

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

AUGUST 5, 2020

+ + + + +

The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 9:40 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
PETER SHAPIRO, Commissioner
MICHAEL G. TURNBULL, Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

DANIEL BASSETT, ESQ.
ALEXANDRA CAIN, ESQ.
MARY NAGELHOUT, ESQ.
JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on August 5, 2020.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

TABLE OF CONTENTS

PAGE

Introduction and preliminary matters for the Board of . 3
 Zoning Adjustment Public Meeting and Hearing of
 August 5, 2020

I. DECISIONS

Application No. 20265 of Michael Zgoda	12
Application No. 20260 of 618 Randolph.....	14
Street, N.W., LLC	
Application No. 20256 of 3905 Kansas, LLC	16
Application No. 20266 of 3400 Connecticut	22
Partners, LLC	
Application No. 20053 of District	27
Properties.com, Inc.	
Application No. 20214 of Jason Harris and Jenna .	41
Stark	
Application No. 20238 of James Silk	xx

II. CONSENT CALENDAR

A. Request for Modification of Consequence	
Application No. 20014-A Addisleigh Park ...	xx
Washington Properties, LLC	

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

9:40 a.m.

BZA CHAIR HILL: All right. This meeting will please come to order. Good morning, ladies -- you all can hear me, correct?

Good morning, ladies and gentlemen. We are convened and broadcasting this decision meeting by video conference. This is the August 5th, 2020, public meeting session of the Board of Zoning Adjustment of the District Columbia.

My name is Fred Hill, Chairperson. Joining me today is Carlton Hart, Vice Chair, and Lorna John, Board Member. And representing the Zoning Commission will be Anthony Hood, Peter Shapiro and Peter May. I don't know if there's any other commissioners joining us, but I will announce that as we kind of go through that as well.

Today's meeting agenda is available to you on the Office of Zoning website. Please be advised that this proceeding is being recorded by a court reporter, and it is also webcast live via WebEx and YouTube Live.

The video will be available on the Office of Zoning's website after today's hearing session. Accordingly, everyone who is listening on WebEx or by telephone will be muted during the meeting. We do not take any public testimony at our decision meetings unless the Board asks

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 someone to come forward.

2 If you're experiencing difficulty accessing WebEx
3 or with your telephone call-in, then please call our hotline
4 number, which I'll repeat twice. 202-727-5471. Once again,
5 202-727-5471. It's also listed on the screen in front of
6 you.

7 At the conclusion of the meeting session, I, in
8 consultation with the Office of Zoning, will determine
9 whether a full or summary order may be issued. A full order
10 is required when the decision it contains is adverse to a
11 party, including an affected ANC. A full order may also be
12 needed if the Board's decision differs from the Office of
13 Planning's recommendation.

14 Although the Board favors the use of summary
15 orders whenever possible, an applicant may not request the
16 Board to issue such an order. Preliminary matters are those
17 which relate to whether a case will or should be heard today
18 such as request for a postponement, continuance or
19 withdrawal, or whether proper and adequate notice of the
20 meeting has been given.

21 Mr. Secretary, do we have any preliminary matters?

22 MR. MOY: Good morning, Mr. Chairman, members of
23 the Board. At this time, I think it's more efficient that
24 I announce any preliminary matters when I call the case, Mr.
25 Chairman.

1 BZA CHAIR HILL: Okay. Give me one moment please
2 actually.

3 (Pause.)

4 BZA CHAIR HILL: Okay. All right. Well before we
5 get started again, and I know that this was kind of mentioned
6 last week, but this is Mr. Hart's last day with us.

7 And Carlton, again, you know, I mentioned it last
8 week, but it's just been a pleasure for the past couple of
9 years working with you. I mean you've been really just a
10 solid voice on the Board and kind of calm -- calm and
11 reassuring was what was used last week.

12 And I know that all of, you know, my fellow Board
13 members will have something they'd like to say, but I just --
14 I really just can't thank you enough for being someone that
15 I got an opportunity to work with, got an opportunity to
16 know.

17 And really I wish you the best of luck moving
18 forward with everything, and you know, you really did serve
19 the city well. So thank you for the opportunity to work with
20 you and, you know, hopefully we'll get to stay in touch, you
21 know.

22 If it's all right, I'll let Ms. John go last,
23 because she's also a fellow Board member that is with us most
24 often. Chairman Hood, since you're with us, is there
25 anything you'd like to add to the conversation?

1 ZC CHAIR HOOD: Yeah. Mr. Hart has not only been
2 a colleague, but I believe he's -- he and I developed a
3 friendship.

4 I've actually learned a lot from Mr. Hart. He's
5 made a difference on the BZA that really makes a difference.
6 I believe the city is better for his service on the BZA for
7 years to come.

8 The residents will benefit from years to come.
9 He had a stellar service, and I think he's just an overall
10 great person, very balanced, very -- I think I heard somebody
11 say last week or the week before, even-tempered, but I really
12 think that he has made a substantial contribution to the
13 Board of Zoning Adjustment and to the city as a whole.

14 I really enjoyed working along with him and even
15 having jokes from time to time. I will miss that, but I'm
16 sure we'll stay in touch and the best to you as you continue
17 to press on.

18 BZA CHAIR HILL: Commissioner Miller, is there
19 anything you'd like to say?

20 (Pause.)

21 BZA CHAIR HILL: You're buffering, Commissioner.

22 ZC CHAIR HOOD: He's speechless.

23 BZA CHAIR HILL: We're trying there.

24 ZC CHAIR HOOD: Might want to come to the -- there
25 you go.

1 (Pause.)

2 BZA CHAIR HILL: We'll come back to you,
3 Commissioner. I know we're going to have to fix your
4 internet anyway when we get on a case, but can you hear us
5 now? No? Ms. Nagelhout, I don't mean to put you on the
6 spot. Is there anything you'd like to add?

7 MS. NAGELHOUT: I'll just reemphasize everything
8 everyone else has said. I will miss him, too. He's been a
9 great Board member, and I have high hopes for the next one,
10 but it's always hard to see a good one go. Thanks, Carlton.

11 BZA CHAIR HILL: Rob, are you back with us?

12 (Pause.)

13 BZA CHAIR HILL: We'll come back to you, Mr.
14 Miller. Mr. Moy, is there anything you'd like to add?

15 MR. MOY: So thank you, Mr. Chairman. Well I
16 concur with all the well wishes that have already been made.
17 As Vice Chair Hart already knows, I'm very intimate with NCPC
18 and I always welcome NCPCers.

19 And I'd just like to add that in addition to his
20 demeanor with the BZA, I've always enjoyed his outstanding
21 analytical ability. I wish you well, Carlton.

22 BZA CHAIR HILL: Ms. John, may we conclude with
23 well wishes from you?

24 MEMBER JOHN: Yes, Chairman. I want to echo
25 everything that's been said so far, and I have really enjoyed

1 working with Carlton. And when I joined the Board, it was
2 so refreshing to know that he was sitting right next to me
3 and I could ask a question, those difficult architectural
4 questions.

5 Sometimes the drawings were horrible and I would
6 say, Carlton, what is this? And he would try to help me
7 figure out what was being shown and I am going to miss that.

8 I have to tell you I'm going to miss your wise
9 counsel, your fresh perspective on things that make me think
10 again and reevaluate some of my initial thoughts.

11 And so I am going to miss that, and I wish you
12 godspeed. I know that the future will be bright for you, and
13 you know, your work on the Board has just been outstanding
14 and I can't say enough about how much good you've done for
15 the city.

16 Your analyses were always balanced and fair, and
17 I -- well let me just say I'm going to miss you before I
18 start crying. So thank you for allowing me to give you my
19 thoughts, and that's it, Mr. Chairman.

20 BZA CHAIR HILL: All right. Thank you, Ms. John.
21 Well said. Mr. Hart?

22 VICE CHAIR HART: Yeah. You guys are going to make
23 me cry on -- and this thing is being recorded. It actually
24 -- it's a good thing it's being recorded because, you know,
25 you don't get a whole lot of praise from Chairman Hood all

1 the time. So I appreciate that being somewhere so I can go
2 back to it and say, you know, I'm going to play that back to
3 him at some point in the future.

4 But all joking aside, it has been a -- saying it
5 is a pleasure is probably an understatement. I have
6 thoroughly enjoyed my time on the BZA. I knew that it was
7 a limited period, you know, for NCPC staff. We, you know,
8 are -- it's an assignment for us, but it was more than an
9 assignment for me in that I -- we met and have developed some
10 very close friendships, and I'm very happy to have been able
11 to work with all of you because it has just been an amazing
12 kind of 3 years, 3-1/2 years to learn -- each of your
13 perspectives are just as valuable to me as evidently mine
14 were to you and probably more so.

15 I -- you know, I always find that it's helpful to
16 listen to people to understand where they're coming from to
17 then be able to make a determination on whatever their
18 projects are.

19 It looks like Mr. Miller is back. So I'm glad we
20 have you back here, Mr. Miller -- or Commissioner Miller, but
21 I will miss you all, and I appreciate the very kind words.
22 And I'll still be here, just will be in a different role.

23 And my successor, Crishaum Smith, he is a top-
24 notch person as well and really knows the, you know, zoning
25 -- he is a planner and understands that.

1 And I think he will be a welcome addition to you
2 as well and, you know, I guess we're continuing the NCPC
3 connection there, Mr. Moy. So I'll leave it to Mr. Miller
4 if he'd like to say a few words. Thank you.

5 COMMISSIONER MILLER: Thank you, Mr. Hart and
6 Chairman Hill and Chairman Hood and others. Yes, it's been
7 a pleasure to work with Carlton the last several years.

8 He's performed outstanding as vice chair, as I'm
9 sure everyone has said, although I didn't get to hear it all.
10 He's a great listener and very comprehensive in his analysis
11 of all the issues and probing in his questions and balanced,
12 as others have said.

13 And by the time he got through all of his more
14 than 10 minutes of analysis and questions and -- there really
15 was nothing much more to say except "ditto" or thank you for
16 asking all the -- some of the questions I would have asked
17 and so much more.

18 I also had the pleasure of working with Carlton
19 at NCPC, seeing him -- it wasn't a surprise to see him
20 perform the role of a Board member and vice chair because I
21 saw him perform so well presenting so many projects at
22 National Capital Planning Commission when I was a -- when I
23 was vice chair there.

24 So anyway good luck, Carlton, in the next -- well,
25 in the continuing chapter of your work, and we'll look

1 forward to seeing you in the future.

2 BZA CHAIR HILL: Okay. Great.

3 VICE CHAIR HART: Thank you, Commissioner Miller.
4 And I'll note that that is right, I have actually known
5 Commissioner Miller and Commissioner May I think the longest
6 because both of them have sat on the NCPC itself.

7 And I probably knew Commissioner Miller longer
8 than that because -- yeah, because when Commissioner May came
9 on, it was -- Commissioner Miller had already been on NCPC,
10 but yeah, it's been wonderful working with you again.

11 And missed you at NCPC, but glad I could spend the
12 time with you here. So I appreciate it and thank you again
13 for the kind words. And I'll stop talking. I think I've
14 done my 10 minutes, right?

15 BZA CHAIR HILL: No. No. You're good. Okay.
16 Wonderful. Well Mr. Moy, if you could please read our first
17 decision case?

18 MR. MOY: Okay. I believe it's 20265. So with all
19 that, the first decision case for the Board in its meeting
20 session is Application No. 20265 of Michael Zgoda, Z-G-O-D-A,
21 as amended for special exceptions under Subtitle C Section
22 703.2 from the minimum parking requirements, Subtitle C
23 Section 701.5, and under Subtitle C Section 1504.1 from the
24 penthouse setback requirements, Subtitle C Section 1502.1(c),
25 and pursuant to 11 DCMR Subtitle X, Chapter 10, for variances

1 from the lot dimension requirements, Subtitle E Section
2 201.1, from the lot occupancy requirements, Subtitle E
3 Section 304.1, and from the rear yard requirements, Subtitle
4 E Section 306.1, to construct an attached principal dwelling
5 unit, RF-1 Zone at 401 through 403 Richardson Place, N.W.,
6 Square 507, Lots 81-82.

7 Participating on the decision is Chairman Hart --
8 Vice Chair Hart -- Chairman Hill, Vice Chair Hart, Ms. John
9 and Zoning Commission Robert Miller.

10 BZA CHAIR HILL: Okay. Great. Thank you. All
11 right. So we did begin preliminary deliberations last week,
12 and there's nothing new that's come into the record. And so
13 I'm going to stand on the deliberations that I had last week
14 and vote to approve.

15 Is there anything anyone else would like to add
16 at this time? And if so please raise your hand.

17 (Pause.)

18 BZA CHAIR HILL: Okay. I'm going to make a motion
19 to approve Application No. 20265, as captioned and read by
20 the secretary, and ask for a second.

21 Ms. John?

22 MEMBER JOHN: Second.

23 BZA CHAIR HILL: Mr. Moy, if you can please take
24 a roll call vote?

25 MR. MOY: If you would please respond with a yes,

1 no, or abstain to the motion made by Chairman Hill to approve
2 the application for the relief requested, seconded by Ms.
3 John. The Zoning Commission Robert Miller?

4 COMMISSIONER MILLER: Yes.

5 MR. MOY: Vice Chair Hart?

6 VICE CHAIR HART: Yes.

7 MR. MOY: Ms. John?

8 MEMBER JOHN: Yes.

9 MR. MOY: Chairman Hill?

10 BZA CHAIR HILL: Yes.

11 MR. MOY: Staff would record the vote as 4 to 0 to
12 1, and this is moved to approve on the motion of Chairman
13 Hill, seconded by Ms. John, also in support, Vice Chair Hart
14 and Zoning Commission Robert Miller. We have a Board seat
15 vacant. Motion carries.

16 BZA CHAIR HILL: Okay. Great. Thank you, Mr. Moy.
17 You're welcome to call our next one.

18 MR. MOY: That would be Case Application No. 20260
19 of 618 Randolph Street, N.W., LLC, caption advertised for
20 special exception under the RF-use requirements, Subtitle U
21 Section 320.2, to permit the conversion of an existing
22 attached principal dwelling unit into a three-unit apartment
23 house, RF-1 Zone at 618 Randolph Street, N.W., Square 3233,
24 Lot 99.

