

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

NOVEMBER 2, 2022

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via videoconference, pursuant to notice at 9:30 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA L. JOHN, Vice Chair
CARL H. BLAKE, Board Member
CHRISHAUN S. SMITH, Board Member

ZONING COMMISSION MEMBERS PRESENT:

PETER G. MAY, Commissioner
JOSEPH S. IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
SARA A. BARDIN, Director, Office of Zoning
PAUL YOUNG, Zoning Data Specialist

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OFFICE OF PLANNING STAFF PRESENT:

STEPHEN COCHRAN, Zoning and Special Project Planner
MAXINE BROWN-ROBERTS, Development Review Specialist
KAREN THOMAS, Project Planner
CRYSTAL MYERS, Development Review Specialist

The transcript constitutes the minutes from the
Regular Public Hearing held on November 2, 2022.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

(9:35 a.m.)

CHAIRPERSON HILL: Good morning, ladies and gentlemen, the Board of Zoning, today's date is 11/2/2022, will please come to order. My name is Fred Hill, Chairperson of the Board of Zoning Adjustment for the District of Columbia. Joining me today is Vice Chair Lorna John, and Board Members, Carl Blake and Chrishaun Smith, and Zoning Commissioner Peter May and Dr. Imamura.

Today's meeting and hearing agenda will be available to you on the Office of Zoning's website. Please be available -- please be advised this proceeding is being recorded by a court reporter and is also webcast live via WebEx and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on WebEx or by telephone will be muted during the hearing. Also, please be advised that we do not take any public testimony at our decision meeting sessions.

If you're experiencing difficulty accessing WebEx or with your call-in, then please call our OZ hotline number at 202-727-5471. Once again, 202-727-5471.

You all might want to mute your microphone just while we're doing this.

At the conclusion of the decision meaning session, I shall, in consultation with the Office of Zoning, determine whether a full or a summary order may be issued. A full order

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1 is required when the decision it contains is adverse to a party,
2 including an affected ANC. A full order may also be needed if
3 the Board's decision differs from the Office of Planning's
4 recommendation. Although the Board favors the use of summary
5 orders whenever possible, an Applicant may not request the Board
6 to issue such an order.

7 In today's hearing session, everyone who's listening
8 on Webex or by telephone will be muted during the hearing, and
9 only persons who have signed up to participate or testify will
10 be unmuted at the proper time. Please state your name and home
11 address before providing oral testimony or your presentation.
12 Oral presentations should be limited to a summary of the most
13 important points. When you're finished speaking, please mute
14 your audio so that your microphone is no longer picking up sound
15 and background noise.

16 Once again if you're experiencing difficulty, please
17 call our 202 -- our OZ hotline at 202-727-5471.

18 All persons planning to testify either in favor or in
19 opposition should have signed up in advance. They'll be called
20 by name testify to testify. If it is an appeal, only parties
21 are allowed to testify. By signing up to testify, all
22 participants will take the oath or affirmation as required by
23 Subtitle Y, 408.7.

24 Requests to enter evidence at the time of an online
25 virtual hearing, such as written testimony or additional

1 supporting documents, other than live video, which may not be
2 presented as prior testimony, may be allowed pursuant to Subtitle
3 Y, 103.13, provided that the person making the request to enter
4 an exhibit explain a) how the proposed exhibit is relevant; b)
5 the good cause that justifies allowing the exhibit in the record,
6 including an explanation why the requester did not file the
7 exhibit prior to the hearing pursuant to Y, 206; and how the
8 proposed exhibit would not unreasonably prejudice any parties.
9 The order of procedures for special exceptions and variances are
10 pursuant to Y, 409.

11 At the conclusion of each case, an individual who was
12 unable to testify because of technical issues may file a request
13 for relief to file a written version of the planned testimony to
14 the record within 24 hours following the conclusion of public
15 testimony in the hearing.

16 If additional written testimony is accepted, then
17 parties will be allowed a reasonable time to respond as determined
18 by the Board. The Board will then make its decision at its next
19 meeting session but no earlier than 48 hours after the hearing.
20 Moreover, the Board may request additional specific information
21 to complete the record. The Board and the staff will specify at
22 the end of the hearing exactly what's expected and the date when
23 a person must submit the evidence to the Office of Zoning. No
24 other information shall be accepted by the Board.

25 Finally, the District of Columbia Administrative

1 Procedures Act requires that a public hearing on each case be
2 held in the open before the public. However, pursuant to Section
3 405(b) and 406 of that Act, the Board may, consistent with its
4 rules and procedures and the Act, enter into a closed meeting on
5 a case versus seeking legal counsel on a case pursuant to DC
6 Special Code Section 2-575(b)(4) and/or deliberate a case
7 pursuant to D.C. Official Code Section 2-575(b)(15), but only
8 after filing necessary public notice in the case of an emergency
9 closed meeting and taking a roll call vote.

10 Mr. Secretary, do we have any preliminary matters
11 today?

12 MR. MOY: Members of the Board, I do have a brief
13 announcement regarding today's docket. We have two case
14 applications that were scheduled to be on the expedited review
15 calendar that have been rescheduled to a full public hearing.
16 The first one is Application No. 20810 -- 20817 of Hannah Kemp,
17 and that is now scheduled for a public hearing on November 30th,
18 2022. And Application No. 20815 of Maurice Hawkes, rescheduled
19 to a full public hearing for January 18, 2023. Finally, we had
20 one case application that was withdrawn by the applicant, and
21 that is application number 20755 of 1224 30th Street Northwest,
22 LLC. Other than that, if there's any other preliminary matters,
23 then I'll announce that for the Board when I call the case.

24 CHAIRPERSON HILL: Okay.

25 MR. MOY: And that's how I have for you today.

1 CHAIRPERSON HILL: Thank you, Mr. Moy. You can call
2 our first case, Mr. Moy.

3 MR. MOY: This would be case Application No. 20 --
4 20751 of 801 Buchanan Investment Partners, LLC. This was last
5 heard by the Board for testimony on October 19th, 2022. So this
6 is an amended self-certified application. And before the Board
7 now is -- for zoning relief is pursuant to Subtitle X, Section
8 901.2 for special exceptions. It's under Subtitle C, Section 305
9 to allow a theoretical lot subdivision and under Subtitle U,
10 Section 421 to allow a new residential development and, I believe
11 80 row houses. The property is located in the RA-1 zone at 801
12 Buchanan Street, Northwest, Parcel 135, Lot 71, and participating
13 from the Zoning Commission is Commissioner Peter May.

14 CHAIRPERSON HILL: Thank you.

15 Ms. Batties, if you can hear me, if you could go ahead
16 and introduce yourself for the record.

17 MS. BATTIES: Good morning. Leila Batties with the law
18 firm of Holland and Knight on behalf of the Applicant, 801
19 Buchanan Investment Partners, LLC.

20 CHAIRPERSON HILL: Okay.

21 MS. BATTIES: We do have a --

22 CHAIRPERSON HILL: All right, (audio interference).

23 MS. BATTIES: -- couple of preliminary matters.

24 MR. HILL: Oh, okay.

25 MS. BATTIES: Specifically, we need to request that the

1 Board accept into the record two documents. One is the updated
2 Form 135, which is the self-certification form with the zoning
3 calculations or tabulations, and that was updated to reflect the
4 change in the lot sizes. And then we submitted into the record
5 last night, a letter from the Applicant agreeing to the conditions
6 proposed by the Office of Planning and DDOT that was requested
7 by the Office of Planning that we put that in writing for the
8 record.

9 CHAIRPERSON HILL: Okay. Can you -- all right. And
10 the -- if the Board does not have any issues with these, I'd like
11 to go ahead and allow those into the record. And if so, if staff
12 could go ahead and do that so we can take a look at that while
13 we're going through the change in the application.

14 Ms. Batties, I guess if you can go ahead and walk us
15 through the changes and what you're now requesting from the Board.

16 MS. BATTIES: Sure. After last week's hearing, the
17 Applicant --

18 CHAIRPERSON HILL: Excuse me. Do you want that -- I'm
19 sorry to interrupt you. Do you want the PowerPoint, or it doesn't
20 --

21 MS. BATTIES: I don't really need the PowerPoint. I
22 can -- the change was very simple.

23 CHAIRPERSON HILL: Okay.

24 MS. BATTIES: They reduced the lot size for each lot
25 from 80 feet to 75 feet, and that allowed them to widen the alleys

1 from 10 feet to 24 feet, as required under the subdivision
2 regulations. And as a result, the variance for the alley lot
3 width is no longer necessary. And so the only request before
4 the Board this morning is the special exception to permit the
5 theoretical subdivision and the residential use in the RA-1 zone.

6 CHAIRPERSON HILL: Okay. Okay.

7 Let's see. Does the Board have questions of the
8 applicant?

9 Commissioner May?

10 COMMISSIONER MAY: Yeah. So just to be clear, reducing
11 the lot depth from 80 to 75 didn't reduce or didn't -- did not
12 create a need for any new relief and did not cause the buildings
13 themselves to be reduced in size?

14 MS. BATTIES: No. What -- no, they did -- it did not.
15 They did not. So what that does mean is they won't have decks
16 on the rear of the homes that would extend into the rear yard.

17 COMMISSIONER MAY: Okay. Well, I mean, I think that's
18 an unfortunate loss, but the variance was too high a bar. So I
19 guess it is what it is. Thank you.

20 MS. BATTIES: Uh-huh.

21 CHAIRPERSON HILL: Okay. Let's see.

22 The Office of Planning. Mr. Cochran, do you want to
23 introduce yourself for the record and if you have any additional
24 comments?

25 MR. COCHRAN: Thank you, Mr. Chair. I'm Steve Cochran,

1 representing the Office of Planning in Case 20751. OP is
2 continuing to support the request for the special exception for
3 the subdivision requirements and for the new residential
4 development in the RA-1 zone. We appreciate the Applicant having
5 filed that letter that relates to the north-south easements. And
6 otherwise, we're fine with everything. So we recommend that you
7 approve it -- both special exceptions.

8 CHAIRPERSON HILL: Okay. Thank you.

9 Does anybody have any questions for the Office of
10 Planning?

11 Okay. All right. I did -- Ms. Batties, I mean, I'm
12 seeing on your slide deck there's some contributions that are
13 going on. And I was just curious, some of those I know, I guess,
14 would be -- did some of those come from your meetings with the
15 community?

16 MS. BATTIES: Yes.

17 CHAIRPERSON HILL: And which --

18 MS. BATTIES: All of them came from the meetings with
19 the community.

20 CHAIRPERSON HILL: All of them came from the meetings
21 with the community. And which ANC again, was it?

22 MS. BATTIES: 5A.

23 CHAIRPERSON HILL: Got it. Yeah, 5A.

24 Okay. All right. All right. Does anybody have any
25 other questions?

1 Sure. Go ahead, Mr. Blake.

2 BOARD MEMBER BLAKE: For the Office of Planning, I just
3 want to make sure I understand the rationale between -- for --
4 the request for the conditions in -- the mitigating factors in
5 the conditions that you have.

