

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

MARCH 3, 2015

+ + + + +

The Regular Public Hearing convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 9:46 p.m., Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson  
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

MICHAEL G. TURNBULL, FAIA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.  
LAWRENCE FERRIS III, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

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JOEL LAWSON  
MEGAN RAPPOLT  
KAREN THOMAS  
MAXINE BROWN-ROBERTS  
STEPHEN COCHRAN  
MATT JESICK  
BRANDICE ELLIOT

The transcript constitutes the minutes from the  
Public Hearing held on March 3, 2015.

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

(9:46 a.m.)

CHAIRMAN JORDAN: Please be advised that today=s proceedings are being Webcast live and also being recorded by a court reporter. So, therefore, I=m going to ask you to refrain from any disruptive noises here in the hearing room today.

That=s our signal to you to be sure to silence your telephones and anything else that rings or buzzes loudly.

The Board=s hearing procedures are contained in a document through the back door, to my left, if you=re not familiar with how we operate at the Board.

If you=re going to provide any statement or testimony, or address the Board in any way, I=m going to need you to do two things, the first of which is to complete two witnesses cards per person. That=s completing two witness cards per person, and give those witness cards to the court reporter, who=s seated to my right, prior to testifying.

So two witness cards per person, and give them to the court reporter prior to testifying.

The second thing I=m going to need you to do is to now stand and take the oath, which will be given by Mr. Moy, secretary to the Board.

MR. MOY: Good morning.

(WITNESSES SWORN EN MASSE)

MR. MOY: Ladies and gentlemen, you may consider yourself

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1 under oath.

2 CHAIRMAN JORDAN: Very good. Any preliminaries, Mr. Moy?

3 MR. MOY: Yes, sir. I do. Good morning, Mr. Chairman and  
4 members of the Board. Three items to announce for the record.  
5 Application No. 18877 of Jessica Crane has been scheduled and  
6 to be placed on the docket, the Board=s docket for next Tuesday,  
7 March the 10<sup>th</sup>.

8 Second, Application No. 18880 of Bockai has been  
9 withdrawn by the Applicant.

10 The last, Applicant No 18906 of Endeka Enterprises has  
11 been, at the Applicant=s request, postponed and rescheduled  
12 to April 28<sup>th</sup>, 2015. That completes that, Mr. Chairman.

13 CHAIRMAN JORDAN: All right. Thank you. Mr. Moy, would  
14 you call 18930, please. Excuse me. 18829. I=m sorry. 829. 929.  
15 929.

16 MR. MOY: Okay. That would be Application No. 18929.  
17 18929. This is St. John=s College High School. Mr. Chairman,  
18 this is, as advertised, a request for special exception relief  
19 for a private school from the private school requirements under  
20 Section 206.

21 CHAIRMAN JORDAN: All right. Very good. Thank you. Would  
22 you please identify yourself.

23 MR. GLASGOW: For the record, my name is Norman M.  
24 Glasgow, Jr. of the law firm of Holland & Knight, here on behalf  
25 of the Applicant. With me, Jessica Bloomfield of the same firm.

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1 Mr. Jeff Mancabelli, who's the president of St. John's College.  
2 And then from the architectural firm, Mr. Matt Bell, Leo  
3 Veroni, and Dan Hurley.

4 CHAIRMAN JORDAN: That was Bell?

5 MR. GLASGOW: Pardon me?

6 CHAIRMAN JORDAN: Bell was the last name?

7 MR. GLASGOW: Correct.

8 CHAIRMAN JORDAN: Oh, yes. Matthew. Okay. Mr. Bell's not  
9 in our expert book, but I don't know if we need him today anyhow.

10 MR. GLASGOW: He's been qualified as an expert on many  
11 occasions before the Zoning Commission.

12 CHAIRMAN JORDAN: Really? Then we need to make sure that  
13 the book reflects properly, Mr. Moy.

14 ZC MEMBER TURNBULL: He's okay. He's okay.

15 CHAIRMAN JORDAN: If Mike Turnbull says he's okay, he's  
16 okay. Anyway, we believe that there's sufficient information  
17 already filed in this matter not to warrant to hear anything  
18 from the Applicant. We believe that you meet the standard  
19 necessary to get the relief that you requested.

20 You certainly have the opportunity to present testimony  
21 if you feel you need to. Otherwise, we can proceed with the  
22 hearing and just get it concluded.

23 MR. GLASGOW: All right. Thank you, Mr. Chairman. We're  
24 prepared to answer any questions that Board members may have.

25 CHAIRMAN JORDAN: Board, are there any questions on this

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1 one?

2 ZC MEMBER TURNBULL: I mean, basically the addition is  
3 an addition for physical space. There=s no increase in  
4 students. Nothing has really changed from a population staff,  
5 or student standpoint?

6 MR. GLASGOW: That is correct.

7 ZC MEMBER TURNBULL: Okay.

8 CHAIRMAN JORDAN: Then let=s turn to the Office of  
9 Planning and see if there=s anything Ms. Thomas needs to add  
10 to her report.

11 MS. THOMAS: Good morning, Mr. Chair; Karen Thomas with  
12 the Office of Planning. We have nothing further to add and we  
13 stand on the record of our report. Thank you.

14 CHAIRMAN JORDAN: Very good. Is anyone here from the  
15 Department of Transportation on this particular case?

16 We do have a letter from Department of Transportation  
17 of no objection to the requested relief.

18 Which ANC is this in?

19 MR. GLASGOW: 3/4G.

20 CHAIRMAN JORDAN: It=s actually 3/4. I thought my notes  
21 were incorrect, so it=s B-

22 MR. GLASGOW: No, sir.

23 CHAIRMAN JORDAN: Okay. Is anyone here from ANC 3/4G? We  
24 do have a letter of support for the requested relief from ANC  
25 3/4G. Is anyone here wishing to speak in support of the

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1 application? Anyone wishing to speak in support?

2 (No response)

3 CHAIRMAN JORDAN: Anyone wishing to speak in opposition?

4 Anyone in opposition?

5 (No response)

6 CHAIRMAN JORDAN: We do have several letters, I believe,  
7 don=t we, from B- well, we have a letter from the Commission  
8 on Fine Arts in support. I already mentioned we had the ANC=s  
9 letter, and the single-member district, ANC 3/4G02, a letter  
10 in support.

11 Then we will close the hearing based upon the record  
12 produced in this file and I would move that we grant the relief  
13 requested.

14 MEMBER HINKLE: Second.

15 MR. MOY: Motion made and seconded. Any further  
16 discussion?

17 (No response)

18 CHAIRMAN JORDAN: All those in favor, aye.

19 (Chorus of ayes)

20 CHAIRMAN JORDAN: Those opposed, nay.

21 The motion carries. Mr. Moy.

22 MR. MOY: Staff would record the vote as three to zero  
23 based on the motion of Chairman Jordan to approve the  
24 application for the relief requested; to second the motion,  
25 Mr. Hinkle; also in support, Mr. Turnbull. And we have a board

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1 member not present today, as well as board vacancies. The  
2 motion carries three to zero, sir.

3 CHAIRMAN JORDAN: Summary, please. Thank you very much.  
4 930, Mr. Moy.

5 MR. MOY: To the table, parties to Application No. 18930  
6 of Wallis McClain. Mr. Chairman, this is a request for special  
7 exception relief under Section 223, not meeting -- and this  
8 is what has been advertised B- lot occupancy requirements, open  
9 and closed court requirements, and nonconforming structure  
10 provisions at 1102 Park Street, N.E.

11 CHAIRMAN JORDAN: Please identify yourselves.

12 MS. FOWLER: Good morning. Jennifer Fowler.

13 MR. MCCLAIN: I'm the Applicant, Wallis McClain.

14 CHAIRMAN JORDAN: Does the Board need to hear anything  
15 from this Applicant?

16 9:54:14 ZC MEMBER TURNBULL: I just want to confirm that  
17 the drawings, the record drawings that we should be looking  
18 at, are on Exhibit No. 27. Those are the revised drawings with  
19 the lower height of the garage?

20 MS. FOWLER: Yes. That's correct. It was lowered about  
21 four and a half feet from the original application.

22 ZC MEMBER TURNBULL: Okay. Just want to clarify. Thank  
23 you.

24 MS. FOWLER: Yes.

25 CHAIRMAN JORDAN: Yes, I saw that and I was like wow. So

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1 Ms. Fowler, you know we've indicated to you that we believe  
2 the record is sufficient to grant the relief requested. But  
3 it's certainly your option to present anything else you want  
4 to present to the Board, if you feel necessary.

5 MS. FOWLER: No, thank you. I think we'll rest on the  
6 record.

7 CHAIRMAN JORDAN: Then we will turn to the Office of  
8 Planning and see if there's anything additional the Office of  
9 Planning has.

10 MS. BROWN-ROBERTS: Good morning, Mr. Chairman. Thank  
11 you. We also rest on the record for this. It was thoroughly  
12 reviewed and we recommend approval. Thank you.

13 CHAIRMAN JORDAN: Board, any questions of Planning?  
14 (No response)

15 CHAIRMAN JORDAN: Applicant, any questions of Planning?

16 MS. FOWLER: No, thank you.

17 CHAIRMAN JORDAN: Anyone here from Department of  
18 Transportation on this case?

19 (No response)

20 CHAIRMAN JORDAN: So we have a letter of no objection  
21 Department of Transportation on this case.

22 Anyone here from ANC 6A? Anyone from ANC 6A?

23 (No response)

24 CHAIRMAN JORDAN: We do have a letter from ANC 6A, who  
25 supports the relief requested, to which we will give great

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1 weight, meeting the quorum requirements and the other  
2 provisions of the law. Is anyone here wishing to testify B-  
3 or excuse me. Anyone wishing to speak in support? Anyone  
4 wishing to speak in support?

5 (No response)

6 CHAIRMAN JORDAN: Anyone in opposition? Anyone in  
7 opposition?

8 (No response)

9 CHAIRMAN JORDAN: Then we'll close the hearing based upon  
10 the evidence which is already deduced in this case, and I would  
11 move that we grant the relief requested in 18930.

12 MEMBER HINKLE: Second.

13 MR. MOY: Motion made and seconded. Additional  
14 discussion?

15 (No response)

16 CHAIRMAN JORDAN: All those in favor, aye.

17 (Chorus of ayes)

18 CHAIRMAN JORDAN: Opposed, nay.

19 The motion carries. Mr. Moy.

20 MR. MOY: The staff would record the vote as three to zero  
21 -- this on the motion of Chairman Jordan -- to approve the  
22 application for the relief requested; to second the motion,  
23 Mr. Hinkle; also in support, Mr. Turnbull. No other members  
24 present, Mr. Chairman. The motion carries.

25 CHAIRMAN JORDAN: Summary please.

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1 MR. MOY: Thank you.

2 CHAIRMAN JORDAN: Thank you very much. Let=s do 18931  
3 while we=re up and at it.

4 MR. MOY: All right. To the table, Application No 18931  
5 of Carolina Lopez and Jeffrey Frank. This application was  
6 advertised for special exception under Section 223, not  
7 meeting lot occupancy, rear yard, and nonconforming structure  
8 provisions.

9 CHAIRMAN JORDAN: All right. Please identify yourselves.

10 MS. FOWLER: Again, Jennifer Fowler here.

11 MR. FRANK: Jeffrey Frank.

12 CHAIRMAN JORDAN: There might be a couple of questions  
13 on this; I don=t think we need a full presentation. Does the  
14 Board have questions they would like the Applicant to address?  
15 Yes, please?

16 ZC MEMBER TURNBULL: The structure that=s there is  
17 existing --

18 MS. FOWLER: That=s correct.

19 ZC MEMBER TURNBULL: So you=re not changing the height  
20 or the physical appearance of the building per se. I mean,  
21 you=re making some modifications but the basic structure  
22 that=s there --

23 MS. FOWLER: We are going to increase the height of the  
24 building, and we are also shortening it, because we need to  
25 reduce the length to get the numbers below 70 percent. So that

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1 on the yard side, we've decreased it about a foot and a half.  
2 We are increasing the height.

3 ZC MEMBER TURNBULL: Well, I was looking at your  
4 drawings, and I --

5 MR. FRANK: It does have a second story now, and we're  
6 just going up a couple feet on that second story.

7 CHAIRMAN JORDAN: I don't see an existing B it's not in  
8 terms of just going up a couple of feet.

9 MS. FOWLER: If you look at Sheet D2, you can see the  
10 existing yard B-

11 ZC MEMBER TURNBULL: Oh, I see. Existing yard.

12 MS. FOWLER: And existing alley is 19 feet.  
13 And then you can see the proposed elevations on A2; it's a four  
14 foot increase.

15 ZC MEMBER TURNBULL: What about the setback from the  
16 alley?

17 MS. FOWLER: It's not changed. It's staying the same.

18 ZC MEMBER TURNBULL: But you're not asking for a variance  
19 on that?

20 MS. FOWLER: We're asking for rear yard relief because  
21 we're connecting to the house with a covered walkway.  
22 That's a special exception for rear yard.

23 ZC MEMBER TURNBULL: And the trellis is attached --

24 MS. FOWLER: Correct.

25 ZC MEMBER TURNBULL: -- from one building to another

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1 building?

2 MS. FOWLER: Yes. Correct.

3 ZC MEMBER TURNBULL: Okay.

4 CHAIRMAN JORDAN: So we're nonconforming at the  
5 alleyway?

6 MS. FOWLER: Right.

7 CHAIRMAN JORDAN: There are some conditions that I think  
8 one of the neighbors had placed, requested. Have you had a  
9 conversation with this neighbor regarding these conditions?

10 MR. FRANK: I've talked to all the neighbors. The two  
11 conditions that I've got from the neighbors were not to block  
12 the alley, which I promise not to do, and I don't have any plan  
13 on having any heavy equipment back there anyway.

14 CHAIRMAN JORDAN: Right. I don't think there's --

15 MR. FRANK: And the dumpster -- I'm not going to have a  
16 dumpster there either.

17 CHAIRMAN JORDAN: I don't think there's anything that we  
18 would add to our order. Any other questions on this?

19 (No response)

20 CHAIRMAN JORDAN: So then we will turn to the Office of  
21 Planning and see what Mr. Cochran has for us. Anything in  
22 addition, please?

23 MR. COCHRAN: Nothing additional, sir. Both the lot  
24 occupancy and rear yard relief are recommended by OP.

25 CHAIRMAN JORDAN: And Ms. Fowler, your position on that?

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1 MS. FOWLER: I don=t have any questions for Office of  
2 Planning, if that=s what you=re asking.

3 CHAIRMAN JORDAN: Okay. I think Mr. Cochran said that he  
4 thought some additional relief was necessary. Did I miss what  
5 you said?

6 MR. COCHRAN: The Applicant=s asked for lot occupancy and  
7 rear yard relief, and that=s what we=re recommending for.

8 CHAIRMAN JORDAN: Okay. Because it was amended. All  
9 right. Good. Anyone, questions of Planning?

10 (No response)

11 CHAIRMAN JORDAN: Is anyone here from the Department of  
12 Transportation on this case? We have a letter of no objection  
13 from Department of Transportation.

14 (No response)

15 CHAIRMAN JORDAN: Is anyone here from ANC 6A for this?

16 (No response)

17 CHAIRMAN JORDAN: Okay. The ANC didn=t take any  
18 position. We have, I guess, one, two, maybe about 20 B- at  
19 least 30 letters of support.

20 MR. MOY: Thirty-five.

21 CHAIRMAN JORDAN: Thirty-five. Okay.

22 MS. FOWLER: Not all of them -- some of them were last  
23 minute, so they=re not in the record.

24 CHAIRMAN JORDAN: And we do have one letter of opposition  
25 in here. Is anyone else wishing to speak in support? Anyone

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1 else wishing to speak in support?

2 (No response)

3 CHAIRMAN JORDAN: Anyone wishing to speak in opposition?

4 Anyone in opposition?

5 (No response)

6 CHAIRMAN JORDAN: We will close the record on this  
7 matter. Is the Board ready to deliberate in this case?

8 I would move that we grant the relief requested in 18931.

9 MEMBER HINKLE: Second.

10 CHAIRMAN JORDAN: The motion being seconded. Further  
11 discussion?

12 (No response)

13 CHAIRMAN JORDAN: All those in favor, aye

14 (Chorus of ayes)

15 CHAIRMAN JORDAN: Those opposed, nay.

16 The motion carries. Mr. Moy.

17 MR. MOY: The staff would record the vote as three to  
18 zero, this on the motion of Chairman Jordan to approve the  
19 application for the relief requested; second the motion, Mr.  
20 Turnbull; also in support, Mr. Hinkle, and no other members  
21 present, Mr. Chairman. The motion carries.