25 And the Board heard this at its hearing on July

1 the 29th. Participating is Chairman Hill, Vice Chair Hart,
2 Ms. John and Zoning Commission Rob Miller.

3 BZA CHAIR HILL: Okay. So we did, again,
4 preliminary deliberate on this -- or had preliminary
5 deliberations and I had nothing additional to add. The only
6 thing that I would add, I guess, is there was a chimney
7 agreement that we were interested in seeing, but we didn't
8 get it.

9 And so I would just -- I'm going to vote to
10 approve based upon the, again, comments I made last time we
11 heard the case, but that a condition about the -- prior to
12 the issuance of any building permit authorized with this
13 order, the applicant shall obtain the issuance of a building
14 permit for 616 Randolph Street, N.W., to extend the chimney
15 or otherwise comply with the requirements of Subtitle U
16 320.2(f). So that would be the condition that I would add
17 to the order.

18 Is there anything anyone would like to add to the
19 previous deliberations? And if so please raise your hand.

20 MEMBER JOHN: No.

21 BZA CHAIR HILL: All right. So then, Mr. Moy, I'm
22 going to go ahead and make a motion to approve Application
23 No. 20260, as captioned and read by the secretary, including
24 the condition that I just mentioned about the chimney. And
25 I ask for a second, Ms. John?

1 MEMBER JOHN: Second.

2 BZA CHAIR HILL: The motion was made and seconded.
3 Mr. Moy, could you please take a roll call vote?

4 MR. MOY: When I call your name, if you would
5 please respond with a yes, no or abstain to the motion to
6 approve, including the added condition made by Chairman Hill,
7 seconded by Ms. John. Zoning Commission Robert Miller?

8 COMMISSIONER MILLER: Yes.

9 MR. MOY: Vice Chair Hart?

10 VICE CHAIR HART: Yes.

11 MR. MOY: Ms. John?

12 MEMBER JOHN: Yes.

13 MR. MOY: Chairman Hill?

14 MEMBER JOHN: Yes.

15 MR. MOY: Staff would record the vote as 4 to 0 to
16 1, and this is on the motion to approve with the conditions
17 made by Chairman Hill, second by Ms. John. Also in support,
18 Vice Chair Hart and Zoning Commission Rob Miller. Motion
19 carries, sir.

20 BZA CHAIR HILL: Good. Thank you, Mr. Moy.
21 Whenever you're ready, you can go ahead and call our next
22 one.

23 MR. MOY: That would be Case Application No. 20256
24 of 3905 Kansas, LLC, as amended for special exceptions under
25 the RF-use requirement, Subtitle U Section 320.2 and under

1 Subtitle C Section 703.2 from the minimum parking
2 requirements, Subtitle C Section 701.5, to permit the
3 conversion of an existing semi-detached principal dwelling
4 into a three-unit apartment house, RF-1 Zone at premises 3905
5 Kansas Avenue, N.W., Square 2906, Lot 830.

6 Participating is Chairman Hill, Vice Chair Hart,
7 Ms. John and Zoning Commission Chair Anthony Hood.

8 BZA CHAIR HILL: Okay. All right. I'm just trying
9 to see if there was -- I'm looking at the ANC's report here.
10 I'm going to ask we go around the table, if that's okay, to
11 deliberate on this. And if, Mr. Hart, I might start with
12 you?

13 VICE CHAIR HART: Sure. So after reviewing the
14 record, listening to the testimony from the applicant and
15 those opposed to the application as well as those in favor
16 of the application, I would be in support of the application.

17 The parking requirement relief that is -- I
18 believe is necessary because there isn't an alley here that
19 they, you know, have access to, and there isn't a curb cut
20 that they could have along Kansas Avenue.

21 So I would be in support of that relief being
22 requested, the minimum parking requirements under Subtitle
23 C 701.5. I understand the Board may issue special exceptions
24 under the conversion provided that the applicant meet certain
25 criteria under Subtitle U 320.1.

1 And again, after reviewing the case, I believe the
2 applicant has provided sufficient information for me to
3 understand how they have met the criteria for Subtitle U
4 320.1 (a) through (g).

5 Applicant has requested a waiver for rooftop or
6 architectural element under Subtitle U 320.1(h). They are
7 allowed -- under Subtitle U 320.1(l), they are allowed to
8 request three waivers on the criteria under Subtitle U 320.1.

9 This waiver is necessary for this case because the
10 mansard roof and porch are changing, and I believe they're
11 changing significantly. And these changes or alterations
12 include making the windows larger on the -- in the dormer
13 windows, adding an additional window, extending the mansard
14 roof, adding a stairwell wall through the existing mansard
15 roof that's on the front facade as well as changing the porch
16 roof. They say they're replacing it, but they're still
17 changing it out.

18 The other relevant regulation is Subtitle U
19 320.1(l) regarding additions substantially adverse --
20 regarding additions substantially adverse effect on the use
21 or enjoyment of any other -- excuse me, any abutting or
22 adjacent dwelling or property.

23 Again, while I think there are adverse effects,
24 I do not believe that these are substantial given that they
25 are already -- there are already three-story buildings on

1 this block and in the neighborhood, and they have altered the
2 rooftop and facades on those buildings as well. So I didn't
3 think that it was a -- again, the substantial adverse effect
4 on the adjacent properties.

5 So for those reasons, I'd be in support of the
6 application. I know that they supplied additional drawings
7 and I appreciate them submitting those drawings. So that's
8 all I have to say on the case, but again, I would be in
9 support of the application. Thank you.

10 BZA CHAIR HILL: Okay. Chairman Hood, do you have
11 anything to add?

12 ZC CHAIR HOOD: I don't have anything to add other
13 than I would concur with Vice Chair Hart, but I would also
14 mention that the ANC had mentioned some different things that
15 are not within our purview, but I would also implore the
16 applicant to make sure that he does what I call, and as you
17 all have said, the good neighbor policy and continue to do
18 that.

19 Even though it's not within the realm of the
20 Board, I think Chairman Hart has pretty much run over
21 everything, and I would agree to voting in support of this.
22 Thank you, Mr. Chair.

23 BZA CHAIR HILL: Thank you, Chairman Hood. Yeah,
24 no, in Exhibit 58 of -- that's what I was pulling up and
25 looking through the letter. And I know the applicant, during

1 the testimony, had agreed to the issues -- or not issues, the
2 suggestions with the ANC, and the majority of those are
3 outside of our purview.

4 So rather than kind of -- since the applicant had
5 agreed to them, and I would take them at their word at this
6 point, I will let the ANC and the applicant work that out
7 themselves.

8 But since I am starting -- since I did start to
9 talk, I am also in agreement with what Mr. Hart had put
10 forward, as well as kind of mentioning that that massing was
11 -- you know, it's a matter-of-right massing.

12 So that was something that, you know, during the
13 testimony I was kind of interested in hearing a little bit
14 more about, but I would also be in agreement that we need a
15 criteria for us to grant the application and will be voting
16 in favor.

17 Ms. John, do you have anything to add?

18 MEMBER JOHN: Nothing to add. I think all of the
19 points I would have made have already been covered, and I
20 thought that the updated drawings presented a better picture
21 of what's being proposed. So I can support the application.

22 BZA CHAIR HILL: Okay. Great. Then I'll make a
23 motion to approve Application No. 20256, as captioned and
24 ready by the secretary, and ask for a second.

25 Ms. John?

1 MEMBER JOHN: Second.

2 BZA CHAIR HILL: Motion has been made and seconded.

3 Mr. Moy, could you please take a roll call vote?

4 (Pause.)

5 BZA CHAIR HILL: Mr. Moy, you're on mute if you're
6 trying to talk.

7 MR. MOY: Oh, thank you, Mr. Chair. That's the
8 first one for that.

9 BZA CHAIR HILL: All right.

10 MR. MOY: So when I call your name, if you would
11 please respond with a yes, no or abstain to the motion made
12 by Chairman Hill to approve the application for the relief
13 requested, seconded by Ms. John. Zoning Commission Chair
14 Anthony Hood?

15 ZC CHAIR HOOD: Yes.

16 MR. MOY: Vice Chair Hart?

17 VICE CHAIR HART: Yes.

18 MR. MOY: Ms. John?

19 MEMBER JOHN: Yes.

20 MR. MOY: Chairman Hill?

21 BZA CHAIR HILL: Yes.

22 MR. MOY: The staff would record the vote as 4 to
23 0 to 1, and this is on the motion that was made by Chairman
24 Hill to approve, seconded by Ms. John. Also in support
25 Zoning Commission Chair Anthony Hood and Vice Chair Hart.

1 There were Board seats vacant. Motion carries, sir.

2 BZA CHAIR HILL: Thank you, Mr. Moy. All right.
3 We can go ahead and move forward with our next case.

4 MR. MOY: Okay. May I call the next case where
5 Chairman Hill is sitting on, which is the Connecticut
6 Partners case?

7 BZA CHAIR HILL: Yeah, no, I'm also on the -- I'm
8 on the 20053 -- oh, you're saying Chairman Hood?

9 MR. MOY: Yes.

10 (Simultaneous speaking.)

11 MR. MOY: Okay. So this is Case Application No.
12 20266 of 3400 Connecticut Partners, LLC. This is an
13 application captioned and advertised for a special exception
14 under Subtitle C Section 703.2 from the minimum parking
15 requirements, Subtitle C Section 701.5, to construct a mixed
16 use retail/apartments development in the NC-3 Zone at
17 premises 3400 Connecticut Avenue, N.W., Square 2069, Lots 817
18 through 821.

19 And participating on the decision is Chairman
20 Hill, Vice Chair Hart, Ms. John and Zoning Commission Chair
21 Anthony Hood.

22 BZA CHAIR HILL: Okay. Great. Thank you, Mr. Moy.
23 All right. So I have a proposition for the Board, I guess.
24 So after kind of looking and reviewing back through the
25 record, as well as going over the hearing that we had last

1 week, it seemed for me there was a lot of kind of issues that
2 came up.

3 And so I'd like a little bit more clarification
4 in terms of how we might be able to look at this particular
5 case. I guess -- and I know that if the Board agrees with
6 what I'm going to put forward, then Mr. Moy can reach out to
7 the applicant, but I'd like a little bit more of an analysis
8 of how the project does or does not meet the special
9 exception relief requested. That would be one.

10 No. 2, identification of all contested issues of
11 fact. And then No. 3, identification of all contested
12 conclusions of law. So that's what I would ask of the
13 applicant.

14 And then -- I guess then the parties in opposition
15 would have an opportunity to reply to those. I mean it's
16 basically like findings of facts and conclusions of law,
17 right? And so that is what I would be interested in hearing.
18 Is the Board comfortable with that or -- and I'm going to go
19 around the table. Mr. Hood?

20 ZC CHAIR HOOD: Actually Mr. Chairman, I think
21 that's very good. I was prepared to try to talk it through,
22 but I think what you've asked for and letting the parties
23 respond, I think that would help us get to a better
24 conclusion. So I support your way of moving forward.

25 BZA CHAIR HILL: Okay. Mr. Hart?

1 VICE CHAIR HART: Yeah, I don't have a problem with
2 that. I'll make sure that my successor is aware of the
3 aspects of the case, but I think that it's helpful to have
4 that.

5 And given the case has a party in opposition that
6 presented some -- you know, had some questions, I think it's
7 probably prudent to just go through that and make sure that
8 we have all of the requisite information. So I don't have
9 an issue with it.

10 BZA CHAIR HILL: Ms. John?

11 MEMBER JOHN: Mr. Chairman, I don't object to
12 requesting the additional information, although I was
13 prepared to deliberate today.

14 I think that having the information will help us
15 to focus more clearly on what the parties consider to be the
16 essential issues in the case, and the contested issues, as
17 well as the conclusions of law in their opinion. So I would
18 agree with that suggestion.

19 BZA CHAIR HILL: Okay. The other thing, I guess,
20 Mr. Moy, if you could reach out to DDOT and see whether they
21 have anything they'd like to add based on the testimony that
22 we heard and/or if they want to -- after they see the
23 submissions, if they also have a supplemental they want to
24 submit, you know, that they think maybe might be helpful for
25 the Board.

1 I think that if you did submissions on what we
2 were asking for by maybe August 19th, that's two weeks from
3 now, and then the parties would be able to respond by August
4 26th, which is a week later, then I suppose -- I guess we can
5 deliberate on this our first day back, right? I don't know
6 when --

7 MR. BASSETT: So this is Daniel Bassett, OAG. I'd
8 just like to suggest that the Board allow all parties to
9 submit an analysis of how the project does not meet the
10 special exception, contested issues of fact and conclusions
11 of law.

12 So all parties would be submitting, if they chose
13 to, the first document, and then all parties would be
14 responding to any other party that submitted the first
15 document a week later just so that all parties can present
16 their idea of what the issues are.

17 BZA CHAIR HILL: Okay. That's fine. I mean, Mr.
18 Bassett, I'm sorry, I misspoke. That's what I meant to say.
19 So that would be all parties, again, submitting that
20 information.

21 And Mr. Moy, I guess you can reach out to the
22 party in opposition and clarify what we were requesting as
23 well as the applicant. Mr. Hart?

24 VICE CHAIR HART: Yeah. I just was -- and I'm
25 sorry I'm messing into this, but it seems that your -- it's

1 somewhat of a tight time line, and I don't know if it's --
2 at your next -- your meeting in September is --

3 BZA CHAIR HILL: That's true.

4 VICE CHAIR HART: -- the 16th? I don't know if
5 it makes sense to give them like three weeks to get you the
6 information and then response by the 2nd or the 9th. I don't
7 know.

8 BZA CHAIR HILL: Yes.

9 VICE CHAIR HART: You may want to have just a
10 little bit more time so that they have --

11 BZA CHAIR HILL: Yeah, there's no rush. We're not
12 back until we're back.

13 VICE CHAIR HART: Mr. Moy is waving at us.

14 BZA CHAIR HILL: Mr. Moy?

15 MR. MOY: Yeah. If I could suggest, Mr. Chairman,
16 I know it's on the schedule, we have Mr. Hood back with the
17 Board full time on September 23rd.