6 MR. COCHRAN: We wanted to -- the Office of Planning,
7 and for that matter, the Department of Transportation is always
8 in favor of allowing connectivity from one part of the
9 neighborhood to another part of the neighborhood. The
10 north-south easement for the public on the road that would be
11 somewhat in line with 8th Street and the one that would be
12 somewhat in line with 10th Street, would allow connections for
13 the public in the future if there's a development to the south
14 on the Providence property. That's why we are for that condition.
15 I hope that explains it. If it doesn't, please ask me something
16 else.

17 BOARD MEMBER BLAKE: Well, I just want to make sure I
18 understood what the adverse impact was.

19 MR. COCHRAN: The adverse impact from what, sir?

20 BOARD MEMBER BLAKE: From not having the -- we're trying
21 to mitigate impacts by doing these conditions. And I'm just
22 trying to parallel to understand exactly what the adverse impact
23 was that this was resolving or mitigating.

24 MR. COCHRAN: The adverse impact would be the inability
25 of the neighborhood north of Buchanan Street and the neighborhood

1 south of Varnum Street to be able to connect with each other in
2 a convenient manner. It might also preclude access for the future
3 residents or patrons of the development to the south. So this
4 is, in effect, a prospective condition.

5 BOARD MEMBER BLAKE: Okay, thank you.

6 CHAIRPERSON HILL: All right. Anyone else?

7 Okay, Ms. Batties, you have any anything at the end?

8 MS. BATTIES: No. Nothing further, Mr. Chair. We
9 respectfully request the Board's approval of the application with
10 the conditions listed in the PowerPoint, in the Applicant's
11 statement and the conditions in the letter that was filed into
12 the record today.

13 CHAIRPERSON HILL: Okay. Thanks, Ms. Batties.

14 All right, I'm going to close the hearing and the
15 record.

16 Please excuse everyone, Mr. Young.

17 Okay. Well, Commissioner May, since you had a lot of
18 questions on this one, I'll let you start if you're interested
19 in beginning the deliberation.

20 COMMISSIONER MAY: I don't have much new to say, just
21 acknowledge the fact that there was a solution that did not
22 require a variance. And I, you know, it may be unfortunate, or
23 it's unfortunate that the decks on the back of these houses have
24 been lost. But there are other solutions that wouldn't
25 necessarily have done that, but they would have cost public space.

1 So the developer is choosing to create that public space buffer
2 along the one side, rather than having the decks off of the second
3 floor of the units.

4 That's their decision to make, and it's just that the
5 -- I, you know, I could not see getting to the variance in this
6 case. And, you know, the fact that we now have a solution that
7 doesn't require a variance is proof that a variance wasn't
8 justified. So I'm in favor of the overleaf, and I really don't
9 have anything else to add.

10 CHAIRPERSON HILL: Okay. Well, now I remember this one
11 a little bit clearly, because I see Mr. Smith, nodding.

12 Mr. Smith, would you like to add anything?

13 BOARD MEMBER SMITH: Yeah, as you remember, I think me
14 and Mr. May was probably in agreement on this one, regarding the
15 variance, because it seemed like a self-inflicted hardship,
16 because they were -- and, you know, for good reason, they were
17 attempting to address, you know, some of the concerns that was
18 raised by the ANC by putting in the maximum amount of open space.
19 It seems that they have either satisfied the issue of the alley
20 widths by reducing the size of the lots.

21 And to echo Mr. May, it is unfortunate that these
22 properties would not have a by-right ability to do decks off the
23 rear. That is unfortunate, but they did grow the open space,
24 the public open space here, so that is some level of a balance.
25 I do believe that they probably could have, you know, addressed

1 | this in a different way. But that is some level of a balance.
2 | So I am in support of this special exception and the conditions
3 | that are enclosed.

4 | I'm comfortable with the position that not having these
5 | north-south alley streets would impose some form of an adverse
6 | impact on the surrounding neighborhoods, especially given that
7 | there is the potentiality of additional density that may occur
8 | if and when the Providence Hospital property is redeveloped. So
9 | I do believe that this is a preemptive measure to address what
10 | could be an adverse impact that really couldn't be fixed without
11 | some level of this -- these easements across the property. And
12 | I would contend that the Applicant has accepted that burden, and
13 | I will be in support of all the conditions as specified within
14 | the letter that was agreed to by the Applicant and the Office of
15 | Planning.

16 | CHAIRPERSON HILL: All right, Mr. Smith. So I -- just
17 | so I'm clear, because I know we've had some discussion about
18 | this. You're in favor of the condition about the road?

19 | BOARD MEMBER SMITH: Yes.

20 | CHAIRPERSON HILL: Okay. That's number two of DDOT's
21 | condition, or is it number one and number two?

22 | BOARD MEMBER SMITH: I think it's one and two.

23 | CHAIRPERSON HILL: One and two. So you're in favor of
24 | all three of DDOT's conditions, which also then tied to the Office
25 | of Planning had recommended that same condition.

1 BOARD MEMBER SMITH: Yes.

2 CHAIRPERSON HILL: Okay. So we'll go back around with
3 that discussion as well.

4 Mr. Blake?

5 BOARD MEMBER BLAKE: Sure. I would actually be mostly
6 in favor of this application. I think that the balconies afforded
7 by the original design were very attractive amenities. But the
8 individual homeowners will certainly not be prohibited from
9 seeking relief at some point if they wish to build decks. So I
10 don't necessarily think that -- I think for this purpose, I would
11 commend the developer's action to preserve the greenspace that
12 was desired by the community. But it does not preclude future
13 homeowners from having these decks, which would be attractive
14 amenities.

15 Having said that, I believe the Applicant has met --
16 oh, the other thing I would say is I would also, in that context,
17 applaud the Applicant for the community engagement efforts. And
18 I'd also like to thank the ANC and various civic organizations
19 for rolling up their sleeves to get this project over the finish
20 line, because it's a really significant interaction for the --
21 for this project. But all that said, I believe that the Applicant
22 has met the burden of proof for requested special exception
23 relief.

24 The Applicant provided a comprehensive review of how
25 the relevant criteria was met for both special requests, which

1 are supported by the analysis provided by the Office of Planning.
2 We know DDOT and Public Works comments which supported the
3 proposed construction would have no impact -- adverse impact on
4 division of Public Works collection preparations. DDOT was in
5 -- had no objections. Those two -- three conditions that DDOT
6 had put into its discussion, I did have some issues with that,
7 in the sense that I did not -- certainly condition three for the
8 TDM plan I was comfortable with.

9 The first and second conditions I was less comfortable
10 with. But I appreciate the argument and I accept the argument
11 made by the Office of Planning with regard to the impact that
12 will be mitigated by those two, so I too would be in support of
13 that. We can -- and I would be comfortable either referencing
14 it or actually writing it in the order. So I would support that.
15 I'm also -- would give great weight to the Office of Planning's
16 recommendation for approval. And again, would echo the comments,
17 the first -- one and two for the DDOT comments which are the
18 same.

19 I also believe that there were some issues that were
20 brought up about the environment and traffic. I do think that
21 the developers have gone a long way to share its environmental
22 traffic studies and has made several concessions in the agreement
23 for the ANC that I believe address many of these issues. There's
24 also some restrictions such on the residential parking permits,
25 the installation of seismic monitoring equipment on site during

1 construction, things of that sort. And also based on the actions
2 to date and the commitments made by the developer, I'm encouraged
3 that this project will continue to develop or continue to share
4 the information with the community with regard to their plans,
5 including the traffic impacts and construction schedules and
6 things of that sort.

7 So I think the issues and concerns that were raised
8 were -- have been addressed. And I don't think -- there was some
9 specific in the terms and conditions of the ANC agreement. Those
10 obviously, I do not think need to be incorporated in the order,
11 as those are the financial terms and things like that, which
12 obviously, don't necessarily fall within the purview of the
13 Board. So I would reference that agreement, but not incorporate
14 those conditions, which are in Exhibit 40, page 2. I'll be voting
15 in favor of the application.

16 CHAIRPERSON HILL: Thank you.

17 Vice Chair John?

18 VICE CHAIR JOHN: So I'm also in favor of the
19 application. I believe that with the removal of the request for
20 variance, then it became much more straightforward. And I agree
21 with the Office of Planning's analysis and will give great weight
22 to the -- OP's report and recommendations.

23 I take a different approach to the conditions with
24 respect to the easement, because the Board really does not have
25 the authority to require a private party to provide a public

1 | easement. The applicant may agree to it, but it's not something
2 | that I think we can require in the order. And I appreciate OP's
3 | comments, but those traffic conditions do not exist today, and
4 | the Board looks at applications based on what is -- what the
5 | conditions are today. So for that reason, when we get to
6 | discussion of the conditions, I would take that approach.

7 | With respect to the financial conditions, I agree with
8 | Board Member Blake that those should not be included. And I
9 | think the construction agreements should also be referenced but
10 | not included in the order. That's it, Mr. Chairman.

11 | CHAIRPERSON HILL: Okay. I saw Mr. Blake nod his head.
12 | And Mr. Smith, you seem to nod your head about the conditions.

13 | BOARD MEMBER SMITH: The financials.

14 | CHAIRPERSON HILL: No, I thought -- okay, sorry. So
15 | I'm back on the table here about Ms. John is -- does not think
16 | that the road in the -- number one and number two at DDOT should
17 | necessarily be put forward in conditions. However, I guess they
18 | can be referenced and also, they have already been agreed to by
19 | the Applicant. So I'm trying to get a sense of the conditions
20 | and whether or not -- Mr. Blake seemed to be kind of on the table
21 | about it, and or -- I'm sorry. He could go either way, in terms
22 | of using it as a -- as terms of putting it in as a condition or
23 | not. Is that correct, Mr. Blake?

24 | BOARD MEMBER BLAKE: Based on the Office of Planning's
25 | comments as to why we'd mitigate the efforts, Ms. John's point

1 that it's a non-existing situation is relevant and should be
2 considered. However, I would, as I said, be comfortable
3 supporting it if it were the Board's -- the majority wanted to
4 it have included in the provisions. I do agree with the issue
5 of legal authority to require public access over a private road
6 is a potential issue.

7 CHAIRPERSON HILL: All right.

8 Commissioner May, where are you, please?

9 COMMISSIONER MAY: Yeah, I have some mixed feelings
10 about it. Sorry. The two conditions, in my view, could be
11 appropriate to mitigate the impact of approving this particular
12 development -- this density of development. However, I think
13 Vice Chair John is correct in pointing out that those conditions
14 don't really exist at this moment, because there isn't really
15 anything to connect to. So the, you know, the -- I think it's
16 sufficient. And there's also the fact that the way the conditions
17 are written, they require DDOT approval, which is, in essence,
18 delegating some of the Board's authority to DDOT, which we can't
19 really do. So there are legal problems with conditions one and
20 two. I'm perfectly happy just referencing that the Applicant has
21 agreed to provide these to meet the DDOT conditions, and not
22 actually require it as part of the order and leave it at that.