22 CHAIRMAN JORDAN: Summary.

23 MR. MOY: Thank you.

24 CHAIRMAN JORDAN: Mr. Moy, 928, please.

25 MR. MOY: To the table, parties to Application No. 18928

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1 of Jaime Zaldivar. Mr. Chairman, as advertised, this is a  
2 request for special exception relief under Section 223, not  
3 meeting the lot occupancy requirements under Section 403 at  
4 property 115 V Street, N.W.

5 CHAIRMAN JORDAN: Okay. Please identify yourselves,  
6 please.

7 MR. ZALDIVAR: I'm Jaime Zaldivar. I'm the owner of the  
8 property.

9 CHAIRMAN JORDAN: Your name again?

10 MR. ZALDIVAR: Jaime Zaldivar.

11 CHAIRMAN JORDAN: Zaldivar. Okay.

12 MR. OSBORNE: And I'm Charles Osborne. I am also an owner  
13 of the property.

14 MS. FERNANDEZ: Vivian Fernandez with Acanthus  
15 Architects, architect on the project.

16 CHAIRMAN JORDAN: I believe that we have a few questions.  
17 We don't need a full presentation from you. We have some  
18 questions on this: (1) I think the Office of Planning indicated  
19 that they believe that you needed relief from 2001.3, and I  
20 don't know if you've amended your application to include that.  
21 I mean, you don't have to; it's just a recommendation from  
22 Office of Planning. So we're not going to force it on you. Just  
23 if you think that it's not necessary and it's going to be  
24 sufficient to get past the Zoning Administrator.

25 MS. FERNANDEZ: Sir, I thought the Office of Planning had

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1 approved the application.

2 CHAIRMAN JORDAN: If I'm not incorrect, it's my  
3 understanding they've recommended that B- let's turn to Office  
4 of Planning.

5 MS. RAPPOLT: Hi. Megan Rappolt, for the record. We  
6 recommended that the BZA approve the requested lot occupancy  
7 relief, and then we also believe that relief from 2001.3 is  
8 required.

9 CHAIRMAN JORDAN: If you would simply ask to amend it and  
10 then take care of the proper paperwork with the Office of  
11 Zoning, we can do that in one swoop.

12 MS. FERNANDEZ: Yes, sir.

13 CHAIRMAN JORDAN: Okay. Then we're just going to need,  
14 officially, an amended certification and application, and I  
15 don't know if there's any other financial considerations  
16 necessary, but we need to do that.

17 Board, any questions that we have of this? Mr. Turnbull.

18 ZC MEMBER TURNBULL: Yes. Thank you, Mr. Chair. I just  
19 had a question. The OP report basically says that the height  
20 of the existing building is 38 feet, and that the new height  
21 will be 38 feet.

22 MS. FERNANDEZ: The current height of the building is  
23 approximately thirty-eight. It's hard to -- because of the  
24 turret. The turret goes beyond that. But yes, the new height  
25 of the building at the front is that, and then it rises in the

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1 back; whereas the roof would decline, the third floor would  
2 just go straight out the back.

3 ZC MEMBER TURNBULL: When I look at the front elevation  
4 of the building, and I see the turret, and then I see a roof  
5 beyond, it looks like B- I'm not sure B- what am I looking at  
6 when I look at that roof? What's the material?

7 MS. FERNANDEZ: The material would be a membrane roof.

8 ZC MEMBER TURNBULL: In the front of the house?

9 MS. FERNANDEZ: No; no. No. That's the turret. The turret  
10 stays. And then the third floor addition is set back about six  
11 feet from the front. And then you have the structure, which  
12 would be B- at this point we're thinking it would be a stucco  
13 material.

14 ZC MEMBER TURNBULL: I'm looking at the angled part of  
15 the roof.

16 MS. FERNANDEZ: The angled part of the roof, that would  
17 be stucco. I mean -- I'm sorry. The side, the elevation, the  
18 side facade would be stucco, and then the roof would either  
19 be a metal roof or a membrane roof.

20 ZC MEMBER TURNBULL: I'm confused, from an architectural  
21 standpoint, looking at this thing. I'm looking up at a roof  
22 that's either going to be shingle, tile, or a metal roof,  
23 standing seam, or something roof that I'm seeing angled down.

24 MS. FERNANDEZ: That would be -- that would match the  
25 current shingles on the property.

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1           ZC MEMBER TURNBULL: So it=s a shingle roof that I=m  
2 seeing from the front of the street. I see the turret; I see  
3 the brick, and I=m looking back, and I see an angled roof --

4           MS. FERNANDEZ: Yes. Well, that, the part that angles  
5 back, there=s a brick parapet wall.

6           ZC MEMBER TURNBULL: Right.

7           MS. FERNANDEZ: That stays.

8           ZC MEMBER TURNBULL: That stays. And then I=m looking at  
9 a shingle roof, then?

10          MS. FERNANDEZ: Yes.

11          ZC MEMBER TURNBULL: Okay. At the back of the house, from  
12 an elevation, we=ve got the brick of the house going up, there=s  
13 a parapet wall, and then going back there=s a deck, and then  
14 there=s a vertical wall back with circular stairs going up.  
15 What is the wall back by the stairs? All I can tell from the  
16 elevation, it looks like there=s some -- it says --

17          MS. FERNANDEZ: It would -- it=s glass and stucco.

18          ZC MEMBER TURNBULL: It=s glass and stucco?

19          MS. FERNANDEZ: Yes. There=s big glass doors where the  
20 spiral stair goes up.

21          ZC MEMBER TURNBULL: Okay.

22          CHAIRMAN JORDAN: On the third floor?

23          ZC MEMBER TURNBULL: On the third floor, right.

24          CHAIRMAN JORDAN: Third floor.

25          ZC MEMBER TURNBULL: On the third floor. Okay.

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1 Well, it looks like a tastefully done renovation here.

2 MS. FERNANDEZ: Thank you.

3 ZC MEMBER TURNBULL: I appreciate that. So thank you.

4 CHAIRMAN JORDAN: Board, any additional questions?

5 (No response)

6 CHAIRMAN JORDAN: So there=s nothing else the Board  
7 believes they need to hear from the Applicant. If you think  
8 you need to say something, you can. However, we can proceed  
9 on.

10 MR. ZALDIVAR: Thank you.

11 CHAIRMAN JORDAN: All right. Then we=ll turn back to  
12 Office of Planning, see if there=s anything in addition.

13 MS. RAPPOLT: No further comments from the Office of  
14 Planning; we stand on the record.

15 CHAIRMAN JORDAN: Department of Transportation has  
16 submitted a letter of no objection. Is anyone here from ANC  
17 5E? 5E in this case? We do have a letter of support from ANC  
18 5E.

19 (No response)

20 CHAIRMAN JORDAN: And we have maybe 30 letters from  
21 neighbors in support of this, and which we appreciate you  
22 obtaining. In the single-member district, ANC Commissioner  
23 5E08 has submitted a letter of support.

24 Is anyone else wishing to speak in support of this  
25 application? Anyone wishing to speak in support?

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1 (No response)

2 CHAIRMAN JORDAN: Anyone in opposition? Anyone in  
3 opposition?

4 (No response)

5 CHAIRMAN JORDAN: Then we will close the record on this  
6 matter, and I would move that we grant the relief, the amended  
7 relief requested.

8 ZC MEMBER TURNBULL: Second.

9 CHAIRMAN JORDAN: Further discussion?

10 (No response)

11 CHAIRMAN JORDAN: All those in favor, aye

12 (Chorus of ayes)

13 CHAIRMAN JORDAN: Those opposed, nay.

14 The motion carries. Mr. Moy.

15 MR. MOY: The staff would record the vote as three to  
16 zero, this on the motion of Chairman Jordan to approve the  
17 application for the relief requested, as well as amended to  
18 add relief under 2001.3; second the motion, Mr. Turnbull; also  
19 in support, Mr. Hinkle. We have members not present today, Mr.  
20 Chairman, but the motion carries.

21 CHAIRMAN JORDAN: All right. Summary, please.

22 MR. MOY: Thank you.

23 CHAIRMAN JORDAN: And again, you can stop by the Office  
24 of Zoning and file the proper documentation as this relief has  
25 been amended.

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1 MR. ZALDIVAR: Thank you.

2 CHAIRMAN JORDAN: All right. The top of the batting  
3 order.

4 MR. MOY: Okay. I believe, Mr. Chairman, then that would  
5 be Application No. 18927 of Nicholas Rodriguez. This is a  
6 request by the Applicant for relief for a special exception  
7 under 223 -- not meeting lot occupancy, rear yard, open court,  
8 and nonconforming structure requirements.

9 CHAIRMAN JORDAN: Okay. Please identify yourself.

10 MR. RODRIGUEZ: Hi. I'm the Applicant, Nicholas  
11 Rodriguez.

12 MR. FOWLER: I'm Mike Fowler from Fowler Architects.

13 MS. FOWLER: And Jennifer Fowler from Fowler Architects.

14 CHAIRMAN JORDAN: Okay. There's a lot going on with this  
15 case. It seems like, up to the minute, we're getting letters  
16 of opposition from neighbors, and et cetera, on this matter.  
17 Let me ask you, just in a general way, what did you present  
18 to the neighbors? Did your plans change from what you  
19 presented to the neighbors?

20 MR. FOWLER: No; they didn't.

21 CHAIRMAN JORDAN: So the same set of plans, you haven't  
22 amended your plans at all -- they've been the same plans  
23 throughout?

24 MR. FOWLER: Yes; they have.

25 CHAIRMAN JORDAN: I'm sure you've read the letters of

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1 opposition; it seems as though that they make the implication  
2 that actually the plans changed. Do you want to respond to that?

3 MR. RODRIGUEZ: Let me -- I can speak to that, briefly.  
4 Like most of the other Applicants here, I spoke to my three  
5 adjacent neighbors, and I went around the block gathering  
6 signatures of other neighbors as well.

7 I actually wouldn't let anybody sign without flipping  
8 through the plans that you have in front of you right now, and  
9 in the cases of the adjacent neighbors, each of them took, in  
10 varying turns, four days, several weeks to review the plans,  
11 and then to come back to us.

12 In one case, we met with the adjacent neighbor with our  
13 architect and with a contractor -- a potential contractor --  
14 in order to talk about the various concerns, and to assuage  
15 those concerns.

16 What you're seeing in the last week is a reversal of some  
17 of those positions -- a change of heart, if you will.

18 CHAIRMAN JORDAN: At least that. Let me ask. I have some  
19 questions, a concern about the shadow study also. I might have  
20 not been really able to follow some of it.

21 There's no identification as to the building as they go,  
22 but particularly -- where am I? What period of time was that?  
23 It must be the -- some of the latter shadow studies. I believe  
24 the March 20<sup>th</sup>, 2015, and September 23<sup>rd</sup>, 2015, and then the one  
25 thereafter, the March -- most of these March ones. I don't know;

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1 I can=t tell what shadows by fencing and what shadows are being  
2 cast by the structure.

3 MR. FOWLER: I can answer those questions. The -- sorry.  
4 I had these stapled in the wrong order. The March and September,  
5 at 9:30 a.m., the only shadow that=s being cast by the proposed  
6 addition is in the rear yard.

7 If I could run through the properties; the one with the  
8 blue box, the addition, is 815 8<sup>th</sup> Street, and the one right  
9 next to it, with the shorter rear yard, is 817, and then 819,  
10 and the last one on the right-hand side is 821.

11 So in the 9:30 hour, the only change in shadow is in the  
12 rear yard of 819 8<sup>th</sup> Street, and you can see -- if you look at  
13 the top and the bottom image -- there=s a partial rectangle  
14 of shadow that=s right about in mid-rear yard of --

15 CHAIRMAN JORDAN: What about 817?

16 MR. FOWLER: There is a shadow in the rear yard, in both  
17 images, being cast by the existing fence.

18 CHAIRMAN JORDAN: That=s fence?

19 MR. FOWLER: Yes. If you look at the image on the top of  
20 the page, that=s with no -- that=s with the existing  
21 conditions, and you can still see kind of an L-shaped shadow  
22 in their rear yard, and then on the bottom image, there still  
23 is a L-shaped shadow in their rear yard.

24 I mean, you know, I can only choose so many times, so  
25 many times a year to look at the shadows, and I thought this

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1 was pretty representative.

2 CHAIRMAN JORDAN: Okay.

3 MR. FOWLER: And the next page, which would be 12:30, in  
4 March and September, as the sun is moving from east to west,  
5 the shadow is moving closer towards the rear of the yard, so  
6 in this image, the only shadow that=s being cast by the proposed  
7 addition is the very rear yard of 819.

8 CHAIRMAN JORDAN: And so for December 21<sup>st</sup> at 9:30, there  
9 is no change. Is that what you=re B-

10 MR. FOWLER: December 21st at 9:30 -- right. Because at  
11 that hour, the sun angle is so low that the existing privacy  
12 fences are casting a shadow in the rear yard. So the addition  
13 of the garage isn=t going to change that.

14 CHAIRMAN JORDAN: All right. Okay; I=m good.

15 Board, other questions? I don=t want to hog up all the  
16 questions.

17 ZC MEMBER TURNBULL: Oh, that=s okay. So the biggest --  
18 you=re saying the biggest impact is really in March and  
19 September.

20 MR. FOWLER: Correct. And, you know, there will be other  
21 months, you know, where it varies from that impact to little  
22 or no impact. But this kind a takes a snapshot of the four  
23 seasons, and those two are where it shows the most impact.

24 ZC MEMBER TURNBULL: What is the width of the alley?

25 MR. FOWLER: The alley is 15 feet.

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1 ZC MEMBER TURNBULL: And you're not setting back anything  
2 from the alley to meet the 12 feet requirement?

3 MR. FOWLER: No. There's an existing one-story garage in  
4 the approximate location where we're proposing the --

5 ZC MEMBER TURNBULL: Yes, but you usually still request  
6 a variance to --

7 MR. FOWLER: This is a rear addition to the existing  
8 house.

9 ZC MEMBER TURNBULL: But I'm saying it's a nonconforming  
10 structure as it is.

11 MR. FOWLER: The existing garage --

12 ZC MEMBER TURNBULL: Right.

13 MR. FOWLER: -- is a nonconforming structure.

14 ZC MEMBER TURNBULL: Yes. Usually you ask for a variance  
15 on the nonconforming as you're going forward. Mr. Chair, I --

16 CHAIRMAN JORDAN: Well --

17 ZC MEMBER TURNBULL: Or the 12 feet requirement.

18 CHAIRMAN JORDAN: If we're impacting it.

19 ZC MEMBER TURNBULL: Yes. I've also noticed that the  
20 trellis is not connected to the house or the garage on your  
21 sections.

22 MR. FOWLER: Excuse me. It is connected to -- oh, you mean  
23 --

24 ZC MEMBER TURNBULL: That there's no physical connection  
25 between the garage and the house. There's about four to six

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1 inches separating the trellis from the --

2 MR. FOWLER: That might be a graphical issue. Yes; that  
3 is correct. That=s the way it=s represented, but there=s  
4 nothing preventing it from actually touching either of the  
5 structures.

6 CHAIRMAN JORDAN: Wait. Let=s make sure we=re using the  
7 same language. Is it connecting? It is touching? Is it  
8 connected to the building? Not that is there anything that=s  
9 preventing it from --

10 MR. FOWLER: No. It=s not represented in the section as  
11 touching either of the -- or being connected to either of the  
12 existing structures.

13 CHAIRMAN JORDAN: Maybe I=m a little slow on the uptake.  
14 What we see in the plans is that the trellis does not connect,  
15 actually physically touch the structures. Right or wrong?

16 MR. FOWLER: In one of the plans it shows touching; in  
17 the section it does not show touching. Correct.

18 CHAIRMAN JORDAN: All right. Do me a favor. Am I the only  
19 one confused?

20 Sir, the trellises do not touch. I mean, they don=t touch  
21 the structure?

22 MR. FOWLER: As it=s represented in the section that  
23 you=re referring to, it does not touch.

24 CHAIRMAN JORDAN: Okay. Are the drawings incorrect? Or  
25 are they correct?

1 MR. FOWLER: It is our intent that this makes a meaningful  
2 connection between the two structures. If it=s represented  
3 that way, that it=s not, that was not our intent.