18 So if you agree with that, we can work backwards
19 from September 23rd. That would give you additional time for
20 the submissions.

21 BZA CHAIR HILL: Okay. That makes sense. So then
22 you give us the dates, okay, and then I'll write it down
23 here, Mr. Moy.

24 MR. MOY: Okay. So decision on September 23rd.
25 Let's say responses from all the parties due on Monday,

1 September the 14th. And the applicant to make their filing
2 on your request, the Board's request, August the -- let's
3 make it August the 24th.

4 So in other words, the applicant would submit
5 August the 24th, and in three weeks all responses will be
6 September the 14th. The decision is on September 23rd. We
7 can alter those time lines.

8 BZA CHAIR HILL: No, that sounds good to me.

9 ZC CHAIR HOOD: All right, Mr. Chairman, Mr. Vice
10 Chair, see you around. Take care.

11 BZA CHAIR HILL: Bye, Chairman Hood.

12 VICE CHAIR HART: See you later.

13 MEMBER JOHN: Bye, Mr. Hood.

14 BZA CHAIR HILL: All right, Mr. Moy. So then who
15 is joining us now?

16 MR. MOY: Okay. So next with going back would be
17 Mr. Turnbull if he's here yet. Otherwise we'll skip to the
18 next case.

19 BZA CHAIR HILL: You mean 20053 is Mr. Turnbull?
20 Okay. Great. There he is.

21 MR. MOY: Yes, sir. Okay. Cool.

22 BZA CHAIR HILL: Okay. If you want to go ahead and
23 read us in, Mr. Moy?

24 MR. MOY: Yes. Thank you, Mr. Chairman. So again,
25 this will be Case Application No. 20053 of District

1 Properties.com, Inc., as amended for area variances from the
2 side yard requirements, Subtitle D Section 206.2, from the
3 lot dimension requirements of Subtitle D Section 302.1, to
4 construct a new detached principal dwelling unit, R-1-B Zone
5 at premises 2433 Girard, G-I-R-A-R-D, Place, N.E., Parcel
6 155/7.

7 Participating is Chairman Hill, Vice Chair Hart,
8 Ms. John and Zoning Commission Michael Turnbull. And the
9 preliminary matter, if you'll recall, Board, there is a
10 request for the Board to delay its decision.

11 BZA CHAIR HILL: Yeah, I saw that postponement.
12 I mean, I don't know about you guys, but I don't need to
13 postpone the deliberation of the decision, I mean unless you
14 guys think so.

15 And I'll go -- you know, you can raise your hand
16 or we can go around the table. I mean we were split last
17 week. And so this was just an opportunity to kind of take
18 a harder look at it and kind of review kind of some of the
19 discussions that we had started to make.

20 So does anybody -- just a show of hands, if you
21 want to raise your hand up, is there anybody that wants to
22 approve the postponement? Ms. John?

23 MEMBER JOHN: I guess I'm the lone supporter of the
24 postponement. I think if the applicant wants to try to
25 demonstrate that there was a record lot, it could be useful

1 information in deciding the application. I mean that would
2 be my thoughts.

3 BZA CHAIR HILL: Okay. Mr. Hart or Mr. Turnbull?

4 VICE CHAIR HART: Yeah. I was looking to see from
5 the -- well I guess we heard this -- was it last week that
6 we decided -- we had the decision meeting?

7 BZA CHAIR HILL: Last week's decision meeting.

8 VICE CHAIR HART: Yeah. We had -- I understand
9 what Board Member John is saying. My -- it's actually a
10 concern. It's -- we have gone through quite a bit of
11 conversation, it feels like, with this -- on this
12 application.

13 We had our hearing. We -- at which point they are
14 -- they are to provide us the information that we -- you
15 know, that helps to bolster our case. And it seems as though
16 we are -- because of the conversation that we had during our
17 meeting, which is the decision part, they were then kind of
18 raising their hand saying, oh, oh, we want to kind of address
19 this.

20 But to me, it's like well that's why we had the
21 hearing because, you know, we need to be able to do that.
22 We need to have this information so that we can move forward
23 on that, and we ask the same questions at that point.

24 So to me, it seems like we are -- I think that
25 we've asked the questions, we've gotten the information and

1 it didn't seem to make sense to, you know, wait for now a few
2 days after the hearing has been over and we've, you know,
3 kind of requested this information.

4 It just looks like, you know -- I don't know. It
5 just seems like it -- that is not something that we can move
6 forward with. I had, you know, put forward my argument last
7 week and I can give it again. So that's where I am.

8 BZA CHAIR HILL: Mr. Turnbull?

9 COMMISSIONER TURNBULL: Yeah. I don't think that
10 the -- going to the Zoning Administrator is going to -- I'm
11 not sure what we're going to get from the Zoning
12 Administrator that's going to clarify what we've already
13 heard and what we know about the case.

14 Where I was last week is that there's about eight
15 properties in this area, in this neighborhood, that are
16 similar to this property, the narrow -- and I guess my
17 concern is it -- we're almost getting down to a zoning
18 consistency aspect of this neighborhood.

19 And if you've -- if each one of those has got to
20 go to a -- get variance, I'm not sure how we meet the
21 variance condition by being that something is exceptional.
22 If everybody's got to do this, then it's not exceptional
23 anymore and it becomes -- the variance test becomes almost
24 meaningless.

25 So I think it's really something that goes beyond

1 what the BZA should have to deal with. I mean it really goes
2 back to the Office of Planning going to the Zoning Commission
3 to try to rectify this either by a zoning regulation or by
4 doing something with this area with a different kind of
5 zoning.

6 I just think we're at a difficult place where if
7 these are all partials and not in tax lots and you have to
8 get a variance to do this, something doesn't quite seem like
9 that this is what BZA should be doing to try to get to the
10 variance test and going through that first aspect of it.

11 So I can't support this. I guess I'm just feeling
12 that we're at a point where we're being asked to do something
13 -- the Board's being asked to do something that it shouldn't
14 have to do. It's being put into an awkward position.

15 We've got neighbors that don't want this. We've
16 got the ANC that's upset about this. So it seems to me that
17 this has to be done in a regulatory fashion to make it easier
18 for the Board for a case like this to come before us that we
19 can actually do it in a more normal way.

20 I think this is really putting a lot of aspects --
21 I mean some of the stuff on the BZA that we shouldn't have
22 to be doing. And I really don't think it meets -- because
23 of the situation, I don't think I could approve this.

24 BZA CHAIR HILL: Okay. So, Ms. John, I guess we're
25 going to go ahead and move forward with the discussions

1 today. I'm sorry that we're not going to -- so, I'm going
2 to go ahead and deny the request to postpone the decision.
3 And I suppose the vote is three to one. I don't know, Mr.
4 Moy, if we have to vote on that. Okay. So, I'm going to
5 make a motion to deny the request to postpone the decision,
6 reopen the record, and I ask for a second.

7 Mr. Turnbull, since your microphone is there?

8 COMMISSIONER TURNBULL: Second.

9 BZA CHAIR HILL: The motion has been made and
10 seconded.

11 Mr. Moy, could you take a roll call?

12 MR. MOY: Okay. Yes. thank you, Mr. Chairman.
13 So, when I call your name, if you would please respond with
14 a yes, no or abstain to the motion to deny the request to
15 reopen the record and to postpone made by Chairman Hill,
16 seconded by Zoning Commission Michael Turnbull.

17 So, Ms. John?

18 MEMBER JOHN: No.

19 MR. MOY: Vice Chair Hart?

20 VICE CHAIR HART: Yes.

21 MR. MOY: Mr. Turnbull?

22 COMMISSIONER TURNBULL: Yes.

23 MR. MOY: Chairman Hill?

24 BZA CHAIR HILL: Yes.

25 MR. MOY: Staff would record the vote as 3 to 1 to

1 1. This is on the motion of Chairman Hill to deny reopen the
2 record and postponing its decision.

3 Seconded by -- motion seconded by Michael
4 Turnbull. Also in support is Vice Chair Hart. In opposition
5 to the motion is Ms. John, and we have a Board seat vacant.
6 The motion carries, sir.

7 BZA CHAIR HILL: Okay. Thank you, Mr. Moy.

8 Alright. In terms of the deliberation now, I
9 mean, Mr. Hart, would you mind just repeating your stance
10 from last week?

11 Mr. Turnbull just went and so --

12 VICE CHAIR HART: Yeah. Sure. So, I noted that --
13 last week that, you know, there are, of course, the three
14 prongs of the variance test. The exceptional condition prong
15 of the test is the first of those. And I note that the
16 applicant and OP both believe that the size and dimension to
17 the lot is sufficient to say that it is an exceptional
18 condition. And then there was the issue about this being a
19 parcel.

20 And I noted that only because the -- as
21 Commissioner Turnbull just said, there are a number of
22 parcels/lots that are about the same size as this and I took
23 that from the OP report, which is in Exhibit 31. And I just
24 didn't think that that was, as Commissioner Turnbull, you
25 know, put a few minutes ago, it's not an exceptional

1 condition when there are so many.

2 And maybe the issue is a, you know, changing the
3 regulation, you know, going for an amendment to the zoning
4 regs, a map amendment. I am not exactly sure what that is,
5 but there is another way -- there has to be another way to
6 kind of go through and address this concern since there are
7 so many of the similar size lots that are there.

8 And I noted about the kind of the development
9 pattern in this part of the neighborhoods with the houses,
10 with the side yards. Commissioner Montague -- the ANC
11 commissioner, Commissioner Montague, testified that this was
12 a historic development pattern for this part of the
13 neighborhood. And, again, I noted that he, you know, seemed
14 to know quite a great deal about the neighborhood, the
15 history of the neighborhood, and I would take him at his
16 word.

17 So, while -- so, I was trying to figure out what
18 else would be exceptional and, you know, the applicant did
19 talk about the small parcel size and width in comparison to
20 what the zoning requirements are for R-1-B Zone. And, again,
21 I kind of go back to the OP report in that this is not --
22 there are a lot of lots that are like this in this particular
23 area along Girard, Belair and Hamlin Streets. And so, it
24 just didn't seem to be like it was an exceptional condition.
25 And, again, I think it -- maybe the remedy is a text

1 amendment or a map amendment to try to address that, but I
2 just didn't think that this was -- I thought if we okayed
3 this, then there isn't much that we could say for any of the
4 other cases.

5 And as, again, Commissioner Turnbull said, you
6 would be approving all of the other -- or at least approving
7 this aspect of the variance test for the other parcels that
8 are there or at least use a very similar thought pattern to
9 be able to -- or rationale to be able to get there. So, I'd
10 be in -- I would not be in support of the application for the
11 very simple reason I just didn't think they passed the first
12 exceptional -- the first prong of the variance test, which
13 is the exceptional condition. So, that's it.

14 BZA CHAIR HILL: Okay. Ms. John, do you want me
15 to go next or do you want to go?

16 MEMBER JOHN: You can go.

17 BZA CHAIR HILL: Okay. I'm with them now. I mean,
18 I went ahead and, like, you know, and I don't know if the --
19 if the greatest put up that -- they're over on that side of
20 the grid right now. Now, they've moved again, but they were
21 there a second ago. So, you know, I would agree with the
22 explanation that Mr. Hart gave and Commissioner Turnbull as
23 to how they're not meeting that first prong of the test and
24 it's just not that exceptional, that these lots are actually
25 -- there's more of them.

1 And if you approve this, then you're saying that
2 all of those lots are also then -- they would also pass for
3 the -- for that exact same reason. And then that kind of
4 goes against the whole variance thing that that's -- they
5 have to be that unique.

6 And, again, to the Commissioner, I don't know if
7 there's something different in terms of how this would be
8 handled differently because I still think that those lots,
9 something needs to be done with them. I mean, I don't see
10 how they could just go to waste or -- I mean, now I think
11 that -- I mean, I think it's in a weird -- you know, puts the
12 property owner in a weird spot also, but I would agree with,
13 you know, even the ANC commissioner who kind of put forth
14 that, you know, they bought it knowing that they would need
15 a variance.

16 And the variance is, again, not something that is
17 guaranteed. And so, I'm going to vote in the no.

18 Ms. John?

19 MEMBER JOHN: So, I was closer to a yes last week
20 because I thought that the applicant did show an inability
21 to increase the size of the lot. I don't think that the fact
22 that the owner purchased the property knowing that there
23 would be a need for a variance is persuasive, because we get
24 requests for variances all the time.

25 So, I will vote yes although I'm -- for the legal

1 principal -- because of the legal principal that the
2 applicant cannot meet that exceptional condition because of
3 the other lots that are of equal size or similar size in that
4 square.

5 I agree with Commissioner Turnbull that perhaps
6 a map amendment is required because I, like you, Chairman,
7 I -- Chairman Hill, I don't think that with the need for
8 housing in the city, that we can allow -- we should allow
9 buildable lots to sit there.

10 In terms of this particular lot, I thought it was
11 not similar to the other lot that was not approved on the
12 same street in that it was an end unit and that the privacy
13 concerns, even though we had a lot of testimony, were not as
14 significant as they would have been in the other cases.

15 The size of the lots -- I looked at the
16 application as a whole, but to be consistent with what I did
17 in the past and I believe consistency is important in -- what
18 the applicants have --- I think I need to go with the
19 majority in this case and state that on further reflection
20 I think that the applicant cannot meet that exceptional
21 condition for all of the reasons that you've all said. So,
22 I will vote with the majority.

23 BZA CHAIR HILL: Okay. Well, you can still vote
24 with the minority if you want, because, you know, you're
25 still going to lose, but you're, you know, but I appreciate

1 that, Ms. John.

2 Did that change anything for Mr. Hart or Mr.
3 Turnbull? If so, raise your hand. Okay.

4 COMMISSIONER TURNBULL: No. I think I -- and I
5 agree with Ms. John on the -- we want to -- on lots that are
6 available within the city, we need to be able to make them
7 somehow buildable, but do it in such -- but I think, in this
8 particular case, we need to do it in a way that's not so --
9 as the vice chair has said, the issue of the lots, the size
10 of the lots and the nature of what we're dealing with -- and
11 if the Board -- I mean, I'm more than willing -- I will write
12 a letter to the Office of Planning requesting that they meet
13 with the ANC and develop a plan to try to make this area --
14 to bring it into conformity so that when the case comes
15 before the BZA we have something not as controversial to deal
16 with, that it fits into a plan that would, as Ms. John has
17 said, that would allow these lots to be built, but somehow
18 we've got to get them built in such a way that we don't
19 antagonize everybody. But -- so, anyways, I would agree with
20 Ms. John that we need to make lots buildable.