23 CHAIRPERSON HILL: Mr. Smith, are you convinced or are
24 you still where you are?

25 BOARD MEMBER SMITH: With the position that the

1 Applicant is, you know, memorializing the order, and the
2 Applicant seems to be willing to essentially do it on their own,
3 I'm comfortable with just memorializing in the order and not, you
4 know, us putting it in as a condition, so we can take that
5 approach.

6 CHAIRPERSON HILL: Okay. Thank you.

7 All right. I'm back now to a different question with
8 Commissioner May and Mr. Smith. How is it they could have kept
9 the decks do you think?

10 COMMISSIONER MAY: Oh, well, I mean, the easiest thing
11 would be to reduce the size of that public space on the one side.

12 BOARD MEMBER SMITH: Right.

13 COMMISSIONER MAY: That would be the simplest solution.
14 But there may have been other solutions, some of which we talked
15 about at the last hearing, that the -- obviously, the Applicant
16 decided not to bother them. And it really is -- bear in mind,
17 they still do have some private outdoor space with each unit
18 because they have roof decks.

19 BOARD MEMBER SMITH: Yeah.

20 COMMISSIONER MAY: So it's, you know, it's a loss, but
21 not a huge loss.

22 CHAIRPERSON HILL: And then you think or the Board --
23 there's special exception that they could go for that deck, I
24 guess. You don't know.

25 COMMISSIONER MAY: I didn't consider that question.

1 CHAIRPERSON HILL: Mr. Blake's nodding his head.

2 COMMISSIONER MAY: Board Member Blake mentioned it, so
3 I --

4 BOARD MEMBER BLAKE: In fact, when the building is fully
5 constructed, I mean, they can -- individual homeowners can come
6 back and ask for relief on rear yards so they can build their
7 decks, if they'd like to.

8 CHAIRPERSON HILL: Yeah.

9 BOARD MEMBER BLAKE: So that's not an issue.

10 CHAIRPERSON HILL: Okay. Yeah, and the cost then would
11 come through here and then all the different decks now that some
12 other Board might have to deal with.

13 Okay. All right. Because it ain't going to be me.
14 Let's see. Okay. All right, I don't have anything to add. I'll
15 agree with everything that my fellow colleagues have said.

16 And I'm going to go ahead and make a motion to approve
17 Application No. 20751 as captioned and by the secretary including
18 the condition from DDOT, number three, which the Applicant shall
19 admit the TDM plan proposed in its CTR in Exhibit 30A and
20 referencing all of the issues -- all of the conditions with DDOT
21 as well as the construction management agreement as well as what
22 the Applicant has agreed to with their conditions that the ANC
23 has put forth and ask for a second. Ms. John?

24 VICE CHAIR JOHN: Second.

25 CHAIRPERSON HILL: The motion has been made and second.

1 Mr. Moy, can you take a roll call?

2 MR. MOY: Thank you, Mr. Chairman. When I call your
3 name, if you'll please respond with your answer -- with your vote
4 on the motion made by Chairman Hill to approve the application
5 for the amended relief requested, including -- and correct me if
6 I misstate, Mr. Chairman, including condition number three of
7 DDOT's condition and only referencing the other DDOT conditions
8 that's also including the ANC's condition. Did you also include
9 Office of Planning's condition or not?

10 CHAIRPERSON HILL: No.

11 MR. MOY: Okay. All right. Double-check.

12 CHAIRPERSON HIL: But it's being referenced. You're
13 on mute, Mr. Moy.

14 MR. MOY: Oh, I'm sorry. All right.

15 Zoning Commissioner Peter May?

16 COMMISSIONER MAY: Yes.

17 MR. MOY: Mr. Smith?

18 BOARD MEMBER SMITH: (No audible response.)

19 MR. MOY: Mr. Blake?

20 BOARD MEMBER BLAKE: Yes.

21 MR. MOY: Vice Chair John?

22 VICE CHAIR JOHN: Yes.

23 MR. MOY: Chairman Hill?

24 CHAIRPERSON HILL: (No audible response.)

25 MR. MOY: All right. Staff would record vote as five

1 to zero to zero, and this is on your motion -- or the Chairman's
2 motion to approve and with the conditions as cited in your motion.
3 The motion to approve was second by Vice Chair John in support.
4 Also in support Zoning Commissioner Peter May, Mr. Smith, Mr.
5 Blake, of course Vice Chair John and Chairman Hill. Motion
6 carries on a vote of five to zero to zero. Okay.

7 CHAIRPERSON HILL: Great. Thank you, Mr. Moy.

8 All right, Commissioner May. Thank you.

9 COMMISSIONER MAY: Thank you. Bye-bye.

10 CHAIRPERSON HILL: Have a good day.

11 Oh, great. Welcome Commissioner Imamura.

12 Okay, you can call our next case, Mr. Moy.

13 MR. MOY: All right. Thank you, sir.

14 The next case is application number 20794 (sic) of Alan
15 Korn, that's K-O-R-N, and Claudia -- I'm going to say Simons or
16 it could be Simons, S-I-M-O-N-S. This is an amended
17 self-certified application pursuant to Subtitle F, Section 901.2
18 for special exceptions under Subtitle D, Section 5201 from lot
19 occupancy requirements, Subtitle D, Section 304.1 and the rear
20 yard requirement, Subtitle D, Section 306.1. The property
21 located in the R-1-A zone at 6801 32nd Street Northwest, Square
22 2366, Lot 23. And this time, this is all I have on this case,
23 sir.

24 CHAIRPERSON HILL: Okay, thank you.

25 Mr. Hains, can you hear me?

1 MR. HAINS: I'm sorry. I can hear you.

2 CHAIRPERSON HILL: Can you hear me? Can you turn on
3 your camera, or does it work?

4 MR. HAINS: Let's --

5 CHAIRPERSON HILL: There you go.

6 MR. HAINS: All right. I got that.

7 CHAIRPERSON HILL: Oh, no. There you go. Okay. Great.
8 All right.

9 Mr. Hains, if you could introduce yourself for the
10 record, please.

11 MR. HAINS: Sure. My name is Jeffrey Hains. I'm with
12 Hains Architects. I am the architect for the Applicant.

13 CHAIRPERSON HILL: Great. Thank you. Mr. Hains, you
14 can go ahead and walk us through your client's application and
15 why you believe they're meeting the criteria for us to grant the
16 relief requested. I'm going to put 15 minutes on the clock so I
17 know where we are. And you can begin whenever you like.

18 MR. HAINS: Sure.

19 Do we have the presentation slides available?

20 CHAIRPERSON HILL: I believe Mr. Young has it.

21 MR. HAINS: Very good. Thank you.

22 This slide, Exhibit 2, here is a property area and
23 configuration analysis. As you can see, down here at the corner
24 of 32nd and Beech Street, is the Applicant's property. It's a
25 corner lot, and it is one of -- if not the smallest lot in the

1 neighborhood, certainly one of them. You can see all the adjacent
2 lots are significantly larger. The minimum lot size for this
3 zone is 7,500 square feet. The Applicant's lot is 6,562 square
4 feet, so it's both smaller than the regulations, and the shape
5 of a lot is such that it's a trapezoidal shape where the interior
6 lot lines begin to converge. And so that makes it difficult to
7 take advantage of the full site buildable area.

8 So if we go to the next slide.

9 Here, we have a slide of the property showing the
10 footprint of the original house, which is in the striped shaded
11 area. You can see it's kind of a reversed C-shaped footprint.
12 You also see the setback lines are indicated here and its
13 relationship to the original building, which is this striped
14 shaded area. The existing sunroom that is being proposed and
15 bedroom that's being proposed to be removed is in this area of
16 the house. It was probably originally an open porch that was
17 filled in at some point. We're now proposing to remove it and
18 we're proposing to expand the footprint of it, as you can see
19 from the solid shaded area that represents the proposed addition
20 footprint.

21 You'll also see that the addition still is set back
22 from the original wings, if you will, of the house. So it's
23 coming out about, I think, about four and a half, five feet from
24 the original house, but still back from the wings. So we're
25 asking that the regulation allows -- it's 40 percent lot coverage

1 by special exception. We can go up to 50 percent. We're asking
2 for 42 percent additional lot coverage, or a 2.7 percent
3 increase, which we feel is a reasonable amount. The rear setback
4 by regulation is 25 feet. The original sunroom was set back 24
5 and change. I apologize, 24.3, I believe. And so the new setback
6 of our addition is 17.3 feet, roughly a -- requiring relief of
7 about seven feet rear yard setback.

8 Okay. Next street. Next slide.

9 Here is the existing condition floor plan. This dark
10 shaded area is the original sunroom and bedroom that's going to
11 be removed. Here in the elevation, we're seeing the back of the
12 house. Again, this portion that's in the heavy-shaded area will
13 be removed.

14 Next slide, please.

15 Here we're seeing the proposed floor plan. The area
16 shaded, these dark walls, represents the addition. You can see
17 that -- the original sunroom was about here. So we're, as we
18 said, going out about four to five feet beyond the original
19 sunroom, but again, still behind the original footprint of the
20 house, particularly the wings here. There is -- these circles
21 here represent evergreen trees that are -- exist, will remain
22 there. The addition cannot be seen from 32nd Street and
23 marginally seen from Beech Street.

24 Next slide, please.

25 Here represents drawings of the house and proposed

1 addition. This drawing in the middle is the front elevation or
2 the 32nd Street elevation. Our addition will not be seen from
3 32nd. Our addition is essentially behind this portion of the
4 house. The proposed roofline is going to be lower than the
5 existing ridge line of the house. This bottom drawing is showing
6 the rear elevation, the interior lot elevation. Again, our
7 addition is here in the middle that it takes roof forms of
8 the house that's there, a gabled roof. And so our new addition
9 in our study will have a gabled roof form with windows. This is
10 the bedroom portion with a window.

11 But beyond that -- and here's the top of our addition
12 ridge, which is lower than the existing roofline. So from that
13 perspective, we feel this addition has low impact from the
14 neighborhood streets and the public right of ways.

15 Moving to the next slide, please.

16 Here's a photograph from 32nd Street. It's the
17 northern end of the lot. There's really -- we can't even see
18 our addition from this vantage point.

19 Next slide.

20 Again, a shot standing on the northern interior lot
21 line looking south along the property line, you see these
22 evergreens. Our neighbors right here to the left of these tall
23 evergreens, which will remain. We see the wings of the house;
24 here is the gabled face. We see the south end gable wing. Our
25 addition will be set back from this view. You will not even have

1 a view from the neighbor to the north.

2 Next slide.

3 This is a view from the Beech Street. Again, we're
4 seeing the large -- we're seeing the relationship of the adjacent
5 neighbor's house to the Applicants. We see the large evergreen
6 trees to remain. They provide a very nice screening of the
7 neighbor's side yard and the side of the house. Our Applicant,
8 we see the one wing of the house. This happens to be the kitchen
9 wing. You see just beyond the roof of the bedroom wing, and
10 barely in between here is where our addition's going to be. Our
11 roof is going to be in here.

