

**District of Columbia Board of Zoning Adjustment
BZA Case No. 21396**

Testimony Regarding 932 Shepherd Street, NW (Square 2906, Lot 839)

Submitted by: Anthony Smith & Kimberly Darter
934 Shepherd Street NW, Ward 4 / ANC 4c

Good afternoon Chairperson and Members of the Board:

My name is Kimberly Darter. I live at 934 Shepherd Street NW, next door to the 932 Shepherd property in question. I am here to ask you to deny the requested special exception relief in this BZA case, number 21396.

To be clear, my neighbors and I are not opposed to reasonable improvement and lawful development at 932 Shepherd Street. What we object to are proposals such as this one, a three-unit apartment building conversion with an accessory building, that: 1) exceeds the matter-of-right zoning limits, and 2) relies on incomplete or inaccurate representations of existing conditions so as to minimize the impact such a conversion would have on neighboring properties and the character of the block where my family has lived for almost 18 years.

In my testimony, I would like to address the Applicant's most recent statement, exhibits, and more broadly to explain why the Applicant's continued requests for special exceptions from the RF-1 zoning regulations and the 10-foot rule do not meet the standard required.

Where This Case Stands

On April 22, 2026, the ANC 4C voted 7 to 0 to recommend that the Board of Zoning deny this application. They did this after hearing from neighbors, the Applicant, and visiting the neighboring properties in-person.

The ANC's recommendation is supposed to carry great weight with this Board, and we hope that you will follow the ANC's recommendation and the wishes of the community. In that light a petition in opposition to this project, which was previously presented to the ANC 4C and signed by 25 neighbors on the 900 block of Shepherd Street NW, has also been submitted as part of the record.

Engagement.

At the outset, we were hopeful for a smooth working relationship with the Applicant. However, we learned over the course of several meetings that our concerns and conversations would, for the most part, be ignored or distorted.

This was made particularly clear when the Applicant removed two boundary heritage trees without our consent or that of the other adjoining property owner. The tree removal was done under a DDOT permit that classified the trees as “hazardous” based on photographs. In correspondence produced by the Applicant after the ANC specifically requested it, the arborist who submitted the permit application, Don Zimar, stated: “I did not do a formal report,” and noted that the permit submittal consisted only of annotated photographs. Neither adjoining owner consented to the removal of the trees or received written notice of the permit application. We were, instead, given the understanding that we had no say in the matter. However, the permit did not acknowledge that both trees were boundary trees, meaning they straddled the property lines, one the property line between 930 and 932 Shepherd, and the other the property line between 932 and 934 Shepherd. The fences on both properties had been built around the trees by the current homeowners, myself included, at 930 and 934 Shepherd. This was done to accommodate the trees. Additionally, when the trees were cut down, a part of 930 Shepherd’s fence was removed and the property trespassed on, even after the property owner informed the on-site workers that they did not have permission to remove the fence or step on to the property. In fact, they were expressly told to do neither of those things.

----- Forwarded message -----

From: **Don Zimar** <donzimar@gmail.com>

Date: Mon, Jan 19, 2026 at 6:19 PM

Subject: Re: Special/Heritage Tree Permit application 96199 has been issued

To: Ritesh Matta <riteshmatta@gmail.com>

I did not do a formal report. Here is what I used for submittal with the annotated photos.

 Tree #1 photos annotated.pdf
 Tree #1 photos annotatedred.pdf
 Tree #2 photos annotated.pdf
 Tree #2 photos annotatedred.pdf
 TreePermit (3).pdf

January 19, 2026 email from arborist Don Zimar to Ritesh Matta confirming no formal report was prepared and that the permit submittal consisted only of annotated photographs.



Property line between the Property (932 Shepherd Street) and 934 Shepherd Street, showing the removed boundary tree.



Property line between the Property (932 Shepherd Street) and 930 Shepherd Street, showing a boundary tree removed without consent and the portion of fence that was removed over the objections of the 930 Shepherd property owner..



Property line between the Property and 930 Shepherd Street.



During the tree removal, the Applicant's workers parked a vehicle blocking the parking pad at 934 Shepherd Street.



The Applicant's workers' vehicle blocked the alley during the tree removal.