21 And if it's alright with the Board, I will write
22 a letter to the Office of Planning asking them to meet with
23 the ANC and somehow come up with a plan.

24 BZA CHAIR HILL: Sure, that would be great,
25 Commissioner. I don't think the Board would have any

1 objection to that.

2 MEMBER JOHN: No.

3 BZA CHAIR HILL: Okay. Then I'm going to make a
4 motion to deny Application No. 20053, as captioned and read
5 by the secretary, and ask for a second.

6 Mr. Turnbull?

7 COMMISSIONER TURNBULL: Second.

8 BZA CHAIR HILL: The motion was made and seconded.
9 All those in -- oh, if you can please take a roll call vote,
10 Mr. Moy?

11 (Pause.)

12 BZA CHAIR HILL: Mr. Moy, we can't hear you.

13 MR. MOY: That's No. 2. Okay. So, when I call
14 your names, if people would respond with a yes, no or abstain
15 to the motion made by Chairman Hill to deny the application,
16 seconded by Zoning Commission Michael Turnbull.

17 Vice Chair Hart?

18 VICE CHAIR HART: Yes. I think that's yes to deny.

19 MR. MOY: That's correct.

20 Ms. John?

21 MEMBER JOHN: Yes.

22 MR. MOY: Zoning Commission Michael Turnbull?

23 COMMISSIONER TURNBULL: Yes.

24 MR. MOY: Chairman Hill?

25 COMMISSIONER TURNBULL: Yes, to deny.

1 MR. MOY: Staff would record the vote as 4 to 0 to
2 1 and this is on the motion made by Chairman Hill to deny the
3 application, seconded by Mr. Turnbull. Also in support of
4 the motion is Vice Chair Hart and Ms. John. We have a board
5 seat vacant. The motion carries 4 to 0 to 1 to deny.

6 BZA CHAIR HILL: Okay. Great. Alright. Did we
7 get a whole bunch of stuff on this -- alright. So, Mr.
8 Turnbull, is that it for you now or no?

9 COMMISSIONER TURNBULL: That's it for me. So, I'll
10 be signing off and I just want to wish Mr. Hart all the best
11 in his career and we will definitely try to keep in contact
12 with him in the future. So, good luck, buddy.

13 VICE CHAIR HART: Thank you very much, Commissioner
14 Turnbull. It's been a pleasure working with you as well and,
15 yeah, most definitely we will keep in touch.

16 COMMISSIONER TURNBULL: Take care.

17 VICE CHAIR HART: Alright.

18 COMMISSIONER TURNBULL: And for the rest of you,
19 have a good August.

20 BZA CHAIR HILL: Thank you.

21 MEMBER JOHN: Same to you, Commissioner.

22 BZA CHAIR HILL: Same as well, Commissioner.

23 Vice Chair Hart, for the record, I tried to send
24 you cupcakes, but I couldn't figure it out. In Bowie, they
25 don't have an easy way to get you cupcakes.

1 VICE CHAIR HART: Sorry about that.

2 BZA CHAIR HILL: Yes. So --

3 VICE CHAIR HART: All good.

4 BZA CHAIR HILL: -- for whatever that's worth,
5 which is nothing much, but --

6 (Laughter.)

7 BZA CHAIR HILL: Alright. Mr. Moy -- that would
8 have been from everyone, by the way, OP, OZ --

9 VICE CHAIR HART: Understood.

10 BZA CHAIR HILL: Mr. Moy, you can read this next
11 one and I don't know what's going to happen.

12 MR. MOY: Okay. Alright. So, the next case
13 application for decision is No. 20214 of Jason Harris and
14 Jenna Stark. And this application was captioned and
15 advertised for a special exception under Subtitle D Section
16 5201 from the rear yard requirements, Subtitle D Section
17 306.2, to permit a rear deck addition to an existing,
18 attached principal dwelling unit in the R-3 Zone at premises
19 2211 38th Street, N.W., Square 1301, Lot 659.

20 This was last heard at the Board's hearing on July
21 29th. Participating on the decision is Chairman Hill, Vice
22 Chair Hart, Ms. John and Zoning Commission Robert Miller.

23 BZA CHAIR HILL: Okay. Alright. I don't know what
24 -- I don't know if you guys have looked in the record now.
25 Like, there's just a whole bunch of stuff that came in that

1 I wasn't 100 percent ready for. I mean, like, the -- I don't
2 know, you know, the accurate plans that we may need. There's
3 a privacy screening thing that's now getting thrown about.
4 I mean, I don't know -- well, first of all, have any of you
5 guys had a chance to look at any of this? Okay. So, Mr.
6 Hart's nodding his head.

7 MEMBER JOHN: I looked at some of -- well, most of
8 it. I thought that the applicant complied with our request
9 because I thought we had asked for information on the
10 screening. And then there was a lengthy response. Most of
11 it involved structural issues that are not before the Board.

12 So, I would -- and also issues that, you know, had
13 already come up in the hearing. So, I don't know how we
14 proceed at this point. I mean, I can deliberate.

15 BZA CHAIR HILL: Right. Okay. Well, let's see.
16 I'm just kind of clicking through some of this.

17 Mr. Hart, you said you reviewed it?

18 VICE CHAIR HART: Yeah.

19 BZA CHAIR HILL: And what are your thoughts on --
20 well, first of all, I mean, I guess the -- are we ready to
21 deliberate?

22 And I'm going to ask you, Mr. Hart. Okay. You're
23 ready to deliberate. Okay. Okay. Mr. Moy's got his hand
24 up.

25 MR. MOY: Yeah. I just want to -- I don't want to

1 muddy the waters for you, Mr. Chairman, but the counselor can
2 make a statement by -- this was filed by the applicant, I
3 believe, yesterday. So, I don't know if the parties had a
4 chance to respond to the filing. I haven't read the filing
5 myself, but that's something you might want to address or
6 not.

7 BZA CHAIR HILL: Yeah. Well, I mean, we don't have
8 to allow anything into the record if you guys had everything
9 you needed. I mean, we asked -- I thought we asked for --
10 we just asked for accurate drawings, right, from last week,
11 which was, like, what was actually being built. And it seems
12 as though they have provided those, but I can -- you know,
13 I can -- I guess I can deliberate now as well.

14 I don't know if, Mr. Miller, you have a thought?

15 COMMISSIONER MILLER: Mr. Chairman, I have not had
16 a chance to review the materials. I can try to do it as
17 others are speaking. Yeah, I agree with Ms. John that we ask
18 for the accurate -- I agree with you that we ask for accurate
19 plans and we ask for any screening. I also had asked for any
20 -- to reach some accommodation with -- between the applicant
21 and the neighbors to see if we could find somehow a
22 compromise going forward. I don't know really what's
23 submitted, but I can review it as you're speaking or -- I'm
24 not prepared to deliberate on what --

25 BZA CHAIR HILL: Okay. That's alright.

1 COMMISSIONER MILLER: -- has come in because I
2 don't know what's come in. But if you all talk about it, I
3 can look at it while we are -- although, my internet
4 connection is spotty right now.

5 BZA CHAIR HILL: Right. I mean, we might want to
6 wait. I mean, I don't know -- you know, the different things
7 that have been put into the record, again, I don't know if
8 we necessarily asked for most of it, right? I mean, there's
9 the request for -- and Dan -- well, before Dan even mentions
10 it, the one thing I did want to mention is they have a thing
11 here for the privacy screening where they're asking --
12 they're submitting privacy screening. And I guess it's not
13 even necessarily clear to me what exactly they're proposing,
14 what exactly they're proposing to do as terms of the plans
15 that we're approving.

16 And so -- and I recall that the privacy screening,
17 at least as far as the party in opposition is concerned, the
18 house to the right, if you're looking at the back of the --
19 I think it was the Gillespie's home, they weren't in favor
20 of the privacy screening. Like, they didn't want the privacy
21 screening because it was going to block the light from that
22 side. And so, I don't even know what the -- the privacy
23 screening, I think, was something we kind of spoke to, but
24 it didn't seem like the parties in opposition were
25 necessarily in favor of the privacy screening.

1 And then the home to the left, as Ms. John had
2 pointed out, at one point, like, they have a roof deck and
3 that -- I don't know whether that privacy screening helps
4 them at all either. And so, you know, I don't know -- I
5 mean, I don't feel really -- I guess, what am I -- I don't
6 know. I mean, I guess we could -- well, I just lost Mr.
7 Miller again a second ago. So, I guess the first question
8 is whether, you know, we want to allow this into the record.
9 And if so, what is it that we're allowing into the record?

10 And I will let Dan -- I will let Dan answer in a
11 moment, but -- yeah, okay. Dan, you have a thought?

12 MR. BASSETT: So, I think this might be kind of
13 rehashing what you've already said, but what you requested
14 last week from the applicant and the parties was two things.
15 I think you requested that they work together to try and come
16 to an agreement, and then updated plans from the applicant.
17 I believe that both those things are entered into the record,
18 those being Exhibits 73, 74, 74A and B.

19 I think that what Mr. Moy was making preference
20 to was the applicant's request to reopen the record, but it
21 doesn't look like that is part of the record -- has been
22 uploaded to the record. So, if the Board wants to, on its
23 own motion, reopen the record, the information that you
24 requested from last week is already part of the record.

25 MEMBER JOHN: So, the applicant wanted to reopen

1 the record to introduce the -- a letter from a structural
2 engineer certifying that the deck, as it exists, meets the
3 code. So, that was one thing that the applicant wanted to
4 introduce.

5 And then the -- there's a letter from a
6 construction company that said that the deck would be built
7 within the lot lines according to the plans at -- I believe
8 it is 45C. And so, I think that there's a lot of information
9 in this record that's not relevant to the issues that we have
10 to decide. We are not -- we don't decide if the deck is
11 structurally sound. That's something the DCRA will decide.

12 There is an issue relating to the -- whether or
13 not the deck is on the property line of the Gillespie's
14 residence -- did I get that right? Right. And so, the
15 applicant has shown that in the plats -- plat, that the deck
16 will be built within the property plats of 2211. So, we
17 don't decide the issue of encroachment. So, that's not
18 within the Board's purview. We don't decide if the deck is
19 safe. DCRA decides that. And so, much of the record is
20 devoted to those two issues instead of what the regulations
21 require that the deck does not unduly have an adverse impact
22 on the use and enjoyment of neighboring property. And
23 that's where -- that's what we have to decide.

24 BZA CHAIR HILL: Okay. So, Mr. Miller, can you
25 hear us?

1 (Pause.)

2 BZA CHAIR HILL: Rob?

3 VICE CHAIR HART: Tell him he's on mute.

4 BZA CHAIR HILL: Oh. Mr. Miller, you're on mute
5 if you're trying to talk.

6 COMMISSIONER MILLER: I can hear you.

7 BZA CHAIR HILL: Okay. So, this is what I kind of
8 propose, right? We have a little bit of a day ahead of us,
9 right? So, why don't -- Dan, if you can kind of go through
10 the exhibits -- and, again, I'm not clear as to what is
11 exactly the thing that is being submitted as the plans for
12 the deck because Exhibit 73 is the opposition's alternative
13 plans.

14 Like, we had asked for, again, the applicant to
15 provide us with what exactly is being built there, right?
16 And then to actually talk with the parties in opposition to
17 see whether or not any kind of thing could have been agreed
18 to, you know, Mr. Miller mentioned to go ahead and talk to
19 them. I guess they've talked or they haven't talked, but
20 there's nothing submitted, that I can see, Dan I'm talking
21 to you now, from the applicant other than the revised plans
22 for the privacy screening.

23 And the revised -- and so, my suggestion is that
24 we go ahead and kind of postpone this until -- depending upon
25 -- and I'm sorry that I can see Mr. Miller is -- you know,

1 he's on holiday, maybe, and so I don't mean to kind of throw
2 his day out of whack. But if he is willing, we can kind of,
3 like, put this maybe until after lunch and then have a chance
4 to -- for Dan to kind of look at this and figure out where
5 we are with -- in terms of the submissions and what we really
6 -- what the Board had asked for -- I'm trying to open these
7 -- what the Board had asked for with regard to -- yeah, what
8 the Board had asked for, which -- Dan, I want to know which
9 exhibit it is again that are the plans.

10 And the part that I guess I don't know whether or
11 not we want to postpone the deliberation or not, I mean, the
12 reason why I don't want to do it is because this is Vice
13 Chair Hart's last day. So, I don't really feel like bringing
14 in somebody else on this one because there was so much
15 controversy, right?

16 Although, I know that your colleague will be able
17 to review the record and then, you know, have the
18 deliberation maybe later in the day. I mean, for me, again,
19 like, that privacy screening thing, it's not specific enough.
20 If you guys were actually interested in that privacy
21 screening and understanding what that was, then I -- I don't
22 think I could vote for that privacy screening because it
23 doesn't make any sense to me.

24 We, the Board, talked about privacy screening.
25 They, the parties in opposition, the neighbors, didn't want

1 the privacy screening. So, I wouldn't necessarily -- and I
2 can't even tell what the privacy screening is. So, I would
3 be against that privacy screening element in terms of even
4 our deliberation depending upon where we get to.

5 So, Mr. Miller, I guess I'm asking you whether you
6 feel like hanging around for a while -- and if your internet
7 is going to work that long, I don't know -- and/or what your
8 thoughts are. I can't hear you, Mr. Miller. You're on mute.

9 COMMISSIONER MILLER: Did you ask me a question?

10 BZA CHAIR HILL: Yeah. My question is, do you want
11 to stick around? Like, we can go ahead and, like, you can
12 take a look at this, we can take a look at this.

13 Dan, you can let us know what things we actually
14 asked for and what things, you know, we want to see in the
15 record. And then we can come back to this maybe after lunch,
16 but that's, Mr. Miller, if you want to stick around. If not,
17 then we can just go ahead and try to clean this all up later
18 and do it after the holiday.