12 The proposed roofline gable will be in there and so
13 will be marginally visible. This shot actually taken in the
14 fall, so the leaves are down, but will be marginally visible from
15 Beech Street. And so we feel that this addition is in keeping
16 with the intent of the special exception goals and intentions.
17 We feel the addition is not seen or has any impact on the public
18 right of way or streetscape of both 32nd and Beech Street.

19 The massing and design of the house is very much in
20 keeping with the character of the house and of the neighborhood,
21 which I feel is an important factor in maintaining the quality
22 of the architectural characteristics of the neighborhood. And
23 we believe that the addition will not affect the privacy, use or
24 enjoyment of the adjacent neighbor as we see here in this
25 photograph. So with that, I'm happy to answer any questions. We

1 would respectfully request the Board to approve this project.

2 CHAIRPERSON HILL: All right, Mr. Hains. Thank you.

3 Mr. Young, if can you drop the PowerPoint.

4 While Mr. Young drops the PowerPoint, does the Board
5 have any questions of the Applicant?

6 Mr. Korn, do you have your hand up? You're on mute,
7 Mr. Korn, and you have to introduce yourself for the record.
8 There you go.

9 MR. KORN: Yeah. Thank you, Mr. Chairman. Just very
10 briefly. I don't want to take up any more time, just one minute.
11 We would note that all of our contiguous neighbors have seen what
12 we're doing and have approved and also all the cross -- neighbors
13 from across the street in several concentric circles outside,
14 even the -- those neighbors, have all approved the concept and
15 the plan. They are okay with it.

16 Second our ANC, we did the exact same presentation with
17 them, a full presentation to them, and it was a unanimous vote
18 approval there also, if that is relevant to the Board's decision
19 making. Thank you.

20 CHAIRPERSON HILL: Thanks, Mr. Korn. I'm glad you had
21 such nice community outreach. Congratulations.

22 MR. KORN: Thank you.

23 CHAIRPERSON HILL: Could you introduce yourself for the
24 record though, sir?

25 MR. KORN: Yes, Alan Korn, K-O-R-N, the owner with my

1 wife, Claudia Simons at 6801 32nd Street. We've lived in this
2 home for just over 25 years.

3 CHAIRPERSON HILL: Okay. Great, Mr. Korn. You might
4 want to mute yourself now, Mr. Korn, unless anybody has a question
5 for you.

6 MR. KORN: Thank you.

7 CHAIRPERSON HILL: I'm going to turn to the Office of
8 Planning.

9 MS. BROWN-ROBERTS: Good morning, Mr. Chairman and
10 members of the Commission. Maxine Brown-Roberts from the Office
11 of Planning on this BZA case. I will stand on the record, because
12 I think the Applicant sort of did a good job at explaining the
13 standards. But I will say that the relief for the rear yard and
14 the lot occupancy meets the requirement of Subtitle 5201,
15 Subtitle D, 5201(b) and also for Subtitle X, 901.2, in that the
16 proposal would not affect the privacy of the adjacent properties,
17 and also the -- should not cast any shadows on the neighboring
18 properties to unduly affect their light and air.

19 In addition to that, it will be the -- will be in
20 character with the neighborhood. Regarding -- again, regarding
21 the special exception for Subtitle X, 902.01, they are meeting
22 those standards, and therefore, we recommend approval. Thank
23 you, Mr. Chairman. And I'm available for questions.

24 CHAIRPERSON HILL: Thank you, Ms. Brown-Roberts.

25 Does anybody have any questions for the Office of

1 Planning?

2 Mr. Young, is there anyone here wishing to speak?

3 Mr. Hains, do you want to say anything at the end?

4 MR. HAINS: No, I have nothing further to add.

5 CHAIRPERSON HILL: Thank you.

6 All right, I'm going to go ahead and close the hearing
7 and the record. Thank you all very much for your time and your
8 presentation.

9 Goodbye, Mr. Korn.

10 All right. I didn't really have any issues with the
11 application. I thought it was pretty straightforward. In
12 particular, since, you know, the addition's not really doing
13 anything in terms of the view. And it's not -- you can't really
14 see it or it's going past the existing part of the home. I am
15 also -- would agree with the analysis that the Office of Planning
16 has provided, as well as that of DDOT and the ANC record. And
17 to Mr. Korn's point, they did a wonderful job of community
18 outreach, speaking to their neighbors, and since there doesn't
19 seem to be a lot of issues with the project -- can't even see
20 it. I'm glad that neighbors didn't really have any problems with
21 it. So I'm going to be voting to approve.

22 I'm going to turn to you Mr. Smith.

23 BOARD MEMBER SMITH: I don't think I have anything
24 addition -- in addition to add. I do believe that this -- to
25 the testament of the Applicant and Office of Planning in working

1 together, that this is a fairly straightforward application. And
2 they have sufficiently demonstrated to me that they have met the
3 conditions for us to grant the special exception. As presented,
4 it seems to meet all the criteria under Subtitle D-5201.4 for us
5 to grant the special exceptions, as well as Subtitle X, 901, the
6 general special exception standards. This is an addition to the
7 rear of the existing building, which it shouldn't have any major
8 impact on the property to the north and would seem to have more
9 impact to the property to the east.

10 But again, this is a one story addition. The Applicant
11 has stated why it would not have an adverse impact. And to that
12 measure, we have letters in the record from the two property
13 owners to the north and to the east of the Applicant that state
14 that they are in support of what their neighbor is proposing to
15 construct here. So I will support OP's position, giving them
16 great weight, as well as, you know, we really don't have anything
17 from the ANC. But giving them great weight, I will support the
18 application.

19 CHAIRPERSON HILL: Thank you.

20 Mr. Blake?

21 BOARD MEMBER BLAKE: Yes. I'll agree with the comments
22 made by you and Board Member Smith. I give great weight to the
23 Office to Planning's report and the ANC's report, which stated
24 no substantive concerns. I'll be voting in favor of the
25 application.

1 CHAIRPERSON HILL: Thank you.

2 Dr. Imamura?

3 DR. IMAMURA: Mr. Chairman, I have nothing further to
4 add. I think between Board Members Blake, Smith, and yourself
5 as well as the Office of Planning and their report, I think
6 they've summarized it quite well. It's pretty straightforward.
7 It will be a nice addition. The design is vanilla, and I mean
8 that in the most complimentary way, so I'm prepared to vote in
9 favor.

10 CHAIRPERSON HILL: Thank you, Dr. Imamura.

11 Vice Chair, John?

12 VICE CHAIR JOHN: Thank you, Mr. Chairman. I am also
13 in support of the application. And I agree with all of the
14 comments so far. I'll also add that I give great weight to the
15 Office of Planning's report and the ANC had no concerns.

16 CHAIRPERSON HILL: All right. Thank you.

17 All right, I'm going to go ahead and make a motion to
18 approve Application No. 20796 as captioned and read by the
19 secretary and ask for a second. Ms. John?

20 VICE CHAIR JOHN: Second.

21 CHAIRPERSON HILL: The motion has been made and
22 seconded.

23 Mr. Moy, if you could take a roll call.

24 MR. MOY: When I call your name, if you'll please
25 respond.

1 Zoning Commissioner Dr. Imamura?

2 DR. IMAMURA: Yes.

3 MR. MOY: Mr. Smith?

4 BOARD MEMBER SMITH: Yes.

5 MR. MOY: Mr. Blake?

6 BOARD MEMBER BLAKE: (No audible response.)

7 MR. MOY: Vice Chair John?

8 VICE CHAIR JOHN: Yes.

9 MR. MOY: Chairman Hill.

10 CHAIRPERSON HILL: Yes.

11 MR. MOY: Staff would record the vote as five to zero
12 to zero. And this is on the motion made by the Chairman to
13 approve the application for the relief that's being requested.
14 The motion to approve was also second by Vice Chair John in
15 support. Others in support of the motion, Zoning Commissioner
16 Dr. Imamura, Mr. Smith, Mr. Blake and, of course, Vice Chair John
17 and Chairman Hill. Motion carries, sir.

18 CHAIRPERSON HILL: Thank you, Mr. Moy.

19 Do you guys want to try one more, and then we'll take
20 a break or?

21 (No audible response.)

22 CHAIRPERSON HILL: Okay. All right, Mr. Moy, let's go
23 ahead and do our next case.

24 MR. MOY: This case would be Application No. 20797 of
25 Christopher Mancini. This is a self-certified application

1 pursuant to Subtitle X, Section 901.2 for special exceptions
2 under Subtitle C, Section 1506 from the following: the penthouse
3 roof rear setback requirement of Subtitle C, Section 1504.1(b);
4 penthouse roof side setback requirement of Subtitle C, Section
5 1504.1(c); special exceptions from Subtitle D, Section 5201 from
6 a side yard requirement of Subtitle D, Section 206.7; lot
7 occupancy requirement of Subtitle D, Section 304; and the rear
8 yard requirement of Subtitle D, Section 306.2. The property is
9 located in the R-2 zone at 1343 Webster Street, Northeast, Square
10 3975, Lot 8220.

11 CHAIRPERSON HILL: Thank you.

12 Whoever is going to be speaking for the Applicant, can
13 you please introduce yourself?

14 MS. ROGERS: Yes. Good morning, Chairman Hill and
15 members of the Board. For the record, my name is Elizabeth Rogers
16 with Lerch, Early and Brewer. It's a pleasure to be here today
17 representing the owner of the property located at 1343 Webster
18 Street, Northeast.

19 CHAIRPERSON HILL: Okay. Great. Thanks, Ms. Rogers.
20 All right, Ms. Rogers, if you can go ahead and walk us through
21 your client's application and why you believe they're meeting the
22 criteria for us to grant the relief requested. I'm going to put
23 15 minutes on the clock there, so I know where we are. And you
24 can begin whenever you like.

25 MS. ROGERS: Great. Thank you. We put together a

1 PowerPoint presentation just to make today's hearing efficient.

2 If Mr. Young, if you could pull a copy of that up,
3 that'd be great. Thank you. If you can go to the next slide.

4 There's just an arrow of the property. We are here
5 today to request special exception relief to allow for the
6 construction of a two-story addition above an existing attached
7 garage and rooftop patio. As you can see here, the property is
8 located along Webster Street, Northeast just west of its
9 intersection with 14th Street in the R-2 zoning district. The
10 lot that the property is exceptionally small and narrow, has only
11 approximately 2,100 square feet of net lot area. As you can see
12 from this aerial and the next image -- if you'll click on more
13 -- the property is the smallest and shallowest lot, or one of
14 the smallest and shallowest lots on the block. The majority of
15 the lots within the block are about 3,300, 5,300 with the largest
16 being just under 7,200 square feet. So this one is significantly
17 smaller. As a result of these existing conditions, the existing
18 building and property are both non-conforming. As such, any
19 addition would require a special exception relief. However, as
20 we will describe in a moment in our application, we have designed
21 this application to minimize impacts to the surrounding
22 neighborhood by maintaining and retaining the existing footprint.