4 This has been how it=s represented in other projects  
5 where it=s constituted meaningful connection, so I drew it in  
6 a similar way that we=ve drawn it in previous projects.

7 So that was not our intent to purposely not connect the  
8 two structures with the trellis.

9 CHAIRMAN JORDAN: Okay.

10 ZC MEMBER TURNBULL: I think you need to correct the  
11 drawings, for the record.

12 MR. FOWLER: We can do that.

13 ZC MEMBER TURNBULL: The other thing I=m really concerned  
14 about, and the Chair brought it up, is I think it might be  
15 worthwhile to talk to those neighbors again. I mean --

16 MR. RODRIGUEZ: So I can say a little bit about that.  
17 First of all, we thought we had neighbor support, and up until  
18 about 10 days ago -- literally the deadline for submitting  
19 materials for this hearing -- we thought we had neighbor  
20 support.

21 There has been some organizing going on to organize  
22 opposition over the course of the last 10 days, and I have made  
23 a number of different overtures to the neighbors as soon as  
24 I got their letters. So the ones I knew about were the ones  
25 at 817, 819, and 821. I met with all of them and have spoken

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1 to them about potential changes to the project.

2 What you're seeing in the sun study, for example, is  
3 the result of frantically trying to meet their concerns within  
4 a seven day window.

5 I think that, you know, I've spent time trying to  
6 understand each of their concerns as laid out in their letters,  
7 and just have spoken to me, I've spoken with each of them at  
8 least twice, and actually the folks who are here to witness  
9 today met with both of them, and some others, yesterday  
10 evening, because Mike and I worked out some alternative  
11 drawings to try to address some of their concerns.

12 Obviously, we're not able to submit those for the record  
13 here, but those drawings reduced the height of the structure  
14 on the side of the affected neighbors by three and a half feet,  
15 and they reduced the height of the structure on the other side  
16 by one and a half feet.

17 You know, this was B- you know, we tried to do as best  
18 we could to accommodate the concerns that the neighbors  
19 raised, and we've spoken to them. And they've made it clear,  
20 by continuing to oppose, that there really is no compromise  
21 that's acceptable to them.

22 And so, you know, we all agreed that that was what was  
23 going to happen. They were either going to say let's work  
24 together, and let's postpone, and then submit new drawings,  
25 or let's -- or you can continue to oppose, and, you know, we'll

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1 -- so we=ve had several discussions. I don=t think my neighbors  
2 would contradict me on that.

3 ZC MEMBER TURNBULL: I guess my feeling is: I would like  
4 to see your new drawings. I think the new drawings -- that this  
5 is a rather big garage, and it=s a big addition.

6 I think anything that you can do to ameliorate that, I  
7 think is worthwhile, and I, for one -- and it=s up to you, Mr.  
8 Chair -- but I wouldn=t mind seeing those revised drawings with  
9 the corrected trellis and all of that.

10 I think that may sit a little better with some of us up  
11 here.

12 MR. RODRIGUEZ: Sure.

13 CHAIRMAN JORDAN: I agree with you. Let=s do this,  
14 though. Is anyone here wishing to testify in this case? There=s  
15 several. Okay. So we=ll take those testimonies, so that they  
16 don=t have to come back.

17 ZC MEMBER TURNBULL: Okay. Sure.

18 CHAIRMAN JORDAN: And in light of that, Mr. Jesick, we  
19 can just wait to get any other changes or input from you as  
20 we get a new set of plans, and the other discussion.

21 So I=m going to ask those who are here to speak in support  
22 of the application, please come forward. Those who wish to  
23 speak in support. Those wishing to speak in opposition, please  
24 come and take a seat.

25 Please identify yourselves.

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1 MS. ARNO: Tianeka Arno.

2 CHAIRMAN JORDAN: Ono?

3 MS. ARNO: Arno.

4 CHAIRMAN JORDAN: Make sure your mic is on, please.

5 MR. SANOK: Sorry. David Sanok, owner of 821 8<sup>th</sup> Street.

6 CHAIRMAN JORDAN: Okay. Each of you have three minutes  
7 to talk to the Board and tell us what=s on your mind regarding  
8 the relief requested.

9 MS. ARNO: Okay. I=m Tianeka --

10 CHAIRMAN JORDAN: And just so you know, see the clock in  
11 the corner? It=ll kind a keep time on you. Because if it goes  
12 on and turns in to red, Mr. Moy throws things at people. I don=t  
13 want that to happen.

14 MR. MOY: It should give you a preliminarily beep at one  
15 minute left.

16 MS. ARNO: Okay.

17 CHAIRMAN JORDAN: Then he=ll throw things.

18 MS. ARNO: I=m Tianeka Arno. I=m the neighbor at 817 8<sup>th</sup>  
19 Street, N.E. Our home is the home right next door to 815. Our  
20 back yard does not have alley access. So we=re the house with  
21 the shortest back yard. We didn=t -- we spoke with Mr. Rodriguez  
22 last night, me and my husband, and we didn=t find out until  
23 last night, that they=re planning on demolishing the structure  
24 that is there prior. And that was not said to us in the first  
25 meeting that we had.

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1           And he did state, last night that he=s willing to work  
2 with us, but we have a lot of concerns -- because our house  
3 is over a 100 years old -- about the vibration and the  
4 demolition so close to our home.

5           We also have concerns about security with people coming  
6 in and out of the alley entranceway. And we have concerns about  
7 the new utilities that they=ll be digging, because there=s  
8 nothing there now. So thank you.

9           CHAIRMAN JORDAN: When did you first have a conversation  
10 with Mr. Rodriguez?

11          MS. ARNO: I=m thinking it=s been about three months ago.

12          CHAIRMAN JORDAN: Okay.

13          MS. ARNO: Yes.

14          CHAIRMAN JORDAN: He showed you a full set of plans?

15          MS. ARNO: Showed me a full set of plans, and the plans  
16 have changed, because he showed us a revised set of what he=s  
17 willing to do, last night. And we -- he did say that he is  
18 willing to maybe use the structure as it stands now.

19          CHAIRMAN JORDAN: Board, any other questions?

20          ZC MEMBER TURNBULL: I=m sure that Mr. Rodriguez can work  
21 with you as far as any construction preliminarily and work out  
22 making sure that you=re whole, making sure that the vibrations  
23 of the contractor is going to be -- but that=s between you two,  
24 to work that out, but --

25          MS. ARNO: Yes.

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1 ZC MEMBER TURNBULL: -- you need to either document your  
2 house before anything starts, so that --

3 MS. ARNO: Yes.

4 ZC MEMBER TURNBULL: -- you=re both not pointing  
5 fingers at each other. But that=s really a personal issue for  
6 the two of you to do.

7 MS. ARNO: Yes.

8 CHAIRMAN JORDAN: Not within our purview. Does the  
9 Applicant have any questions of this witness?

10 MR. RODRIGUEZ: No.

11 CHAIRMAN JORDAN: Okay. Our next witness, please.

12 MR. SANOK: David Sanok, 821 8<sup>th</sup> Street, N.E.

13 CHAIRMAN JORDAN: Okay.

14 MR. SANOK: Lot 29.

15 CHAIRMAN JORDAN: Okay.

16 MR. SANOK: The one on the end.

17 CHAIRMAN JORDAN: At the end.

18 MR. SANOK: Yes. My concern is that -- and I have spoken  
19 with Mr. Rodriguez. The first time was a week ago, which is  
20 the first time I was aware of what was going on with the back  
21 yard. With the lot being so wide -- basically the width of two  
22 lots -- and the garage that=s currently there, it is quite  
23 sizeable. My main concern is the height. From what we have  
24 currently in the back yard, you know -- not that it=s a  
25 wonderful view in the city -- but there is skylight, there is

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-- and even besides a shadow, we're able to sort of see above the rooftops, and get a view.

With an addition of a second story -- if it would just be one story and convert what is currently there in to a rental, absolutely no problem. But going up -- and he has worked with trying to lower the height.

However, it's still looking from the views, which I think B- or some of them are submitted, looking in to the back yard, it is still just a big block building that is going to be taking away from the privacy and from our look and feel of being able to enjoy our back yard, and the ambiance that's there. Having a tall structure, basically one house away, almost sort of, you know, kind of like a watchtower.

And what's currently been going on with the rest of the neighborhood, from 3<sup>rd</sup> Street all the way down H Street with the new constructions, and the large buildings, you know, all those houses have sort of lost that low-level line view, and with this being in the back yard, at the second story height, that's going to happen to our properties.

Plus the other parts would be as far as with losing one more parking slot, there's going to be more parking, and with additional tenants, 8<sup>th</sup> Street is already building up more and more, and with the new 800 or 400 units, 600 units that are going on where the Whole Foods and Lowe's are going in between 6<sup>th</sup> and 7<sup>th</sup>, there's additional parking for people that will

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1 visit, that=s only one block away, and again it=s more parking  
2 slots being taken up on 8<sup>th</sup> Street,  
3 And the surrounding square, 911.

4 And the other part would just be as far as during the  
5 construction period for those trying to get in and out, since  
6 there=s no staging space on the property, to be able to, you  
7 know, to demo, destroy, and rebuild.

8 But my main is truly the height. The fact of the second  
9 story there really does implement our views.

10 CHAIRMAN JORDAN: Board, any questions of this witness?

11 Yes. Mr. Turnbull, please.

12 ZC MEMBER TURNBULL: Thank you for showing up this  
13 morning to give us your story.

14 Unfortunately, the zoning regulations don=t guarantee  
15 a view.

16 MR. SANOK: Sure.

17 ZC MEMBER TURNBULL: There=s nothing that protects a view  
18 per se. We=ve run in to this many times, and it=s just the nature  
19 -- a lot of people want to see the Capitol Dome and they can=t  
20 see it. But what we do look at are the impacts, a lot of them  
21 on the immediate properties, and it would appear that the  
22 Applicant is willing to work with the immediate neighbors, and  
23 try to ameliorate the impact of the structure that he  
24 originally had designed to at least reduce some of that impact  
25 on them. Those are -- you=re about what? How many houses away?

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1 You=re --

2 MR. SANOK: From where the property line is, just one.

3 ZC MEMBER TURNBULL: You=re just one. Okay. So I mean,  
4 he needs to talk to everybody, I mean, and just make sure that  
5 -- we=re looking at -- we look at impacts on other properties,  
6 but the view, unfortunately, is not one that really is  
7 something we can really --

8 MR. SANOK: But it=s also the privacy.

9 ZC MEMBER TURNBULL: The privacy. Well, that is an issue.  
10 Where the windows are located, how much of a view it looks in  
11 to someone else=s property -- those are things that can be  
12 addressed. So that=s, I think, given the opportunity, that he=s  
13 willing to be able to go back and look at the site, I think  
14 as we=ve already said earlier, it looks like Mr. Rodriguez is  
15 going to come back to us. He=s going to meet with you folks,  
16 and look at this thing, and see how we can tailor this to try  
17 to lessen some of those impacts.

18 So, Mr. Chair, that=s all I have.

19 CHAIRMAN JORDAN: Thank you. Any other questions of the  
20 witnesses, Board?

21 (No response)

22 CHAIRMAN JORDAN: Does the Applicant have any questions  
23 they would like to ask?

24 MR. FOWLER: I had one question. Our client did show the  
25 neighbors, yesterday evening, a revised scheme with the

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1 lowered heights, and reduced windows, reduced window size and  
2 reduce the number of windows. The question is whether or not  
3 the neighbors would be, would support the revised design as  
4 it=s -- it was not completed in time for submission but --

5 CHAIRMAN JORDAN: Well, they don=t need to respond to  
6 that, until they see it, till we have it in the record, et  
7 cetera, and that=s a conversation you=re going to have that=s  
8 not in this room.

9 MR. FOWLER: Okay.

10 CHAIRMAN JORDAN: Appreciate it, though. Any other  
11 questions you may want to ask?

12 MR. RODRIGUEZ: Well, only to apologize to David, as I=ve  
13 done to him privately, that when I made my rounds. I missed  
14 his house. He=s not an immediately-adjacent neighbor; I got  
15 as many as I could, and tried to work with him as soon as I  
16 became aware of his opposition.

17 CHAIRMAN JORDAN: Okay. Then let=s move this matter over  
18 for the amended drawings. And what else were we looking for?  
19 Something else.

20 MR. RODRIGUEZ: I believe it was the trellis connection.

21 CHAIRMAN JORDAN: Trellis connection. There was  
22 something else. Yes; yes. With the various setbacks. And we  
23 need to --

24 MR. FOWLER: Sorry. Could you clarify the setback  
25 requirement. This was a -- it=s an addition. If it=s attached

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1 with the trellis, we are going -- requesting a special  
2 exception for rear yard requirement. It=s not an accessory  
3 structure with the 12 foot setback.

4 ZC MEMBER TURNBULL: No, I think we=re just looking at  
5 -- you had mentioned setbacks. I don=t think we brought up  
6 setbacks. You had mentioned setbacks to ameliorate the impact  
7 on the adjoining property; I think that=s all we=re looking  
8 at, then, what you=re doing from a planning section, to tell  
9 us that what you=re trying to do to satisfy their concerns.

10 CHAIRMAN JORDAN: So we=ll continue this for a modified  
11 hearing -- no additional witnesses except for the Applicant  
12 -- so we can discuss with the Applicant any plans, unless the  
13 plans change drastically. We=ll do that. Mr. Moy, a date when  
14 Mr. Turnbull is with us, please.

15 MR. MOY: Yes, sir. That would be -- one second here.  
16 That would be April 7<sup>th</sup>.

17 CHAIRMAN JORDAN: Okay. April 7<sup>th</sup>, then.

18 MEMBER HINKLE: Mr. Chairman, would we accept written  
19 testimony from the neighbors?

20 CHAIRMAN JORDAN: Yes. That=d be fine. And as I said, if  
21 the plans change drastically -- right now, there=s not any  
22 intent to allow for additional testimony. But we have to see  
23 his plans change, how the plans may change, so we=ll do that.

24 MEMBER HINKLE: So I would like to hear from the neighbors  
25 if, you know, based on the plans --

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1 CHAIRMAN JORDAN: Yes. If they change substantially;  
2 yes.

3 MEMBER HINKLE: Exactly. And then perhaps a revised  
4 report from OP.

5 CHAIRMAN JORDAN: Yes. Thank you.

6 MEMBER HINKLE: Thank you.

7 MR. MOY: This is a continued hearing. Correct, sir?

8 CHAIRMAN JORDAN: Yes, please.

9 MR. MOY: Thank you.

10 CHAIRMAN JORDAN: All right. We thank you. Appreciate it.  
11 Thank you for coming down and taking the time.

12 Let=s take five minutes and come back, and be prompt in  
13 our five minutes, and we=ll next call the 37, Mr. Moy.

14 MR. MOY: Yes.

15 (Whereupon, the above-entitled matter went off the  
16 record at 10:37 a.m. and resumed at 10:41 a.m.)

17 CHAIRMAN JORDAN: Let=s call -- which case is that? 37.

18 MR. MOY: Yes, sir. That would be parties to the table,  
19 Application No. 18937 of Seven Brick Road, LLC. Mr. Chairman,  
20 this is -- has been amended for request for relief for variances  
21 from the lot occupancy, rear yard, and nonconforming structure  
22 provisions. This is a property at 1401 South Carolina Avenue,  
23 S.E.

24 (Brief pause)

25 CHAIRMAN JORDAN: Okay. All right. Let=s get back to

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1 where we are. You already called the case, Mr. Moy?

2 MR. MOY: Yes; I did, sir.

3 CHAIRMAN JORDAN: Okay. Please identify yourselves,  
4 please. Make sure the mic is on.

5 MR. MCCURDY: My name is David McCurdy; I'm the owner of  
6 the property.

7 MR. HEISEY: Joel Heisey; I'm working with the developer.

8 CHAIRMAN JORDAN: Okay. All righty. Explain to me what  
9 you're considering exceptional condition; just explain that  
10 to me.

11 MR. MCCURDY: Okay. The exceptional condition of the  
12 property requiring that the reason for the -- well, this  
13 building was built in 1979, so it's -- and it was built as a  
14 church, a small church, and it currently exceeds its lot  
15 occupancy as constructed. We're not looking to expand the  
16 footprint of the building, but it needs -- to convert it in  
17 to residential use, it needs complete gut rehab; all the floor  
18 levels need to be changed.