19 COMMISSIONER MILLER: I can stick around and I've
20 been looking at the submissions as you all have been talking
21 -- either way. If you want to deliberate now or want to do
22 -- I am around to do that after -- you had a 1:30, as I
23 recall, time for an appeal that's coming up on today, right?
24 Is that true or is that a different day?

25 BZA CHAIR HILL: Yeah, we do. We have a 1:30

1 appeal.

2 COMMISSIONER MILLER: So, is it going to be before
3 that or --

4 BZA CHAIR HILL: I mean, I don't know what -- we
5 might even want to just take a -- I mean, it's five of 11:00
6 now. Like, I wouldn't mind taking a break, actually. Like,
7 we can take a break, take a look at the files. Dan, you can
8 take a look at what you think we might be able to -- what you
9 see and we can do this right after the break, Mr. Miller.

10 Mr. Hart?

11 VICE CHAIR HART: Yeah.

12 COMMISSIONER MILLER: I'm just trying to get a
13 better connection.

14 BZA CHAIR HILL: Mr. Miller, I didn't hear what you
15 said.

16 COMMISSIONER MILLER: I didn't say anything.

17 BZA CHAIR HILL: Okay. Alright.

18 Mr. Hart?

19 VICE CHAIR HART: Yeah. Only that the information
20 that I was looking for in the plans, there is a -- where they
21 have the deck framing, which is kind of a plan, you know,
22 looking kind of down on the deck, they have some four-by-four
23 -- four-inch by four-inch posts which will of course hold up
24 the -- where the stairs are, and then they have six-by-six-
25 inch posts which hold up where the rest of the deck is.

1 There are circles around those -- kind of dotted
2 circles around those. I was reading those as supports.
3 Basically, you have to put a footer underneath the -- a
4 concrete support underneath the -- where that -- those posts
5 are.

6 I was reading that incorrectly. What I've
7 understood now is that those are circles that are identifying
8 -- they're just -- they're circles that are highlighting
9 where those particular posts are, not -- and what types of
10 posts they are. They're not anything that is structural in
11 nature. There's no -- it's not showing how big a footer is.
12 And the reason that that's important is that two of those
13 circles, those dotted circles on the plan, if you look at
14 Exhibit 76B, the plans -- the number -- it says, No. 1 deck
15 framing.

16 There is the dotted line that goes over the
17 property line and I was reading that as the support for the
18 posts being on the neighbor's property, and that's not
19 actually what is -- what's showing. What it's really showing
20 is that these are -- they are circling those areas to say
21 that these are the six-by-six -- you know, they're
22 highlighting them. These are the six-by-six posts and these
23 are the four-by-four posts. They're not anything that is
24 associated with the structure itself.

25 So, it was a little misleading to me and so I was

1 thinking that they needed to redraw the plan to show that
2 more accurately, but -- and on further, kind of, looking at
3 this I understand that it was reading them incorrectly and
4 that the plans are fine. They don't have -- there's no issue
5 that I have with what we have on the -- in the plans right
6 now. I haven't gotten to the screen issue, but that
7 particular part of it I'm okay with.

8 BZA CHAIR HILL: Hey, Dan, have you had a chance
9 to look and see which things were that we -- I'm looking at
10 the exhibits -- which were the ones that we actually asked
11 for?

12 MR. BASSETT: Yes. I believe what you asked for
13 is in Exhibit 73, and then you had asked for updated plans.

14 BZA CHAIR HILL: No, 73 -- Dan, 73 is parties in
15 opposition material evidence and alternative plans.

16 MR. BASSETT: So, that's -- well, I'm sorry. What
17 you had asked for was the applicants and the parties to meet
18 and try and come to an agreement. It looks like, based on
19 73, they were not able to. 74 would be the applicants, I
20 guess, submitting additional information to show that the
21 current deck is structurally sound. I think what you had
22 asked the applicant for is additional plans. If the vice
23 chair is satisfied with the plans that exist in the record
24 already, then what is after that is requests from both the
25 applicants and the neighbors to reopen the record to add

1 additional information.

2 So, you would be deciding -- if you wanted to
3 reopen the record for either of those, you would be deciding
4 on that motion; but what you have asked for, I believe, is
5 prior to those requests to reopen.

6 BZA CHAIR HILL: Okay. Well, I guess what confused
7 me about Exhibit 73 is that it's not signed by the applicant.

8 MR. BASSETT: Sorry. You had asked them to all
9 attempt to come to an agreement. It looks like, based on 73,
10 they didn't. So, I think that that satisfies what you had
11 asked them to do last week.

12 BZA CHAIR HILL: Alright. Okay. So, we would look
13 at -- so, we would keep 73 and look at 73, right, and then
14 what else is we're going to keep in there?

15 MR. BASSETT: It looks like 74, response to your
16 request last week for clarification from the applicant on
17 whether their existing structure was sound.

18 BZA CHAIR HILL: Right.

19 MR. BASSETT: And then beyond that it looks like
20 you would have to deliberate on the request to reopen the
21 record, first, from the applicant and then from the parties
22 in opposition.

23 BZA CHAIR HILL: Well, where are the plan?

24 MR. BASSETT: I don't believe that the plans have
25 changed and I think the plans --

1 BZA CHAIR HILL: That's what, Carlton, you were
2 just looking at, right?

3 VICE CHAIR HART: I was looking at the -- basically
4 they added plans with screening in them. And so, those are
5 the new plans under 76A and 76B.

6 MR. BASSETT: But you have, as of yet, have not
7 allowed those into the record because the record has not been
8 reopened. 48C, I believe, is the existing plans in the
9 record.

10 VICE CHAIR HART: Yes.

11 BZA CHAIR HILL: But we asked for new plans.

12 MEMBER JOHN: We asked for plans showing the
13 screening.

14 BZA CHAIR HILL: It mentions -- I don't know.

15 MEMBER JOHN: And Vice Chair Hart was concerned
16 about the structural integrity. And Vice Chair Hart just
17 said that he understands what the previous drawings
18 described.

19 VICE CHAIR HART: It was the -- it was whether or
20 not the -- some of the drawings were showing part of the
21 structure on someone else's property and I just wanted them
22 to have the -- all of the structure on their own property.
23 But I have looked at the drawings and even 48C shows the same
24 -- indicate the circles that I was concerned about, but I
25 have understood what those circles represent and they are not

1 structural.

2 MEMBER JOHN: Okay. So, in the plat, the revised
3 plat that shows that the deck will be built within the
4 property line, my question is when -- if we approve the plans
5 that are provided to us, and the plans would be the original
6 plans 45C as amended by 76A and 76B, right, the applicant
7 would have to build according to those drawings. And at the
8 permitting stage, DCRA would make sure that whatever is
9 approved, is approved for inside the property line as shown
10 in the diagram.

11 Am I understanding that? Okay. So, we get -- we
12 don't have to delve into the issue of encroachment because
13 it's really not a zoning issue. Based on -- the plat shows
14 that the deck will be built inside the property line, the
15 revised plat. And so, at permitting, DCRA will look at that
16 and permit based on that description. Okay. Alright. I
17 don't have any more comments right now, Mr. Chair.

18 BZA CHAIR HILL: Hey, Dan, you said the original
19 drawings were 48?

20 MEMBER JOHN: 45C -- well, they start at 45.

21 MR. BASSETT: I believe they're at 48C.

22 MEMBER JOHN: 48, I don't think so.

23 VICE CHAIR HART: They are 48C.

24 MEMBER JOHN: Oh, 48C. Sorry. Sorry.

25 BZA CHAIR HILL: Right. Those are revised plans.

1 So, those are the plans that we -- if we were to do this, we
2 would be approving those plans. That's what I'm just trying
3 to understand, right? Okay. And Carlton is nodding yes.
4 So, I would say, then, you know, we go ahead and allow 73 in
5 because that was -- we asked them to work together or at
6 least talk. That proves that they talked or showed that they
7 talked and didn't get to an agreement.

8 It looks as though the last thing that came back
9 was like something about the eight-foot versus whatever is
10 there, but nobody seemed to agree. 74 was showing that --
11 was something we asked for, which was that if the deck is
12 sound, right? And then 76A and 76B are additional plans that
13 I wouldn't be able to necessarily approve because they're
14 just talking about the privacy screening; however, I would
15 like them in the record because we asked for them.

16 I'm just saying if we get -- if we get to this
17 deliberation part, I just want to understand what's in the
18 record. So, my vote would be allowing 73, 74, 76A and 76B,
19 okay? And then nothing else would be allowed in the record
20 because we didn't ask for any of those things. Like, they
21 did actually -- the parties in opposition and the applicant
22 did meet with the ANC and they did try to figure it out. And
23 so, now we can take a look at those things at this break and
24 then see if we can deliberate. So, is that where we are?
25 Okay. Everybody is nodding.

1 MEMBER JOHN: Can we go over the exhibits one more
2 time?

3 BZA CHAIR HILL: Sure.

4 MEMBER JOHN: I have 73, 74, 76A and 76B.

5 BZA CHAIR HILL: Yes. Because those are the things
6 we asked for.

7 COMMISSIONER MILLER: Are you allowing 78?

8 BZA CHAIR HILL: I wouldn't be allowing anything
9 else into the record. The only thing we're going to look at
10 at the break are the things that we asked for.

11 COMMISSIONER MILLER: But the rebuttal to some of
12 the things that we asked for or no?

13 BZA CHAIR HILL: It's up to you. I mean, you know.
14 then if that's the case, then we, then, are going to take 77,
15 which is the request to reopen the record.

16 COMMISSIONER MILLER: That's all -- I was just
17 asking. I just wanted clarification. I wasn't advocating
18 necessarily. I just was asking.

19 BZA CHAIR HILL: I mean, that's what -- and we can
20 -- I mean, if you want to, we can, I guess, you know, allow
21 it all in if you want. I mean, the funny thing is it's kind
22 of -- you know, you're looking at it now, right?

23 COMMISSIONER MILLER: Yeah.

24 BZA CHAIR HILL: You're determining whether or not
25 you think it's --

1 COMMISSIONER MILLER: I've now had a chance to look
2 at it all.

3 BZA CHAIR HILL: Right. You're determining whether
4 or not you think it's something that is helpful for you,
5 right? And I think that the items that we ask for are
6 helpful for me, but I'm happy to let it all in if you all
7 want to look at everything.

8 COMMISSIONER MILLER: I've read it all now and I've
9 -- I don't have any problem with having it all in.

10 BZA CHAIR HILL: Okay. Mr. Hart?

11 VICE CHAIR HART: That's fine.

12 BZA CHAIR HILL: Okay. Ms. John, we'll allow
13 everything into the record and then we'll review everything
14 between now and the break.

15 MEMBER JOHN: I've read most of it.

16 BZA CHAIR HILL: Okay. Alright. Well, then I'll
17 go ahead and grant the motion, then, to reopen the record,
18 which is in No. 77. So, I'll do that by consensus.
19 Everybody nod yes -- okay. Everyone is nodding yes. And
20 then we'll take everything that's in there all the way
21 through Exhibit 78. And then we'll take a break. And then
22 we'll come back and deliberate in, like, 15 minutes; is that
23 good?

24 Okay. Alright. Mr. Moy, we're going to take a
25 break real quick and then we'll come back and deliberate like

1 around 11:20. Thank you.

2 (Whereupon, the above-entitled matter went off the
3 record at 11:06 a.m. and resumed at 11:23 a.m.)

4 BZA CHAIR HILL: All right. Okay, I just want to
5 make one note for the Board.

6 MR. MOY: While there's a quick pause, Mr.
7 Chairman, I'll just announce that the Board is back after a
8 quick recess -- back to its meeting session. And the time
9 is at or about 11:20. And the Board is continuing
10 deliberation on Case No. 20214.

11 BZA CHAIR HILL: Okay. All right, I'd like to
12 make a note. I mean so we re-opened the -- we re-opened the
13 record. And we re-opened the record to admit all of the
14 information that was put forward. And as in Y 600 -- Y
15 602.6, we can re-open the record as long as again, it doesn't
16 prejudice the parties or we don't think it's going to
17 prejudice the parties.

18 I suppose -- you know, we'll see how this
19 deliberation moves forward or where we get. I mean the thing
20 about Exhibit 107, it basically is rebuttal to the
21 Applicant's information. But they don't really get rebuttal,
22 you know? And so I guess, you know, we'll just see how this
23 goes or we can talk about it. I guess I'm making that point,
24 which is to say I think that we are not -- we are allowing
25 all of the information into the record, so that we can take

1 a look at it. And that's what the Board was interested in
2 doing. Correct? Okay, everyone's nodding and correct.

3 Okay. So then if that's the case, I'm going to
4 start with you, Mr. Hart because I don't know where I am.

5 VICE CHAIR HART: Well yeah, I appreciate it. I
6 think that was Exhibit 78 that you were talking about.

7 BZA CHAIR HILL: Oh 78, I'm sorry. Correct.

8 VICE CHAIR HART: Okay. So this is kind of where
9 I am and we'll kind of go from there. So we did ask for some
10 new plans and they submitted a certification that the project
11 is fully within the property line. I now understand that the
12 circles that I noticed on plan -- in Exhibit 48C are not
13 identifying footers. They're really just highlighting the
14 posts because they have both 4 inch by 4 inch posts and 6
15 inch by 6 inch posts. And I described that a little earlier.
16 So I understand where they are. So while those circles are
17 going over the property line, they're not actually footers
18 that are identified. They are -- They are again just
19 highlighting which posts are being identified as either 6 by
20 6 or 4 by 4.

21 And I understand that there are some bad feelings, I
22 guess, and mistrust I should say here. The issues that the
23 BZA had to explore are whether we believe the Applicant met
24 the criteria under the Zoning regulations. I think Board
25 Member John brought up, you know, that there's some things

1 that were being discussed that were really outside of our
2 purview and I would agree with her. The Applicant has asked
3 for relief for -- has asked for relief from Subtitle D 306.2.
4 Regarding this criteria, I believe that the light and air
5 impacts are not undue impacts. I also believe that there
6 will be some privacy impacts. But I didn't think that there
7 would be undue impacts. And I didn't think that the deck
8 substantially visually intruded upon the alley. So I would
9 be in agreement with the OP Report and would be in agreement
10 with the Applicant.

