



Advisory Neighborhood Commission 8C

MOTION TO POSTPONE

March 10, 2025

Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20001
(emailed to BZASubmissions@dc.gov)

Dear Chairperson Hill and members of the Board of Zoning Adjustment:

I write to you on behalf of concerned citizens in Single Member District (SMD) 8C04, neighbors to the partially constructed addition at 3220 Brothers Pl SE (case #21239, submitted by Mr. John Hayman).

After the latest BZA hearing concerning this application, constituents reached out to me to reiterate their staunch opposition to BZA granting a special exception to the zoning requirements for application #21239:

1. Ms. Shirley Harper (3222 Brothers Pl SE)
2. Mr. Louis Jarvis (3222 Brothers Pl SE)
3. Mr. Lenwood O. Johnson (3105 Waclark Pl SE)
4. Mr. Calito Keith (3309 Brothers Pl SE)
5. Ms. Carol Evans (3305 Martin Luther King Jr. Ave SE)
6. Mr. Bryan Goodwin (3301 Martin Luther King Jr. Ave SE)
7. Mr. Perry Dixon (3219 Martin Luther King Jr. Ave SE)
8. Mr. Garfield Jones (3313 Martin Luther King Jr. Ave SE)
9. Ms. Tammy Smith (previously sent remarks in opposition)
10. Ms. Darlene Murrell (3311 Brothers Place SE; previously sent remarks in opposition)



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The above neighbors have expressed a range of serious concerns for their opposition to a special exception by BZA, including but not limited to:

1. The original permit being for a 9'4" addition with 5' side yard but instead building a 16' addition with only 16" side yard
2. Heightened fire safety concerns due to the buildings at 3220 and 3222 Brothers Pl SE being so close due to the 16" side yard at 3220 Brothers Pl SE
3. Setting a precedent for future requests which do not have sufficient side yard and are out of character for the neighborhood
4. The size of the addition being unsightly because it is overly large/out of scale for the size of the lot and the neighborhood's character (visible from Waclark Pl SE and MLK Jr. Ave SE)
5. Encroachment on/over the property line of 3222 Brothers Pl SE, along with property damage (their paved side yard) during construction and due to the 16" side yard at 3220 Brothers Pl SE

Additionally, Commission 8C would like the opportunity to inquire of Mr. Hayman the discrepancy between the project he sought our support for in January 2025 (a 9-foot addition, 5' side yard), versus the project's actual size of 16 feet with 16" side yard (Exhibits [26](#) and [46](#)). This commissioner visited the project site on February 27 and was shocked by the true sizes of the addition and side yard (see video: https://youtu.be/c_Urd-7xmZM).

After the site visit, I took another look at the packet of documents Mr. Hayman submitted to Commission 8C on November 22, 2024, and noted several inaccuracies regarding the size and nature of the addition in the undated “Burden of Proof Statement”:



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1. p. 1, II. Project Description: "Renovation includes a **9'-3"** net addition at the rear of the residence." → **The addition is 16 feet.** The "Burden of Proof" document states administrative variance was granted for a 9'-3" addition, not a 16' addition. ANC 8C received the corrected plat showing a 16' addition in February 2025 (after giving our support in January for the 9' addition with 5' side yard from the 11/22/2024 document packet), despite the plat being dated August 2024 (see [Wall Test Report Surveyor's Plat](#)).
2. p. 2: "The adjacent properties will share very similar features, façade plane ..." → **Inaccurate.** As you can see from the photo, the façade plane of the 16' addition and the neighboring property are not even close to being shared. The rear addition on the Hayman property juts out significantly past its neighboring home.





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3. p. 3: "The proposed additional extension will occur at the rear of the property only and will not be visible or affect the street frontage thus maintaining consistent scale and pattern of neighboring buildings." → **Inaccurate**. The rear addition is highly visible (unobstructed view from Waclark Pl SE and residents on MLK Jr. Ave SE). Neighbors have described it as an eyesore because the 16' addition is of outsized scale compared to surrounding homes.

Further, from the [February 5, 2025, BZA hearing](#):

1. Mr. Hayman's architectural designer, Al James, testified (5:36:12) that "per the plat we got from the District, the side yard is 5 feet from the existing house." However, it is plain to see **the side yard is roughly 16 inches**, not 5 feet. Did no one from the architecture firm visit the property to measure before beginning this project?
2. It is clear the self-certification in the record ([Exhibit 19](#)) was inaccurate because Ms. Crystal Myers (Office of Planning) referred to the addition as being 9 feet (5:41:00). The self-certification also refers to a 5' side yard under "existing conditions." All parties now understand both self-certified measurements to be inaccurate.

And finally, despite a [Certificate of Service \(exhibit 50\)](#) saying "the ANC Single Member District Office" was sent documents via email on 02/13/2025, no email was received regarding this project at 8C04@anc.dc.gov on that date.

Application #21239 for a special exception is currently scheduled for a decision on March 12, 2025, at 9:30 a.m., with a response from Commission 8C due March 10. **On behalf of Commission 8C, I move that BZA postpone the hearing for case #21239 until March 26.** This will allow Commission 8C to inquire of and hear from constituents; and to consider its response to BZA, which must be decided at a public meeting. (We have two upcoming public meetings — our regular monthly meeting March 12 and a special meeting on March 19.) Thus, **please grant this motion to postpone** rendering your decision until the March 26 BZA meeting.



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If, for some reason, the Board is unable to grant this motion, I would instead ask you to consider the significant opposition of the community before making your decision.

Respectfully submitted,

Commissioner Kendall Ridley
SMD 8C04 and Vice Chair,
Advisory Neighborhood Commission 8C
8C04@anc.dc.gov | (202) 643-7885

cc: Mr. John Hayman (applicant)
Mr. Ebenezer Olarewaju (agent)
Ms. Crystal Myers (DC Office of Planning)
ANC 8C