23 Next slide, please.

24 There is just a zoning map which kind of more clearly
25 shows the surrounding lot configurations.

1 Next slide. Thank you.

2 The property is currently improved with a two-story,
3 three bedroom, semi-detached residential home built circa 1939.
4 Although the home technically has three bedrooms, the bedrooms
5 are exceptionally small. In fact, that third bedroom is just
6 barely large enough to be classified from a code perspective as
7 a bedroom, and certainly not large enough to accommodate
8 traditional bedroom furniture. There's also no dining room or
9 bathroom on the main level. And given the narrowness of the lot,
10 the property only has a very small backyard.

11 Next slide, please.

12 This just shows the existing conditions with the floor
13 plans.

14 Next slide.

15 To accommodate the demands of a growing family, to
16 allow the Applicant to remain and grow his family in this
17 residence and also to respond to the unique challenges presented
18 by COVID, which are ongoing in terms of additional demands placed
19 on one's residence, the Applicant is proposing to construct a
20 two-story addition above the existing attached garage. As I
21 mentioned earlier, there will be no changes to the existing
22 footprint. We're merely seeking that side, rear yard and lot
23 occupancy relief for the vertical additions. The existing
24 conditions on the ground plane will remain unchanged.

25 Next slide.

1 The Applicant is also seeking to construct a rooftop
2 patio to provide needed outdoor living space. As I mentioned,
3 the existing rear yard is exceptionally small. This is especially
4 important in order to provide a space where the Applicant can
5 safely spend time outdoors with friends and family. To provide
6 access to this rooftop patio, there needs to be a stair tower
7 leading to the roof. That's what's driving the need for the
8 penthouse setback requirement relief to accommodate that stair
9 tower.

10 As the Office of Planning described in their report and
11 in our materials, we believe any other location of the stair
12 tower would be unduly burdensome, as it would impact and
13 compromise the functionality of really the only two bedrooms on
14 the upper level that are usable as bedrooms, which would be
15 antithetical to the main relief that we're seeking with this
16 application. Additionally, we believe that the proposed location
17 of the stair tower is actually better and better promotes the
18 intent of the penthouse setback requirements. Where we're
19 proposing it to be located, we believe it complements both the
20 roofline, and it also kind of visually reads as a chimney or just
21 in keeping with the character of the surrounding neighborhood.

22 The special exception is in harmony with the general
23 purpose and intent of the zoning regulations, and including the
24 specific provisions of the R-2 zone, the single-family use of the
25 property will remain unchanged by this application. Consistent

1 with the purpose of the R-2 zone, this application will merely
2 allow the Applicant space in which he can remain and grow his
3 family in this neighborhood.

4 Additionally, the addition will not adversely affect
5 the use of neighboring properties. The proposed addition will
6 maintain the existing footprint, as I've mentioned. So the
7 structure will be no closer to the surrounding homes. The
8 proposed addition has also been designed to preserve the privacy
9 of the adjacent neighbors. As such, no additional windows are
10 proposed on the eastern facade.

11 And next slide.

12 This is just some shadow studies which illustrate that
13 light and air will be continued to -- continue to be available
14 to the adjacent properties and won't be unduly affected. Given
15 the helpful orientation of the property, the shadows cast by the
16 proposed addition are really comparable with the shadows cast by
17 the existing structure today.

18 We would just note, for the record, that the ANC, both
19 the single member district and the full ANC, voted to support the
20 proposed application. Their support is documented in the record.
21 In addition, the Applicant reached out to their immediately
22 adjacent neighbors who have also written letters of support for
23 the proposed application.

24 So for all these reasons, we believe the Board can make
25 the necessary findings to approve a special exception to allow

1 for the continuance of basically the existing side, rear yard for
2 lot occupancy as they remain today, just at the upper levels and
3 the requested penthouse setback relief. We support and agree
4 with the reports and conclusions of the Office of Planning and
5 DDOT and are here to answer any questions that the Board may
6 have.

7 CHAIRPERSON HILL: Thank you, Ms. Rogers. Thank you
8 for that presentation. That was actually very concise.

9 Let's see, before I turn to questions from the Board,
10 let me just go ahead and turn to the Office of Planning.

11 MS. THOMAS: Members of the Board, Karen Thomas with
12 the Office of Planning for application number 20797 for -- on
13 Webster Street. The Applicant gave a thorough explanation this
14 morning. I would just point out that with respect to the
15 penthouse and roof structure setback, that the existing structure
16 is constrained by its size, and compromising the living space
17 would be unduly burdensome, so that a strict application of the
18 penthouse roof structure setback requirement would be unduly
19 restrictive, since providing another location for the stairway
20 would compromise the usable space of the upper floor bedrooms.

21 The two-story addition would not, in fact, exacerbate
22 the existing conditions of lot occupancy of the side and rear
23 yard, and with that, we did not see -- foresee any adverse impact
24 to the neighbors with respect to light and air.

25 We do believe that the proposal would be in harmony

1 with the intent of the regulations, which would be to ensure
2 minimum adverse impact on neighboring property.

3 And overall, the addition has satisfied the criteria
4 under Section D-5201. And the intensity of use would not increase
5 beyond permitted for the residential development in the R-2 zone.
6 And with that, I'd be happy to take any questions. Thank you.

7 CHAIRPERSON HILL: Thanks, Ms. Thomas. Does anybody
8 have any questions of the Office of Planning or the Applicant?

9 Mr. Young, I'm --

10 Oh, sorry, go ahead, Mr. Smith.

11 BOARD MEMBER SMITH: I just have one quick question of
12 the Applicant, being that this would construct a roof deck. And
13 I see that you have letters in support from the adjacent property
14 owners along the street that this building fronts, what's
15 Webster. But was there any conversations had with the property
16 owner at 4432 14th Street Northeast, whose rear would face or
17 -- whose rear yard would be facing their roof deck?

18 CHAIRPERSON HILL: Yes, could you introduce yourself
19 for the record, please?

20 MR. MANCINI: Yes, this is Christopher Manzini. I'm
21 the homeowner for this application.

22 The residents that you mentioned to the rear of the
23 property, I was unable to get in touch with her. And I found
24 out recently that it's because she -- the house is currently in
25 the process of being sold, and she'd moved out, so I don't really

1 have a way to contact her. But I guess with her moving out, she
2 probably wouldn't have an opinion on it. And I don't think the
3 house is under contract yet, so there aren't -- isn't a new
4 resident to reach out to either.

5 BOARD MEMBER SMITH: Okay. All right. Thank you.
6 That was the only question that I had.

7 MR. MANCINI: Sure.

8 CHAIRPERSON HILL: Thank you, Mr. Smith.

9 Mr. Young, is there anyone here wishing to speak?

10 MR. YOUNG: We do not.

11 CHAIRPERSON HILL: Okay.

12 Ms. Rogers, do you have anything to add at the end?

13 MS. ROGERS: No comments. Thank you.

14 CHAIRPERSON HILL: Okay. I'm going to go ahead and
15 close the hearing and the record.

16 Would anyone else care to begin the deliberation?

17 VICE CHAIR JOHN: So I will just start. I thought the
18 application was really fairly straightforward. And I do
19 appreciate the Applicant's explanation of how the application
20 meets the criteria for relief. And the fact that they're not
21 increasing the footprint but just adding -- putting the addition
22 on top of the existing garage is -- so they would need relief
23 for that, because the footprint is already non-conforming.

24 I thought that the explanation of why the penthouse
25 needed the relief for the rear setback met the criteria in that

1 | because of the size of the second bedroom, it would be difficult
2 | to find an appropriate location -- another appropriate location
3 | for access to the roof. So on balance, I believe the application
4 | meets the criteria for relief, and I'm going to give great weight
5 | to the Office of Planning's report. It's unfortunate that we did
6 | not hear from that other neighbor, but the explanation also is
7 | reasonable. And so I will go ahead and support the -- all of
8 | the relief requested in the application.

9 | CHAIRPERSON HILL: Thank you. Thank you, Vice Chair John
10 | for going first.

11 | Mr. Smith?

12 | BOARD MEMBER SMITH: I don't have anything to add. I
13 | agree with Vice Chair John's comments on this particular case.
14 | And you know, note that the Applicant does have those letters in
15 | support from the property owners to the -- to their -- to his
16 | east and west for the -- what would be, you know, the two most
17 | impacted, especially the property owner that's attached by the
18 | Applicant's request. So I give great weight to OP's staff report
19 | and would support the application.

20 | CHAIRPERSON HILL: Thank you.

21 | Doctor Imamura?

22 | DR. IMAMURA: Thank you, Mr. Chairman. I align myself
23 | with Vice Chair John and the comments made by Board Member Smith.
24 | I appreciate Board Member Smith raising the issue, just the
25 | question about the neighbor in the rear. This is pretty

1 straightforward. I do appreciate their design and the way they
2 concealed the stairwell and (audio interference) discussion. I
3 can take a look at that (audio interference). So I'm prepared
4 to vote in favor and think they've met the requirements.

5 CHAIRPERSON HILL: Thank you.

6 Mr. Blake?

7 BOARD MEMBER BLAKE: I agree with the comments that
8 have been made so far. I'll be voting in favor of the
9 application.

10 CHAIRPERSON HILL: Thank you.

11 I have nothing really additional to add.

12 I would also thank the Applicant for the shadow study.
13 I thought that was helpful. And then also I'd agree with all
14 the comments that my colleagues have just said. And I will make
15 a motion to approve Application No. 20797 as captioned and read
16 by the secretary and ask for a second.

17 Ms. John?

18 VICE CHAIR JOHN: Second.

19 CHAIRPERSON HILL: Motion has been made and seconded.

20 Mr. Moy, can you take a roll call, please?

21 MR. MOY: Yes, thank you, sir.

22 When I call your name, if you'll please respond to the
23 motion made by Chairman Hill to approve the application for the
24 relief.

25 Zone Commissioner Dr. Imamura?

1 DR. IMAMURA: (No audible response.)

2 Mr. Smith?

3 BOARD MEMBER SMITH: Yes.

4 MR. MOY: Mr. Blake?

5 BOARD MEMBER BLAKE: (No audible response.)

6 MR. MOY: Vice Chair John?

7 VICE CHAIR JOHNNO: Yes.

8 MR. MOY: Chairman Hill?

9 CHAIRPERSON HILL: Yes, please.

10 MR. MOY: Please. Yes. That's very kind.

11 Staff would record the vote as five to zero to zero,
12 and this is on the motion made by Chairman Hill to approve the
13 relief that's being requested by the Applicant. The motion to
14 approve was second by Vice Chair John also in approval. Others
15 in approval, Zoning Commissioner Dr. Imamura, Mr. Smith,
16 Mr. Blake, Vice Chair John, Chairman Hill. Motion carries, sir.

17 CHAIRPERSON HILL: Thank you.

18 Okay guys. Let's go and take a 15-minute break. We'll
19 come back at 11 and do our last case. Thank you.

20 (Recess.)