19 The front entrances, right now, are, I don't know, 10  
20 feet or 12 feet high, and they need to be brought down to the  
21 residential level.

22 CHAIRMAN JORDAN: So it already exceeds lot occupancy and  
23 rear yards.

24 MR. MCCURDY: Yes. So it's -- yes. It's two feet over  
25 on the rear yard, and exceeds lot occupancy. We're not

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1 increasing that; we're in fact reducing a little. And it's also  
2 a very unattractive building.

3 CHAIRMAN JORDAN: Any other questions? Mr. Turnbull.

4 ZC MEMBER TURNBULL: And you're adding a third floor?

5 MR. MCCURDY: Yes; we are. On the -- we are building on  
6 top of the -- it has a small addition that makes it  
7 nonconforming in the back. On that, we are only building --  
8 well, we're building the third floor addition on top of the  
9 main building, which is at 60 percent, and then we're just  
10 adding porches on the back addition part -- exposed porches  
11 on the rear of the building -- and that's what we need, really,  
12 the exception for.

13 ZC MEMBER TURNBULL: And you're matching the existing  
14 brick, or --

15 MR. MCCURDY: Yes. Well, my -- my contractors have told  
16 me that he can get -- it's 1971 brick, so we can get very close  
17 to that. But we are using brick.

18 CHAIRMAN JORDAN: So this building's never been a  
19 residence?

20 MR. MCCURDY: Never.

21 CHAIRMAN JORDAN: Okay. All right. Because I thought I  
22 read somewhere that it was converted from a residence  
23 and you were -- it was converted -- it was not converted; it  
24 was always a church?

25 MR. MCCURDY: No. It's a purpose-built church.

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1 CHAIRMAN JORDAN: Okay. All right.

2 ZC MEMBER TURNBULL: So you=re going to just rip -- or  
3 you=re going to demolish everything on the inside then?

4 MR. MCCURDY: Yes. Completely.

5 ZC MEMBER TURNBULL: Basically gut it.

6 MR. MCCURDY: Gut it.

7 ZC MEMBER TURNBULL: Because what, you have a two-story  
8 --

9 MR. MCCURDY: Yes. Right now, there=s just  
10 administrative level below, and then like 15-foot high main  
11 level with a small mezzanine.

12 MR. HEISEY: There=s a drawing that has a section there  
13 that, on the left side of the drawing, shows the existing layout  
14 with the basement with an 8-foot ceiling, then a 16-foot main  
15 room level, where we=re planning on reconfiguring that to a  
16 more normal --

17 ZC MEMBER TURNBULL: I was trying to understand your  
18 survey, and I -- there=s a little building at the back. Is that  
19 yours, or not yours? I=m not sure.

20 MR. HEISEY: I guess there=s no building. There=s the  
21 main block. Are you looking at the plat?

22 ZC MEMBER TURNBULL: Yes.

23 MR. HEISEY: There=s the main building which is kind of  
24 grayed in on the walls, and then there=s the section that says  
25 2<sup>nd</sup> and 3<sup>rd</sup> floor decks.

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1 ZC MEMBER TURNBULL: Right.

2 MR. HEISEY: That outline -- that is the existing  
3 one-story existing addition.

4 ZC MEMBER TURNBULL: Okay. Well, right on top of that is  
5 an outline of something; it looks like a garage. That=s not  
6 yours, though?

7 MR. HEISEY: Oh, to the right of it? That=s the neighbors=  
8 garage.

9 ZC MEMBER TURNBULL: That=s the neighbors= garage.

10 MR. HEISEY: Yes. The property line --

11 ZC MEMBER TURNBULL: So you=re right up on the property  
12 line?

13 MR. MCCURDY: Yes, we are.

14 MR. HEISEY: It=s a zero lot line.

15 MR. MCCURDY: It=s a R-4; yes.

16 ZC MEMBER TURNBULL: Okay. So you=re right up there.

17 MR. HEISEY: Looking at this, the left and the right are  
18 zero lot lines; in the front, there=s a slight triangular  
19 portion.

20 ZC MEMBER TURNBULL: Right.

21 MR. HEISEY: San Diego then in the rear, there=s 18 feet  
22 between the adjoining building and that lower one-story  
23 portion.

24 ZC MEMBER TURNBULL: Okay. Thank you.

25 CHAIRMAN JORDAN: Okay. You answered my questions. Any

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1 other questions of the Applicant?

2 (No response)

3 CHAIRMAN JORDAN: Then let's turn to the Office of  
4 Planning to see if there's anything in addition.

5 MS. THOMAS: Good morning, Mr. Chair. Karen Thomas with  
6 the Office of Planning. We have nothing further to add, and  
7 we stand in support of this application. Thank you.

8 CHAIRMAN JORDAN: We do have a letter of support from  
9 Department of Transportation. Is anyone here from ANC, I think  
10 that's 6B? 6B? Please come forward.

11 Please take a seat, and make sure your mic is on, and  
12 tell us who you are.

13 MR. NAREL: Lucas Narel; I live at 14<sup>th</sup> Street.

14 CHAIRMAN JORDAN: And you're representing the ANC?

15 MR. NAREL: No; I'm just a resident.

16 CHAIRMAN JORDAN: That's what I asked for. Okay.

17 MR. NAREL: I'm sorry.

18 CHAIRMAN JORDAN: Is anyone here representing ANC 6B? ANC  
19 6B? We do have a letter of support from ANC 6B.

20 (No response)

21 CHAIRMAN JORDAN: IS there anyone wishing to speak in  
22 support of the application? Anyone in support?

23 (No response)

24 CHAIRMAN JORDAN: Anyone in opposition? Yes. The hand  
25 in the back was for...?

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1 MS. OWENS: A resident; I just want to express some  
2 concerns.

3 CHAIRMAN JORDAN: You have to do that on the microphone,  
4 if you want to -- you can come forward. And you want to testify  
5 in support, was that? Or opposition?

6 MS. OWENS: No. Gentle opposition.

7 CHAIRMAN JORDAN: All right. Please take a seat, and  
8 we're going to have you on the record. Did you complete a  
9 witness card?

10 MS. OWENS: No. I didn't.

11 CHAIRMAN JORDAN: And did you get sworn in this morning?

12 MS. OWENS: No. I didn't.

13 CHAIRMAN JORDAN: We've got to do those two things. So  
14 while -- what's your name? Mr. ...?

15 MR. NAREL: Lucas Narel.

16 CHAIRMAN JORDAN: Mr. Narel testifies, why don't you  
17 complete two witness cards, and then beforehand, Mr. Moy will  
18 come back and swear you in. Okay.

19 Mr. Narel.

20 MR. NAREL: Yes. I just live on the street. I saw that  
21 the property went for sale. I have no real understanding of  
22 what's being built in replacement. If it's going to be  
23 apartments, it's going to be a house, how many units are going  
24 to be there? Is there going to be a parking concern? I really  
25 just don't have a lot of information about what's going in this

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1 space, so I do have some concerns.

2 We B- all the neighbors in that street typically park  
3 on the street. There=s not a lot of parking available behind  
4 the units. So having a structure that has a lot of units that  
5 you see popping up on a lot of corners in that area, brings  
6 some concern to me.

7 So I just don=t have a full understanding of what=s being  
8 developed there.

9 CHAIRMAN JORDAN: Where do you live in conjunction, near  
10 this property?

11 MR. NAREL: I=m on 14<sup>th</sup> Street, so I=m like right down the  
12 block, probably six or seven houses down the block; I=m on 234  
13 14<sup>th</sup> Street.

14 CHAIRMAN JORDAN: Okay. All right. So you did the sign,  
15 the posting of the sign, et cetera? Correct?

16 MR. NAREL: That=s why I=m here.

17 CHAIRMAN JORDAN: Okay. And did you have a chance to come  
18 in and look at the plans or contact the Applicant?

19 MR. NAREL: No. I didn=t know how -- I looked on the Web  
20 site. I wasn=t able to, or did not -- wasn=t aware of how to  
21 access the plans.

22 CHAIRMAN JORDAN: Okay. If there=s any issue for anybody,  
23 just call the Office of Zoning. They=ll help you through, step  
24 through that process with you.

25 MR. NAREL: Okay.

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1 CHAIRMAN JORDAN: Okay. Board, any questions for this  
2 witness?

3 (No response)

4 CHAIRMAN JORDAN: Applicant, any questions for the  
5 witness?

6 (No response)

7 CHAIRMAN JORDAN: So you=re about six or seven houses  
8 down?

9 MR. NAREL: That=s correct.

10 MR. MCCURDY: We are just, by the way, doing two units  
11 and providing one parking spot. So we=re not asking for --

12 CHAIRMAN JORDAN: How many units are we having?

13 MR. MCCURDY: Just two units.

14 CHAIRMAN JORDAN: Just two units.

15 MR. MCCURDY: So it=s a matter of right --

16 CHAIRMAN JORDAN: Yes. Just a flat. Okay.

17 MR. HEISEY: And I would like just to add for the record  
18 that --

19 CHAIRMAN JORDAN: No; no. We=re not --

20 MR. HEISEY: Just about the meetings, the public meetings  
21 that were held.

22 CHAIRMAN JORDAN: You=ll get a chance to do that, but just  
23 in our order -- not yours.

24 Ma=am, are you going to speak, or are you just --

25 MS. OWENS: No. I will speak.

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1 CHAIRMAN JORDAN: Yes. Now stay where you are. Don=t  
2 move. You=ve got to raise your right hand and Mr. Moy is going  
3 to --

4 MR. MOY: You can do it from where you=re standing, will  
5 be fine.

6 (Witness sworn)

7 MR. MOY: Thank you. You may be seated.

8 CHAIRMAN JORDAN: Now make sure your microphone is on.  
9 There should be a bright glowing green light, and then tell  
10 us who you are.

11 MR. NAREL: I=m Janet Owens, and I actually was a tenant  
12 in 1403 South Carolina Avenue, S.E., and the owner asked me  
13 to come today because she could not be here.

14 So the owner has a couple of concerns that she has  
15 discussed with the Applicant, with David. One is the alley and  
16 the garage that you mention is her garage. It=s quite a narrow  
17 alley, and she=s a little bit concerned about how the garbage  
18 collection will affect her access to the alley, and also how  
19 the construction will potentially affect her access to the  
20 garage. The porch -- David didn=t mention the porch that will  
21 be brought to the front of the house. Because of the angle of  
22 the property, it comes over quite closely to her property line,  
23 and actually to her gas line.

24 And I guess in some discussions, you had talked about  
25 a 2 foot 4 inch easement of that, that not coming up to the

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1 property line. That=s what she mentioned to me.

2 CHAIRMAN JORDAN: I just need you to talk to the Board  
3 right now.

4 MS. OWENS: Okay. And then --

5 CHAIRMAN JORDAN: Those kind of conversations, the  
6 construction schedule, or anything that might be, interferes,  
7 neighbors should have those conversations, and we=re not here  
8 to referee that or provide that. But we also always concur --  
9 encourage, excuse me -- that neighbors, particularly  
10 Applicants, go above and beyond to make contact with the  
11 neighbors to discuss all those kind of issues.

12 MS. OWENS: Okay. And then with the work on the back,  
13 because the wall of this church basically overhangs on to her  
14 property, there=s some concern about how that construction  
15 will affect her use of her back porch.

16 CHAIRMAN JORDAN: Okay.

17 MS. OWENS: So those are the issues.

18 CHAIRMAN JORDAN: Again, those are coordinating  
19 conversations. We=re here to handle questions regarding  
20 zoning, the impact of zoning relief upon the neighbors,  
21 construction, construction schedule --, dust, trash, things  
22 like that -- regarding the construction, is enough to have  
23 conversation among the neighbors, and if there=s a problem,  
24 then probably go to the Department of Consumer & Regulatory  
25 Affairs, if it=s doing a process that might be improperly

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1 encroaching upon what we require, time lines, and the manner  
2 in which we allow construction to go on in the District.

3 But we appreciate the two of you coming down.

4 Is there any other questions that the Applicant would  
5 like to ask of the witness?

6 (No response)

7 CHAIRMAN JORDAN: Okay. Board? Yes, Mr. Turnbull.

8 ZC MEMBER TURNBULL: I would just reiterate what you had  
9 said. Typically, even on our bigger zoning cases, the Zoning  
10 Commission, Board of Zoning Adjustment, we never get involved  
11 in those personal issues.

12 But what=s often done is that an Applicant, and  
13 homeowners adjacent to it, set up an agreement, they look at  
14 things, you photograph the house, you document it, so that  
15 later on you both look at each other and say that crack was  
16 there, it=s -- but that=s really between neighbors and the  
17 Applicant.

18 You set that all up front, and you agree to it, and I  
19 mean, but that=s something that=s been done. But we don=t get  
20 involved with that.

21 MS. OWENS: Okay.

22 CHAIRMAN JORDAN: And it seems like there=s already some  
23 dialogue with the property owner and the Applicant, and so I  
24 would encourage those dialogues to continue.

25 Okay. Anyone else wishing to speak in support or

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1 opposition on this file? On this case?

2 (No response)

3 CHAIRMAN JORDAN: Then turning back to the Applicant, I  
4 think there was some rebuttal, or something else you wanted  
5 to add to the record?

6 MR. HEISEY: No, it=s just apology that we didn=t get in  
7 touch with -- but the notices were advertised and we went before  
8 the ANC=s planning committee and the full ANC. There were  
9 public meetings that people were attending, and some -- the  
10 other thing was the concern with the porch. Yes, we=ve had  
11 several conversations with the -- we=ve tried to allow a little  
12 space.

13 We run into an issue, though, with you have a zero  
14 setback or a foot setback. So, unfortunately, yes, we do have  
15 to kind of go up to our property line without having to ask  
16 for an additional variance.

17 CHAIRMAN JORDAN: Right.

18 MR. HEISEY: But we B-

19 CHAIRMAN JORDAN: But sometimes you have to by matter of  
20 right; yes.

21 MR. HEISEY: Yes. And if we had to go eight feet, we  
22 wouldn=t be able to have an entrance in to the second unit.  
23 We=re trying to make this look residential, trying to mimic  
24 the facades of the South Caroline Avenue, with having a door  
25 and the windows, you know, asymmetrical, doing that, and then

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1 have another entrance for the other side, to have it more  
2 residential rather than the commercial, or the institutional  
3 look that it currently is.

4 CHAIRMAN JORDAN: Board, any questions?

5 (No response)

6 CHAIRMAN JORDAN: Okay. Then we'll close the hearing  
7 based upon the evidence which has been presented to the Board  
8 thus far.

9 Is the Board ready to deliberate in this case?

10 Then I would move that we grant the relief requested in  
11 18937; I think it's been sufficiently discussed about meeting  
12 the burdens and responsibilities for the relief requested, so  
13 that's my motion.

14 MEMBER HINKLE: I second. I think the relief they're  
15 requesting, you know, with the existing conditions there,  
16 that, you know, certainly it's not a --

17 CHAIRMAN JORDAN: -- challenge.

18 MEMBER HINKLE: Right. And I think they made a good effort  
19 in planning a project that fits with the neighborhood, and so  
20 certainly I support it.

21 CHAIRMAN JORDAN: Any additional discussion?

22 (No response)

23 CHAIRMAN JORDAN: All those in favor of the motion, aye  
24 (Chorus of ayes)

25 CHAIRMAN JORDAN: Those opposed, nay.

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1 The motion carries. Mr. Moy.

2 MR. MOY: Staff would record the vote as three to zero,  
3 this on the motion of Chairman Jordan to approve the request  
4 for the amended relief that was advertised; second the motion,  
5 Mr. Hinkle; also in support, Mr. Turnbull. No other members  
6 present. The motion carries, three to zero, sir.

7 CHAIRMAN JORDAN: Very good. Summary order and thank you  
8 all for coming down, and please continue the dialogue.

9 CHAIRMAN JORDAN: The next one, Mr. Moy.

10 MR. MOY: All right. I believe that would be Application  
11 No 18884 of 1351 LLC. Mr. Chairman, this was a request, as  
12 advertised by the Applicant, for relief for a special exception  
13 from the zoned district boundary line under Section 2514.1,  
14 sub D, as well as a variance from the rear yard requirements  
15 under 774.1. This is to allow an addition at 1351 Wisconsin  
16 Avenue, N.W.

