

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

JUNE 10, 2020

+ + + + +

The Regular Public Meeting convened via videoconference, pursuant to notice at 9:30 a.m., Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
LORNA JOHN, Board Member  
CARLTON HART, Board Member (NCPC)

ZONING COMMISSION MEMBER[S] PRESENT:

MICHAEL TURNBULL, FAIA, Architect of the Capitol

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Public Meeting held on June 10, 2020.

## CONTENTS

A. DECISIONS	Page
1. Application No. 20217 of Tricia Jefferson	5
2. Application No. 20219 of Julia Garrison	8
3. Application No. 20223 of Bernard Garrison	13
4. Application No. 20210 of Hadell and Fannie Callands	17
5. Application No. 20218 of Gwendolyn Keita	19
6. Application No. 20224 of Brittney Etheridge	24
7. Application No. 20229 of David and Grace Kelly	26
8. Application No. 20241 of Application of Jerry Thomas	30
9. Application No. 20242 of IDI Water Street, L.C.	32
10. Application No. 20244 of 1777 Bond Street Equities LLC and Columbia Road of DC LLC	36
11. Application No. 20196 of Sonia Ahmed and Farzaam Esmaeilian	40

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

9:43 a.m.

1  
2  
3 CHAIRPERSON HILL: The meeting will please come  
4 to order. Good morning, ladies and gentlemen. We're  
5 convening and broadcasting this decision meeting by  
6 videoconference. This is the June 10, 2020 public meeting  
7 session of the Board of Zoning Adjustment. My name is Fred  
8 Hill, Chairperson. Joining me today is Carlton Hart, Vice  
9 Chair, and Lorna John, Board Member. And representing the  
10 Zoning Commission is Peter May by -- looks like absentee  
11 ballot and then also for a respective case is Michael  
12 Turnbull who will be joining us.

13 Today's meeting agenda is available to you on the  
14 Office of Zoning website. Please be advised that this  
15 proceeding is being recorded by a court reporter and it is  
16 also webcast live via Webex and YouTube Live. The video  
17 session will be available on the Office of Zoning's website  
18 after today's hearing session. Accordingly, everyone who is  
19 listening in on Webex or by telephone will be muted during  
20 the meeting. We do not take public testimony at our decision  
21 meetings unless the Board asks someone to come forward.

22 If you experience difficulty accessing Webex or  
23 with your telephone call in, then please call the hot line  
24 and the phone number and I'm going to repeat it twice if  
25 somebody needs to write it down. The number (202) 727-5471

1 to receive Webex login or call instructions. At the  
2 conclusion of the meeting session, I shall in consultation  
3 with the Office of Zoning determine whether a formal or  
4 summary order may be issued. A formal order is required when  
5 the decision is adverse to a party including an affected ANC.  
6 A formal order may also be needed if the Board's decision  
7 differs from the Office of Planning's recommendation,  
8 although the Board favors the use of summary orders whenever  
9 possible, an applicant may not request the Board to issue  
10 such an order.

11 Preliminary matters are those which relate to  
12 whether a case will or should be heard today, such as  
13 requests for postponement, continuance or withdrawal; or  
14 whether proper and adequate notice of the meeting has been  
15 given.

16 Mr. Secretary, for this meeting session, do we  
17 have any preliminary matters?

18 MR. MOY: I do not have any preliminary matters  
19 for you and the Board, Mr. Chairman.

20 CHAIRPERSON HILL: Okay, great. Thank you. This  
21 videoconference thing is so peculiar. One moment.

22 All right, Mr. Moy, I'm just kind of --- kind of  
23 go through, I guess, I think --- I know the order for the  
24 decision cases has changed. So if you had doubt --- I don't  
25 have the agenda in front of me. Do you have 20217 going

1 first?

2 MR. MOY: Yes, I do, sir.

3 CHAIRPERSON HILL: Will you read that for us,  
4 please?

5 MR. MOY: Yes, thank you. Good morning, Mr.  
6 Chairman, members of the Board. The first case application  
7 for your decision making is Application No. 20217 of Tricia  
8 Jefferson, as amended for special exception under Subtitle  
9 E Section 5201 from the rear yard requirements of Subtitle  
10 E Section 506.1, from the nonconforming structure  
11 requirements of Subtitle C Section 202.2, pursuant to 11 DCMR  
12 Subtitle X, Chapter 10 for an area variance from the lot  
13 occupancy requirements of Subtitle E Section 504.1. to  
14 construct a rear addition to an existing, attached principal  
15 dwelling unit in the RF-3 Zone at premises 508 D Street,  
16 Northeast. Square 836, Lot 48.

17 CHAIRPERSON HILL: Okay, great. Thank you. Are  
18 you all ready to deliberate? Just nod. Okay, great.  
19 Wonderful.

20 All right, so we heard this last week and you  
21 heard from all of the applicants and all of the parties that  
22 we needed to hear from. The Office of Planning submitted  
23 their report in support and then also we had the report of  
24 ANC 6D which had no issues and concerns. DDOT submitted no  
25 objections and the Architect of the Capitol also submitted

1 no objections in Exhibit 59.

2           They also have letters of support from a few  
3 people. I felt that the applicant had met the burden in  
4 terms of the standards to which to grant this application.  
5 I also agree with the analysis of the Office of Planning and  
6 again, ANC 6D as well as the Architect of the Capitol and I'm  
7 going to vote to approve.

8           Is there anything anyone would like to add?

9           VICE CHAIR HART: Only that I would agree with  
10 you, Mr. Chairman. The applicant is seeking two types of  
11 relief from the zoning regs, special exception relief from  
12 rear yard requirements, and nonconforming structure  
13 provisions in Subtitle C 202.2 pursuant to E 25.5, 5201 and  
14 5202. And they're also looking for a variance of 504.1.

15           In the OP report, they noted that there is an  
16 exceptional condition resulting in a practical difficulty  
17 which is that the lot is 61 percent smaller than the typical  
18 lot and that the -- in this zone -- and it's 3 feet narrower.  
19 And they also noted that it's the same development work  
20 (audio interference) on a lot that was conforming and it  
21 would nearly meet the zoning regs for a special exception.  
22 And I would agree with the Office of Planning's report and  
23 would be supportive of the relief that has been requested.  
24 That's it.

25           CHAIRPERSON HILL: Thank you. Ms. John.

1           MEMBER JOHN:   Mr. Chairman, I agree with your  
2 analysis as well as Mr. Hart's and especially to note that  
3 the applicant describes how it meets the criteria for a  
4 variance as Mr. Hart described.  It's a very small lot in  
5 that square and based on the record and the applicant's  
6 testimony and the information provided by the Office of  
7 Planning, I can support the application.

8           CHAIRPERSON HILL:  All right, if not muted, you  
9 can stay on muted and give me a second.  So I'm going to go  
10 ahead and make a motion to approve Application No. 20217 as  
11 captioned and read by the Secretary and ask for a second.