The Applicant's conduct so far has not been limited to the trees. While the Applicant had a permit for interior demolition only, they also demolished the detached rear garage. The Applicant's latest submission to this Board describes the site as having “an existing garage,” which is no longer true because it was demolished without a proper permit. That same permit listed one of the property owners as Ewanna M. Jones, who had passed away in May 2023 — more than a year before the permit was issued.

B	GOVERNMENT OF THE DISTRICT OF COLUMBIA	Department of Buildings Permit Operations Division 1100 4th Street SW Washington DC 20024 Tel: (202) 671 - 3500	Expiration Date:
	BUILDING POST CARD PERMIT		PERMIT NO.
Address of Work: 932 SHEPHERD ST NW, WASHINGTON, DC 20011			
Owner/Agent Name: Jones, Ewanna M. Seema N Matta		FEE:	
Type of Work: Alteration			
Description of Work: Interior demolition of non-bearing elements in a space up to 5,000 Sqft.			
Contractor's Name:		Contractor's Address:	
Contractor Lic No:		Applicant's Signature: Jones, Ewanna M. Seema N Matta	
Applicant's Phone:			
IMPORTANT RESTRICTIONS: THIS POSTCARD PERMIT IS VALID ONLY FOR CONSTRUCTION WORK OF THE TYPES SPECIFIED IN THE FOR CONDITIONS OF THE PERMIT ON THE PERMIT COVER SHEET.			
This permit expires if no approved inspections have occurred within one year after the issuance date on this permit or 180 days for structures built Code. A permit extension must be requested before the expiration of this permit.			
As a condition to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized the approved application and plans on file with the District government, and in accordance with all applicable laws and regulations of the District of Columbia, and the right to enter upon the property to inspect all work authorized by this permit, and to require any change in construction which is compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this permit must start within commencing on the permit or the permit is automatically void. If the permit has expired and no work or partial work was completed, a request for a renewal and consideration.			
Brian J. Hanlon, AIA LEED AP®		<i>Brian J. Hanlon</i>	

Permit posted at 932 Shepherd Street reads "interior demolition" only.

The garage, the removal of the boundary trees, and the tone and outcomes of our efforts at engagement collectively broke the tentative trust we had extended at the outset and showed us that, regardless of the concerns we might raise about scale, structural integrity, trees, drainage, or otherwise, we would be ignored to the extent possible.

Characterization of the Work

The Applicant is asking you, the Board, to waive two key features of the RF-1 zoning protection, namely, the two-unit cap and the 10-foot rule. These are not arbitrary rules. They were put in place after the chaos that fueled a wave of oversized pop-up and pop-back additions across the city. The Office of Planning's own language at the time described these additions as "frequently designed out of character with the remaining homes in style, materials and scale."

In 2016, after nearly a decade-long process, the District reformed these rules. The Applicant is not asking for a small accommodation. They are asking the Board to waive a solution that the District deliberately adopted after deciding this exact kind of development was a problem. With that in mind, here is where this specific application falls short.

1 - Rear addition as modest or consistent.

The latest proposal emphasizes that the rear addition has been reduced to 'only 15 feet' beyond the adjoining property at 930 Shepherd. However, this framing obscures the core issue: the Zoning Regulations establish a 10-foot limit for a reason. A 15-foot extension is not a minor deviation—it is a 50 percent increase over what is permitted as a matter of right. Building within the matter of right would already give the Applicant an additional 20-foot rear addition to the existing property. This is in addition to the proposed deck at all three levels of the unit that would extend out an additional 9.5 feet.

The Applicant also seeks to convert the property from one unit to three units, with an additional accessory building. The accessory building alone would add an additional 22-feet of two-story wall along the length of the yard. It is also worth pointing out that the latest design shows five kitchens, three in the main building and one on each floor of the accessory structure along with full bathrooms. Even though we were informed that the two kitchens in the accessory unit are wet bar kitchens, it is entirely reasonable to assume these units will be sublet. That would indicate that the real plan is for five units, in practice, and not the three units indicated on paper. In short, nothing about this plan is modest or consistent with the neighborhood.

2 - The Shadow Study Understates Real and Irreversible Impacts to Light and Air.