17 CHAIRMAN JORDAN: Come on down. Come on down, take a seat,  
18 and all those who are on this case, please come forward. Let  
19 me catch up with my notes. This is 88 -- yes. There really  
20 wasn't a request for an expert, but I understand you tendered  
21 -- or let's wait till we get everyone situated so we can find  
22 out who is with us.

23 All right. So everyone's been sworn, everyone's turned  
24 in cards?

25 MR. BELL: I wasn't sworn in.

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1 CHAIRMAN JORDAN: You haven=t?

2 MR. BELL: No.

3 CHAIRMAN JORDAN: What were you doing five minutes ago?  
4 I saw you in the room when we --

5 MR. BELL: I apologize. I didn=t know you were asking me  
6 to be; I apologize.

7 CHAIRMAN JORDAN: All right. Mr. Moy, would you please.  
8 (Witness sworn)

9 CHAIRMAN JORDAN: All right. Take a seat and let=s start  
10 with you. Make sure your mic is on, and identify yourself,  
11 please.

12 MR. BELL: My name=s Robert Bell. I=m the Applicant. I=m  
13 the representative of 32 -- or 1351 LLC. Should I bring my model  
14 over here?

15 CHAIRMAN JORDAN: That=s for you to determine. Stay with  
16 us right now. Next, we have...?

17 MR. ADAMS: My name is Thomas L. Adams, Jr.

18 MR. MULDER: Christian Mulder; 3139 Dumbarton.

19 MR. GALLAGHER: Bill Gallagher; 3143 Dumbarton.

20 MR. JUNKER: Caesar Junker; 3146 0 Street, 3142 0 Street.

21 CHAIRMAN JORDAN: I=m sorry. Your last name again?

22 MR. JUNKER: Junker. J-U-N-K-E-R.

23 CHAIRMAN JORDAN: Yes?

24 MR. HUSBANDS: Andrew Husbands. AAH consultants. And it  
25 is Husbands.

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1 CHAIRMAN JORDAN: Yes. That=s interesting. I bet you hear  
2 that all the time.

3 MR. HUSBANDS: With an "s."

4 CHAIRMAN JORDAN: Okay. As we left this at our last  
5 episode, we had a joint -- I think we had a joint party in  
6 opposition; is that correct?

7 MR. MULDER: The four of us are in joint opposition.

8 CHAIRMAN JORDAN: And who is the spokesperson for the  
9 group?

10 MR. MULDER: I am.

11 CHAIRMAN JORDAN: Okay. Mr. Mulder. Okay. Now I  
12 understand, Mr. Bell, you asked for an expert witness?

13 MR. BELL: I submitted testimony but --

14 CHAIRMAN JORDAN: I understand. All right. I thought you  
15 had someone here that --

16 MR. BELL: A surveyor; yes.

17 CHAIRMAN JORDAN: Okay. You have the surveyor here?

18 MR. BELL: Yes. I do.

19 CHAIRMAN JORDAN: What are you doing way down there?

20 MR. MULDER: He=s changed sides.

21 CHAIRMAN JORDAN: Okay, then. I don=t know if we=re going  
22 to need that testimony. I think where we left this, last time,  
23 was a question. The party in opposition raised a issue of  
24 ownership on the property, and we subsequently left the record  
25 open to provide support for your ownership.

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1           You submitted several documents, one from a title  
2 attorney, on the deed, as well as the surveyor=s plat. The  
3 opposition has submitted their response and rebuttal to that,  
4 those documents, and I believe that there=s -- and I would offer  
5 the Board that there=s sufficient information in the record  
6 to believe that the Applicant is sufficient, for zoning  
7 purposes, to go forward as a owner of this property.

8           I want to give the, if there=s any additional rebuttal,  
9 that other than what you=ve already presented in the record,  
10 that the party in opposition has, then I=m going to give you  
11 the opportunity to do that.

12           MR. MULDER: We filed in the Superior Court of the  
13 District for, how do you call it exactly? quiet title for --

14           CHAIRMAN JORDAN: I was going to suggest that=s the route  
15 to go, because we=re not going to comment here. But we  
16 believe, based upon what=s been submitted in evidence to this  
17 Board, that there is a reasonable basis to believe our finding  
18 would be that he, Mr. Bell, for purposes of zoning, should go  
19 forward, be allowed to go forward with the request for relief.

20           And so you filed an action in Superior Court?

21           MR. MULDER: We filed an action in Superior Court for --

22           CHAIRMAN JORDAN: The quiet title.

23           MR. MULDER: The quiet title for the piece of the triangle  
24 we believe that Tom Adams owns, and I=ve arranged with a lawyer  
25 --

1 CHAIRMAN JORDAN: I need you -- if you're going to present  
2 evidence to us about what has been presented -- I'm just giving  
3 you an extra bite. You already had a bite to try to convince  
4 this Board, and it hasn't happened. So as far as external  
5 proceedings going on, we don't need to hear about it; it's just  
6 not going to help this particular matter as it sits in front  
7 of us.

8 But, you know, you're doing B- I can't say you're doing  
9 the right thing. But there are other avenues, and it appears  
10 that you are seeking those other avenues to determine the  
11 ownership.

12 MR. MULDER: I must say that for the claim that I  
13 have, I mean, my lawyer, who's a well-known lawyer in this area,  
14 in the real estate area, he says that -- he wrote me a letter  
15 that we have a very high chance of prevailing in court, because  
16 in the case of a first possession, the proof is that you have  
17 to have occupied the land for 15 years --

18 CHAIRMAN JORDAN: We're not having that discussion and  
19 I don't have anything from your lawyer in the file, so -- and  
20 you guys are going to resolve this in another forum. Good luck  
21 to both of you, but I believe, unless the Board has any other  
22 issue, or contrary -- is that -- could that be a finding of  
23 the Board? Is that good for -- all right. Then let's proceed  
24 to the requested relief.

25 You're an expert witness?

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1 MR. HUSBANDS: Can I leave?

2 CHAIRMAN JORDAN: That=s between you and B- I don=t care.  
3 Frankly, I B-

4 MR. BELL: If the property ownership is resolved, the  
5 experts can leave.

6 CHAIRMAN JORDAN: That=s your money, not mine.

7 All right. So now let=s go to the merits of the requested  
8 relief. I=m trying to see if I had any problems in my notes.  
9 I know the ANC has, ANC 2E, has expressed concerns in  
10 opposition. But the ANC=s concerns here B- you can address it  
11 or not. It doesn=t necessarily hit zoning, in and of itself.

12 This is about what they want, prefer on the lot that you  
13 own. It doesn=t go to the nature of the relief requested, I  
14 don=t believe. It=s talking about they=d rather have green  
15 space, and et cetera.

16 Board, any issue we have with this requested relief,  
17 that we need to drill down on?

18 I think we understand, clearly, what the project is, and  
19 what you=re trying to do. The Office of Planning stands behind,  
20 support of this. As I said, the issue with the ANC was one which  
21 doesn=t necessarily touch any zoning concerns. It=s an issue  
22 about other matters, about the green space, just losing the  
23 green space, and et cetera.

24 But tell us. What are you going to do with the mature

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1 trees that are on that lot?

2 MR. BELL: I've gone to a great deal of effort to preserve  
3 them.

4 CHAIRMAN JORDAN: So they're going to be preserved?

5 MR. MULDER: Could B-

6 CHAIRMAN JORDAN: Stay with me. Got you. Stay with me.  
7 I know you don't know this, it is quite different than B- and  
8 it's not like on television during the People's Court. So it's  
9 just a little bit different.

10 Board, any questions we need to hear from the Applicant?  
11 (No response)

12 CHAIRMAN JORDAN: Okay. So I don't think  
13 there's anything else we need to hear from you, Mr. Bell, but  
14 I'm going to give the party in opposition the opportunity to  
15 ask questions of you regarding what you presented to the Board.

16 So opposition, you have some questions you'd like to  
17 ask? Or do you just think you might want to make a statement?  
18 What's good for you?

19 You also have the right, on your part of the case B- right  
20 now is the part of the case where you ask questions of the  
21 Applicant.

22 MR. MULDER: We have a number of specific questions.

23 CHAIRMAN JORDAN: Okay. Please.

24 MR. BELL: We also have a statement.

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1 CHAIRMAN JORDAN: We can do that at another point, but  
2 do the questions to the Applicant.

3 MR. MULDER: Okay. First of all, like just to talk about  
4 the issue of green. Did you already cut down a major tree in  
5 the area?

6 MR. BELL: We did take down a B -

7 MR. MULDER: Thank you.

8 CHAIRMAN JORDAN: It=s not like you see on television.  
9 Really. You know, they have scripts and other things that are  
10 not realistic. You asked him the question and his mouth was  
11 still open, and you cut him off.

12 So you were responding yes, but B-

13 MR. BELL: It=s a Chinese elm and it=s B- D.C. allows  
14 that, and it was a relatively small tree, and they B it=s  
15 considered it a Atrash tree,@ and is allowed to be removed.

16 MR. MULDER: What was the height of the tree?

17 MR. BELL: I don=t know the exact height.

18 CHAIRMAN JORDAN: Next question.

19 MR. MULDER: Okay. The OGB. According to you, the OGB B-  
20 I mean, your written contributions, you state that the OGB  
21 forced, has forced you to turn the back, the carriage house  
22 in the back in to a residence. So the only option that the  
23 OGB has given you is to turn it in to a residence.

24 Is that your position?

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1           MR. BELL: My position is the OGB limited to a specific  
2 addition to the carriage house, and a specific link to the main  
3 building, as illustrated in the drawings and the permitted B-  
4 or on the drawings signed by the OGB, and entered into  
5 documentation here.

6           MR. MULDER: Can I quote back to you, what you put in  
7 writing. We have the B-

8           CHAIRMAN JORDAN: I think what he said, so that we don=t  
9 start word smithing B- I think what he=s presented to us is  
10 that the OGB B- correct me if not B said it couldn=t be converted  
11 to a garage. Is that B-

12          MR. BELL: Well, they actually said that I couldn=t use  
13 this area for any car parking whatsoever.

14          CHAIRMAN JORDAN: Well, okay. And then that they said  
15 they approved your use of this as a residence?

16          MR. BELL: They approved this B I applied as a residence,  
17 approximately three other times, different configurations,  
18 and this was the last presentation and they approved it.

19          CHAIRMAN JORDAN: Okay. I want to make sure we=re clear.

20          MR. MULDER: Pardon me, Chair, but this is an important  
21 point because --

22          CHAIRMAN JORDAN: Are you asking a question of him?

23          MR. MULDER: Yes, because I think, I think he=s not B-  
24 he=s not saying B- I hear him say, I hear Mr. Bell say something



1 else than what you said.

2 CHAIRMAN JORDAN: Ask the question. Ask the question.

3 MR. MULDER: Okay. So let me repeat again, very  
4 precisely. Has the OGB told you that you cannot use the carriage  
5 house as a garage?

6 MR. BELL: The OGB, in their last meeting, said that this  
7 property could not be used for any parking,  
8 whatsoever. I asked, even for a single space, and it was denied.

9 CHAIRMAN JORDAN: Okay. Next question.

10 MR. MULDER: Yes. So when can we do the rebuttal, just  
11 to be clear on this?

12 CHAIRMAN JORDAN: Right now, you=re in the question  
13 aspect, and then we=ll go to Office of Planning and go through  
14 some other things. Then we=ll go to your side, to hear what  
15 you want to present to the Board.

16 MR. MULDER: Okay.

17 CHAIRMAN JORDAN: Okay.

18 MR. MULDER: On the carport B- I mean, so the carriage  
19 B- you have the carriage house that is two stories. Next to  
20 it, you have a kind of carport. Do you consider that carport  
21 to have historic value?

22 MR. BELL: I have applied for a second story addition over  
23 that area, and have been granted a permit by the D.C. Government  
24 to do so, and it=s presently under construction.

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1 MR. MULDER: So I ask the precise question. Does it have  
2 historic value?

3 CHAIRMAN JORDAN: What is the relevance of the question?

4 MR. MULDER: Because BB because of the rear setback.  
5 Because if it is before 1958, then as I understand the zoning,  
6 you have a different you are allowed to keep it. If it=s more  
7 recent then zoning looks different upon such non-conforming  
8 structures.

9 So my question is: Do you know whether it was before  
10 1958? Or not?

11 MR. BELL: I believe that it is shown before 19 B-

12 CHAIRMAN JORDAN: He=s asking for relief for a variance  
13 from rear yard.

14 MR. MULDER: Yes.

15 CHAIRMAN JORDAN: Okay.

16 MR. MULDER: Yes. And is this the carport that we=re  
17 talking about?

18 MR. BELL: That=s its present condition.

19 MR. MULDER: Okay.

20 CHAIRMAN JORDAN: And what are you showing him that B-  
21 for the record, just tell us what it is, on the record.

22 MR. MULDER: This is a picture of the carport.

23 CHAIRMAN JORDAN: Okay.

24 MR. MULDER: Yes. So basically do, do I need to pass it

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1 to you, or is it B-

2 CHAIRMAN JORDAN: You will, but if you=re using it, let=s  
3 be sure B- let=s put a number on it or a letter. Let=s make  
4 it your Exhibit A.

5 (Exhibit A was marked for identification)

6 CHAIRMAN JORDAN: Did you bring copies of that?

7 MR. MULDER: No. I apologize.

8 CHAIRMAN JORDAN: I understand. Put it aside and we=ll  
9 get that later.

10 MR. MULDER: Okay.

11 CHAIRMAN JORDAN: Exhibit A is pictures of the carport.

12 MR. MULDER: Was it ever built with a building permit?

13 MR. BELL: It presently has a building permit, which is  
14 under construction.

15 MR. MULDER: Okay.

16 CHAIRMAN JORDAN: You know, you don=t have to ask  
17 questions. You can wait until your side of the case if you want,  
18 to just make a statement.

19 MR. MULDER: Okay. I just want to --

20 CHAIRMAN JORDAN: I don=t want you to struggle and just  
21 ask anything.

22 MR. MULDER: Okay. Let=s go, then, let=s turn to the  
23 statement, then, and go over what we think is the B- are the  
24 issues.

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1 CHAIRMAN JORDAN: You're going to ask questions right  
2 now. That's all.

3 MR. MULDER: I mean, before B-

4 CHAIRMAN JORDAN: Yes, I was going to say, huddle real  
5 quick with your co-opposition and find out if there are any  
6 other questions.

7 ZC MEMBER TURNBULL: I mean, the map, the site plan I'm  
8 looking at, I don't see access to a carport.

9 MR. BELL: It's no longer a carport. It's part of the,  
10 the carriage house renovation under the permit.

11 ZC MEMBER TURNBULL: Was there ever access to an alley  
12 from this thing, or --

13 MR. BELL: The back has B- the alley comes directly in  
14 to this property. It doesn't go B- and it's not part of the  
15 property. It dead ends at the property --

16 ZC MEMBER TURNBULL: Oh, it dead ends. Okay. All right.

17 MR. MULDER: Was the carriage house used before you  
18 bought the property? Was the carriage house used for parking?

19 MR. BELL: It was.

20 MR. MULDER: Was the lot used for parking?

21 MR. BELL: I don't know how the lot was used.

22 MR. MULDER: So for how long do you think the carriage  
23 house was used for parking?

24 MR. BELL: I have no way to know.

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1 MR. MULDER: So did the OGB tell you you can no longer  
2 use it for parking?

3 CHAIRMAN JORDAN: We just covered that.

4 MR. MULDER: Okay.

5 CHAIRMAN JORDAN: We really, really covered it, and it=s  
6 really not that greatly germane. I think he responded that they  
7 said not to use the area for parking. Unless, you know, if you  
8 have something to the contrary that OGB did not say that, then  
9 you can present that with your case.

10 Right now, we=re just asking questions. Okay?

11 All right. So then let=s go to the Office of Planning  
12 and see does Ms. Elliot have anything new for us.

13 MS. ELLIOT: Thank you, Mr. Chairman.

14 The Office of Planning generally still remains  
15 supportive of this application. We would defer to some of the  
16 issues that were noted in the supplemental report, that were  
17 B- that was submitted last Friday, I believe.

18 CHAIRMAN JORDAN: Oh, I might have missed that, then, if  
19 it was last Friday.

20 MS. ELLIOT: It was kind of a late filing. I do apologize  
21 for that.

22 CHAIRMAN JORDAN: Kind of?

23 MS. ELLIOT: I know. We had a meeting with the neighbors  
24 last Wednesday, that kind of resulted in the need for just some

1 additional information added in to the record.