12           MEMBER JOHN:  Second.

13           CHAIRPERSON HILL:  A motion has been made and  
14 seconded, Mr. Moy.  Could you take a roll call, please?

15           MR. MOY:  Thank you, Mr. Chairman.  Before I take  
16 a final vote count, we do have an absentee ballot from Zoning  
17 Commissioner Peter May and he participated at the hearing and  
18 his vote was to approve the application with the relief  
19 requested.  So that would give a resulting vote of four to  
20 zero to one.  This is on the motion of Chairman Hill,  
21 seconded by Ms. John.  Also in support of the motion is Vice  
22 Chair Hart and Mr. Peter May.  We have a Board seat vacant.  
23 The motion carries four to zero to one, sir.

24           CHAIRPERSON HILL:  All right, Mr. Moy, actually  
25 could you take a roll call?  I don't think Mr. Hart or Ms.

1 John voted yet.

2 MR. MOY: That's right. Thanks for the reminder,  
3 Mr. Chair.

4 When I take the roll call vote and call your name,  
5 please respond with a yes, no, or abstain to the motion to  
6 approve.

7 Ms. John?

8 MEMBER JOHN: Yes.

9 MR. MOY: Vice Chair Hart?

10 VICE CHAIR HART: Yes.

11 MR. MOY: Chairman Hill?

12 CHAIRPERSON HILL: Yes.

13 MR. MOY: Of course, for Peter May I have an  
14 absentee ballot.

15 CHAIRPERSON HILL: Okay, great. Thank you, Mr.  
16 Moy.

17 Mr. Moy, when you're ready, the next one I have  
18 is 20219.

19 MR. MOY: Yes. Thank you. So the next case for  
20 decision is Application No. 20219 of Julia Garrison. This  
21 is an application captioned as special exception under  
22 Subtitle E Sections 206.2 and 5203.3 from the upper floor  
23 addition requirements of Subtitle E Section 206.1, to alter  
24 an existing rooftop architectural element on an existing,  
25 attached, principal dwelling unit in the RF-1 Zone at 3629

1 13th Street, Northwest, Square 2829, Lot 148.

2 CHAIRPERSON HILL: Okay, great. Thank you, Mr.  
3 Moy. Would the Board like to deliberate? Okay.

4 Mr. Moy, oh, I'm sorry. For people that are  
5 listening in, we have a pretty big bunch here for the meeting  
6 session and I think if the Board doesn't mind, I'm going to  
7 take a break after the meeting session and then come back in  
8 before we do the -- continue. One second, please.

9 Okay, so now also if my tech support is listening,  
10 I did lose one of the video -- I got Ms. John back, but I --

11 VICE CHAIR HART: I did, too.

12 CHAIRPERSON HILL: Oh, you did. Okay. I mean I  
13 had more trouble last week when there were more people on the  
14 Webex. And I don't know if you guys are having trouble yet  
15 seeing everyone, but I had a lot of trouble. So we'll see  
16 what happens. I've asked tech support to kind of monitor.

17 All right, so in terms of application 20219 --

18 VICE CHAIR HART: Mr. Chairman?

19 CHAIRPERSON HILL: Certainly.

20 VICE CHAIR HART: Can you pause for a second? It  
21 looks like Board Member John may be having some technical  
22 difficulties herself. I lost her feed.

23 CHAIRPERSON HILL: I see, Ms. John. If you are  
24 on mute and just see if you can hear us.

25 VICE CHAIR HART: There she is again.

1 CHAIRPERSON HILL: Now she's coming in again.

2 MEMBER JOHN: Sorry about that. I lost the  
3 connection.

4 VICE CHAIR HART: Well, now you're listed twice.

5 MEMBER JOHN: Pardon?

6 VICE CHAIR HART: Now you're listed twice on your  
7 login.

8 MEMBER JOHN: Oh, I see. Okay.

9 CHAIRPERSON HILL: So Paul, I mean not that it  
10 matters to us, but that other line there, that other feed is  
11 unnecessary for Ms. John.

12 MR. YOUNG: I'll take care of it.

13 CHAIRPERSON HILL: Okay. Thank you.

14 VICE CHAIR HART: It was somewhat ominous  
15 sounding.

16 MEMBER JOHN: Right.

17 VICE CHAIRMAN HART: I'll take care of it. Uh-oh,  
18 you got rid of the wrong one.

19 (Pause.)

20 CHAIRPERSON HILL: All right. Case number two.

21 MEMBER JOHN: Took me a minute.

22 CHAIRPERSON HILL: Yes, I know. I miss having  
23 lunch with you guys.

24 Let's see. So we heard this case last week and  
25 the Board has some questions concerning the pitched roof and

1 I think Commissioner May and also Mr. Hart, you were a little  
2 interested in kind of the pitched roof and kind of the range  
3 in which the roof would be pitched. The applicant did submit  
4 something for the record concerning again the range in which  
5 the roof would be pitched. I didn't have any issues with  
6 that submission and so the -- we heard from everyone in terms  
7 of the parties. The Office of Planning submitted their  
8 report to the Board. ANC 1A also submitted a report with no  
9 issues or concerns. DDOT had no objections.

10 I do believe that the applicant from the burden  
11 of proof, as well as the hearing, has met the standard for  
12 which we can grant the relief requested and I again didn't  
13 have any issues with the pitched roof.

14 Mr. Hart, did you have any issues with the pitched  
15 room or would you like to comment on anything?

16 VICE CHAIR HART: I don't think I need to comment  
17 further on this application. I'm fine.

18 CHAIRPERSON HILL: Okay. Great.

19 VICE CHAIR HART: You did hear me, right?

20 CHAIRPERSON HILL: Yes, I did hear you. Thank  
21 you.

22 VICE CHAIR HART: Sometimes I can't remember if  
23 I was muted or not.

24 CHAIRPERSON HILL: Ms. John?

25 MEMBER JOHN: I have no significant comments on

1 the application. It was fairly straight forward. I would  
2 just add that the ANC had a comment that the ANC would not  
3 object if the applicant maintained the shape of dormers. I  
4 believe they have agreed to do that and the design reflects  
5 that the applicant would maintain the dormers. So I can  
6 support that application.

7 CHAIRPERSON HILL: Okay, great. All right, then  
8 I am going to make a motion to approve Application No. 20219  
9 as captioned and read by the Secretary and ask for a second.

10 MEMBER JOHN: Second.

11 CHAIRPERSON HILL: Mr. Moy, the motion has been  
12 made and seconded. If you wouldn't mind taking a roll call  
13 vote.

14 MR. MOY: Thank you, Mr. Chairman. The maker of  
15 the motion to approve the application is Chairman Hill.  
16 Seconding the motion is Ms. John. When I call your name, if  
17 you would please reply with a yes, no, or abstain to the  
18 motion to approve.