11 The Applicant -- the ANC was not in support of the
12 application. However the issues were either -- I just didn't
13 think they were necessarily relevant to our review or not
14 under our purview. The only issue that I thought was
15 relevant that they raised was pertaining to privacy. And I
16 just didn't agree with their assessment. So therefore, I
17 would be in disagreement with the ANC.

18 So I would be -- While I didn't think that they
19 were undue impacts for privacy, I think I would be in support
20 of the screen in the location that they have placed it in
21 Exhibit 76, I guess it's A and 76B. So the location of the
22 screen, I felt was fine. But what they've shown in the
23 drawings is really not adequate. They don't show how the
24 screen is actually held up. It's just kind of -- you know,
25 I guess we're assuming that it's supposed to be just glued

1 into place. But there are no, you know, kind of members on
2 either side of it to frame it to at least provide some, you
3 know, stability for it. And it would be hard -- it would be
4 hard for me to approve those plans only because there were
5 just some -- there were just inaccuracies in it.

6 In the 78B, they showed the deck railing in No.
7 2 -- Drawing No. 2. And on top of it is the screen, which
8 looks like it's some sort of lattice. But they don't really
9 kind of talk about what it should be. They do give some
10 dimensions to it. But then I started looking at the railing
11 itself that it's sitting on and that was -- they say that
12 it's -- the railing supports are like 5 feet apart. And
13 maximum that the deck itself is I think 12 feet. So it just
14 didn't seem to -- it just didn't seem to match what they were
15 -- the drawing didn't seem to match the actual deck itself.

16 So I think that needs to be cleaned up. And
17 having some sort of support to help frame the deck support
18 would be -- the screen, would be helpful. So that we at
19 least understand what that's going to be. And then some idea
20 about what the material is. Again, I'm not adverse to
21 lattice if that's what they want to do. But again, it just
22 doesn't seem like it's very -- it was very well drawn. It
23 seems somewhat rushed in drawing.

24 And finally just -- I understand the dimensions
25 and stuff. But I couldn't quite understand on the deck, the

1 No. 3 drawing which was the bottom, I guess -- maybe it's the
2 -- not bottom. I guess it's the middle deck or the middle
3 drawing, the plan that has a No. 3 underneath it -- the 3
4 deck underneath it. That shows the length of the screen.
5 And there's another dimension that I'm not exactly sure what
6 it's supposed to show, but it says 3 feet. And I just don't
7 know what that's referring to. So again, it's just this kind
8 of dimensionality is somewhat strange about that. But again,
9 the issues about whether or not it's encroaching or whatever,
10 that is really up to the DCRA to make that determination.
11 We don't have surveyors that we're -- that you know, are
12 part of the zoning -- the BZA.

13 So I would be in support of the application. I
14 think that the deck screening needs a little bit more work,
15 but I would be in support of the screening on that side. I
16 understand that the other neighbor, the Gillespie's, they do
17 not want a screen. So I can understand that. But the
18 neighbors to the -- I guess to the -- I think that's east if
19 I got that correctly -- east or south, I can't recall which
20 one. But the other neighbors, they did want to have a screen
21 and I think that, that's appropriate to add in there. So
22 that's all that I had, Mr. Chairman so I'll stop.

23 BZA CHAIR HILL: I guess let's see, what are we
24 going to do? Ms. John, your microphone is not on so you want
25 to go next?

1 MEMBER JOHN: So I agreed with Mr. Hart's analysis
2 and I'm sorry that the neighbors could not come to an
3 understanding. But I think that much of the testimony from
4 the neighbors and to a significant extent, the ANC was
5 concerned with issues that are not before the Board as I said
6 earlier. And the issue for the Board is not whether the deck
7 was illegally built. The issue is whether the Applicant now
8 can meet the criteria for a special exception. So we don't
9 delve into how (audio interference) and when the owner knew
10 that the deck was not meeting the requirements. We look at
11 whether a deck that's seeking rear yard relief to build the
12 deck would be consistent with the requirements for a special
13 exception. Still we're not looking at whether or not the
14 deck is structurally sound. That's something for DCRA to
15 determine when DCRA issues the permit.

16 We had questions early on about whether or not the
17 deck would be demolished. My understanding is that the deck
18 would be changed to be sure that it comes within the property
19 line. And I'm satisfied that the plat -- revised plat shows
20 that the deck would be inside the property line. And that
21 should take care of the issue of encroachment. As Mr. Hart
22 said, we're not surveyors and so we can't tell if there's an
23 encroachment. That's something that's outside the scope of
24 this Board. All we can say is that the drawings represented
25 to us that the deck will be built inside the property line

1 as that is determined by the Office of the Surveyor. And so
2 I can support granting the relief in this case.

3 As to the issue concerning adverse impact, I don't
4 think that light and air is an issue because the deck is not
5 enclosed and it's open to the air. And so I don't think
6 that's an issue. The overriding issue was the fact that the
7 deck was 12 feet 5 inches. And as to that, one of the
8 neighbors who has the -- the neighbor who has the roof deck
9 was also concerned about privacy. And in my view, in a
10 townhouse environment in the city, there is not a whole lot
11 of privacy going on. Anybody from a third floor window or
12 second floor window of a townhouse can look down if there are
13 no trees and see exactly what's happening next door in the
14 other neighbors house.

15 So there is some expectation that there will be
16 limited -- there would be some impact on privacy just by
17 virtue of living in a townhouse in the city or an attached
18 home in the city. So we look to see what the additional
19 impact would be to have a deck that's 7 feet longer than what
20 the Applicant could build without permission of the Board.
21 And I agree with the analysis of the Office of Planning in
22 terms of the privacy impact.

23 The Office of Planning noted that one of the
24 neighbors -- I believe it's the neighbor -- I'm not sure
25 which one, so I don't want to -- anyway, one neighbor has at-

1 risk windows and so that's something to be expected that if
2 there's an addition built, that there would be some impact
3 on those windows. So I agree with the Office's analysis in
4 terms of the at-risk issue. I thought that the screening
5 would be helpful, but I'm not sure -- as Mr. Hart said, it
6 needs more specificity. And so I'm not sure how we address
7 that.

8 Then I think that the ANC had concerns, which were
9 not related to the zoning issues in terms of the ANC was very
10 concerned that we were validating (audio interference), but
11 that's not what this Board is doing. We're simply saying
12 that if an Applicant came to us with these conditions that
13 met the zoning regulations, we should ordinarily approve them
14 as the regulation says. So I do not give great weight to the
15 issues and concerns of the ANC in that respect.

16 And I will give great weight to the analysis of
17 the Office of Planning, both in its written report and the
18 testimony at the hearing and the supplemental information in
19 the record. And in that -- supplemental information, OP
20 clarified that really what they're doing is allowing rear
21 yard relief. They're not saying that they're approving a
22 particular size deck. Just that this deck can be built with
23 only 13 feet of rear yard. And so for all of those reasons,
24 I think I can support this application. Sorry it took so
25 long.

1 BZA CHAIR HILL: I thought it was great. I don't
2 know where we are. Mr. Miller?

3 COMMISSIONER MILLER: Thank you, Mr. Chairman.
4 While I appreciate the arguments of my colleagues and I
5 generally agree with everything they've said, I guess, you
6 know, I'm looking at this as more of a macro issue and not
7 necessarily the specific special exception criteria that are
8 laid out. But the general adverse effects of any special
9 exception -- that general criteria. You know, I -- you know,
10 I always encourage -- I always don't want to make it
11 difficult for someone -- for a homeowner to increase their
12 outdoor space either through a roof deck or a balcony. But
13 of course it has to be done in consultation with adjacent
14 neighbors and making sure that you're doing as much to
15 accommodate their concerns as possible.

16 So I appreciate the Gillespie's efforts to come
17 up with a compromise, which I encouraged the parties at the
18 last hearing last week, I guess that was, to try to reach an
19 agreement. And I'm disappointed that there wasn't such an
20 agreement. It just seems like such a numbers game. 5.2 feet
21 extension was compliant with zoning. Their deck was 12.5
22 feet. If you look in-between that, it's almost 8.5 feet.
23 And I mean the neighbors proposed 8 and there really wasn't
24 even a counter offer. So I think that's unfortunate and
25 given the whole context of what's happened here. But I

1 appreciate the Gillespie's efforts. And I think the
2 Applicant did too. They said they did, but they didn't
3 really come back with a counter offer. Maybe if they came
4 back with a counter offer of 9, they just stuck to their
5 (audio interference) and they wanted a minimum of 10. Anyway
6 I'm not going to be able to support this today, so that's
7 where I am.

8 BZA CHAIR HILL: Okay, all right. Yeah, so we are
9 going to have to -- your new friend is going to get this,
10 Carlton, I think is what's going to end up happening. So I
11 agree with everything that everyone said in terms of like,
12 you know, the ANC, the at-risk window, the Office of Planning
13 report. You know my, I guess overall issue again is just
14 somewhat in the privacy aspect, I suppose. In that kind of,
15 you know, I think that the deck is there. And so the party
16 in opposition to the right was speaking about how they could
17 look into the windows, which I agree. I think Ms. John as
18 you said it well, everybody looks into everybody's windows.
19 So I guess for me, I'm kind of with Mr. Miller a little bit.

20 And I guess I'm being a little soft perhaps, I
21 don't know, on the discussion here. I mean that I think
22 that, you know, there are some adverse impacts that if the
23 deck -- it's interesting I suppose, if the deck weren't
24 there, I might have different thoughts about it because then
25 they couldn't know for sure what is -- what they're seeing.

1 Right? And how that's affecting their property.

2 So I'm with Mr. Miller right now. So I can't
3 support it either. And so I guess we're stuck. Mr. Hart,
4 you just undid your microphone.

5 VICE CHAIR HART: Just so that we're -- I wanted
6 to clear up one aspect of it. The window that we were kind
7 of talking about that's the neighbor that is actually to the
8 south -- not the Gillespie's -- I don't know why I can't
9 remember their name right now. Anyhow, that window is not
10 at-risk. It's actually not on the property line. The
11 building is somewhat at an angle in the back. And so the
12 windows, while it looks on the -- on the back yard of the
13 neighbor, it's not actually on the property line itself. So
14 it's a minor point, but I wanted to make sure that it was
15 clear.

16 BZA CHAIR HILL: Okay. So let's see -- I mean I
17 also am confused about the privacy screening, I suppose,
18 which is another thing that I just don't know, you know,
19 whether it's going the whole length of the deck. Whether
20 it's going -- So I suppose I don't know what to do. I guess
21 Mr. Miller, you and I are on one side and Ms. John and Mr.
22 Hart are on another side. I mean we can wait until the new
23 NCPC person comes and see if they have a different opinion
24 or if that changes our opinion.

25 We can also -- and this is where I don't know, you

1 know, what you all's thoughts are -- I mean I know Ms. John's
2 thoughts a little bit, I think, on what I'm about to say.
3 But I don't know, you know, if we want to ask the Applicant
4 and the parties in opposition to again try to speak with one
5 another and see if they can come to some resolution, knowing
6 that we're currently at an impasse. And it's unclear as to
7 whether or not that impasse will change.

8 Mr. Miller, since you and I seem to be kind of the
9 more interested in the numbers game, would you -- in terms
10 of it making us more comfortable, I've got to say in terms
11 of the vote -- if we want to ask them to go back and see if
12 they can talk to one another and see -- you know, ask for --
13 we'll re-open the record and ask for, you know, one more
14 round of discussion. Mr. Miller?

15 COMMISSIONER MILLER: Thank you, Mr. Chairman.
16 Yeah, I would. But I think the burden at this point is on
17 the Applicant to respond to alternatives put forward by the
18 Gillespie's that the adjacent neighbor agreed with. They
19 first proposed the 7 feet, then they went to the 8 feet. And
20 I think that there is -- I think the Applicant should come
21 back -- I mean I hate to get involved here in the negotiation
22 -- but they should come back and say okay, I'll go -- I'll
23 go to 9. I mean they really -- they need to come to an
24 agreement. Otherwise, you know, there's also a third mayoral
25 appointee and maybe they're going to come in and decide this

1 as well at some point. And meanwhile, they don't have an
2 approval of this application. And I think the burden's on
3 the Applicant to really make some additional movement here.

4 BZA CHAIR HILL: Okay. Well at least for you and
5 at least maybe for me, it seems like. And whether or not it
6 is for -- So I guess Mr. Moy if you can reach out to the
7 Applicant and ask them if they would submit something to the
8 record in terms of either they are having -- either they have
9 had further discussions with the parties in opposition or
10 they're choosing not to and they're just where they are. And
11 then put something into the record. And then I guess we
12 would let the opposition respond to that if there is
13 something on the record. And then we'll meet here again in
14 the Fall. I can't believe I just said Fall out loud. So I
15 guess that's where we are.

16 And so then Mr. Moy, when is Mr. Miller back
17 again?

18 MR. MOY: Mr. Miller, I believe, is not back until
19 October. It would be October the 14th.

20 COMMISSIONER MILLER: Mr. Chairman, in this
21 pandemic world, we're always back. We're always here. We're
22 going nowhere. It's actually very easy to be available at
23 any given Wednesday.

24 BZA CHAIR HILL: Okay. Ms. John?

25 MEMBER JOHN: So might I suggest that we limit

1 what we're asking for because I can see another round of
2 documents rehashing everything that was done at the hearing.
3 And so, you know, I would suggest we narrow. Frankly I am
4 not optimistic that there's going to be anything new, but I
5 appreciate (audio interference).

6 BZA CHAIR HILL: Well and that's fine and then,
7 you know --

8 COMMISSIONER MILLER: Yeah.

9 BZA CHAIR HILL: -- if there's nothing new, then
10 this just stays the way this stays perhaps. You know? Who
11 knows? Right? So Mr. Hart?

12 VICE CHAIR HART: Yeah. Just as a question, I
13 understand that you're looking for, you know, some more
14 negotiation and possibly a smaller deck as part of that
15 negotiation. If it's a smaller deck, I don't think that --
16 Well I guess it doesn't matter what I think. But just for
17 my two cents worth, I'm not sure that the screening would be
18 necessary for a smaller deck. So a smaller deck, no
19 screening is probably the -- you know, if that's the
20 direction they go, that's fine. And if they stay at this
21 size deck, are you saying that they should or should not
22 provide any information on screening?