2 CHAIRMAN JORDAN: So it was in your supplemental summary.

3 MS. ELLIOT: I keep hearing my voice feeding back off  
4 the mic. So it feels a little close.

5 The supplemental was intended to address some of the  
6 discrepancies in the application noted by the opposition. In  
7 particular, the addition to the corrugated shed structure, the  
8 corrugated roof, shed structure, that=s adjacent to the  
9 carriage house. We did not note that that would be removed  
10 and replaced with an addition that was the same height as the  
11 carriage house.

12 There=s also some question about how the floor area that  
13 is being transferred to the C2A, or within that 35 foot lot  
14 boundary adjustment area, is being calculated.

15 ZC MEMBER TURNBULL: What is the issue on the floor area?

16 MS. ELLIOT: So the Zoning Administrator did issue a  
17 letter, and that was submitted as part of the file, indicating  
18 that a total of 672 square feet could be transferred. The  
19 question B- now, 2514.1 of the regulations allows for that area  
20 to be transferred to the C-2-A District, but explicitly does  
21 not permit construction in that 35 foot area where the boundary  
22 is being pushed back.

23 The Applicant has requested the special exception  
24 relief per Section 2514.2, so that he can construct in that

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1 35 foot area. But there=s some question as to whether the area  
2 for the loggia should be deducted from the 672 square feet,  
3 or if all of the 672 square feet can be transferred to the C-2-A.  
4 I can clarify, if I need to.

5 I=ve had to draw pictures to get through B-

6 CHAIRMAN JORDAN: So there is a structure in the 35 feet?

7 MS. ELLIOT: So, currently, no, there isn=t. What is  
8 being proposed is the loggia, which would be in that 35 foot  
9 section.

10 CHAIRMAN JORDAN: Yes. I was just trying to go B- we=re  
11 going back to ZA=s letter.

12 ZC MEMBER TURNBULL: You may have to explain B- if he=s  
13 asking for relief of that, what=s the issue then? Whether or  
14 not is included -- or it sounds like he wants to include the  
15 loggia in that area.

16 MS. ELLIOT: So at this time, we don=t really have a very  
17 clear, or any breakdown of the calculations, so B-

18 ZC MEMBER TURNBULL: Of the whole site.

19 MS. ELLIOT: Of the overall site. So we=re not sure of  
20 how that 672 square feet is actually being transferred and used  
21 in the project.

22 ZC MEMBER TURNBULL: So you=re saying Mr. Bell should  
23 provide calculations and some kind of a diagram?

24 MS. ELLIOT: We have asked for that, and then we think

1 also, given the concerns of the neighbors, that that would help  
2 this particular project.

3 CHAIRMAN JORDAN: Mr. Bell, do you want to respond to how  
4 the calculations are done, or do you --

5 MR. BELL: Yes.

6 CHAIRMAN JORDAN: And how you came up with that B-

7 MR. BELL: Okay. The letter of understanding, upon which  
8 the property was purchased from the Zoning Administrator, was  
9 specific about the calculation. The way that the crossing zone  
10 works is that there=s a 35 foot area behind the building which  
11 cannot be built on, and that area, in this very unusual  
12 situation about zoning crossing area, allows you to have a  
13 bonus of square footage within the --

14 CHAIRMAN JORDAN: The 35 foot B-

15 MR. BELL: B- C-2-A building. And the way that=s  
16 calculated is that you take the area of 35 by 32 feet, which  
17 is the area behind the building, you multiply that by B- it  
18 says to find additional FAR, which it says in Section 3 B- I=m  
19 sorry, I lost my drawing slip B- you take that and you multiply  
20 that by .6, because it=s a C-2 B- because it=s a R-3 residential  
21 area. That gives you the FA B- additional FAR, which is added  
22 to the building itself.

23 That is the bonus for being in the lot crossing lot, or  
24 zone crossing lot. However, you have no right to build in that



1 35 feet, except by coming before the BZA, and showing that it  
2 meets a series of criteria, which is why I'm here today, and  
3 if it meets those criteria, the Board has the right to approve  
4 an addition in that 35 B- and at this point the calculations  
5 are on the permitted drawings themselves for the FA B- for the  
6 C-2-A structure, and they're also -B the carriage house itself  
7 is merely a lot occupancy issue.

8 ZC MEMBER TURNBULL: Can you put your model on the table  
9 then.

10 MR. BELL: Happy to.

11 ZC MEMBER TURNBULL: Actually, we want to do a whole model  
12 of Georgetown time.

13 MR. BELL: I started but I need to --

14 Okay. But I think B-

15 ZC MEMBER TURNBULL: The loggia, as I understand, is that  
16 little link?

17 MR. BELL: Right. So at the present moment, this  
18 building, to this point, and this building, are permitted, and  
19 I have a copy of the permit.

20 ZC MEMBER TURNBULL: Right; right.

21 MR. BELL: And they specifically talk about the addition  
22 here, the second story. So this is permitted and this is  
23 permitted. The calculations on this area on the permitted  
24 drawing, approved both by the letter of understanding and

1 signed off by the Zoning Department for the permit.

2 ZC MEMBER TURNBULL: Okay.

3 MR. BELL: So those two are B- so what we're here today  
4 to debate is this piece here.

5 CHAIRMAN JORDAN: That's the loggia.

6 \*X: That's the loggia.

7 MR. BELL: And the reason that I'm asking for relief to  
8 do this is the bigger picture of what I'm trying to do here.  
9 I've worked on this property for about six years, first, pro  
10 bono, was trying to get the sign replaced and renovated, and  
11 ultimately, I ended up buying the property. And right now,  
12 intent with the C-2-A is a mixed use with residences on the  
13 top, offices in the middle, commercial in the center, while  
14 preserving and restoring the front facade and the neon. The  
15 intent for the rear of this property, for me, has always been  
16 to have this be a residential area. I went through a series  
17 of different proposals, I think four different ones, hoping  
18 to have that as my residence, but ultimately, it got down to  
19 the Board said you may use this, and this is the model they  
20 approved, was presented at the OGB.

21 And the reason that I want to connect this is that the  
22 ruling today is that if you have a carriage house, and it's  
23 not connected to the main building, you cannot use it as a  
24 residence. It can be an office, home office, it can be an

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1 accessory building to the businesses that are in there.

2 So the intent of connecting, once they become one  
3 building, then this structure can be a residence. The  
4 difference is without this connection, you can't have a shower  
5 or cooktop. With this connection, you can.

6 Without this connection, this is a thing that can be used  
7 during B- you know, it's a business place, a home office or  
8 an accessory to this. When you had this, it becomes a, you know,  
9 24 hour, Jane Jacobs, somebody's living there, it's a  
10 residential place. It's a garden, has a pool here, has a brick  
11 wall. It's totally pedestrian.

12 I'm also committed to, and with a series of the other  
13 neighbors, turning this in to something like Katie's Alley.  
14 This is going to be repaved. We want to make it a pedestrian,  
15 you know, friendly, leading back to this. So the big scope of  
16 what I'm B-

17 ZC MEMBER TURNBULL: But the little carriage house is  
18 going to be a residence?

19 MR. BELL: It will be a residence, if you approve the  
20 connection. Otherwise, it'll be a home office.

21 ZC MEMBER TURNBULL: But it's not a stand-alone  
22 residence, then?

23 MR. BELL: It cannot be a stand-alone residence without  
24 this connection. And if you grant me this special exception

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1 to go over that 35 feet for this little piece here B now the  
2 criteria by which this is allowed, 404.4, I believe, is no  
3 longer B- this now becomes one building versus an accessory  
4 building.

5 Once this becomes one building, it has to have a rear  
6 yard. So then you would be required to have a 20 foot rear  
7 yard, which would cut down the historic building.

8 So this goes to the crux of why this puts a hardship on  
9 the owner, because in order to make this area, R-3, a  
10 residential area, which is the intent, this is to be a  
11 residential area B- if you don=t allow the connection, it can=t  
12 be a residential area, can only be a, you know, a working area  
13 that=s residential. Of course is that you have people living  
14 here, taking care of it, and all that. That=s a huge advantage  
15 for a residential area.

16 ZC MEMBER TURNBULL: Okay. Thank you.

17 CHAIRMAN JORDAN: That was helpful. Very helpful. So  
18 OP, did you need B- you just needed to see calculations? Or  
19 did you understand what he was saying?

20 MS. ELLIOT: I think that we understand what he=s saying,  
21 but I think that seeing the calculations would further clarify  
22 exactly how that area is being used and transferred.

23 CHAIRMAN JORDAN: Because I think he just kind a said  
24 B- okay. Well, subsequently, we can do that. Any other B-

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1 anything else?

2 MS. ELLIOT: No. We'll leave it there. But I'm here to  
3 answer any other questions that you have.

4 CHAIRMAN JORDAN: Board, questions for OP?

5 (No response)

6 CHAIRMAN JORDAN: All right. So then let's turn to  
7 Department of Transportation. Anyone here from Department of  
8 Transportation on this case?

9 (No response)

10 CHAIRMAN JORDAN: And we have to have something in my  
11 record for Department of Transportation. I have a letter of  
12 no objection.

13 Anyone here from ANC 2E? ANC 2E? We had a letter, as I  
14 mentioned before, from ANC 2E, who opposes the relief, but they  
15 were generally talking about the green space, the loss of green  
16 space and mature trees, and the Applicant has indicated, but  
17 for the tree that was mentioned, that he's worked to maintain  
18 as many of the mature trees as possible. Right?

19 MR. BELL: Absolutely right.

20 CHAIRMAN JORDAN: Okay. Anyone here wishing to speak in  
21 support? Anyone in support?

22 (No response)

23 CHAIRMAN JORDAN: Then let's turn, now, to the party in  
24 opposition, for them to put on, address the Board in any way

1 that they wish. Mr. Moy, put fifteen on.

2 MR. MULDER: Chair, we need more time than that.

3 CHAIRMAN JORDAN: How much time do you think you need?

4 MR. MULDER: I think we need half an hour.

5 CHAIRMAN JORDAN: Okay. Why do you need a half hour?

6 MR. MULDER: Because this is a very complex case.

7 CHAIRMAN JORDAN: Okay. We're going to start with  
8 fifteen. If I think you need more, we'll add fifteen.

9 MR. MULDER: Okay.

10 CHAIRMAN JORDAN: Okay.

11 MR. MULDER: Okay. First of all, I'd like to bring to your  
12 attention that the ANC opposed building, using the accessory  
13 building in to a residential building. So I just want to stress  
14 that the ANC says that that back lot area is an inner lot, an  
15 inner city lot, and it should have been used to build a house.  
16 That is the position of the ANC. So I think we should recognize  
17 that.

18 Secondly, if I may just point out B-

19 CHAIRMAN JORDAN: Make sure the microphone can pick you  
20 up. We have a wireless mic. You can use a wireless mic if you  
21 need it.

22 MR. MULDER: Can you hear me?

23 CHAIRMAN JORDAN: No.

24 MR. MULDER: Do you hear me?

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1 CHAIRMAN JORDAN: Yes. We can hear you.

2 MR. MULDER: I just want to point out that in the current  
3 existence, this building is downward-sloping, and is one story  
4 in the back and two story in the front.

5 So there=s massive bulk increase in this building.  
6 This, at present, right now, as shown here, will be the longest,  
7 the longest structure in Georgetown. As we understand, the  
8 current carriage house, this is the carriage house that  
9 currently exists. This is the carport. So that=s a one-story  
10 carport. Yes? So this is an addition to that. Yes?

11 According to 2514(e), 2514 B- 2514 makes whole B- aim  
12 of 2514, as we understand it, is to make whole owners that have  
13 a split lot. That when the zoning was introduced in >58, that  
14 they would compensate. They compensated by allowing them a  
15 transfer from acreage from the front, from the back, from the  
16 more restricted area to the less restricted area.

17 So Mr. Bell takes 672, or proposes to take 672 feet from  
18 the back, multiplied by two and a half; right? So adds 2000  
19 foot to the front area; right? And that=s why this structure,  
20 right now, is a massive structure.

21 Like if you see it from a Georgetown perspective, how  
22 it fits in to the neighborhood, this is massive-like, and Bill  
23 is architect, and he can testify later to that effect. Yes?

24 So then the whole point of 2514(e), as we see it, is to

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1 say if you do that, then you leave your back area open, like  
2 it should be used as a yard. In other words, like either you  
3 have your cake or you eat it.

4 Now Mr. Bell comes back and says: Well, thank you for  
5 giving me that cake, I enjoyed that very much, look at this  
6 massive building that I have here. But on top of that, I want  
7 to build in the 35 foot area.

8 Now what is his reasoning for doing that? He says, oh,  
9 look at a beautiful carriage house. But listen very carefully,  
10 how he testified of what the OGB said.

11 Did the OGB say AYou=re no longer allowed to use it as  
12 a parking.@ No, the OGB never said that. We were there at, at  
13 all the hearings. We have the tapes to prove it, yes, that the  
14 OGB sent us. They never said to you that.

15 They said if you want to have this as a residence, then  
16 you need a parking spot and we=re not allowing you in a parking  
17 spot. But they never said you cannot use it as a carriage house,  
18 its original function, as a, as a B- as a garage. Yes?

19 So this whole hardship argument, that therefore I need  
20 to, I need to connect it B-

21 CHAIRMAN JORDAN: You said the OGB said you cannot use  
22 it for parking? Is that B- did I hear you say that? What did  
23 you say?

24 MR. MULDER: The OGB never said you cannot use it for

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1 parking.

2 CHAIRMAN JORDAN: What did they say?

3 MR. MULDER: They said if you want to have this plan, then  
4 we're not allowing you a parking space in, in the inner yard.  
5 That=s what they said.

6 CHAIRMAN JORDAN: Okay. Go ahead.

7 MR. MULDER: Yes. I mean, yes. And B- okay. So can, can  
8 I ask B- so then B- whoops. I=m killing your trees. I don=t  
9 want to kill trees.

10 CHAIRMAN JORDAN: No, because we got an ANC letter not  
11 to kill the trees.

12 (Laughter)

13 MR. MULDER: I brushed some of the trees.

14 Okay. So then we have 2514.2(a). What does 2514.2(a)  
15 say? It says the Board can grant an exception. So it can say,  
16 okay, have your cake and eat it. But the extension should not  
17 be more than 35 feet.

18 Now how long is this? Bill, do you want to B-

19 MR. GALLAGHER: That=s about 70 feet.

20 MR. MULDER: That=s about 70 foot, and it=s in the  
21 application by, by Mr. Bell. He calls it 40 feet. But if you  
22 look at the drawings, it=s 42, and effectively, if you take  
23 account that this is just a carport and extension, you=re  
24 looking at something like, something like 70 foot, 60 or 70

1 foot.

2 So it=s well beyond the 35 foot. So anyhow, I mean, the  
3 way we read the zoning under 2514.2(a), you don=t even have  
4 the authority.

5 MR. GALLAGHER: 2 point B- .2(a).

6 MR. MULDER: .2(a). Yes. Okay. So then you have the  
7 broader question of is this in line with sort of the intent  
8 of, of the broader zoning regulations? Well, we don=t believe  
9 that sort of cake B- having your cake and eating it, and then  
10 violating the rules is in line with the court. Do you want to  
11 add to this, Bill?

12 MR. GALLAGHER: Well, yes, it states, right here B -  
13 ZC MEMBER TURNBULL: Got to speak in your mic.

14 MR. GALLAGHER: It states very clearly in the code. So  
15 there=s a lot more things that need to be brought in to this.  
16 That the 2514.2(a): Extensions shall be limited to the portion  
17 of the lot B- if there is an exception B- that the portion of  
18 the in the more restrictive zone, but not exceeding 35 feet.

19 So, In other words, it can=t extend beyond that 35 feet.  
20 So he has a problem, in the 35 feet, and beyond the 35 feet,  
21 in this case.

22 MR. MULDER: Bill, can I ask you to address B- so another  
23 issue that our zoning experts B- I mean, we consulted with an  
24 expert who told us, like for this to be a residence, as in the

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1 proposal, a residence, you need to have a meaningful  
2 connection. A meaningful connection is interpreted as  
3 communication under Case 16646.

4 Now Bill, can you testify whether this is a meaningful  
5 connection or not, whether there exists a communication in the  
6 proposal.