19 Vice Chair Hart?

20 VICE CHAIR HART: Yes.

21 MR. MOY: Ms. John?

22 MEMBER JOHN: Yes.

23 MR. MOY: Chairman Hill.

24 CHAIRPERSON HILL: Yes.

25 MR. MOY: And we have again an absentee ballot

1 vote from Zoning Commissioner Peter May and his absentee vote  
2 is to approve the application and so that would give us --  
3 result in a vote count of four to zero to one.

4 CHAIRPERSON HILL: Thank you. Mr. Moy, I believe  
5 the next one is 20223.

6 MR. MOY: Yes, sir. Thank you. So this is Case  
7 Application 20223 of Bernard Berry, the application  
8 captioned, advertised with special exception Under Subtitle  
9 Section 5201 from the lot occupancy requirements of Subtitle  
10 E Section 304.1. This would construct an addition to a  
11 three-story principal dwelling unit, with a cellar level and  
12 roof deck pool in the RF-1 Zone at premises 509 O Street,  
13 Northwest, Square 479, Lot 818.

14 VICE CHAIR HART: Okay, great. Thank you. Is the  
15 Board ready to deliberate? Okay.

16 So we heard testimony last week from the applicant  
17 and the Office of Planning and I believe that we determined  
18 that the application needed additional relief from the  
19 penthouse setback for roof guardrails. The permit was  
20 already approved by DCRA in 2019 and is under construction.  
21 We left the record open for revisions for the application and  
22 any comments from the ANC. The Board directed the applicant  
23 and Office of Planning to discuss the issues regarding the  
24 additional relief and then we reconvened at 3 p.m.

25 The Office of Planning stated the applicant did

1 submit new drawings for the Board to approve that does not  
2 include the rooftop access, only the rear addition of the  
3 building.

4 I mean I saw the submission and I wasn't -- I'm  
5 clear as to what we would be approving meaning that we're not  
6 approving the setback for the guardrail. That's something  
7 that they might have to come back before us again, but it  
8 wasn't necessarily X'd out and again, I'm not the architect.  
9 Mr. Hart, you are. But I did think that the applicant had  
10 met the burden of proof in terms of the rear addition and so  
11 I would be comfortable voting in favor of that as well as the  
12 fact that the Office of Planning in their analysis was able  
13 to support it and I believe that they, the Office of Planning  
14 agreed with that analysis.

15 ANC 6D also submitted something with no issues or  
16 concerns. There were letters of support from a few community  
17 members and then also signatures in support. However, as I  
18 mentioned, I do believe that the applicant has met the  
19 standard in which to approve this application and I will be  
20 voting to approve, however, again, not the one-on-one setback  
21 from the guardrail.

22 Mr. Hart, may I start with you?

23 VICE CHAIR HART: Sure, as someone who has studied  
24 architecture, but is not an architect -- registered  
25 architects, there is a process to go through that. I have

1 not done that. But I have studied architecture, so I wanted  
2 to just make sure that was clear.

3           Anyhow, I didn't have an issue with the  
4 application or what was being requested. I believe that the  
5 applicant has provided sufficient information for me to be  
6 able to approve the application for special exception.

7           I would agree with the OP report in Exhibit 31  
8 that they have demonstrated -- that the applicant has  
9 demonstrated how they meet the zoning criteria under Subtitle  
10 C 202 for an addition to a nonconforming structure and E  
11 304.1 for a lot occupancy relief.

12           The updated drawings in Exhibit 37 indicate very  
13 clearly what is under review at this point which is the rear  
14 addition. They outline those particular areas to show this  
15 is what we are focusing on, not the rest of the drawings.  
16 So we are not approving the rest of the drawings. We're just  
17 focused on these elements. If they do require further  
18 relief, they would have to go through that process to do that  
19 in the future.

20           So right now, we are just looking at the special  
21 exceptions for the ones that I mentioned and not for  
22 anything, any setbacks for railings or such on the roof  
23 itself.

24           I didn't have problems with the drawings. They're  
25 fine. They clearly indicate what it is that's before us.

1 So I'd be in support of the application.

2 CHAIRPERSON HILL: Thank you. Ms. John?

3 MEMBER JOHN: I agree with everything that's been  
4 said so far and that the revised drawings and so what it is  
5 we're approving and that we're not approving the one-to-one  
6 setback. So based on the revised drawings, I can support the  
7 applicant.

8 CHAIRPERSON HILL: Okay. And I will go and make  
9 a motion to approve Application No. 20223 as captioned by the  
10 Secretary and ask for a second.

11 MEMBER JOHN: Second.

12 CHAIRPERSON HILL: Mr. Moy, the motion has been  
13 made and seconded. Would you please take a roll call?

14 MR. MOY: Thank you, Mr. Chairman. When I call  
15 your name, if you would please reply with a yes, no, or  
16 abstain.

17 Chairman Hill, maker of the motion to approve the  
18 application for the relief, and seconding the motion is Ms.  
19 John.

20 So Vice Chair Hart?

21 VICE CHAIR HART: I approve.

22 MR. MOY: Ms. John?

23 MEMBER JOHN: Yes.

24 MR. MOY: Chairman Hill?

25 CHAIRPERSON HILL: Yes.

1 MR. MOY: And of course, again, we have an  
2 absentee ballot vote from Zoning Commissioner Peter May who  
3 participated and his vote is to approve the application. So  
4 that will give a final vote of four to zero to one. And of  
5 course, the one is the vacant seat. The motion carries so.

6 CHAIRPERSON HILL: Okay, great. Thank you Mr.  
7 Moy, I believe the next one is 20210.

8 MR. MOY: Yes, sir. So Application No. 20210 of  
9 Hadell and Fannie Callands, as amended, for special  
10 exceptions under Subtitle E Section 5201 from the lot  
11 occupancy requirements of Subtitle E Section 304.1, and from  
12 the non-conforming structure requirements of Subtitle C  
13 Section 202.2. This would construct a new two-story rear  
14 addition to an existing three-unit apartment house. This is  
15 in the RF-1 Zone at premises 1012 16th Street, Northeast,  
16 Square 4075, Lot 176.

17 CHAIRPERSON HILL: Okay, great. I assume we're  
18 ready to deliberate unless someone tells me no. And so let's  
19 see, I can at least begin here. We heard this last week and  
20 the Office of Planning had provided their analysis with a  
21 report in support of the application. ANC 5B also had  
22 submitted something into the record with no issues or  
23 concerns. DDOT also had no objection.

24 After hearing the applicant in the testimony they  
25 provided last week, as well as their burden of proof into the

1 record, I agree with their argument in terms of how they're  
2 meeting the standards such that we can grant this  
3 application. I thought it was pretty modest so the dog leg  
4 there. I will be voting to approve.

5 Mr. Hart, do you have anything you'd like to add?

6 VICE CHAIR HART: No. I would also be in support  
7 of the application as well for the reasons that you had  
8 stated. And there was also a letter in support as well. Did  
9 you mention that?