The Applicant's proposal also asserts that the difference between a 10-foot and a 15-foot rear addition amount to "only a few feet of shade for an hour or two." That conclusion is abstract and disconnected from how our yard is used.

Even incremental, permanent shading can materially affect landscaping, usability, and enjoyment of a yard. A wall 30 to 40 feet high, built directly on our property line, would be

looming and oppressive to live next to. The standard the Board applies is not whether this impact is catastrophic. It is whether it is undue, which we believe it is.

The rear yard at our property, 934 Shepherd, contains established landscaping and plantings that depend on existing conditions. We have invested significant time, effort and financial resources into creating our backyard to increase its usability, functionality and enjoyment. This was done in consultation with both adjoining neighbors before work was undertaken. For example, in consultation with the previous owners at 932 Shepherd, we raised a section of the fence for their privacy and lowered another section, so that neighbors across several backyards could all continue to talk with each other across our yards.



Current property line and landscaping between 932 and 934 Shepherd Street.

Deleted: 3 - Solar Panels Highlight a Credibility Problem, not a Mitigation Success.¹

3 - Privacy Protections Don't Hold Up

The Applicant suggests that balcony screening will resolve privacy concerns. It does not.

The proposed rooftop deck on 932 Shepherd Street will look directly down into two bedrooms at 934 Shepherd Street. Additionally, any windows in the proposed two-story accessory structure will face directly into the adjoining homes and yards. The privacy screening the Applicant has proposed only addresses sightlines at ground level — it does nothing for the view from an elevated deck, which is where the majority of the exposure is.

4 - Site Grading and Drainage on a Sloped Block

Site grading and drainage is another concern the Applicant has not addressed even though we raised it at our early in-person meetings as a concern.

Our block sits on a hill. The ground slopes down from the southeast corner of the block toward the northwest. Walking the block, you can plainly see that 930 Shepherd sits highest, 932 sits below that, and 934 Shepherd sits even lower. We have had an extensive amount of work done on our property to channel water run-off, but challenges remain that could become problematic for our property if the amount of run-off increases. We should also point out that the hill slopes toward the houses, which would make channeling water run-off to the alley behind 932 Shepherd difficult as well.

Nowhere in the Applicant's statement or in the filed architectural plans is there a grading plan — no elevations show the existing slope, no arrows show which way water will flow once construction is done. The elevation drawings that exist only show measurements relative to the building itself, not the real ground level of the neighboring lots.

This matters given how much this project would add to the hard surface coverage of the property. According to the Office of Planning's numbers, hard, non-absorbent surface on the lot would jump from 26% to 61%, while the ground left open to absorb water would drop from 74% to 39%. That is a significant change, on top of concerns we previously raised about a historic creek running through this area, clay soil that does not drain, a high-water table, and the removal of the two heritage trees with their large root systems.

5 - This Is Not the "Gentle Density" the District Says It Wants

The Office of Planning has written about wanting more housing options added to neighborhoods like ours — but it has been specific about what that should look like: careful, context-sensitive "gentle density" that keeps family-sized homes and does not overwhelm the block. This project does not match that description.

The City's own housing policy states the intent to keep and encourage family-sized homes even while adding density elsewhere. Right now, 932 Shepherd is a three-bedroom family

Deleted: The Applicant's newest shade study, filed in May 2026, does now model the impact on the solar array at 930 Shepherd directly, and reports Spring, Summer, and Fall impacts under 5 percent. But the Winter Solstice result is reported as a 4.7 percent reduction while simultaneously being labeled as exceeding a 5 percent threshold — which cannot both be true, since 4.7 is less than 5. Winter is also the only season in which the study shows any additional shadow landing on 930 Shepherd's roof. We'd ask that this be clarified before the Board relies on it.

The Applicant has proposed setting back the third story in part to "mitigate concerns over new solar panels." That framing skips over an important fact: the Applicant's original filings stated that no solar energy systems existed on any abutting property. That was incorrect. The adjacent property at 930 Shepherd has a fully operational solar array, and its existence was not disclosed in the Applicant's documents until neighbors raised it as a point with the Applicant.

Mitigation offered only after an omission is exposed does not cure the underlying concern, particularly where solar access is something the Applicant should have accounted for from the start. It also means We would encourage the Board to look carefully at the newest shade study's numbers — including the Winter Solstice inconsistency described above — rather than treating this analysis as a fully independent, disinterested account of the project's solar impact.