7 MR. HEISEY: Yes, in this case, he=s building a loggia,  
8 but it has absolutely no connection to the main building. It  
9 physically touches it, got a bathroom at the corner, in to the  
10 loggia, there=s no passage through to the other building  
11 whatsoever. It doesn=t meet with the floor levels. It=s just  
12 a facade to make it look like it connects. There is no B-

13 CHAIRMAN JORDAN: Bill, let me ask you. Is that an opening  
14 to the structures? Are the structures B- you can pass through  
15 the structures?

16 MR. BELL: At this moment, it doesn=t. It could, very  
17 easily.

18 CHAIRMAN JORDAN: That=s not what I asked you.

19 MR. BELL: But it doesn=t, right now.

20 CHAIRMAN JORDAN: It does not?

21 MR. BELL: It does not have a direct connection.

22 MR. GALLAGHER: And also if you look at the plans, the  
23 floor levels would not line up.

24 MR. MULDER: So Bill, you=re saying that the levels of

1 the floors are also uneven?

2 MR. GALLAGHER: Yes.

3 MR. MULDER: Okay. So if there=s no meaningful  
4 connection, that means there are two B-

5 MR. GALLAGHER: Two buildings.

6 MR. MULDER: B- two buildings on a single lot of record,  
7 which is not in line with the zoning regulations as we  
8 understand them. Okay. So that, that is the issue for the  
9 exception, where B- and let me consult my notes. Sorry. As I  
10 say, I=m just a layman. So this was the zoning regulation and  
11 the intent.

12 And then 3104, the criteria says it will not tend to  
13 affect adversely the use of neighboring property.

14 So here I would like to ask Caesar to explain how it  
15 affects him. Caesar, if I=m correct, you use this, among  
16 others to live. Right? And so how does this affect you?

17 MR. JUNKER: Clearly, I will stand up and show you that  
18 the position where I am, the entire loggia, carriage house,  
19 and the additional 672 square foot, times three, that raises  
20 the building in the C-2-A portion up higher, all look directly  
21 in to my first, second, and third floor where I live and breathe  
22 every day.

23 I would like to show the Board too B- or I would like  
24 to read to the Board the position of the ANC, where literally

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1 17 neighbors signed petitions, and submitted it to the OGB and  
2 the ANC, in opposition to this project.

3 Reading from the ANC letter.

4 AWe also do not favor changing the use of accessory  
5 building in to a residential building. In this already tight  
6 residential area, a new residence would risk creating  
7 objectionable impacts so close to the existing residence.@

8 If you see this picture here, all of these neighbors,  
9 17 B-

10 CHAIRMAN JORDAN: That=s going to be Exhibit B, and we  
11 need to submit that in the record.

12 MR. JUNKER: Okay.

13 (Exhibit B was marked for identification)

14 MR. JUNKER: And the second issue was with the statements  
15 that were made by Mr. Bell in his application, and I=m going  
16 to quote from his page five.

17 AThe new structure will not be visible from the neighbor  
18 to the south. New trees in the garden and elimination of parking  
19 will be positive.@

20 This is absolutely incorrect. When that building,  
21 carriage house goes up, it going to go up two stories, and all  
22 of these neighbors will be able to see it.

23 And I=m going to show you, I=m going to walk over and  
24 show you in the diagram where my house is.

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1 CHAIRMAN JORDAN: Use the wireless mic, please.

2 MR. JUNKER: This residence is mine, and this residence  
3 is mine. This is the loggia. These are the windows. All these  
4 are new windows. There=s probably 50 B-

5 ZC MEMBER TURNBULL: Can you balance that model up on  
6 those chairs, so the Board can see it.

7 MR. JUNKER: Let me know when you can see it.

8 CHAIRMAN JORDAN: Do we have the cameras working today?

9 MR. JUNKER: Just lift up, yours up a little bit higher.

10 ZC MEMBER TURNBULL: If you could just lift it up a  
11 little bit at that end. Just tilt a little bit more so the rest  
12 of the Board can B- there. I think that we can see it.

13 MR. JUNKER: So right now, today, as we speak, when I woke  
14 up in the morning, there were men standing here, it=s about  
15 the distance of me to where the Office of Planning. They can  
16 talk B- when they=re talking, I literally can hear them.

17 I mean, they=re like looking directly in to my house.  
18 All of this entire structure B- there=s no way you can shade  
19 that area. Let me show you a picture.

20 This is my view. I=m looking directly in to the carriage  
21 house, and I have two houses that are looking. So I=ve tenants  
22 in one, and I live in the other one.

23 ZC MEMBER TURNBULL: Is there a fence at the back yard?

24 MR. JUNKER: Excuse me?

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1 ZC MEMBER TURNBULL: Is there a fence at the back yard?

2 MR. JUNKER: There=s a fence. You can see the fence in  
3 the back yard.

4 ZC MEMBER TURNBULL: Okay. Okay.

5 MR. JUNKER: But it=s directly B- the fence is, whatever,  
6 7, 8 feet. Build a brick wall, 12 feet, you=d have to build  
7 B- it=s impossible to cover that entire structure. And as the  
8 applicant had mentioned, this entire addition, this, that=s  
9 2,000 extra square feet, is where the people are looking  
10 directly in to my house.

11 So it impacts me B-

12 CHAIRMAN JORDAN: Are there windows on that side?  
13 Windows on that side, Mr. Bell?

14 MR. BELL: Yes. There are.

15 MR. MULDER: Can I stress that B- so from the loggia, it=s  
16 like Caesar that is very much affected, and the neighbors from  
17 that side. From this increase in bulk, like that is transferred  
18 from here to there, this affects all of us. Now here, this  
19 is not quite accurate.

20 Like, for example, this is Tom=s shed, is much lower.  
21 Like this window here the size is not correct.

22 From this window, the privacy in his garden and in Bill=s  
23 garden is diminished massively. In my garden, like at the end  
24 of my garden, suddenly, instead of having like a structure that

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1 is like sticking out, like above my wall for about six foot,  
2 I=ll have a structure sticking out, sticking out like 12 foot.  
3 Right?

4 At the back of my garden. Like for the full width of my  
5 garden, there will be a structure built. Yes? So it has, in  
6 terms of impact, I mean, we, we clearly think there=s massive  
7 impact.

8 ZC MEMBER TURNBULL: The model does not show any windows  
9 on the side.

10 MR. MULDER: No. But there=s a window here, and that=s  
11 why I=m saying this model is not accurate, because this shed  
12 is here, is much lower. So the proportions of what=s drawn here  
13 are not correct.

14 ZC MEMBER TURNBULL: But I mean at the increase, up by  
15 the front, there=s no windows shown. But are there windows,  
16 indeed, on the side?

17 MR. MULDER: Here?

18 ZC MEMBER TURNBULL: No. Back further.

19 MR. MULDER: Here?

20 ZC MEMBER TURNBULL: There=s other windows showing on the  
21 front there, but are there, indeed, windows on the side of this?

22 MR. MULDER: On this side?

23 ZC MEMBER TURNBULL: On that side or on this side.

24 MR. MULDER: Yes. On this side there are windows. I see



1 windows here.

2 CHAIRMAN JORDAN: That=s what I was asking and Mr. Bell  
3 responded that there were windows.

4 ZC MEMBER TURNBULL: And what about on the B- what would  
5 be the party wall side?

6 MR. JUNKER: This is the party wall, to these buildings  
7 here.

8 ZC MEMBER TURNBULL: All right. So there=s no windows  
9 there.

10 MR. GALLAGHER: Can we bring that up again too. That is  
11 not a party wall. That is completely on our property and his  
12 documents show that.

13 MR. JUNKER: But the window B- if you see the picture,  
14 this building, the way that this, the proportions, this  
15 building, it=s like it=s directly looking in to me. I mean,  
16 it looks like you can=t see this, but this whole entire  
17 structure is looking directly in to my windows right here.

18 ZC MEMBER TURNBULL: I got you.

19 MR. JUNKER: And so is the whole entire loggia.

20 MR. MULDER: And maybe you want to --

21 MR. JUNKER: This was a picture that we submitted to the  
22 OGB, and the loggia=s behind it.

23 ZC MEMBER TURNBULL: Okay. If you could submit that as  
24 an exhibit.

1 CHAIRMAN JORDAN: Yes. We need these things as exhibits.  
2 That=ll be Exhibit C, and you need to mark it, and make copies,  
3 and make sure we have it in the file.

4 (Exhibit C was marked for identification.)

5 CHAIRMAN JORDAN: All right. Is there anything else?

6 MR. MULDER: So in terms of that, I mean, we=re concerned,  
7 obviously, about fire access. All the neighbors around are very  
8 concerned about impact on parking, because we basically, most  
9 of us, we rely on off-street parking, and it=s already very  
10 dense. And then the fire hazard.

11 MR. GALLAGHER: Can I expand on the fire?

12 MR. MULDER: I=m a little concerned about our time,  
13 because I mean, I don=t know how much time B-

14 CHAIRMAN JORDAN: Yes. We=re not going to have a free for  
15 all, so B-

16 MR. MULDER: Because we also need 774.

17 MR. GALLAGHER: For a residential unit to be in an  
18 alleyway, the alley is required to be 20 feet. This is a 10  
19 foot alley, which doesn=t allow any access by a fire truck.  
20 So this is putting in jeopardy, somewhat, all of our properties  
21 back here, because there=s no way to access this in case of  
22 fire.

23 MR. MULDER: And loading. Right. And this whole front  
24 building needs to be loaded, I presume through his part, which

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1 would force people to block the alley.

2 CHAIRMAN JORDAN: Mr. Bell, where=s your trash? Where=s  
3 the trash?

4 MR. BELL: All of my buildings keep the trash within them,  
5 and the trash person comes inside the building, takes the trash  
6 out of three other buildings besides.

7 CHAIRMAN JORDAN: Okay. Where would the trash come out  
8 of this building?

9 MR. BELL: The trash will either come out the front, or  
10 it=ll come out this door here. Either one.

11 CHAIRMAN JORDAN: Got you. All right. All right. Is there  
12 anything else that you think you need to hear? I think the Board  
13 understands your position pretty well.

14 MR. MULDER: Yes. I mean, what we are concerned about is  
15 that it=s not about this exception and this variance. I think,  
16 fundamentally, like Mr. Bell=s already building here, it=s  
17 already kind of up to two stories. That basically, in our view,  
18 this is a non-conforming building because it=s 100 percent of  
19 lot occupancy, whereas in C-2-A, it should be 60 percent of  
20 lot occupancy.

21 And this, in our view, is also a nonconforming building  
22 because it doesn=t have a rear yard setback. So the plans, the  
23 permits that are out there, in our view, should also be  
24 discussed, and there are more exceptions and variances that

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1 are needed.

2 Now I have to apologize. It=s only after going through  
3 massive readings, and looking, and understanding that we come  
4 to the conclusion that there are more variances and more  
5 exceptions that, in our view are needed than were clear from  
6 the self-declaration of Mr. Bell.

7 And so our zoning expert actually said it should go back  
8 through the zoning, and he is an ex-zoning administrator, and  
9 he said it should go back to Zoning Administration for a  
10 complete and thorough review of what=s on the table.

11 CHAIRMAN JORDAN: Okay. Mr. Bell, any cross-examination?  
12 You want to ask any questions of the opposition?

13 You don=t have to. We can just go in to your rebuttal  
14 statement, if you wish. But if you=ve got questions you=re  
15 going to ask, or do you just want to go in to rebuttal, so you  
16 can respond to what they=ve said?

17 MR. BELL: I just want to ask Mr. Mulder a couple a  
18 questions, and also Mr. Adams, and Mr. Junker. Very quick  
19 questions. Mr. Mulder B-

20 ZC MEMBER TURNBULL: Do you want to get the mic?

21 CHAIRMAN JORDAN: No. Here. The wireless mic.

22 ZC MEMBER TURNBULL: The wireless mic.

23 MR. BELL: Mr. Mulder, I notice that you had a survey made  
24 by my surveyor, after my surveyor did it; is that correct?

1 MR. MULDER: Yes.

2 MR. BELL: You used the same surveyor. And my survey, and  
3 all the historic surveys, your building that abuts on to my  
4 building is called a wood shed, or a wood garage. But I notice  
5 on, on the survey made for you, it=s been labeled a cottage.

6 Has it changed from a wood shed to a cottage?

7 MR. MULDER: My proper dates back to 1805. The piping B-  
8 the piping in that, in that --

9 MR. BELL: Can you answer the question.

10 MR. MULDER: The piping in that shed dates back to at  
11 least 60, 80 years, presumably when the last addition to my  
12 house was made in 1935, because the piping goes all the way  
13 from B-

14 CHAIRMAN JORDAN: Is it a wood shed or a cottage?

15 MR. MULDER: I think it=s a cottage, and it has always  
16 been B-

17 MR. BELL: Was the plumbing and electricity changed  
18 within the last few years, as had been reported by several  
19 neighbors?

20 MR. MULDER: Has the what?

21 MR. BELL: Plumbing. Have you put plumbing and electri  
22 B-

23 CHAIRMAN JORDAN: What=s the relevance of the question?

24 MR. BELL: Just that this is a habitated area against my,

1 my property.

2 MR. MULDER: I don=t know what the relevance is.

3 MR. BELL: Okay. Okay. I=ll B-

4 CHAIRMAN JORDAN: Wait. Hold on, folks.

5 MR. BELL: That actually went back to the earlier one.  
6 I apologize.

7 CHAIRMAN JORDAN: Go to your next question.

8 MR. BELL: Okay. I don=t need any other questions. I=ll  
9 go to the rebuttal.

10 CHAIRMAN JORDAN: All right.

11 MR. BELL: Which I guess is the presentation of why I  
12 think it meets all, A, B, and C of B-

13 CHAIRMAN JORDAN: It=s your five minutes to use as you  
14 wish.

15 MR. BELL: Okay. First of all B-

16 CHAIRMAN JORDAN: I don=t know if we need five minutes  
17 worth of rebuttal, but go ahead.

18 MR. BELL: Okay. This building, in this building the  
19 windows have been reviewed by the OGB, have been approved.  
20 There has been a long debate, public debate about this issue,  
21 and those are the approved ones.

22 As far as the windows here B-

23 CHAIRMAN JORDAN: They didn=t approve the windows. They  
24 just saw your windows and they approved your plan.

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1 MR. BELL: They approved B-

2 CHAIRMAN JORDAN: They agreed to how you plan to B-

3 MR. BELL: Yes. The elevations.

4 CHAIRMAN JORDAN: Got you.

5 MR. BELL: They said, hey B-

6 CHAIRMAN JORDAN: Go ahead.

7 MR. MOY: They looked at this model. They looked at the  
8 drawings. The drawings have these windows. We had B- we had  
9 many, many meetings, and this was the final approval. So this  
10 issue of privacy has been addressed many times with these two.

11 As far as the edge here, and the blockage, this is just  
12 an extension of what already exists here. There=s a two-story  
13 carriage house, and I=ve extended it over that, that one --

14 CHAIRMAN JORDAN: The carriage house is two stories now?

15 MR. BELL: It has been; yes.

16 CHAIRMAN JORDAN: Has been or is?

17 MR. BELL: Is. It is, and always has been.

18 CHAIRMAN JORDAN: All right. Go ahead.

19 MR. BELL: The facade of it has just been moved over. It=s  
20 6 inches lower, but it=s been moved over towards Mr. Mulder=s  
21 property. But there are no windows in it. In fact, there is  
22 a window in it right now, and in the new one there will not  
23 be a window. So in a way, he has more privacy.

24 As far as privacy for the neighbors here, first of all,

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1 there=s an 8 foot brick wall across here to private privacy,  
2 and there are plantings here. There are a series of crepe  
3 myrtles that have been culled out for the OGB specifically.  
4 So we have specifically addressed the question of privacy, and  
5 the OGB has addressed the issue of privacy between this and  
6 the neighbors behind, to this side.

7 And as far as, is this accurate, and is his taller or  
8 higher, I actually have a photograph, and have painted exactly  
9 where this line falls. Would you like me to submit that as a  
10 document?

11 CHAIRMAN JORDAN: Which one?

12 MR. BELL: It would show exactly where this is on the  
13 existing buildings. I marked that with a paint line.

14 CHAIRMAN JORDAN: It=s your case.

15 MR. BELL: Let me get that and submit it.

16 CHAIRMAN JORDAN: Well, you can do it. Continue. Then we  
17 can submit it.

18 MR. BELL: Okay. I=ll submit a document that shows that  
19 this is actually quite accurate.

20 CHAIRMAN JORDAN: There is no use for the loggia, except  
21 for decorations, or just your attempt to tie the two buildings  
22 together; is that correct?