10 CHAIRPERSON HILL: I did not, but thank you.

11 VICE CHAIR HART: From Exhibit 41 from Mr. -- from  
12 M. Hughes. I'm not sure if that was a Mr. or not, but  
13 anyhow, I would be in support as well. Thanks.

14 CHAIRPERSON HILL: Ms. John?

15 MEMBER JOHN: This is a straight-forward  
16 application and it's making a special exception. The lot  
17 occupancy that needs to fill in a dog leg at the rear of the  
18 property and I agree with OP's analysis and everything that's  
19 been said so far.

20 CHAIRPERSON HILL: Okay. Now I'm going to make  
21 a motion to approve Application No. 20210 as captioned and  
22 read by the Secretary and ask for a second.

23 MEMBER JOHN: Second.

24 CHAIRPERSON HILL: Mr. Moy, the motion has been  
25 made and seconded. Would you please take a roll call vote?

1 MR. MOY: Yes. Thank you, Mr. Chairman. When I  
2 give the roll call vote, when I call you by name, if you  
3 would please respond with a yes, no, or abstain to the maker  
4 of the motion to approve the application, Chairman Hill's  
5 motion. Seconding the motion is Ms. John.

6 So Vice Chair Hart?

7 VICE CHAIR HART: Yes.

8 MR. MOY: Ms. Johns?

9 MEMBER JOHN: Yes.

10 MR. MOY: Chairman Hill?

11 CHAIRPERSON HILL: Yes.

12 MR. MOY: Okay, and again we have an absentee  
13 ballot vote from Zoning Commissioner Peter May who  
14 participated and his vote is to approve the application to  
15 the relief requested. So that would give a final vote of  
16 four to zero to one on your motion, seconded by Ms. John, and  
17 there is a Board seat vacant. To support the motion by Vice  
18 Chair Hart. The motion carries, four to zero to one.

19 CHAIRPERSON HILL: Okay, great. Thank you, Mr.  
20 Moy. Mr. Moy, I believe the next one is 20218.

21 MR. MOY: Yes. Thank you. So this is Case  
22 Application No. 20218 of Gwendolyn Keita, K-E-I-T-A, as  
23 amended, for a use variance from the use permissions for  
24 accessory apartments of Subtitle U Section 253.5, to permit  
25 an accessory apartment within an existing, semi-detached

1 principal dwelling unit in the R-3 Zone at premises 5200 4th  
2 Street, Northwest, Square 3257, Lot 88.

3 CHAIRPERSON HILL: Okay. Are we all ready to  
4 deliberate? Okay. So we heard testimony last week from the  
5 applicant and the Office of Planning. There was a witness  
6 who actually signed up to speak in support, was unable to  
7 join the hearing. They actually submitted a letter into the  
8 record in Exhibit 39.

9 The Office of Planning had provided their analysis  
10 in Exhibit 38 which was in support of the application. ANC  
11 4D also supplied information into the record with no issues  
12 or concerns. DDOT also had no objections. Then after  
13 hearing the testimony from the applicant last week, I do  
14 believe they have met the burden of the standards for us to  
15 grant the application for the request for relief and so I  
16 will be voting to support the application.

17 Mr. Hart, do you have anything you'd like to add?

18 VICE CHAIR HART: Yes, I'd be in support of this  
19 as well with what the Office of Planning report included.  
20 And I think that they've provided sufficient information for  
21 me to support the application.

22 I understand that the accessory use is allowed,  
23 is an allowed use. However, one of the conditions for  
24 allowing the accessory use has not been met. But I think  
25 that the applicant provides sufficient information for why

1 that was necessary in this instance. And I don't have much  
2 else to add to that, but I'm fine with approving the request.

3 CHAIRPERSON HILL: Thank you. Ms. John?

4 VICE CHAIR HART: Looks like she stopped.

5 CHAIRPERSON HILL: Yes. It's breaking up early  
6 on. But we can hear you now. No, it's breaking up with me.  
7 I can't hear her.

8 MEMBER JOHN: Okay. I don't know why it's doing  
9 this.

10 VICE CHAIR HART: Mr. Chairman, maybe your IT  
11 people could go help Board Member John? It's going in and  
12 out. I can hear you and then I can't hear you and I can hear  
13 you again. I can't hear anything again.

14 CHAIRPERSON HILL: Ms. John, are you trying to  
15 speak?

16 VICE CHAIR HART: Looks like we lost her.

17 (Pause.)

18 VICE CHAIR HART: Mr. Ritting, are you having fun?

19 MR. RITTING: Yes, I am. Unfortunately, we need  
20 Ms. John for a quorum.

21 VICE CHAIR HART: Yes.

22 CHAIRPERSON HILL: Well, we have the absentee  
23 vote.

24 MEMBER JOHN: All right, as I was saying, this is  
25 really a straight-forward application.

1 VICE CHAIR HART: Is that --

2 CHAIRPERSON HILL: I did. I got it.

3 MEMBER JOHN: Let me try calling in.

4 CHAIRPERSON HILL: Ms. John, before you go, let's  
5 go ahead and vote on this. I think you'll be able to vote.

6 Mr. Moy, the motions are made and seconded. I'm  
7 sorry, I'm making a motion then to approve Application No.  
8 20218 as captioned and read by the Secretary.

9 Mr. Hart, would you second me?

10 VICE CHAIR HART: Second.

11 CHAIRPERSON HILL: Mr. Moy, the motions are made  
12 and seconded. Could you please take a roll call vote?

13 MR. MOY: Yes. Thank you, Mr. Chairman. When I  
14 call your name, if you would please respond with a yes, no,  
15 or abstain on the motion to approve the application. The  
16 motion was made by Chairman Hill, seconded by Vice Chair  
17 Hart.

18 So the roll call vote, Ms. John?

19 MEMBER JOHN: Yes.

20 MR. MOY: Vice Chair Hart?

21 VICE CHAIR HART: Yes.

22 MR. MOY: Chairman Hill?

23 CHAIRPERSON HILL: Yes.

24 MR. MOY: And again, we have an absentee ballot  
25 vote from Zoning Commissioner Peter May and his vote is to

1 approve the application. This would give a final vote of  
2 four to zero to one on the motion of Chairman Hill, seconded  
3 by Vice Chair Hart. The motion in support by Ms. John and  
4 of course, Zoning Commissioner Peter May. And we have one  
5 seat vacant, the motion carries.

6 CHAIRPERSON HILL: Okay, great. Thank you, Mr.  
7 Moy.

8 Ms. John, if I may make a suggestion, if you leave  
9 your video on and leave everything going the way it is, and  
10 then if you want to call in on your phone and then just mute  
11 it, then at least you have a backup there.

12 MEMBER JOHN: Okay. Let me try something else.  
13 Okay.

14 CHAIRPERSON HILL: I can hear and see you now  
15 fine.

16 MEMBER JOHN: Yes, it goes in and out. So let me  
17 see if I can switch to a -- okay, give me a second, please.

18 CHAIRPERSON HILL: Sure, of course.

19 (Pause.)