21 MR. MOY: Yes, sir. The Board has returned to its
22 public hearing session after a quick break, and the time is at
23 or about 11:03 in the morning.

24 The next case application before the board is
25 Application No. 20798 of Eric and Elizabeth Paisner, P-A-I-S-N-

1 E-R. This is an amended self-certified application for special
2 exception pursuant to Subtitle X, Section 901.2 under Subtitle
3 C, Section 306.4 from the new alley record lot requirements;
4 Subtitle C, Section 306.3; under Subtitle E, Section 5201 from
5 the rear yard requirements of Subtitle E, Section 5100.1(c); side
6 yard requirements of Subtitle E, Section 5100.1(d); and the alley
7 centerline setback requirements of Subtitle E, Section 5100.1(e);
8 property located in the RF-1 zone at 117 12th Street, Southeast,
9 Square 989, Lot 807. And that's all I have for you, sir. Thank
10 you.

11 CHAIRPERSON HILL: Great. Thank you.

12 Mr. Sullivan, if you can hear me, could you introduce
13 yourself for the record, please?

14 MR. SULLIVAN: Yes. Thank you, Mr. Chairman.
15 Marty Sullivan with Sullivan and Barros on behalf of the
16 applicant.

17 CHAIRPERSON HILL: Okay, great.

18 Mr. Sullivan, if you want to walk us through your
19 client's application and why you believe they're meeting the
20 criteria for us to grant the relief requested. I'm going to pick
21 15 minutes on the clock just so I knew where we are, and you can
22 begin whenever you like.

23 MR. SULLIVAN: Okay. Thank you. Mr. Chairman and
24 members of the Board. Also with us here today is Eric Teran,
25 the project architect, as well as the property owners,

1 Liz Paisner and Eric Paisner.

2 So, next slide, please.

3 So the requested relief -- first of all, this is an
4 alley lot development. It's -- the Applicant's proposing to
5 demolish an existing shed on the property and construct a new
6 two-story, single-family dwelling on an alley lot. And the
7 Applicant intends to use the first floor as a two-car garage and
8 the second floor as the dwelling unit.

9 So to do this project, we need four areas of relief.
10 The first is the new alley record lot requirement. So we have a
11 tax lot. But because the tax lot was established in 1959, it is
12 subject to special exception. By special exception, we can
13 convert this tax lot into a record lot. If it had been
14 established prior to 1958, it would have been a matter of right,
15 but because it's between '58 and 2016, it's a special exception.

16 The other three areas of relief relate to the rear yard
17 requirement. There's a five-foot setback required when an alley
18 lot is touching a non-alley lot, and the side yard requirement
19 under the same premises, five feet. Zero feet proposed for both
20 of those. And we're asking for alley centerline setback relief.
21 There is a seven-and-a-half-foot setback requirement. Because
22 the alley is officially 10 feet wide, we need two and a half feet
23 of relief. Even though the alley is effectively 15 feet wide
24 and it has been since apparently the early 1900s, because the
25 actual alley width of the amount of the public alley is only 10

1 feet, we need this relief as well.

2 The Applicant has dropped the pervious surface request
3 and is now providing a green roof to meet that requirement.

4 Next slide, please.

5 We do enjoy the unanimous support of ANC 6B as well as
6 the support of the Office of Planning. DDOT has no objection.
7 DPW also weighed in, and we can talk about that later, with no
8 objection. We have four letters of support including the adjacent
9 neighbor to the south across the alley.

10 Next slide, please.

11 And I'll be turning it over to Mr. Teran now.

12 Eric?

13 MR. TERAN: Good morning, Commissioners, and members
14 of the Board. I'm going to walk through the site photos.

15 CHAIRPERSON HILL: Great. Could you introduce yourself
16 for the record, please sir?

17 MR. TERAN: Eric Teran, architect for the owners.

18 CHAIRPERSON HILL: Thank you.

19 MR. TERAN: The first photo on the left, you can see
20 the shed. It's a little white shed with the gable roof and the
21 two cars parked in front of it and a light post. And on the
22 right, it's the same two cars with the shed. Our property line
23 basically starts, you know, where the fence is and where the
24 concrete is divided from the brick.

25 Next slide, please?

1 And it's looking head on, the top two photos, and you
2 see the bigger building on the back and to the right of it, and
3 the alley to the left and the park. And the -- in the bottom
4 right corner is just the (indiscernible) alley width and the
5 property line is based on that width that's on the right.

6 And next slide, please?

7 These are the proposed plans. You can see there in the
8 vicinity map where it's located.

9 Next slide, please.

10 Look a little look closer with the public alley and
11 Sladen's Park and the other homes around the alley.

12 Next slide, please.

13 These are the floor plans. Starting from the right,
14 that's the first floor, which will be the garage. We have two
15 garage doors, one coming off of the bigger alley that's going
16 east to west. And then the door on the top left which would be
17 coming in from the alley and the park would be, I believe, 50
18 feet from the -- from that façade. Entrance to the upper floor
19 unit, you see the door there with the stairs going to the top.

20 The middle floorplan is the unit. As you can see, it's
21 very small. We can get enough to get a bedroom, bathroom and
22 just a little area with a kitchen running along the east facade.
23 And then the last plan, the roof plan to the left. We were able
24 to add a green roof, so we didn't have to ask for special
25 exception. And we have a condenser unit up there, which wouldn't

1 | be visible from any of the streets and most likely the alley
2 | either as it's pushed all the way further to the background.

3 | Next slide, please.

4 | So here are the elevations. The bottom right, the
5 | south elevation is what you'll see when you're in the alley going
6 | east to west. And that's the garage door and then the windows
7 | up top. The left elevation is what you see if you're standing
8 | in the park. The north is what -- you know, northeast, there's
9 | not much going on. The east, we did break up the material, so
10 | that it wouldn't look too massive from, I believe it's 12th
11 | Street. Because that, you know, for that first picture that we
12 | shot this off, it is visible.

13 | Next slide, please.

14 | The next slide.

15 | And here just the sections. We're conforming to the
16 | building height.

17 | Next slide, please.

18 | And that's just the existing condition on the shed.

19 | Next slide.

20 | This is a turning radius. Some of the ANC members and
21 | the public were just worried that it might be difficult to park
22 | a car. And as we see in this diagram, it can be done. And the
23 | owners actually went out there and did it actually in one swoop,
24 | which is pretty impressive. They pulled right back into the
25 | spot. They just had some cones. It is easier because their

1 garage doors are a little bit wider. I believe at 10 feet, rather
2 than your standard eight foot, so it makes a little bit more
3 possible do.

4 Next slide, please.

5 So here we did some shadow studies. You normally
6 receive a plan, but here we did an elevation, because really the
7 only thing you'll see is a little bit of those windows and the
8 bay windows in the back of the building. The matter of right is
9 to the right, and the proposal is to the left. So as you can
10 see, there's minimal shadow interference.

11 Next slide, please.

12 This is probably the most interesting where the middle
13 window we get some shading at 12 o'clock during the winter
14 solstice.

15 Next slide, please.

16 And as you can see, there's really the bottom -- this
17 is a little bit hidden from the second floor. But the
18 bottom -- the first floor is basically covered regardless of
19 matter of right or proposed at winter solstice at 3 p.m.

20 Next slide, please.

21 This will be summer. As you can see, there's really
22 no change there.

23 Next slide.

24 Here it is a little bit on that left window on the bay
25 -- in the back.

1 Next slide, please.

2 And here, there's no issues. No extra shadows.

3 Next slide.

4 This is -- we prepared this as well for the ANC, because
5 they were concerned that there might be too much shadow on to
6 Sladen's Park. And you can see there -- I think it's about a
7 foot and a half at 9 a.m. during winter solstice.

8 Next slide, please.

9 And this would be at 9 a.m. at summer solstice. We
10 didn't do any more, because the park wasn't affected at noon or
11 at 3 p.m., because the sun will be coming from that side.

12 Next slide, please?

13 And I think that's it for me. I'll hand it back to
14 Martin.

15 MR. SULLIVAN: Thank you, Eric.

16 So the project meets the general requirements of 901.2.
17 This is a single family dwelling on an alley. It's a matter of
18 right use. And based on all the agency findings, the granting
19 of the special exception will not tend to affect adversely the
20 use of neighboring property.

21 I want to point out too, at this point, this case is
22 characterized by significant outreach by the property owners who
23 do live on the square, and they can talk about that if you have
24 any questions for them.

25 It also is characterized by substantial overhaul of the

1 design based directly in response to concerns by neighbors and
2 the ANC. It truly was a collaborative effort.

3 Next slide, please.

4 The specific requirements -- now this is for the
5 conversion of the tax lot to a record lot. The main requirement
6 is that the alley tax lot connect to an improved public street
7 through an improved alley or system of alleys that provides
8 adequate public safety and infrastructure availability.

9 Now, the biggest fact here is that it's a 30-foot wide
10 alley on one side. It's effectively 15 feet on the other. And
11 we do know that that 15-foot wide alley has existed since the
12 early 1900s, because the curb on Sladen's Park was established
13 1916, I think it was. And I think the ANC mentioned that as well
14 in their submission.

15 Also, DPW had no objection and stated based on their
16 inspection, they've determined that the proposed construction
17 should not have an impact on DPW's collection operations. And
18 DDOT also had no objection stating that they had no objection to
19 the approval, including relief from the alley centerline setback
20 requirement. And it is common in the District for buildings,
21 garages, and fences to be constructed up to the property line
22 along 10-foot alleys. The other requirement is just that OZ
23 refer the application out to these agencies.

24 Next slide, please.

25 So the specific requirements for the other three areas

1 of relief are all the same, including the center alley line
2 setback. It's light and air available to neighboring properties
3 not unduly affected. This is a very small lot, 532 square feet.
4 It's just a small two-story building. And the relief requested
5 is just five feet on two sides and two and a half feet on the
6 other side. And as you can see from the shadow studies, there
7 was limited impact, but it was undue, and it was the rear of
8 those properties.

9 The building that actually was slightly impacted by the
10 shadow is nearly 100 percent lot occupancy. That's the rear of
11 the property for that building.

12 Privacy of use and enjoyment of neighboring properties
13 shall not be unduly compromised. There's no windows proposed on
14 the north or east side of the building, and the west facing
15 windows will face Sladen's Park across the alley, which is heavily
16 treed actually. And the proposed window on the south side of
17 the building is facing the 30-foot-wide alley and has been
18 designed to let light in without compromising privacy.

19 There were some concerns discussed about the size of
20 the windows. And Historic Preservation has issued a staff report
21 in favor of the design, but had mentioned that they there may be
22 some work with fenestration, which won't affect any BZA approval.

23 Next slide, please.

24 Any additional accessory structure, as viewed from the
25 street alley and other public way does not substantially visually

1 intrude upon the character, scale and pattern of houses along
2 with the subject street frontage. I think this is an item that
3 really was addressed in response to concerns. We went to an ANC
4 meeting. There was significant concerns about the original
5 design that was completely overhauled to win the support of the
6 ANC as well as surrounding neighbors.