23 MR. BELL: No. It has a library. It has a dining room area  
24 in it. It has a bathroom area.

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1 CHAIRMAN JORDAN: You can pass through it, from structure  
2 to structure?

3 MR. BELL: It easily could be. It isn't at this moment.

4 CHAIRMAN JORDAN: The question is B-

5 MR. BELL: At this moment it doesn't. But honestly B- or  
6 I don't believe that is a criteria for the connection.

7 CHAIRMAN JORDAN: You're not reading tea leaves too much  
8 from up here, are you? That's why we kind of went back with  
9 it. Anything else you have on rebuttal?

10 MR. BELL: No. No, sir.

11 CHAIRMAN JORDAN: Okay. Then we're going to close the  
12 record on this case. Anybody else testifying in opposition?  
13 Anyone else in opposition?

14 (No response)

15 CHAIRMAN JORDAN: Then we'll close the record. Well,  
16 we'll close this hearing and leave the record open for certain  
17 additional information.

18 One. We need you to submit to Office of Planning, and  
19 for the file, the additional B- Ms. Elliot, you need to have  
20 B-

21 MS. ELLIOT: Basically an understanding of the FAR.

22 CHAIRMAN JORDAN: Calculation of the FAR and how you came  
23 up with the calculations, and there was something else, I  
24 thought, too.

1 MS. ELLIOT: Well, part of that calculation is how the  
2 672 square feet is being allocated for this project.

3 CHAIRMAN JORDAN: Additional, other information.

4 ZC MEMBER TURNBULL: I don=t know if he=s totally  
5 addressed the comments or questions that the party in  
6 opposition raised regarding a lot of different issues.

7 CHAIRMAN JORDAN: Privacy issues.

8 ZC MEMBER TURNBULL: Privacy issues, and I think I=d like  
9 those addressed. And the other thing is this whole B- I=m not  
10 convinced that we have a meaningful connection. I=d like OP  
11 to maybe talk to the fire department, and talk about what they  
12 feel about that since it=s not in an alley.

13 CHAIRMAN JORDAN: It=s not really in an alley. It=s in  
14 a rear yard.

15 ZC MEMBER TURNBULL: It=s in a rear yard. So I=m just  
16 questioning how we address that.

17 CHAIRMAN JORDAN: I tell you what. Well, we need to put  
18 the burden on the Applicant.

19 ZC MEMBER TURNBULL: Put the burden on the Applicant.

20 CHAIRMAN JORDAN: To present something that it=s not a  
21 fire issue. Okay. And I=m struggling with meaningful  
22 connection. Struggling. Anything else? Oh. And the location  
23 of the windows. Was there a shadow issue here? No shadow issue.

24 ZC MEMBER TURNBULL: I just said that the party in

1 opposition raised a lot of things about privacy, and things  
2 that weren=t being addressed to protect their homes from the  
3 intrusion of what you=re trying to do.

4 So you=ve got to prove your case here, and make this,  
5 because right now, I think they=ve raised a lot of points that  
6 at least make me feel very uncomfortable with going forward.

7 CHAIRMAN JORDAN: Absolutely. I agree with you.

8 Okay. Mr. Moy.

9 MR. BELL: Is that something I can address as a  
10 supplemental or what is B-

11 CHAIRMAN JORDAN: No. We need to see the documents. We  
12 need to see you supplement the record. You can address that  
13 B-

14 MR. BELL: About privacy?

15 CHAIRMAN JORDAN: Yes. Those things that we just talked  
16 about.

17 ZC MEMBER TURNBULL: All of the things that the party in  
18 opposition raised.

19 CHAIRMAN JORDAN: We particularly want to see your  
20 discussion about the meaningful connection. We want to get the  
21 calculations as to the additional density, how you=re picking  
22 up the expanded FAR. We want to get a better idea, we talked  
23 about the privacy. There was something else. Oh. And the  
24 question about the meaningful connection needs to be responded

1 to.

2 You need to prove to us that you have a meaningful  
3 connection.

4 Mr. Moy, have we got a date?

5 MR. MULDER: And the 35 foot.

6 MR. MOY: Mr. Chairman, my understanding from the other  
7 cases, Mr. Turnbull will be here B-

8 CHAIRMAN JORDAN: April 7th.

9 MR. MOY: B- April 7<sup>th</sup>. So depending on the length of time  
10 to allow filings from the Applicant, and I don=t know if the  
11 Board wanted any responses from the party in opposition or not.

12 CHAIRMAN JORDAN: And the other thing. I guess B- I don=t  
13 know, and I didn=t look back B- but the length of the  
14 encroachment, is it 35 feet or longer? We need to see something  
15 that=s better on the measurement of that.

16 Okay. So we=re going to wait until Mr. Turnbull=s here.

17 MR. MOY: Okay. So the Board will make its decision on  
18 Tuesday, April the 7<sup>th</sup>, and if the Board is going to allow any  
19 responses from the Applicant with the Applicant=s final  
20 filings. Yes or no?

21 CHAIRMAN JORDAN: Yes. I guess we have to.

22 MR. MOY: Okay. If we do that, then perhaps the B- today=s  
23 the 3<sup>rd</sup>. If we give two weeks for the Applicant to file, by  
24 Tuesday, March 17<sup>th</sup>, that=s doable. And then perhaps the party

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1 in opposition, to be allowed to reply to your filings by March  
2 the 31<sup>st</sup>. Actually, I'm giving you an ample two weeks to do that.  
3 Normally, I just give one week.

4 MR. JUNKER: Thank you.

5 MR. MOY: Okay. Do I need to go over that again? A decision  
6 B-

7 MR. BELL: Is the 17<sup>th</sup>, is that B-

8 MR. MOY: To file.

9 MR. BELL: To address the issues.

10 MR. MOY: The issues; yes.

11 MR. BELL: From the opposition.

12 MR. MOY: From the Applicant, March 17<sup>th</sup>. Party in  
13 opposition can reply to your filing by March the 31<sup>st</sup>, and the  
14 Board will decide on April the 7<sup>th</sup>.

15 CHAIRMAN JORDAN: And the party in opposition needs to  
16 properly supplement the record with those exhibits that were  
17 presented here. I think we went all the way up to letter C.

18 MR. JUNKER: And D, I think, because you wanted this one  
19 too.

20 CHAIRMAN JORDAN: All right. I'll let you slide another  
21 one in there. Okay. D. Okay. Then that's where we are. Thank  
22 you. Appreciate it.

23 MR. BELL: Thank you.

24 CHAIRMAN JORDAN: All right. Is this our last case?

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1 MR. MOY: Yes, sir. That would be Application No. 18872  
2 of Kami Quinn, and Maurian Knight, as advertised, unless  
3 there=s been an amendment. Request for relief for variances  
4 form non-conforming structure, 2001.3, and lot occupancy, 403,  
5 at premises 510 Independence Avenue, S.E.

6 ZC MEMBER TURNBULL: You don=t have a model, do you?

7 (Laughter)

8 CHAIRMAN JORDAN: All right. All right. Please introduce  
9 yourselves, please.

10 MR. DANIEL: Good afternoon. My name=s Eric Daniel from  
11 Griffin, Murphy, Moldenhauer & Wiggins. I=ll let the other  
12 representatives introduce themselves.

13 MS. KING: I=m Tamara King with Four Brothers. I=m the  
14 architect on the project.

15 MS. QUINN: Kami Quinn, the Applicant.

16 CHAIRMAN JORDAN: Last name?

17 MS. QUINN: Quinn.

18 CHAIRMAN JORDAN: Yes.

19 MS. KNIGHT: Maurian Knight.

20 CHAIRMAN JORDAN: Okay. Office of Planning is not happy  
21 with this. We have some issues raised. Let=s kind of take this  
22 out of order. Let=s go to Office of Planning, first, to talk  
23 about their concerns, because I have more questions with Office  
24 of Planning than I do the relief that you=re requesting.

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1           So if you would, Ms. Elliot, please.

2           MS. ELLIOT: Sure. Thank you, Mr. Chairman. I think the  
3 issues that we had with this case are related mostly to the  
4 first problem, the variance test. We're not sure that the  
5 Applicant has really demonstrated, with the information  
6 provided, that there is an exceptional situation resulting in  
7 a practical difficulty.

8           It is a small addition. It's only 90 square feet. We give  
9 the Applicant a lot of credit for actually going back to the  
10 neighborhood and redesigning the project, and actually taking  
11 a lot longer in doing so, because it had to go through Historic  
12 Preservation for the third story that they propose. That's  
13 not part of the relief, but they transferred some of the area  
14 up there.

15           So overall, this is a project that we would like to  
16 support. We just don't feel that the Applicant has really  
17 demonstrated how the 90 square feet contributes to maybe the  
18 circulation. You know, we support modernization of  
19 dwellings, and the circulation needed in order to do so, and  
20 we think that they could take that extra leap, and do that,  
21 then we would be able to support it.

22           CHAIRMAN JORDAN: Couldn't this have been done by special  
23 exception?

24           MS. ELLIOT: It couldn't have been because the lot

1 occupancy --

2 CHAIRMAN JORDAN: Exceeds seventy --

3 MS. ELLIOT: 76 percent.

4 CHAIRMAN JORDAN: 76 percent. That=s what the problem is.  
5 Okay. That=s what the problem B-

6 MS. ELLIOT: Otherwise, yes, we would have probably,  
7 quite likely have been able to support it.

8 CHAIRMAN JORDAN: I know, because that=s my question. You  
9 know, reading your line here. It says: OP could support the  
10 minor lot occupancy relief if provided with required access  
11 to circulation that would allow for modernization of the  
12 dwelling.

13 So what does that mean?

14 MS. ELLIOT: Well, I mean, a lot of times in these row  
15 structures, it=s difficult to accommodate, you know, modern  
16 needs. For instance, you know, kitchen appliances are bigger.  
17 You know, we just have bigger and better ideas of what  
18 constitutes a modern home, and so to a degree, we understand  
19 that there, you know, will need to be some flexibility to  
20 provide some circulation, and in this case there they=re adding  
21 another staircase.

22 So we were trying to get there with the information that  
23 we had, but we just fell a little short of that.

24 CHAIRMAN JORDAN: So if they remove the rear wall, the

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1 bedroom and the kitchen, how can they use that to do what they  
2 need and stay within the regulations?

3 MS. ELLIOT: So in the prehearing submission, the  
4 Applicant actually did provide kind of an alternative floor  
5 plan, and it shows how the floor plan would appear without that  
6 90 square foot bump-out in to the court, and based on our  
7 evaluation of that, it appears that, you know, they would still  
8 be able to meet all of the building code requirements.

9 CHAIRMAN JORDAN: Without the bump-out?

10 MS. ELLIOT: Without the bump-out. But B-

11 CHAIRMAN JORDAN: But it=s okay if they need the  
12 circulation space --

13 MS. ELLIOT: If they were --

14 CHAIRMAN JORDAN: B- to modernize the kitchen.

15 MS. ELLIOT: If they, for instance, had some issues with,  
16 you know, the aisle, with access in the kitchen, or for the  
17 bedrooms, you know, maybe there wasn=t enough room for the  
18 doors to swing out, I mean that=s kind of the information that  
19 we were trying to get from them.

20 CHAIRMAN JORDAN: Got you. So let me turn back the  
21 Applicant. You would respond to that.

22 MR. DANIELS: Sir, I think what I=ll do is skip through  
23 the majority of this and go straight to a response. If you could  
24 go to slide 5 and just briefly walk through --

1 CHAIRMAN JORDAN: Somebody, the lights, please.

2 MR. DANIELS: B- some of the exceptional circumstances  
3 with the existing first floor.

4 CHAIRMAN JORDAN: Is that in your exhibits?

5 MR. DANIELS: This is in a prehearing exhibit; yes.

6 CHAIRMAN JORDAN: Where? Can you tell us where, so we can  
7 stay with you, please. What is it now?

8 MR. DANIELS: Our prehearing statement, Exhibit 32-A.

9 CHAIRMAN JORDAN: 32-A?

10 MR. DANIELS: I=m sorry. This is the existing first  
11 floor. So this is in the Exhibit 12. Sorry. Exhibit 12-A-1.

12 CHAIRMAN JORDAN: Okay.

13 MS. KING: In the existing floor plan, there were a number  
14 of challenging exceptional circumstances. The back room, which  
15 was added on at a later time, is located at the very rear of  
16 the house, and so in order to access it, you need to go through  
17 the kitchen, and there=s also a powder room located in the  
18 kitchen, so that creates a very narrow kitchen, and if anyone=s  
19 going to use, go to the bedroom, you can=t open the refrigerator  
20 and walk through that area.

21 You also cannot open the refrigerator and the stove,  
22 simultaneously. So it=s a very B-

23 CHAIRMAN JORDAN: If you=re tired and hungry at the same  
24 time, it works.

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1 (Laughter)

2 MS. KING: Yes. So it is a very challenging space. The  
3 other factor is there is an open non-conforming court that  
4 originally had two windows, that are blocked in at this time.

5 So right now, the light and the air in to the existing  
6 kitchen are very limited.

7 CHAIRMAN JORDAN: Why are they blocked?

8 MS. KING: That was one of the existing B-

9 MS. QUINN: Because if you didn=t block it, you=d have  
10 no cabinets in your kitchen, because that=s the only wall that  
11 you can put cabinets on.

12 CHAIRMAN JORDAN: Got you. Not the other side by the B-  
13 I guess not because --

14 MS. QUINN: Because you can=t B- then you can=t open them  
15 and also open the bathroom door.

16 CHAIRMAN JORDAN: Okay.

17 MS. KING: Right.

18 MR. DANIELS: And then can you also just say how much  
19 experience you=ve had in D.C. and if you=ve seen this sort of  
20 B-

21 MS. KING: Yes. I=ve been practicing architecture for  
22 over 25 years, and this is the first time I=ve seen this exact  
23 scenario with the bedroom access through the kitchen.

24 MR. DANIELS: Okay. And now what I=d like to do is B-

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1 CHAIRMAN JORDAN: Now let=s turn the lights on.

2 Just give us a second, please. Does the Board need to  
3 hear anything else on this?

4 (No response)

5 CHAIRMAN JORDAN: Okay. Anything else Office of Planning  
6 would like to add?

7 MS. ELLIOT: No, Mr. Chairman. They=re here for  
8 questions.

9 CHAIRMAN JORDAN: One second here. We have a letter from  
10 DDOT with no objection to the requested relief.

11 Is anyone here from ANC 6B? Anyone here from ANC 6B?

12 (No response)

13 CHAIRMAN JORDAN: We do have a letter of support from ANC  
14 6B. Is anyone here wishing to speak in support of the  
15 application? Anyone in support?

16 (No response)

17 CHAIRMAN JORDAN: Anyone in opposition?

18 (No response)

19 CHAIRMAN JORDAN: I don=t know if you need to do any  
20 rebuttal. Any other questions you have of the Applicant or of  
21 OP?

22 (No response)

23 CHAIRMAN JORDAN: Okay. Then we=ll close this hearing.  
24 I believe that there=s been sufficient showing of exceptional

1 condition, especially as we went through the Munchkin house,  
2 that this is really an exceptional condition and that there=s  
3 a need for the relief, and, more importantly, that there=s such  
4 a de minimis request of relief here, that we should grant the  
5 relief in 18872. No second? No third?

6 MR. HINKLE: Second.

7 CHAIRMAN JORDAN: Motion made and seconded. Additional  
8 discussion?

9 (No response)

10 CHAIRMAN JORDAN: All those in favor, aye

11 (Chorus of ayes)

12 CHAIRMAN JORDAN: Those opposed, nay.

13 The motion carries.

14 Mr. Moy.

15 MR. MOY: Staff would record the vote as three to zero,  
16 this on the motion of Chairman Jordan to approve the amended  
17 relief requested; second the motion, Mr. Hinkle; also in  
18 support, Mr. Turnbull. No other members present today. The  
19 motion carries, sir.

20 CHAIRMAN JORDAN: And summary. But I just want the record  
21 to say that I appreciate Office of Planning

22 (Whereupon, the above-entitled matter went off the  
23 record at 12:18 p.m.)