20 MEMBER JOHN: Okay, I switched around (audio  
21 interference) so let's how this works.

22 CHAIRPERSON HILL: Okay. Mr. Moy, I believe the  
23 next one is 20224.

24 MR. MOY: Yes, thank you. Case No. 20224 of  
25 Brittney Etheridge, captured and advertised for a special

1 exception under Subtitle F, Section 5201 from the lot  
2 occupancy requirements of Subtitle F, Section 304.1 and from  
3 the rear yard requirements of Subtitle F Section 305.1. This  
4 would construct a second story rear addition to an existing,  
5 attached principal dwelling unit in the RA-1 Zone at premises  
6 407 51st Street, Southeast, Square 5318, Lot 164.

7 CHAIRPERSON HILL: Okay, great. Thank you. Are  
8 we ready to deliberate? Okay.

9 So we hard this last week and there was -- well,  
10 one of the issues I guess was the ANC 7E has submitted a  
11 letter in support, but there is no full report. There was  
12 really nothing that we could give great weight to from the  
13 ANC. However, I guess the SMD did submit a letter in  
14 support, but again, it's not something that we give great  
15 weight to. However, we did take that into consideration.  
16 At least I did.

17 I would agree with the analysis that was provided  
18 by the Office of Planning in terms of this report to the  
19 application and also DDOT had no objection. There was also  
20 a letter in support from the Glenncrest Resident Association  
21 and I do believe that the applicant has met their burden of  
22 proof in terms of how they're meeting the standard for us to  
23 grant the relief requested. I will be voting in favor of the  
24 application.

25 Mr. Hart, do you have anything to add?

1 VICE CHAIR HART: No, I do not.

2 CHAIRPERSON HILL: Ms. John, do you have anything  
3 to add?

4 MEMBER JOHN: No, it's very straight forward.

5 CHAIRPERSON HILL: Okay. I'll make a motion then  
6 to approve the Case No. 20224 as captioned and read by the  
7 Secretary and ask for a second.

8 MEMBER JOHN: Second.

9 CHAIRPERSON HILL: Thank you, Ms. John.

10 Mr. Moy, will you take a roll call vote, please?

11 MR. MOY: Yes. Thank you. So when I call your  
12 name, if you would please respond with a yes, no, or abstain.  
13 This is to the motion to approve the application for the  
14 relief made by Chairman Hill, seconded by Ms. John.

15 So with the roll call vote, Vice Chair Hart?

16 VICE CHAIR HART: Yes.

17 MR. MOY: Ms. John?

18 MEMBER JOHN: Yes.

19 MR. MOY: Chairman Hill?

20 CHAIRPERSON HILL: Yes.

21 MR. MOY: And before I give a final vote we again  
22 have an absentee ballot vote from Zoning Commissioner Peter  
23 May and his vote is to approve the application. So that  
24 would give a final vote of four to zero to one on your  
25 motion, Mr. Chairman, seconded by Ms. John, and we have a

1 board seat vacant and of course we have a motion -- Vice  
2 Chair Hart. Motion carries.

3 CHAIRPERSON HILL: Okay, great. Thank you, Mr.  
4 Moy. I believe the next one is 20229.

5 MR. MOY: Yes. Thank you. Case Application No.  
6 20229 of David and Grace Kelly, as amended for a special  
7 exception under the penthouse requirements of Subtitle C  
8 Section 1500.4, and under Subtitle C Section 1504.1 from the  
9 penthouse setback requirement of Subtitle C Section 1502.1  
10 (c)(1)(A) and 1502.1 (c)(5), and the penthouse wall  
11 requirements of Subtitle C Section 1500.9, to construct a  
12 penthouse and guardrails on top of the third floor addition  
13 to an existing attached principal dwelling unit in the RF-1  
14 Zone at premises 906 11th Street, Northeast, Square 957, Lot  
15 20.

16 MR. MOY: Okay, are we ready to deliberate? Okay.  
17 So we heard testimony again about this last week, but there  
18 was some discussion about the guardrail on the penthouse  
19 level and that it was not meeting the one to one setback.  
20 We asked for additional drawings for the one to one setback  
21 on that penthouse level. They did submit the drawings and  
22 to me and again Mr. Hart is not an architect but has studied  
23 architecture and maybe can comment upon the drawings. I have  
24 not studied architecture, but now I've seen a lot of drawings  
25 over the past five years and I believe that they have met the

1 one to one setback requirement.

2 We also have the analysis from the Office of  
3 Planning that was in support and I would agree with the  
4 Office of Planning's analysis as to how the applicant is  
5 meeting the standard. ANC 6A also submitted something for  
6 the record with no issues and concerns. DDOT also had no  
7 objection.

8 So I would go ahead and agree with the applicant's  
9 case and how they're meeting the standard for which we can  
10 grant the relief requested and I will be voting to approve.

11 Mr. Hart, do you have anything to add?

12 VICE CHAIR HART: No, you know the applicant is  
13 looking for four aspects of relief. I'm not going to go  
14 through all of them, but I felt that the issue that we  
15 brought up at the last meeting which was the setbacks on the  
16 front and rear of the building needed to be at the one to one  
17 level or they need to request further relief. They have made  
18 the drawings, corrected the drawings, so that they show the  
19 one to one setback on the front and the back.

20 The sides, they're still requesting that relief.  
21 The railing setback on the side, they're still requesting  
22 that relief so that's fine. I thought that I would be able  
23 to support the application after reviewing the record which  
24 included Office of Planning's report, as well as the  
25 applicant's own statements. I didn't have anything further

1 for that. I appreciate them updating the drawings so that  
2 we have that. I guess the drawings are in Exhibit 51 and 52,  
3 if I'm not correct? Yes, I think that's -- yes, it's 51 and  
4 52 that show the setbacks that they needed to on the front  
5 and rear. So no other comments.

6 CHAIRPERSON HILL: Ms. John?

7 MEMBER JOHN: I agree with the comments so far and  
8 appreciate the applicant working with OP to revise the  
9 drawings, to revise the design to make it more consistent  
10 with the regulations. I thought the burden of proof, that's  
11 Exhibit 36, clearly explains why the relief was required and  
12 met the regulations. I can support the application.

13 CHAIRPERSON HILL: Okay, great. So I'll go ahead  
14 and make the motion to approve Application No. 20229 as  
15 captioned and read by the Secretary and I ask for a second.

16 VICE CHAIR HART: Second.

17 MEMBER JOHN: Second.

18 CHAIRPERSON HILL: Okay. I'm going to name names.  
19 I guess we'll give that to Ms. John, if that's okay.

20 The motion has been made and seconded, Mr. Moy.  
21 If you could please do a roll call vote. You're on mute, Mr.  
22 Moy.

