are already I believe seven percent over
2 the lot coverage just in the building itself, and so in order
3 to build anything we would have to ask for some relief. But
4 the building itself, from my calculation and I think Mr.
5 LeGrant agreed with me, was really actually nonconforming.

6 VICE CHAIRPERSON HART: Yes, I was just looking
7 at the Office of Planning report and I guess we'll get to
8 them at some point after we stop asking all these questions.

9 And they were just talking about the what the lot
10 occupancy is which is, the requirement is 60 percent. The
11 lot occupancy right now is almost 66 percent, 65 point
12 something.

13 MS. MCLANE: Yes.

14 VICE CHAIRPERSON HART: And then what you're
15 proposing is 74. This is allowed to get up to I think 70
16 percent if I'm not mistaken. So there's by special
17 exception, so there's a little bit of wiggle room, you know.
18 A special exception is what is allowed under zoning but it
19 is, you have to kind of meet certain criteria to get there.

20 MS. MCLANE: Yes.

21 VICE CHAIRPERSON HART: The variance is outside
22 of what the special exception, it's above what the special
23 exception would provide.

24 MS. MCLANE: Yes.

25 VICE CHAIRPERSON HART: And so that's what I was

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1 trying to understand, the difference between the, what you're
2 asking for which is a variance and what is being, what is
3 allowed under zoning as a special exception which is 70
4 percent.

5 MS. MCLANE: Yes. Well, to your question, I just
6 want to point out that I specifically selected the nine by
7 13 size at the deck initially because I thought we would be
8 able to fall within the 70 percent.

9 I didn't realize that once the stairs were added
10 in order to gain the egress, as the stairs, at least this is
11 the way it was explained to me, as they exceed four percent,
12 excuse me, four feet above grade they become part of the lot
13 coverage issue.

14 So obviously I couldn't do that because the deck
15 is at eight and a half feet. It's, part of those stairs are
16 going to be counted. So I tried to design the stairs in such
17 a way to be as unobtrusive as possible to still allow a real
18 staircase, not something that would be a ladder, because I
19 see that some of the neighbors don't have really what I would
20 consider safe stairs but that was the reason.

21 We could do away with the stairs but then we would
22 not have the egress that we would like to have which is in
23 large part the reason for doing this project.

24 VICE CHAIRPERSON HART: Understood. Thank you
25 very much.

1 CHAIRPERSON HILL: Okay. Anyone else have any
2 questions for the Applicant? I think I turn to the Office
3 of Planning.

4 MR. JESICK: Thank you, Mr. Chairman and members
5 of the Board. My name is Matt Jesick. The Office of
6 Planning is happy to rest on the record in support of the
7 application but I can take any questions that you might have.

8 CHAIRPERSON HILL: Does anyone have any questions
9 for the Office of Planning? Does the Applicant have any
10 questions for the Office of Planning?

11 MS. MCLANE: No.

12 CHAIRPERSON HILL: All right. Is there anyone
13 here wish to speak in support? Is there anyone here wish to
14 speak in opposition? Okay. Is there anything else you'd
15 like to add at the end?

16 MS. MCLANE: Thank you very much.

17 CHAIRPERSON HILL: Okay. All right. Is the Board
18 ready to deliberate? Now I got to close the hearing or close
19 the hearing. I close hearing. So I think that I would be
20 in agreement with the Applicant in terms of their burden of
21 proof as to how they're meeting the criteria for the relief
22 requested.

23 I would also agree with the analysis that was
24 provided by the Office of Planning as well as at least I see
25 the support of ANC 3B and it's nice to see a bunch of

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1 community letters also in support.

2 I think that it's a pretty straightforward
3 variance request in terms of all the remaining criteria and
4 so I will be voting in favor. Is there anything else that
5 someone would like to add?

6 All right. Go ahead and make a motion to approve
7 Application Number 20099 as captured and read by the
8 secretary and ask for a second?

9 VICE CHAIRPERSON HART: Second.

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

12 (Chorus of aye.)

13 CHAIRPERSON HILL: Aye.

14 All those opposed? Motion passes, Mr. Moy.

15 MR. MOY: If staff would record the vote as 5-0-0.
16 This is on the motion of Chairman Hill to approve the
17 application for the relief requested, second the motion is
18 Vice Chair Hart. Also in support, Ms. John, Ms. White, and
19 Zoning Commissioner Michael Turnbull.

20 CHAIRPERSON HILL: Great. Thanks, Mr. Moy.

21 Thank you very much.

22 MS. MCLANE: Thank you.

23 CHAIRPERSON HILL: Mr. Moy, is there anything else
24 that is before the Board today?

25 MR. MOY: Nothing from the staff, sir.

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1 CHAIRPERSON HILL: Okay, great. Is there anything
2 else anybody would like to add? Sure. All right. Okay.
3 Let's stand adjourned. Thank you.

4 (Whereupon, the above-entitled matter went off the
5 record at 12:02 p.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 Hearing

Before: DCBZA

Date: 09-11-19

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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