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Deleted: Before any relief is even considered, we would ask that the Applicant be required to submit a topographic and drainage plan, prepared by a licensed civil engineer, that shows the actual slope of the land and how water will be kept from running onto 934 Shepherd Street.

6

Deleted: Instead, it gets rid of a family home instead of adding to one. ...

home. This project does not add units while keeping that home intact, which is the model the city says it prefers. Instead, it replaces the family home entirely with several smaller units.

It also skips the tool the city built for this. The accessory apartment — capped at 35 percent of the home's size, limited to three occupants, and requiring the owner to live on the property — is the path the District created specifically to allow gentle density while protecting neighborhood character and family housing. This project instead uses a full conversion, with none of those protections.

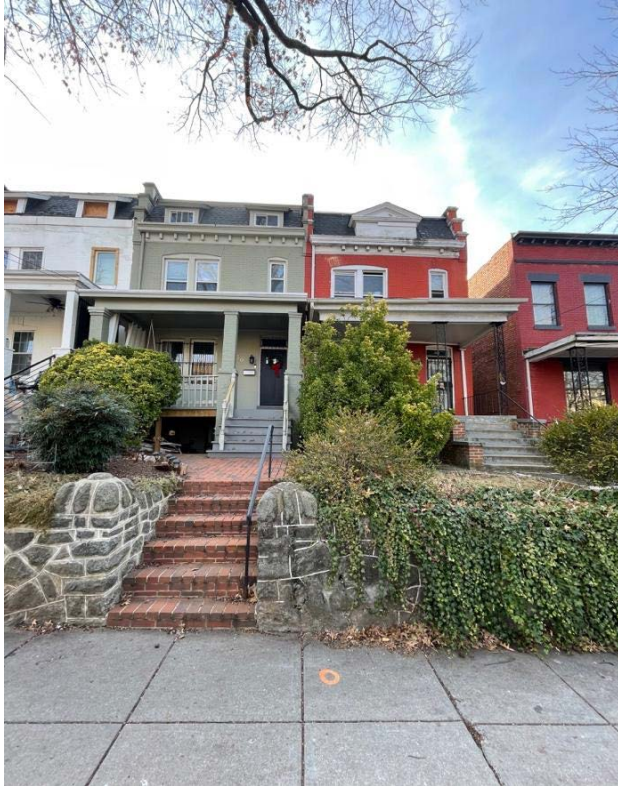
The Office of Planning's own guidance says good infill should be “nearly indistinguishable” from its surroundings and should avoid “architecturally distinguished and out of character” design or “overpowering contrasts of scale and height.” A third story, a modern paneled exterior, and a rear addition that goes 15 to 19.5 feet beyond our neighbor's wall, in addition to an accessory building, is not blending in.



900 block of Shepherd Street.



Up close view of the 900 block of Shepherd Street, beginning with 926 Shepherd Street (grey rowhome).



Left to right: 928 Shepherd Street to the Property (light red rowhome).



Left to right: 926 Shepherd Street to 934 Shepherd Street (dark red rowhome).

7 - Structural Issues, Engineering Report, and Who Is Actually Vouching for This Design

Exhibit 17 states that the project is “not seeking [any architectural element](#) relief and will maintain the existing façade” That statement stood out because an October 14, 2025 email from the Applicant to the neighbors states:

2). Based on the structural engineer evaluation of the current condition of the front facade wall - it will be recommended to rebuild the front facade wall - so we have included that in the plan

While we, and the neighborhood, would be very happy to see the façade maintained, it is also deeply concerning that the Applicant is ignoring his own structural engineering report and now deciding to maintain the existing façade. We have asked, repeatedly, for a copy of that structural engineering report. We have not yet seen it. There are other structural

concerns about this building that we would like answered as well, namely the western wall's lean towards 934 Shepherd. We ask that the structural engineering report be produced and entered into the record.

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A level held against gate post documenting 932 Shepherd Street western wall's lean toward 934 Shepherd Street.



The narrow side walkway between the western wall of the 932 Shepherd Street (left) and 934 Shepherd Street (right), showing the close proximity of the two structures — 18 inches.