23 MR. MOY: Oh, my gosh. Okay. So when I call --  
24 on the roll call vote, when I call your name, if you will  
25 please respond with a yes, no, or abstain to the motion to

1 approve the application for the relief. The maker of the  
2 motion is Chairman Hill.

3 So Ms. John?

4 MEMBER JOHN: Yes.

5 MR. MOY: Vice Chair Hart?

6 VICE CHAIR HART: Yes.

7 MR. MOY: Chairman Hill?

8 CHAIRPERSON HILL: Yes.

9 MR. MOY: And again, we have an absentee ballot  
10 vote from Zoning Commissioner Peter May and his vote is to  
11 approve the application. So that will give a final vote of  
12 four to zero to one. Motion on Chairman Hill, seconding, Ms.  
13 John, in support Vice Chair Hart and Peter May and we have  
14 a board seat vacant. Motion carries sir.

15 CHAIRPERSON HILL: Okay, thank you, Mr. Moy. So  
16 my fellow board members, this was again the Grace Kelly  
17 application, and so again, as Mr. Ritting has mentioned it  
18 was Philadelphia, Mr. Ritting, that Kelly (audio  
19 interference) Right. So I was thinking myself again a very  
20 famous parent and then a very famous child. I think there's  
21 some kind of connection. That's my opinion.

22 VICE CHAIR HART: This is David and Grace Kelly,  
23 Mr. Chairman.

24 CHAIRPERSON HILL: Yes, I know. I'm talking of  
25 Grace Kelly, not the -- yes. Okay.

1 All right, Mr. Moy, the next one I think is 20241.

2 MR. MOY: Yes, thank you, sir. So before the  
3 Board, Application No. 20241 of Jerry Thomas, as amended for  
4 a special exception under the MU-Use Group E requirements of  
5 Subtitle U Section 513.1(m), to allow an animal boarding use  
6 to an existing mixed-use building in the MU-5 Zone at  
7 premises 907 Barry Place, Northwest, Square 2882, Lot 1041.

8 CHAIRPERSON HILL: Okay, great. Are we all ready  
9 to deliberate? Okay.

10 I really don't have a lot of issues with this  
11 application. The one question I did have answered was  
12 whether or not this was part of the PUD. If the animal  
13 boarding, where this was a retail and it was retail and they  
14 are now retail, meaning the PUD had a retail in that spot.  
15 I think that the applicant has met their burden of proof and  
16 since it is animal boarding, a little concerned about the  
17 sound and odor and I think that was one issue that I was just  
18 kind of curious about. And I think that for me the applicant  
19 has no concern. But I also believe that they met their  
20 burden of proof concerning the standard for which we can  
21 grant the special exception.

22 Also, the Office of Planning has submitted their  
23 report. I would agree with their analysis in Exhibit 36  
24 which was in support again and then ANC 1C has submitted  
25 Exhibit 32 with no issues and concerns. And DDOT also had

1 no objection. So I will be voting in favor of this  
2 application.

3 Mr. Hart, do you have anything to add?

4 VICE CHAIR HART: Nothing to add here.

5 CHAIRPERSON HILL: Ms. John?

6 MEMBER JOHN: Nothing to add.

7 CHAIRPERSON HILL: Okay, I'll make a motion. Ms.  
8 John, if you would second me if you feel so inclined. I make  
9 the motion to approve Application No. 20241 as captioned and  
10 read by the Secretary and ask for a second.

11 MEMBER JOHN: Second.

12 CHAIRPERSON HILL: Mr. Secretary, the motion has  
13 been made and seconded. Could you please take a roll call  
14 vote?

15 MR. MOY: Yes, thank you, Mr. Chairman. So when  
16 I call your name if you would reply, respond with a yes, no,  
17 or abstain to the motion to approve the application for the  
18 relief requested. Making the motion is Chairman Hill,  
19 seconded by Ms. John.

20 So Vice Chair Hart?

21 VICE CHAIR HART: Yes.

22 MR. MOY: Ms. John?

23 MEMBER JOHN: Yes.

24 MR. MOY: Chairman Hill?

25 CHAIRPERSON HILL: Yes.

1 MR. MOY: We have an absentee ballot from Zoning  
2 Commissioner Peter May who participated at the hearing and  
3 his vote is to approve the application. This would give a  
4 final vote of four to zero to one. This is on the motion of  
5 Chairman Hill, seconded by Ms. John. Also in support of the  
6 motion is Vice Chair Hart and Peter May. And there's a Board  
7 seat vacant. Motion carries four to zero to one.

8 CHAIRPERSON HILL: Thank you, Mr. Moy. I believe  
9 the next one is 20242 if you could read it in for us.

10 MR. MOY: Thank you, Mr. Chairman. So that would  
11 be Case Application No. 20242 of IDI Water Street, L.C.,  
12 captioned for a special exception under Subtitle C Section  
13 510.3 from the parking lot location requirements of Subtitle  
14 C Section 710.2 (a), and pursuant to Subtitle X, Chapter 10,  
15 for variances from the driveway width requirement of Subtitle  
16 C Section 711.6 (a), from the minimum dimensions for full-  
17 sized parking spaces and aisles of Subtitle C Section 712.5,  
18 and from the minimum dimensions for compact parking spaces  
19 and aisles of Subtitle C Section 712.6. This would construct  
20 a 7-story residential building in the MU-13 Zone at premises  
21 3101 through 3403 Water Street, Northwest, Square 1183, Lot  
22 813.

23 CHAIRPERSON HILL: All right, great. Thank you,  
24 Mr. Moy.

25 All right, are we all ready to deliberate? So we

1 didn't hear from the applicant concerning this application  
2 and the Office of Planning has gone ahead and submitted their  
3 report that provided an analysis as to why they are in  
4 support of the application. ANC 2E had also submitted  
5 approval with no issues or concerns. DDOT had a lot of  
6 conditions and from the testimony provided by the applicant  
7 last week, they were in support of all of the conditions by  
8 DDOT and all of those conditions are listed in Exhibit 33 so  
9 if we were to approve, I would make the motion to include  
10 those conditions.

11 I do think that the applicant has met the burden  
12 of proof in order for us to support or at least in order for  
13 me to support this application and I will be voting to  
14 approve.

15 Mr. Hart, do you have anything to add?

16 VICE CHAIR HART: I have a little bit to add, only  
17 that the -- I also believe that the applicant has provided  
18 sufficient information regarding the three prongs of the  
19 variance test to demonstrate why this request should be  
20 granted. This is a very confined, irregularly shaped site.  
21 There's an existing historic building that must be taken into  
22 consideration which also includes the existing structural  
23 elements that can't be replaced to allow for adequately sized  
24 drive aisle width. So they're looking for this relief, the  
25 variance relief for that.