23 BZA CHAIR HILL: We hadn't spoken out loud yet,
24 but my thoughts were that if they end up hearing -- if they
25 end up staying with the proposed deck and seeing what happens

1 with your NCPC person and/or if Mr. Miller or I change our
2 minds and/or whoever the next mayoral appointee comes on,
3 right? I would suspect -- I'd like to see the deck as it is
4 with the screening the way they're proposing. Right? So
5 that's number one, Mr. Moy. Okay? So we'd like to see the
6 deck with the screening the way they're proposing it in
7 greater detail. I mean there was like -- they put like a red
8 -- they put like a red line on it. And in the plans, I can't
9 even tell really what screening they're proposing and how far
10 it goes. It did say 3 feet high, but I can't tell if it goes
11 all the way. And your suggestion, Mr. Hart, was that it
12 should go all the way. Is that correct?

13 VICE CHAIR HART: I would say that it should. It
14 just doesn't have -- the drawings that they have for the deck
15 plan and the deck -- there's a drawing that says "deck
16 railing". That deck railing is only 10 feet long. It's 5
17 feet by 5 feet and 5 feet. So something is just amiss
18 because the deck itself is 12 feet 4-1/2, 4-1/4 inch. So
19 something's off with that. I don't exactly know what it is.
20 But they just need to have these things so that they are
21 consistent with each other. And I think that the screening
22 should go the entire length of it and have some sort of
23 support that's, you know -- that shows how this 3 foot by 8
24 foot, you know, piece is being attached to the railing
25 itself. Because you know, it looks like it's kind of done

1 as a rush job. So I just think that they need to have that
2 as being consistent as they can.

3 And I think that the -- As Board Member John said,
4 they need to focus on -- the issues are the size of the deck.
5 If that's getting smaller, then show what that size is.
6 That's one option. If it's not, then the only thing that
7 they should be showing is the -- is the screen. And that
8 screen should be the entire length of the deck on, I think
9 it's the Burkes that are to the south. So it should be the
10 full length of that. And that's it. There's no issue about
11 the structure. There's no issue about anything else other
12 than those two pieces. So again, I think you're right about
13 focusing because you would get probably another, you know --
14 a lot of other documents about a lot of other things that
15 really don't need to, you know, have a longer discussion.
16 So that's it.

17 MEMBER JOHN: So I have a question, Mr. Chairman.
18 If the Board can require screening to mitigate any potential
19 adverse impacts, could the Board also say that the screening
20 should be 10 feet -- the length of the deck, not 8 feet. Mr.
21 Chairman, they're proposing 8 feet as I understand the
22 drawing and the representation -- 8 feet from the wall to the
23 front of the deck. So I guess what Mr. Hart is saying that
24 we could require the screening, assuming it would help anyone
25 to support the application to be 10 feet deep. Is that what

1 you're saying, Mr. Hart? Okay. And that it would describe
2 the materials that would be used. And how it will be
3 attached to the deck. And I suspect the reason it was
4 proposed to be 8 feet is that the stairs would take up the
5 other 2 feet. That's what I know. Okay.

6 VICE CHAIR HART: It's on the other side of where
7 the stairs are, so I'm not exactly sure what the distance
8 was. But it should be actually 12 feet -- you know, however
9 long the railing is.

10 BZA CHAIR HILL: Okay. So the -- Yeah. I mean
11 the Board -- To answer your question, Ms. John, the Board
12 can, you know, ask the Applicant to do things to mitigate
13 things that the Board considers to be issues. And it sounds
14 as though -- I mean I'm not in favor of the deck. So as far
15 as the screening, you know, if Mr. Hart seems to feel as
16 though going all the way to the end is something that he
17 would like to see, I'm fine taking a look at that. And who
18 knows, that might change my mind later. I just don't know.
19 Right? But as of now, I am where I am.

20 And so I guess then, Mr. Moy, I'll go back and say
21 -- again, we don't want to hear about the footing and whether
22 or not the deck is safe. You know, those are all things
23 we've now talked about that aren't even -- you know, like
24 that will get handled at permit. Right? And so, you know,
25 we just want to see -- The first thing we want to see is the

1 deck with the screening all the way to the end on the Burkes
2 side of the property. And how that is affixed and what the
3 materiality is. Okay, is that correct? All right, so that's
4 number one. Right?

5 And number two, Mr. Miller and I would like to
6 have something submitted into the record, either this is what
7 the proposal is now in terms of the length of the deck after
8 one more round of discussion. And that could be that they're
9 still exactly where they are now. You know? I mean, but we
10 want something in the record that they have gone and tried
11 to take another bite at the apple. Right? And so, let me
12 know when you think we should get those things, Mr. Moy --
13 Well first of all, do you understand, Mr. Moy, what I'm
14 asking?

15 MR. MOY: Yes, I do.

16 BZA CHAIR HILL: And then before you go on, Mr.
17 Moy -- this is what I didn't understand. I was trying to
18 look at that. Are you saying that they -- when this back and
19 forth, this is the part I didn't get -- were they at 10 feet?
20 Are you saying that they were at 10 feet at some point? I
21 didn't see that.

22 COMMISSIONER MILLER: I saw a reference to it in
23 email from the Gillespie's. I don't think I saw anything
24 from the Applicant that said they were moving off the 12
25 point whatever to 10. But I think I saw something -- a

1 reference in one of the Gillespie's -- one of the Gillespie's
2 emails that they only would go to 10 feet. But I saw nothing
3 from the Applicant. I'd like to see something from the
4 Applicant that shows movement. Or if it doesn't show
5 movement as you said, then just say we are where we are. And
6 that's all I really need.

7 BZA CHAIR HILL: Okay.

8 MEMBER JOHN: So with all due respect, is the
9 issue the negotiation or is the issue privacy? Because
10 (audio interference) How much more of an impact on the
11 privacy is there for an additional 2 feet or 3 feet or 4
12 feet? So that's the issue for me that I sort of resolved in
13 favor of the Applicant. Just throwing a few thoughts in.

14 BZA CHAIR HILL: Yeah. That's fair, Ms. John.
15 I mean I'll let Mr. Miller respond for me again. I don't
16 know -- I want to hear a little bit more about where they
17 are. Right?

18 MEMBER JOHN: Yes.

19 BZA CHAIR HILL: And I want to hear a little bit
20 more about no, yes, whatever. Because to me, my privacy
21 issue again is if you're all the way out at the end of the
22 deck and you can look back into the windows of the person's
23 house -- you know, and that still might be at the 8 feet.
24 That might be the 10 feet. That might be the 3 feet. You
25 know? I agree with what you are saying, but I still want to

1 hear the -- I still want to hear from the Applicant as Mr.
2 Miller just said, either you know, they're going to try to
3 do something or are they just are where they are. But good
4 point you made, Ms. John.

5 Mr. Miller, did you have a response?

6 COMMISSIONER MILLER: I have nothing further, Mr.
7 Chairman.

8 BZA CHAIR HILL: Okay, all right. Then Mr. Moy,
9 I think you understand the marching orders. Right?

10 MR. MOY: Yes, I do. If this is the time, I would
11 suggest two dates for another decision. It depends on which
12 direction you want to go. So I'm looking at either September
13 16th when we come back or the following week, which is
14 September the 23rd. I mention these two for you because on
15 September 16th, we do have an appeal with three applications
16 and three cases with decision. And on September 23rd, we
17 have seven new cases to deliberate on. No appeal. So it's
18 your choice which direction you want to go.

19 BZA CHAIR HILL: Can you repeat that again? Just
20 what was the appeal date?

21 MR. MOY: The appeal date is September 16th when
22 the Board returns.

23 BZA CHAIR HILL: Yeah?

24 MR. MOY: One appeal, three cases.

25 BZA CHAIR HILL: Right.

1 MR. MOY: There's three cases for decision that
2 date.

3 BZA CHAIR HILL: Right. We're back on the 16th?

4 MR. MOY: Yes.

5 BZA CHAIR HILL: And the 23rd was the one we just
6 put on for Chairman Hood again?

7 MR. MOY: Yes. That is Chairman Hood with seven
8 new cases for the 23rd.

9 BZA CHAIR HILL: Okay.

10 MR. MOY: No appeal.

11 BZA CHAIR HILL: Okay.

12 MR. MOY: So in other words, if you think this is
13 going to go quickly, it's okay to put it on the 16th if you'd
14 like. But you know, keep in mind, you do have an appeal that
15 day.

16 BZA CHAIR HILL: Let's go ahead and put it on the
17 23rd.

18 MR. MOY: Okay. So if we put it on the 23rd, then
19 that would suggest looking backwards that the parties have
20 the opportunities to respond by Monday the 14th. The
21 Applicant should make their filing by September the 4th,
22 which is a Friday. So once again, the Applicant to file by
23 Friday, September the 4th. Response is due by September the
24 14th, which is a Monday. And a decision -- back to the court
25 for a decision on Wednesday, September the 23rd.

1 BZA CHAIR HILL: Okay. Okay. All right. Mr.
2 Miller, is that the end for you?

3 COMMISSIONER MILLER: Just not to belabor the
4 point but since I made an inaccurate statement, I want to
5 correct it. The 10 foot reference is in an email from the
6 Applicant to the Gillespie's in response to their 7 foot
7 proposal. They said if you're willing to discuss something
8 closer to the 10 foot range that we discussed on Friday or
9 whatever. And I'm not sure I understand the whole chronology
10 of events here, but it looks like the Gillespie's came back
11 with 8 feet. So if you're talking about between 8 and 10
12 feet, then really just get there. That's my last word. But
13 I had said that the reference to 10 feet was the Gillespie's
14 email. It actually was in the Applicant's email. It wasn't
15 a formal offer. It wasn't an alternative plan given to this
16 Commission. I just wanted to say that.

17 MEMBER JOHN: So not to belabor the point, Mr.
18 Miller --

19 COMMISSIONER MILLER: Okay.

20 MEMBER JOHN: -- they did go back to the table.
21 They did offer something.

22 COMMISSIONER MILLER: And they did compromise and
23 they're 2 feet apart and it's --

24 MEMBER JOHN: -- were at 10 feet and the others
25 came back to 8 feet.

1 COMMISSIONER MILLER: Right. Well they were at
2 5 feet. They didn't even want anything beyond the zoning
3 envelope. You know, they wanted the full rear yard, so.
4 People have different perspective of where they started out
5 from. For me now, it's between 8 and 10 and just make a
6 deal.

7 BZA CHAIR HILL: Right. So we're just going --
8 I mean we know everybody's watching. Right? So Mr. Miller
9 is at 9. So Mr. Miller is at 9. Right? And I would like
10 to make a point that Ms. John brought up that was true from
11 the case is that -- and this is what I think is kind of weird
12 -- that, that parking space, they can't remove the parking
13 space. So they can't get any outdoor space from their home
14 because they have a parking space. Right? And we have COVID
15 going on right now. Right? So outdoors is really freaking
16 important. Okay? So I'm also saying I don't know where I
17 am next time we get here. Okay? So that should -- you can
18 read all kinds of tea leaves with all that stuff as Mr.
19 Miller said and we will see them all on the 23rd.

20 MEMBER JOHN: But just one more thing. And not
21 to belabor the point, the idea of the deck was to accommodate
22 a table for six. Right? So it's your mom and dad, two kids.
23 So is that six? Probably. And so think that chairs have to
24 be pulled away from the table. So the width of the deck is
25 not that unreasonable. But I agree, we're somewhere between

1 10 and 12. Right, Mr. Miller? I'm not negotiating. I'm
2 just saying. So I would be willing --

3 COMMISSIONER MILLER: I would be (audio
4 interference) --

5 (Simultaneous speaking)

6 COMMISSIONER MILLER: I don't want to design the
7 deck, you know, but we'll see what they came back with if
8 there's any movement. And if there isn't, I'm certainly open
9 to reconsidering my current position as I think everybody
10 should be given that we have no decision.

11 BZA CHAIR HILL: Yeah. I mean I -- like we're
12 just going to keep going round and round with this. I don't
13 know. Right? You know, we got --

14 MEMBER JOHN: Yeah.

15 BZA CHAIR HILL: We've got somebody new coming on.
16 You know, we might all change our minds and approve it the
17 way it is. I don't know. I mean I want to see the
18 screening. We're going to see the screening and then, you
19 know, clarify all this stuff. So anyway, we'll see we get.
20 Okay?

21 So all right, I do actually have to take a break
22 and I apologize. So it is 12:10 and we still have two cases
23 for decision. One of which is going to be a discussion, I
24 guess. Okay, but I have to -- I have to take a break. So
25 I apologize. So is 12:20, okay? I just need a few minutes.

1 VICE CHAIR HART: Yeah. And I'll just remind you
2 that the mod of consequence, we need Commissioner Shapiro and
3 he's coming in -- coming on a little later, about 1:30.

4 BZA CHAIR HILL: Oh, so we just have the one to
5 deliberate on.

6 VICE CHAIR HART: Yeah, well we also have two
7 hearing cases to go to -- to go to before that too.

8 BZA CHAIR HILL: Sure. No, I appreciate that.
9 Okay, I'll see you in like ten or 15 minutes. Thank you.

10 (Whereupon, the above-entitled matter went off the
11 record at 12:08 p.m. and resumed at 12:28 p.m.)

12 BZA CHAIR HILL: Okay. Mr. Moy, do you want to
13 call us back?

14 MR. MOY: Yes. Thank you, Mr. Chairman. The
15 Board is back in session after another quick break and it is
16 at or about 12:25 p.m.

17 And this is Case Application Number 20238 of James
18 Silk recommended for a special exception under Subtitle G,
19 Section 1200 from the side yard requirements of Title G,
20 Section 1104.1, alley centerline setback requirements of
21 Title G, Section 1105.1, and pursuant to eleven DCMR Subtitle
22 X Chapter 10 for an area variance from minimum alley width
23 requirements of Subtitle C, Section 303.3(a) to construct a
24 second story addition to an existing semi-attached principal
25 dwelling unit in the MU-26 Zone at premises 203 Rear 3rd

1 Street, S.E., Square 0762, Lot 0823. And this was last heard
2 at the Board's hearing on July 29th and again participating
3 is Chairman Hill, Vice Chair Hart and Ms. John and Zoning
4 Commission Anthony Hood.