7 And that's it. Well, for the alley centerline setback,
8 OZ referred the application to those agencies.

9 Next slide, please.

10 And that's all we have. If the Board has any questions
11 for myself or Mr. Teran or for the property owners? Thank you.

12 CHAIRPERSON HILL: Thanks.

13 Mr. Sullivan, the applicant owns 808, Lot 808?

14 MR. SULLIVAN: No. The adjacent lots are owned --
15 actually both adjacent lots are owned by the same owner. And
16 Ms. Paisner can comment on this, but they're -- I believe they're
17 undergoing redevelopment right now and possibly being
18 transferred, but --

19 CHAIRPERSON HILL: Okay. So they didn't have any issues
20 or concerns?

21 MR. SULLIVAN: No.

22 And Liz, if you want to address that, please?

23 MS. PAISNER: Sure. Hi. I'm Elizabeth Paisner, the
24 Applicant.

25 So there are two large buildings adjacent to our lot,

1 and they are apartment buildings. We reached out to those owners
2 but did not hear anything back. They are in the process of
3 selling those buildings, but because of TOPA, that sale is still
4 pending and may be pending for the next year, from what we
5 understand.

6 We had -- we did get email support from some of the
7 tenants in that building, but not from the owner. We did reach
8 out via email to all of our neighbors. We also put letters in,
9 you know, the mailboxes or mail slots and invited anyone to come
10 over to our house or -- and left our email and phone number if
11 anyone had concerns, and we did not hear back from them. We did
12 --

13 CHAIRPERSON HILL: Ms. Paisner, I'm going to interrupt
14 you. Yes.

15 MS. PAISNER: Sorry.

16 CHAIRPERSON HILL: You guys live nearby now?

17 MS. PAISNER: Yeah. So we live in the square. We live
18 on East Capitol Street backing up to Sladen's Park. So this is
19 sort of our park in our neighborhood.

20 CHAIRPERSON HILL: I got you.

21 Mr. Teran, how did you guys -- I mean, I'm just curious
22 why you don't have living space in the basement? Like was there
23 a reason for that, or you guys just wanted the garage or maybe
24 it was a zoning issue, Mr. Sullivan?

25 MR. TERAN: It was just the program that Mr. and Mrs.

1 Paisner came to us with, and they wanted a garage to get their
2 cars off of the street, and they wanted an ADU up on top. So I
3 mean, it was really just the program.

4 CHAIRPERSON HILL: Got it.

5 Because you're -- Ms. Paisner, your lot, -- which lot
6 do you have? Do you know what your -- what's your address?

7 MS. PAISNER: It's 1113 East Capitol Street, Southeast.
8 We don't have parking in our current -- we currently cannot --

9 CHAIRPERSON HILL: Yeah, I know. You can walk to the
10 back of your current property then?

11 MS. PAISNER: Exactly. And we currently have parking,
12 the 807 lot for two cars. And so the idea was to maintain a
13 two-car parking but in a garage setting and then to provide
14 additional dwelling unit.

15 CHAIRPERSON HILL: Got it. Ms. Paisner, can you
16 introduce yourself for the record, if you didn't? I'm not sure.

17 MS. PAISNER: Sure. Elizabeth Paisner. I'm the
18 Applicant and property owner. a

19 CHAIRPERSON HILL: Okay, great. Thank you.

20 All right. Does the Board have any questions for the
21 applicant?

22 (No audible response.)

23 CHAIRPERSON HILL: Okay. Can I turn to the Office of
24 Planning?

25 MS. MYERS: Crystal Myers with the Office of Planning.

1 The Office of Planning is recommending approval of this case, and
2 we can stand on the record of the staff report, but of course,
3 we're here for questions.

4 CHAIRPERSON HILL: Okay. Does the Board have any
5 questions for the Office of Planning?

6 (No audible response.)

7 CHAIRPERSON HILL: Mr. Young, is there anyone here
8 wishing to speak?

9 MR. YOUNG: We do. We have one witness signed up.

10 CHAIRPERSON HILL: Okay. Can you please allow that
11 person in? And can you give me the person's name, please,
12 Mr. Young?

13 MR. YOUNG: Joanne Hatfield.

14 CHAIRPERSON HILL: Very good.

15 Ms. Hatfield, can you hear me? You're on mute,
16 Ms. Hatfield. Sorry.

17 MS. HATFIELD: Thanks for checking.

18 CHAIRPERSON HILL: Sure. If you want to go ahead,
19 please, and introduce yourself for the record first?

20 MS. HATFIELD: And by the way, I did send an email to
21 reference some of those slides. And I can talk and --

22 CHAIRPERSON HILL: Okay.

23 MS. HATFIELD: -- while you do that.

24 CHAIRPERSON HILL: And could you first -- I'm sorry.
25 Could you first introduce yourself for the record?

1 MS. HATFIELD: Okay. My name is Joanne Hatfield.

2 CHAIRPERSON HILL: Okay. And where do you live,
3 Ms. Hatfield?

4 MS. HATFIELD: I have been a property owner and resident
5 of 1107 East Capitol Street Southeast for 25 years.

6 CHAIRPERSON HILL: Okay.

7 MS. HATFIELD: And --

8 CHAIRPERSON HILL: Okay. Ms. Hatfield, as a member
9 of the public, you'll get three minutes to give your testimony,
10 and there's a clock right there, and you can begin whenever you
11 like.

12 MS. HATFIELD: You set the clock.

13 CHAIRPERSON HILL: It's -- can you see it? It says,
14 like, we'll let you know but it says --

15 MS. HATFIELD: Okay. I see it, I think --

16 CHAIRPERSON HILL: Okay.

17 MS. HATFIELD: -- it is what that was there. Okay.

18 My back windows face the alley, and this location is
19 in my line of sight. I object to giving special exceptions to
20 Zoning Regulations. Number one, I object to 100 percent lot line
21 to lot line build out with no setback for side or rear yard. An
22 earth roof that cannot be seen from the ground by anyone walking
23 or driving does not resolve this. The building being right up
24 to the edge of the alley is not acceptable.

25 Then this issue of a side garage, you must consider

1 that the temporary 15-foot wide Sally -- alley around Sladen's
2 Park is really only a 10-foot allowance because of the extra five
3 foot on each side. At any time, it -- this could be expanded,
4 if anyone or the City by eminent domain was to put money into
5 it. So you must treat the application with that knowledge that
6 that would be a 90-degree turn, and the -- what was shown was
7 making that turn with a 15-foot space.

8 I object to -- the building blocks the streetlight
9 that's depicted in some of the images that I provided. The
10 drastic new visual would diminish a portion of the neighborhood's
11 sightlines since it blocks the views and lighting, morning east
12 sunlight and night -- that night streetlight. The diagrams that
13 were given were computer-generated, and I see the morning east
14 sunlight comes directly in there. So I don't agree with the sun
15 study that was provided.

16 I have a question of how you're going to hide the HVAC
17 and how the roof water runoff and sewage would be handled? Are
18 we going to have to dig up the alley? And we also had, by the
19 way, 18 neighbors' signatures on a letter to the -- it was
20 supposed to come to this group as well, but to the Historical
21 Review Board, who were objecting to this build out.

22 So I recommend please say no to the exceptions, and
23 make it abide by the Zoning Regulations. I would recommend a
24 one-story garage that opens only to the main alley. I mean,
25 that's enough for that space.

1 CHAIRPERSON HILL: Okay. Thank you, Ms. Hatfield.

2 Does the Board have any questions of Ms. Hatfield?

3 (No audible response.)

4 CHAIRPERSON HILL: All right. Okay.

5 Ms. Hatfield, thank you so much for your testimony, and
6 we'll let you watch the rest of the hearing.

7 MS. HATFIELD: Okay.

8 CHAIRPERSON HILL: Thank you.

9 Mr. Sullivan?

10 MR. SULLIVAN: Yes, sir.

11 CHAIRPERSON HILL: Did you guys think about that 10
12 feet and how you would turn into that garage door? If you lost
13 that 10 feet, what would happen?

14 MR. SULLIVAN: Yeah, yeah, they did. I mean, I think
15 it was looked at as if it was 10 feet in the worst-case scenario.
16 We're not concerned about it ever becoming 10 feet, and that --
17 that's why we agreed with the ANC with their condition that if
18 it ever did become 10 feet in reality, that they -- we would
19 voluntarily agree not to use it for vehicular access. However,
20 I will note that DDOT actually reviewed it as if it was a 10-foot
21 wide alley and said it's quite common to have buildings on
22 10-foot-wide alleys. It wouldn't be -- it obviously, wouldn't
23 be as easy as a 15-foot wide ally if that happened. And so that's
24 why we've agreed to that condition, which we think that's -- that
25 was the only concern of the ANC.

1 CHAIRPERSON HILL: Yeah, where's the -- Mr. Sullivan,
2 thanks for bringing that up. I don't know -- where's the
3 condition?

4 MR. SULLIVAN: Well, there's a lot in the letter. But
5 I -- I'll point out in the second paragraph of the ANC letter,
6 it notes that the approval straightforward for three areas of
7 relief. For the other area, they say "relies on the assumption
8 that the Applicants in the future have access to a 15-foot-wide
9 alley adjoining the western side of 807." And --

10 CHAIRPERSON HILL: Yeah, I see the paragraph at the
11 top.

12 MR. SULLIVAN: Yeah.

13 CHAIRPERSON HILL: Okay. That's all right. It's on
14 page 1.

15 CHAIRPERSON HILL: Yeah, but who -- specifically, it
16 says ANC 6B asks the Board, if it approves, to consider an
17 appropriate way to reflect the Applicant's agreement that it
18 would not use it for vehicular access if it actually became 10
19 feet wide.

20 CHAIRPERSON HILL: Right. I got you. Okay. I mean,
21 I think, you know, whether or not the likelihood of that is
22 happening, I don't know. So that was one thing. Then there was
23 some mention of a streetlight. Do you know about this? That
24 might be taken away?

25 MR. SULLIVAN: I don't --

1 CHAIRPERSON HILL: No?

2 MR. SULLIVAN: No.

3 Does Eric or Liz know anything about that?

4 MS. PAISNER: There -- we won't impact any alley lights.
5 I think they're tall enough, and there's, you know, significant
6 light in the alley.

7 MR. TERAN: If you go back to the first site photo, I
8 think you could see where the light was, or is. But that --

9 CHAIRPERSON HILL: I see it. I see it. It would
10 remain.

11 MR. TERAN: Yeah, that will remain. And it's -- so
12 maybe a foot or two from the corner.

13 CHAIRPERSON HILL: Yeah.

14 MR. TERAN: Obviously, it wouldn't have light on the
15 property, because there's a building now, but as far as actual
16 alley is concerned, it would still be shining down on that part
17 of the alley.