1 I had no issues with the relief being requested.  
2 I also agree with the Office of Planning report which is in  
3 Exhibit 35 and I think there was some design flexibility that  
4 was requested for the project and that was because the  
5 project needed to go in front of the Old Georgetown Board,  
6 OGB. The OGB recommended that as part of their letter, they  
7 included more artificial detail in the facade design related  
8 to the context of the historic district. That was as much  
9 as I could figure out the flexibility in the design. So this  
10 had to do with the facade, the building faces, not the  
11 internal portions of the building. So I didn't have any  
12 issue with allowing the design flexibility.

13 And yes, you've noted the TDM and all of the  
14 conditions that were part of that in the application. I  
15 would be in support of those conditions as well including  
16 them as conditions in the order. So that's it.

17 CHAIRPERSON HILL: Ms. John?

18 MEMBER JOHN: I agree that the applicant meets the  
19 criteria for a variance based on the fact that it's a  
20 historic building and the columns are located in such a way  
21 that it would be difficult to accommodate the larger spaces,  
22 for parking spaces and the driveway. And I also agree with  
23 OP's analysis of the application and give it great weight and  
24 would agree that the conditions provided by DDOT at Exhibit  
25 33 should also be included. I agree with the request for

1 flexibility, but would just add that we would approve the  
2 request as long as there's no need for any additional zoning  
3 relief and based on the application, ANC's support, and the  
4 record as a whole I can support the application.

5 CHAIRPERSON HILL: Okay, great. Thank you, Ms.  
6 John.

7 All right, then I'm going to make a motion to  
8 approve Application No. 20242 as captioned and read by the  
9 Secretary, including the conditions from DDOT in Exhibit 33,  
10 including some flexibility in design based on anything from  
11 OGB and CFA, as long as there isn't any additional zoning  
12 relief required and ask for a second.

13 MEMBER JOHN: Second.

14 CHAIRPERSON HILL: Thank you, Ms. John. Mr. Moy,  
15 the motion has been made and seconded. Could you please take  
16 a roll call vote?

17 MR. MOY: Thank you, Mr. Chairman. On this roll  
18 call vote, when I call your name, if you would please respond  
19 with a yes, no, or abstain to the motion to approve the  
20 application including conditions stated in the DDOT document  
21 under Exhibit 33 as well as flexibility in the design, of  
22 design. I think in the motion the Chairman mentioned OGB and  
23 CFA.

24 So Chairman Hill is the maker of the motion. Ms.  
25 John seconded. So on the roll call vote, Vice Chair Hart?

1 VICE CHAIR HART: Yes.

2 MR. MOY: Ms. John?

3 MEMBER JOHN: Yes.

4 MR. MOY: Chairman Hill?

5 CHAIRPERSON HILL: Yes.

6 MR. MOY: And we have an absentee ballot vote from  
7 Zoning Commissioner Peter May who participated and his vote  
8 is to approve the application with such conditions as the  
9 Board may impose. So that would give a final vote of four  
10 to zero to one. This is on the motion of Chairman Hill,  
11 seconded by Ms. John. Also in support is Vice Chair Hart and  
12 of course, Mr. Peter May. We have a board seat vacant. The  
13 motion carries four to zero to one, sir.

14 CHAIRPERSON HILL: Okay, great. Thank you, Mr.  
15 Moy. Mr. Moy, I believe the next one is 20244.

16 MR. MOY: Thank you, Mr. Chairman. So next is  
17 Application No. 20244 of 1777 Bond Street Equities LLC and  
18 Columbia Road of DC LLC. Captioned and advertised for a  
19 special exception under Subtitle C Section 703.2, from the  
20 minimum parking requirement of Subtitle C Section 701.5, to  
21 construct 40 new residential units and ground level retail  
22 addition to an existing mixed-use building in the MU-5A Zone  
23 at premises 1776-1777 Columbia Road, Northwest, Square 2580,  
24 Lot 522.

25 CHAIRPERSON HILL: Okay, great. Thank you, Mr.

1 Moy. Is the Board ready to deliberate?

2 Okay. All right. So we heard testimony from the  
3 applicant last week. The Office of Planning had submitted  
4 their report and their analysis in support of the  
5 application. ANC 1C had also submitted a report with no  
6 issues and concerns. DDOT had conditions that were in  
7 Exhibit 32 concerning the TDM plan and a long list of  
8 conditions. The applicant was comfortable with all of those  
9 conditions. So that was something I would make in the motion  
10 if we were going to move forward with it.

11 There was some concern about the posting and  
12 notice. However, I do believe that we talked through that  
13 at the beginning of last week and we were comfortable with  
14 what notice had been provided. There was a submission from  
15 someone again into the record. There was concern about the  
16 notice and there was an ANC Commissioner that came and  
17 testified, also testifying in support that there was enough  
18 notice provided, that they were comfortable with that.

19 I do think that the applicant has met the burden  
20 of proof with which to grant the application concerning the  
21 standard of relief and I would be voting to approve the  
22 application.

23 Mr. Hart, do you have anything to add?

24 VICE CHAIR HART: Nothing to add. I would be in  
25 support of the application as well, including the TDM

1 conditions that were -- or making the TDM conditions in the  
2 -- in the order, excuse me.

3 CHAIRPERSON HILL: Ms. John?

4 MEMBER JOHN: I agree that the application meets  
5 the criteria for relief and will note that it is well served  
6 by public transportation and it's located in an area where  
7 there are amenities that would not require residents to drive  
8 such as grocery stores, post offices, churches, and banks,  
9 as noted in OP's analysis and I can support this case.

10 CHAIRPERSON HILL: Okay, great. Thank you, Ms.  
11 John. Ms. John if you would stay unmuted for a second, if  
12 you wouldn't mind seconding my motion. I'm going to make a  
13 motion to approve Application No. 20244 as captioned and read  
14 by the Secretary and ask for a second.

15 MEMBER JOHN: Second.

16 CHAIRPERSON HILL: Mr. Moy, the motion has been  
17 made and seconded. Will you please take a roll call vote?

18 MR. MOY: On the roll call vote, when I call your  
19 name, if you would please reply, respond with a yes, no, or  
20 abstain. This is on the motion to approve the application.  
21 Did your motion include conditions or not, Mr. Chairman?

22 CHAIRPERSON HILL: I'm sorry. I don't think I  
23 mentioned that during the -- when I made my motion, I  
24 neglected. I'll go ahead and make the motion again to  
25 approve. So I'm making the motion to approve Application No.

1 20244 as captioned and read by the Secretary including the  
2 conditions from DDOT in Exhibit 32 and again ask for a  
3 second.

4 MEMBER JOHN: Second.

5 CHAIRPERSON HILL: Mr. Moy, again, the motion has  
6 been made and seconded. If you can take a roll call with the  
7 conditions.

8 MR. MOY: Thank you, Mr. Chairman. So when I call  
9 your name please respond with a yes, no, or abstain to the  
10 motion that included the conditions as stated by the chair.  
11 Vice Chair Hart?