This is not the only place where it is unclear who is standing behind this design. Two different Building Permit Plats in the record for this property (Exhibit 2 and Exhibit 17B) each include a certification signed by Dagmawi Gebrekidan, vouching for their accuracy. The plat itself says any permit issued in reliance on an inaccurate certification can be revoked, and the signer can be prosecuted under DC law. Both plats have the same blank with no license number and no stamp on either one.

We cannot independently confirm whether Mr. Gebrekidan is or is not a licensed design professional, and we are not asking the Board to decide that either. We are asking that the Applicant clarify this on the record — either provide the license number and the stamp that the form requires or identify the licensed design professional responsible for these plans — and require that they appear, in person or by video, at the hearing to present the design

and answer questions directly, rather than through counsel or a representative who is not the person vouching for it.

8 - The Applicant's History Matters

The Board is being asked to accept assurances about careful construction and limited impact. Past conduct is directly relevant to how much weight those assurances should carry and nowhere is that clearer than in the Applicant's history.

The relief is not being requested by an individual homeowner to expand their own residence. The Applicant is a single-purpose LLC whose listed owner address is in Ashburn, Virginia, and its principal, Ritesh Matta, has pursued at least one comparable conversion project in the District before: the 1111–1113 V Street redevelopment.

On December 23, 2024, a wall partially collapsed at the rear of 1113 V Street, NW, during demolition and excavation for a similar multi-unit conversion project. A construction worker lost his life in that collapse. According to DC's Department of Buildings (DOB), the property was owned by 1111 V Street LLC, and its principal Ritesh Matta. The owner also served as his own general contractor — there was no licensed GC on that job.

DOB's investigation pointed to over-excavation of the foundation wall, no completed shoring plan before construction started, and no monitoring devices in place that could have warned that the wall was moving. DOB's report did not mince words:

*the failure to provide monitoring, temporary supports, and shoring for the excavation
“demonstrates negligence to abide by the accepted norms of standard of care.”*

The Application under consideration in this hearing proposes underpinning of the existing cellar at 932 Shepherd — excavation work that is immediately adjacent to the foundations of 930 and 934 Shepherd Street, the same category of work DOB and OSHA found was not properly protected against at the V Street property.



Property line between 934 Shepherd Street (left) and the Property (right), showing the proximity of the proposed construction to the neighboring wall and window – 18 inches.

The house next door to that collapse, 1115 V Street, shares a party wall with the building that fell. DOB had to inspect that property and require ongoing monitoring of the shared wall. The owner of that home, Samer Bitar, a licensed architect, has separately testified at the DC Council's January 30, 2026 hearings on Illegal Construction, that he suffered over \$100,000 in permanent property damage along with significant unpaid time and legal costs — corroborated by DOB's own account of the party-wall risk that caused it.

As of the date of DOB's report, the Stop Work Order issued the day of the collapse was still in effect more than six months later, and the owner had already accumulated multiple correction orders and at least one citation for missing a deadline.

We are not asking the Board to adjudicate what happened on V Street. We are asking the Board to weigh the fact that this same person, acting as his own builder, has a

documented history of unauthorized demolition, boundary problems, and safety failures serious enough that DC's own building department called it negligence — on a project of similar scope, right next to occupied homes, just like ours.

Closing.

The proposal for 932 Shepherd Street exceeds the zoning limits that would otherwise apply, produces real adverse impacts, not just to light, air, and privacy, but to drainage, neighborhood character, and the trust this process depends on, and additionally, rests on representations that have been shown, again and again in this record, to be incomplete or inaccurate.

We respectfully urge the Board to give great weight to the ANC 4C's unanimous recommendation and to deny the requested special exception relief.

Thank you for your time and consideration.

Respectfully submitted,

Anthony Smith & Kimberly Darter
934 Shepherd Street NW
July 14, 2026

Deleted: If the Board grants any relief here, we'd ask that it require, at minimum: an independent structural and geotechnical review of the excavation and shoring plan, done by an engineer who isn't already on the Applicant's own team; and proof of insurance taken out personally by Ritesh Matta, not an LLC, that covers any and all damage to 930 and 934 Shepherd Street before any further demolition or excavation happens. ¶