18 CHAIRPERSON HILL: Got it. Okay. Okay. Does anybody
19 -- does the Board have any further questions?

20 Sure. Ms. John?

21 VICE CHAIR JOHN: I don't know if the witness is still
22 here, but I wanted to ask if she attended any of the ANC meetings.

23 CHAIRPERSON HILL: Mr. Young, could you bring back in
24 the witness if she still is here?

25 Ms. Hatfield, can you hear me?

1 MS. HATFIELD: Yes. I was not aware of the ANC
2 meetings, so I didn't attend, although I spoke to my
3 representative yesterday.

4 VICE CHAIR JOHN: Okay. Thank you. And where do you
5 live again, Ms. Hatfield?

6 MS. HATFIELD: 1107 East Capitol.

7 VICE CHAIR JOHN: And where is that in relationship to
8 the project? Is it adjacent or a couple streets away?

9 MS. HATFIELD: Oh, no, I can see it from my
10 windows -- from my back windows.

11 VICE CHAIR JOHN: But does the rear of your house face
12 the project?

13 MS. HATFIELD: Not -- it -- at an angle, so I can see
14 across to Sladen's Park, and the current location.

15 VICE CHAIR JOHN: Okay. So the park separates your
16 house from the project.

17 MS. HATFIELD: It's in between, yes.

18 VICE CHAIR JOHN: Okay.

19 MS. HATFIELD: So it's a direct diagonal I would say.

20 VICE CHAIR JOHN: Right. Thank you. That's helpful.

21 CHAIRPERSON HILL: I think they're lot 74, Ms. John.

22 VICE CHAIR JOHN: Okay. I was trying to get my
23 bearing -- yeah --

24 CHAIRPERSON HILL: 74 or 73.

25 VICE CHAIR JOHN: -- on where the Applicant lives.

1 What exhibit are you looking at?

2 CHAIRPERSON HILL: I'm looking at their slide deck.

3 And actually, Mr. Young, you might as well pull it up
4 now. And Ms. Hatfield can point to it or tell us if we're
5 correct. I think it's the third slide maybe. It's the one that
6 the lots listed. Then it is the one, two, three, four, five,
7 sixth -- sixth slide?

8 MS. HATFIELD: The next slide.

9 CHAIRPERSON HILL: Yeah.

10 Ms. Hatfield, you're Lot 74, correct?

11 CHAIRPERSON HILL: If you can zoom in a little bit, Mr.
12 Young?

13 MS. HATFIELD: Two, three, four -- 70 -- yes, so it had
14 to be 74. Does it -- and this isn't -- doesn't show there's a
15 carriage house back there. So I actually have a carriage house
16 with a garage door with a 90-degree turn, which is like
17 impossible. I never park in there.

18 CHAIRPERSON HILL: Okay. But you're Lot 74.

19 MS. HATFIELD: Yes.

20 CHAIRPERSON HILL: Okay, good. Okay.

21 Does anyone have any further questions for the witness?

22 VICE CHAIR JOHN: No.

23 CHAIRPERSON HILL: Okay.

24 Thank you once again, Ms. Hatfield.

25 MS. HATFIELD: You're welcome.

1 CHAIRPERSON HILL: Okay.

2 Mr. Sullivan, I'm just -- do you know what -- I didn't
3 even know Sladen's Park was there. Do you know what Sladen's
4 Park is all about?

5 MR. SULLIVAN: So that -- Liz?

6 MS. PAISNER: Sure.

7 Again, Elizabeth Paisner, the Applicant and property
8 owner.

9 Sladen's Park is officially owned by the District of
10 Columbia. In the early 1900s, there was a sort of agreement for
11 the District not to use it as a -- some sort of dumping ground
12 and to maintain and to create it as a park. It's been maintained,
13 not by the District, but by residents ever since. And it is a
14 public space. In fact, we just -- the -- my husband and I just
15 spearheaded an effort by all the neighbors to improve the park.
16 It had sort of gotten into being a big mud and dirt pit. And
17 so, now let's relandscaped, and it's just a public -- a public
18 space back there.

19 CHAIRPERSON HILL: Wow. Okay, great. All right.
20 Anybody else have any final questions?

21 (No audible response.)

22 CHAIRPERSON HILL: Okay. Mr. Sullivan, anything at the
23 end?

24 MR. SULLIVAN: No, thank you.

25 CHAIRPERSON HILL: Okay. I'm going to go ahead and

1 close the hearing and the record.

2 Okay. I think that the Applicant meets the criteria
3 for us to grant the relief requested concerning the alley lot
4 requirements, the rear yard requirements, the side yard
5 requirements, and even the alley centerline setback requirements.

6 I thought that the shadow study was helpful. I didn't
7 think that the difference between the matter of right and what
8 was actually being proposed was significantly different. There
9 was going to be an effect on one particular window, but I don't
10 think that particular window has much light to begin with, even
11 with the matter of right issue.

12 I think that in terms of the Office of Planning's
13 analysis, I would agree with their analysis. I would also agree
14 with the statement from the ANC. It seems as though, again, the
15 ANC took some time to write their report, and it does seem quite
16 extensive. I would -- I don't know if I would make it a condition.
17 You guys can kind of let me know, because I think that will be -
18 - I don't know. I don't know whether to make it a condition or
19 not about the -- if they go from 15 feet to 10 feet.

20 I mean, it seems as though DDOT, again, had approved
21 the turning radius, even though with 10 feet, I think it's going
22 to be really tight, perhaps. But I think that the possibility
23 of the City taking that back is pretty rare, in that I don't
24 think -- I didn't even know that thing was there. And so, you
25 know, but that being said.

1 Also, in terms of the witness, I think that the witness
2 is a little bit removed from the area in terms of, like, not
3 really being that affected from this particular development being
4 across the other side of the park and also kind of set back quite
5 a bit even from the park. I mean, I guess that carriage house,
6 if they have a carriage house, they might have some view there.
7 But I again, do not think that it would be an undue impact to
8 have that -- this Applicant build what they are trying to build,
9 so I'm going to be voting in favor of this application.

10 Mr. Smith?

11 BOARD MEMBER SMITH: With your assessment of this
12 particular case, I do believe that based on the information within
13 the record, and as presented by the Office of Planning, that
14 they've met the burden of proof for us to be able to grant these
15 special exceptions. As you stated, with the sun study, I thought
16 the impacts are fairly negligible, given the size of the
17 properties that front on 12th Street. Both the Applicants'
18 primary building and the property to the north, which are
19 substantially larger, that seem to me will have more substantial
20 shadow impacts on adjacent properties than this fairly modest
21 building that they're proposing to construct.

22 I agree that it seems to me that the lady that spoke
23 is fairly removed from the site. But given that, you know, in
24 this particular area, there are a number of alleys of this size.
25 And I will say this is a fairly large alley for this area of the

1 City and there are a number of properties along this alley itself
2 that have garages, and the alley between 11th and 12th that is
3 fairly adjacent to this, that's within the square also has a
4 number of garages and seems to -- and the property owners there
5 seem to make it work to the acknowledgement of DDOT as well.

6 I am fairly comfortable with the analysis presented by
7 the Office of Planning and will support the application as
8 presented.

9 CHAIRPERSON HILL: Thank you.

10 Mr. Blake?

11 BOARD MEMBER BLAKE: Sure. I would agree with the
12 comments that you and Board Member Smith made with regard to the
13 matters of the approval for the -- meeting the criteria for
14 relief, as well as the concerns about the impact on the light,
15 air and so forth for the alley and the alley-scape. I would be
16 voting in support of the application.

17 CHAIRPERSON HILL: Thank you. Dr. Imamura?

18 DR. IMAMURA: Mr. Chairman, I think your summary -- I
19 align myself with your conclusions. I think it's worth noting
20 too the testimony in opposition at Lot 74, the views, whether
21 it's the carriage house or through the tree canopy at Sladen's
22 Park. So -- and it looks pretty dense in terms of that tree
23 canopy. So I would think that maybe, at best, it might be in
24 the wintertime maybe greater views from that range.

25 But by and large, I think all the board members have

1 summarized it quite right, that shadow study was very helpful,
2 but negligible. I think they meet the criteria, and I'm prepared
3 to vote in support.

4 CHAIRPERSON HILL: Thank you.

5 Vice Chair John?

6 VICE CHAIR JOHN: Thank you, Mr. Chairman. I agree
7 with substantially all of the comments so far. I'm in support
8 of the application. I appreciate the testimony of the witness,
9 but I don't believe there's any adverse impact on the witness
10 based on the location of her house, as others have mentioned. So
11 I will support the application.

12 Now, with respect to the alley and whether there should
13 be a condition that the Applicant will not use the alley if the
14 District should take back the extra five feet. And I believe
15 that in this case, based on the DDOT's comments on the fact that
16 DDOT has no objection to the garage access on the 10-foot alley,
17 I would be -- I would give consideration to DDOT's comments. And
18 I also (indiscernible) note that the Applicant -- that the garage
19 door would be 10 feet. And so based on the turning radius
20 description in the record, I would not support including this as
21 a condition, but I would suggest that the Board reference it in
22 the order but not include it as a condition.

23 CHAIRPERSON HILL: Okay. Thank you. All right. Then
24 I will go ahead and agree with you, Ms. John.

25 I will make a motion to approve Application No. 20798,

1 as captioned and read by the secretary, and referencing the
2 comments of the ANC in the order and ask for a second, Ms. John?

3 VICE CHAIR JOHN: Second.

4 CHAIRPERSON HILL: The motion has been made and
5 seconded.

6 Mr. Moy, if you'd take a roll call.

7 MR. MOY: Thank you, sir.

8 When I call your name, if you would please respond to
9 the motion made by Chairman Hill to approve the application.

10 Zoning Commissioner Dr. Imamura?

11 DR. IMAMURA: Yes.

12 MR. MOY: Mr. Smith?

13 BOARD MEMBER SMITH: (No audible response.)

14 MR. MOY: Mr. Blake?

15 BOARD MEMBER BLAKE: Yes.

16 MR. MOY: Vice Chair John?

17 VICE CHAIR JOHN: Yes.

18 MR. MOY: Chairman Hill?

19 CHAIRPERSON HILL: (No audible response.)

20 MR. MOY: Then staff would record the vote as five to
21 zero to zero. And this is on the motion made by Chairman Hill
22 to approve the application for the relief requested. The motion
23 to approve is -- was second by Vice Chair John. Also in support
24 of the motion to approve, Zoning Commissioner Dr. Imamura, Mr.
25 Smith, Mr. Blake, of course, Vice Chair John and Chairman Hill.

1 The motion carries, sir, on a vote of five to zero to zero.

2 CHAIRPERSON HILL: Thank you. Thank you, Mr. Moy.

3 All right, everybody. I guess that's it for us today,
4 unless anybody has anything else to add. All right. Then we're
5 adjourned, and see you all next week. Thank you so much.

6 VICE CHAIR JOHN: Thank you.

7 (Whereupon, the above-entitled matter went off the
8 record at 11:42 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCBZA

Date: 11-02-22

Place: Teleconference

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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