12 VICE CHAIR HART: Yes.

13 MR. MOY: Ms. John?

14 MEMBER JOHN: Yes.

15 MR. MOY: Chairman Hill?

16 CHAIRPERSON HILL: Yes.

17 MR. MOY: And once again, we have an absentee  
18 ballot vote from Zoning Commissioner Peter May. His vote is  
19 to approve the application with such conditions as the Board  
20 may impose. So that would give the final vote of four to  
21 zero to one. This is on the motion of Chairman Hill,  
22 seconded by Ms. John. Also in support, Vice Chair Hart, and  
23 of course Peter May. We have a board seat vacant. The  
24 motion carries.

25 CHAIRPERSON HILL: Thank you, Mr. Moy. I believe,

1 Mr. Moy, the next one is 20196 and I am not on this case, so  
2 I will turn it over to you, Mr. Hart.

3 VICE CHAIR HART: Yes. Thank you very much for  
4 adding Mr. Turnbull, Commissioner Turnbull in. Good morning,  
5 Commissioner Turnbull.

6 COMMISSIONER TURNBULL: Good morning.

7 VICE CHAIR HART: How are you?

8 COMMISSIONER TURNBULL: Very well, thank you.

9 VICE CHAIR HART: Excellent. Thank you for  
10 joining us and now, Mr. Moy, if you could read this last  
11 application and for your information, Mr. Turnbull, we're  
12 going to take a little break after we've finished these  
13 decisions before we start in on the hearing. The Chairman  
14 described that a little bit, noted that a little earlier in  
15 the meeting.

16 COMMISSIONER TURNBULL: Yes, I've been listening  
17 intensely.

18 (Laughter.)

19 CHAIRPERSON HILL: Mr. Hart, can you hear me?  
20 Okay, so actually, since I'm not on this, I am going to go  
21 ahead and start my break. So maybe we'll come back around  
22 like 11. Okay, all right. Thank you.

23 VICE CHAIR HART: So Mr. Moy, if you could read  
24 the caption and the application, please?

25 MR. MOY: Yes, thank you. That will be Case

1 Application No. 20196 of Sonia Ahmed and Farzaam Esmaeilian,  
2 E-S-M-A-E-I-L-I-A-N, as amended for special exceptions under  
3 Subtitle D Section 5201 from the lot occupancy requirements  
4 of Subtitle D Section 304.1 and from the rear yard  
5 requirements of Subtitle D Section 306.2, This would replace  
6 the rear deck addition to an existing attached principal  
7 dwelling unit in the R-3 Zone at premises 220 Ascot Place,  
8 Northeast, Square 3557, Lot 69.

9 VICE CHAIR HART: Thank you very much. Is the  
10 Board ready to deliberate?

11 COMMISSIONER TURNBULL: Yes.

12 VICE CHAIR HART: Excellent. I can start. This  
13 was I think a longer process than we probably would have  
14 imagined on this particular case. It was a fairly small  
15 project in that it was a rear deck that they were talking  
16 about replacing. I thought it was a fairly straight forward  
17 case. The applicant has provided, I believe, information for  
18 me to be able to support it on how they meet the special  
19 exception criteria, thus meeting the lot occupancy or rear  
20 yard requirement. This is a fairly small lot that we're  
21 talking about.

22 I am appreciative of the applicant's discussions,  
23 I guess, with the next door neighbor. The next door neighbor  
24 was not in support of the application and there was, I guess  
25 some back and forth between them to figure out how they could

1 I guess try to mend some of the relationship between them and  
2 I think where they got to was a fairly good place.

3 I would be in support of the application. I  
4 didn't think that there was a lot to it. I thought that, you  
5 know, I would agree with the Office of Planning report in  
6 Exhibit 21. The ANC 5E was in approval of the application  
7 in Exhibit 61. DDOT had no objection in Exhibit 40. They  
8 did have some support from neighbors, Exhibit 35 and 58, but  
9 there was the opposition from the next door neighbor in  
10 Exhibit 41 and noted that they have seemingly discussed and  
11 have been able to come to an agreement on it. So I'd be in  
12 support of the application and I appreciate any other  
13 thoughts that you'd have.

14 MEMBER JOHN: So I agree that this is a straight-  
15 forward application and except for the opposition with the  
16 neighbor, there really weren't many issues or concerns about  
17 the request for special exception. It appears that the  
18 neighbor's opposition was mainly for the design of the deck  
19 and so based on the record and OP's analysis I can support  
20 the application.

21 VICE CHAIR HART: Mr. Turnbull, or Commissioner  
22 Turnbull?

23 COMMISSIONER TURNBULL: Thanks, Vice Chair. I  
24 think we resolved most of the -- all of the issues previously  
25 at the hearing. I think the strangest thing was that the

1 next door neighbor who had some major issues was not a party,  
2 and why he didn't do that, I don't know. But he still had  
3 issues, but I think the applicant went back, resolved those  
4 issues about the retaining wall and the design of the deck  
5 and I think they went out of their way to make sure that they  
6 were satisfying the next door neighbor.

7 I think the only thing that was confusing was some  
8 of the exhibits had different data on the lot occupancy and  
9 it was a little bit confusing as we went into the hearing,  
10 but I think we straightened that out. We got through it and  
11 I think at the end we were all pretty much resolved, just as  
12 Ms. John has said, that this case is fairly straight forward  
13 then and that I can accept this and vote in favor of.

14 VICE CHAIR HART: Excellent. So I will make a  
15 motion and if you could second, Board Member John. So I make  
16 a motion to approve Application No. 20196 of Sonia Ahmed and  
17 Farzaam Esmaeilian and so I make a motion to approve this.  
18 And a second?

19 MEMBER JOHN: Second.

20 VICE CHAIR HART: Hearing a second, Mr. Moy, if  
21 you could take us through a roll call vote.

22 MR. MOY: Yes. Thank you. On the roll call vote,  
23 when I call your name if you would please respond with a yes,  
24 no, or abstain to the motion to approve the application. The  
25 maker of the motion is Vice Chair Hart, seconded by Ms. John.

1 Zoning Commissioner Michael Turnbull?

2 COMMISSIONER TURNBULL: Yes.

3 MR. MOY: Ms. John?

4 MEMBER JOHN: Yes.

5 MR. MOY: Vice Chair Hart?

6 VICE CHAIR HART: Yes.

7 MR. MOY: So the resulting final vote is three to  
8 zero to two. This is on the motion of Vice Chair Hart,  
9 seconded by Ms. John. In support of the motion is Zoning  
10 Commissioner Michael Turnbull. Chairman Hill is not  
11 participating. We have a Board seat vacant. Motion carries.

12 VICE CHAIR HART: Thank you very much. And it  
13 looks like we're going to take a little break, folks, before  
14 we start in on the public hearing which will begin at 11.  
15 So I will see you in about eight minutes.

16 (Whereupon, the above-entitled matter went off the  
17 record at 10:52 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC BZA

Date: 06-10-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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Court Reporter

**NEAL R. GROSS**

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