5 BZA CHAIR HILL: Okay. All right. Does the Board
6 need to deliberate? Okay.

7 Mr. Hart, can I start with you?

8 MEMBER JOHN: Me?

9 VICE CHAIR HART: Sure.

10 BZA CHAIR HILL: Mr. Hart.

11 MEMBER JOHN: Oh, Mr. Hart.

12 VICE CHAIR HART: Unless you want to go, Ms. John.

13 MEMBER JOHN: Not at this time, Mr. Hart. I'm
14 having technical difficulties with my laptop so I'm trying
15 to switch to another one.

16 VICE CHAIR HART: Ah, well, I can start with this.
17 So, the Applicant is requesting relief from the regulations
18 to allow for construction of a second story addition to an
19 existing semi-attached principal dwelling unit in an MU-26
20 Zone.

21 They presented a case of how they met or are
22 needing the relief requested and the special exception relief
23 that they are requesting is with regard to the side yard and
24 alley center setback and they are requesting two feet relief
25 for actually both of them. And the relief they're requesting

1 is to the south and I guess to the west of the property.

2 There is a party in opposition and they are
3 located to the east of the project. So, the Applicant is not
4 actually requesting any relief for the east portion of the
5 property.

6 The variance relief that they are requesting is
7 with regard to the width of the alley and I'll just note that
8 the Applicant's actual ability to increase the size of that
9 alley. And as I noted the rest of the application is really
10 special exception relief request. And I actually believe
11 that they provided enough information on how they met that
12 criteria. They are not physically able to do that to be able
13 to provide that relief to what's required under zoning side
14 yard relief you need five feet that's required. They are
15 proposing three feet and then alley center line setback is
16 12 feet required and they're proposing 10 feet.

17 So, the opposition party was arguing around the
18 validity of a variety of things and part of that is the
19 ability for the Applicant to be able to submit the project
20 to us. The Applicant did submit some information that we
21 requested stating that they had the authority to be able to
22 bring the project before us and they provided that
23 information. I understand that the opposition party still
24 thinks that is not valid but, again, that's their opinion on
25 that.

1 We are looking at the zoning aspects of it and I
2 think that the Applicant has provided us information that
3 shows how they are meeting the criteria so that we can
4 approve the relief.

5 I will note that there was some conversation about
6 the screening for the opposition party that's to the east.
7 And the ANC was actually asking as one of their conditions
8 that screening be incorporated into that, I guess it's a
9 patio roof. It's not a deck. Anyhow it's an open space on
10 the roof on the second floor of the project that the
11 Applicant is proposing.

12 I thought a screen was probably helpful to have
13 in that location. I hadn't necessarily chosen a particular
14 screen option because they were maybe four options that they
15 were looking at. But I think we can kind of talk about that
16 which option might, you know, other people, my fellow Board
17 members like and deal with it that way. But, again, I know
18 I'm in support of the application.

19 In most regards I thought this was fairly
20 straightforward minus the questions that the opposition party
21 had regarding the ability for the Applicant to submit the
22 project to us. But I thought that the Applicant provided
23 information so that we could see how they had that permission
24 to be able to do that.

25 So, that's it.

1 BZA CHAIR HILL: Mr. Miller, can I ask you to go
2 next?

3 COMMISSIONER MILLER: You can ask me and I will
4 go next.

5 So, yes, I'm supportive of this application for
6 both the special exception relief from the side yard and
7 alley center line setback and the variance relief from the
8 alley width for the subdivision as is for all the reasons
9 that are articulated by Vice chair Hart as well as the
10 reasons articulated in the Office of Planning report which
11 supports this application. And in the Applicant's own
12 statement and the ANC is also supportive. It also supports
13 the relief being requested. They did have that condition
14 about limiting use of the property to residential for no
15 shorter than 15 years and the Applicant has offered that as
16 something that they're willing to live with.

17 I think the adjacent the party in opposition who
18 opposes this wanted an in perpetuity limitation of
19 residential use but the Applicant has agreed to a condition
20 of the order limiting the use to residential for no shorter
21 than 15 years. So, I don't have a problem with including
22 that because the Applicant has agreed to that. I would have
23 a problem with us imposing that as a condition as a
24 mitigation of any adverse effect or whatever because matter
25 of right use does actually permit commercial use in this

1 particular zone which I believe the Applicant knew that they
2 were buying into when they bought the property and so did the
3 adjacent neighbor probably in opposition knew that the MU-26
4 Zone allowed for commercial use as a matter of right even
5 though they both intend to use the property as residential.

6 Anyway, I'd be interested in what my colleagues
7 think about including such a condition that the Applicant has
8 agreed to that the ANC has asked for and I'm not sure if I
9 have an opinion on this screening. So, I would hear more
10 from what my colleagues say about that. But I think a
11 screening option would be appropriate and the Applicant I
12 think needs to do something -- I'd be interested in how we
13 proceed with that.

14 So, in general, I support this application, Mr.
15 Chairman.

16 BZA CHAIR HILL: Thank you. Ms. John?

17 MEMBER JOHN: So, I agree with everything that's
18 been said concerning how the Applicant meets the criteria for
19 the variance and the two special exceptions.

20 With respect to the variance, the Applicant is
21 seeking relief from the minimum alley width, and it's an
22 existing structure on the alley. So, that's not something
23 that the Applicant can change. And I agree with how the
24 Office of Planning had analyzed that aspect of the relief.

25 I think that the Applicant has worked to try to

1 make the building compatible with the area by trying to bring
2 the second floor up to the alley, so that it would have a
3 consistent pattern on the alley. And I thought that that was
4 something, in terms of the special exception, that that would
5 make sense.

6 I think that, in terms of the screening, I didn't
7 have an idea of what would be appropriate; the Applicant
8 propose several options and the party in opposition not
9 indicate a preference one way or the other. And so I think
10 the Board would be in a position to prescribe appropriate
11 screening, if the screening would mitigate any potential
12 adverse impact.

13 In terms of the opposing party's objection to the
14 Applicant's ability to represent himself in the application.
15 I think I got that. But an issue about whether or not the
16 Applicant is authorized to appear before the Board, and I
17 think that that was cleared up because the board kept the
18 record open to allow the Applicant to submit authorization
19 from the other owners of the LLC to validate his testimony.
20 So, I disagree with the opposing party, that the Board acted
21 inappropriately that allowing the Applicant to submit.

22 The opposing party knew that -- (audio
23 interference) -- was the owner of the building, because there
24 have been, based on the emails in the record, they've been
25 having conversations since early 2019, I believe. But the

1 opposing party was aware that the Applicant was authorized
2 to represent the LLC.

3 So, on balance, I think the Office of Planning's
4 analysis is thorough and it shows how the application meets
5 the criteria. I note that FEMS had no objection to the
6 relief for the alley width, so that would not be an issue.

7 As to the green screen, that I discussed before,
8 the Board would have to decide that.

9 The Capitol Hill Restoration Society also was in
10 support of the application. And I agree with Commissioner
11 Miller that the covenant -- well, I'm not sure what Mr.
12 Miller said at the end, but I don't think the covenant should
13 be included because the area is zoned for commercial use and
14 I don't think it would be appropriate to include such a
15 covenant.

16 So, I can support the application.

17 BZA CHAIR HILL: Okay. Thank you. I am just
18 taking some notes.

19 Okay. Well, I won't repeat a lot of the things
20 that you all said. I would actually support the application
21 as well. I thought that the Office of Planning, their
22 analysis, I would agree with as well as that also of the ANC
23 as well of, you know, the support that we have gotten in
24 terms of the Capitol Hill Restoration Society. I think they
25 have met the criteria.

1 Now we're back to again discussing things that we
2 think might speak to the Board's concern about adverse
3 impact. But I don't know where we --- as far as the
4 screening goes I remember there were four types of screening,
5 and the opponent wanted to speak to his family member to kind
6 of figure out one of the screens. So, I think that screening
7 actually would help with the adverse impact, because people
8 would be on there. So, I would just be -- in terms of the
9 condition, I can't remember which exhibit it is. I can look
10 it up or one of you can look it up while I'm talking.

11 There was an exhibit that had the screenings and
12 so any of those screens would be fine with me and I would
13 request that the Applicant work with the party in opposition
14 to choose one of the screens, like one of the four screens.

15 And this is where I'm kind of torn with the other
16 thing. And I don't know, hopefully this doesn't get us stuck
17 again. I think I know OAG's opinion but, you know, is it
18 called a covenant and/or is it something that we would be
19 able to implement as a condition? The reason why I'm
20 speaking to it is that it would make me feel more
21 comfortable, in terms of the adverse impacts, if it were
22 residential for 15 years as the Applicant had proposed.

23 And on your last day, Mr. Hart, we're going to
24 have all kinds of discussions as to what really, you know,
25 we think. So, however, it's a matter of right for

1 commercial. So, I don't know where we are with that
2 condition, either (a) and I'll ask OAG if we can implement
3 it, and (b) where Mr. Hart is because Ms. John is against the
4 condition. And it seems that Mr. Miller is for it but I'm
5 not sure. But I'm going to ask OAG, can we even put that
6 condition in there?

7 MS. NAGELHOUT: This is Mary Nagelhout, OAG, I
8 would recommend against it, especially on this record. You
9 have a proposal before you to add a second story for use as
10 a residence. It's not an application that has anything to
11 do with use, in the sense that the Applicant is proposing to
12 use the property for a matter of right use. And unless you
13 have identified an adverse impact that's going to be
14 mitigated by this covenant, I don't think it's a proper
15 condition for the Board. Why 15 years? If it's an adverse
16 impact, it's an adverse impact. But the Board does have more
17 leeway when parties offer up conditions like this. But at
18 the same time certain types of conditions are outside the
19 board's purview and the Board shouldn't adopt them whether
20 the parties agree or not.

21 The parties can go ahead and do such a covenant
22 if they want to. That would be great. But it doesn't make
23 it something --- I don't think the Board should adopt
24 conditions outside of its purview, and I just don't see the
25 basis for it in this proceeding.

1 BZA CHAIR HILL: Okay. So, I mean in my and, you
2 know, I'll push back just a little bit wherein the adverse
3 impact to me is whether or not that is used as a party space,
4 right, or rental space for a party space. But, again, this
5 is my opinion. You know, there's other people on the Board,
6 right?

7 MS. NAGELHOUT: Well, Mr. Chair, if that's your
8 concern you could adopt conditions limiting the use of the
9 space, which doesn't get to whether it's residential or
10 commercial. It's just, like, no amplified sound or no more
11 than an X number of people. If that's your concern, address
12 your concerns, not just a blanket covenant, you know? Why
13 is a blanket covenant better than addressing your specific
14 concerns?

15 BZA CHAIR HILL: I guess then that would kind of
16 take me back to the hearing, you know, like specific
17 concerns. Is it going to be used as a rental, you know, a
18 party space, rental party space? And, again, it's noise.
19 Noise impact, you know, and I don't have specifically, in
20 terms of that outdoor patio, like how many people, amplified
21 music. I mean, I guess and this is the problem that, I mean,
22 residential, right? People could be loud. They could be
23 really loud, you know. I'm not trying, you know, it seems
24 as though it's something that the parties had agreed to and
25 now if we don't adopt this condition there's no need for the

1 Applicant to agree to the condition. And so I don't know.

2 MS. NAGELHOUT: Applicants don't have to agree to
3 conditions that the Board chooses to impose to mitigate
4 adverse impact.

5 BZA CHAIR HILL: Right, what I meant to say is
6 that if we didn't put it in as a condition, the Applicant no
7 longer necessarily would offer it.

8 So, anyway, Mr. Miller, do you have a thought?
9 I can go either way.

10 COMMISSIONER MILLER: I would prefer, the
11 Applicant has agreed to a condition of the order, in direct
12 response to my question, of limiting the use to residential
13 for no shorter than 15 years. I think it's clear that the
14 party in opposition, and I think as matter of common sense,
15 that any non-residential use adjacent to a residential use
16 would tend to have an adverse impact. But the parties have
17 agreed to that. The Applicant has offered that. The ANC
18 made their support conditioned upon that, so I would also
19 push back and would be in favor of including such a condition
20 if we had three votes for it. If we don't have three votes
21 for it then I suppose I still would be supportive of the
22 application. But I don't see the harm. I do see it as a
23 mitigation of potential adverse impact of an adjacent, non-
24 residential use if that was going to be the case. So, the
25 Applicant has offered it. I see no harm in including it as

1 a condition. It's certainly enforceable by the Zoning
2 Administrator.

3 BZA CHAIR HILL: Ms. Hart -- I mean, Ms. John.
4 You raised your hand.

5 MEMBER JOHN: I am really having difficulty with
6 imposing this condition because it's a covenant that runs
7 with the land. So, we are, for 15 years prohibiting any
8 commercial use on that property, which is zoned for
9 commercial use.

10 COMMISSIONER MILLER: The owner of the property
11 has agreed to it.

12 MEMBER JOHN: Pardon?

13 COMMISSIONER MILLER: The owner of the property
14 has agreed to it.

15 MEMBER JOHN: Well, the owner can agree to it, but
16 as a Board is that something that the board should do?

17 COMMISSIONER MILLER: They offered it.

18 MEMBER JOHN: Well, they offered it perhaps under
19 duress, we don't know. If you own residential property that
20 you're trying to build your house on and somebody says to
21 you, well, the only way you can build your house is if you
22 agree that, you know, that this property will never be used
23 for commercial purpose even though --- even though the zoning
24 allows that.

25 So, I would agree with OAG that if the concern is

1 noise, or the number of people, then perhaps those are better
2 conditions. But I think --- my concern with these kinds of
3 conditions that are scaling the limits of our authority, is
4 that, you know, people might think, okay, I won't --- I will
5 make it difficult for you unless you give me this particular
6 thing. That is not appropriate for the Board.

7 But, anyway, those are my thoughts. To me it's
8 like the other conditions that Applicants agree to for
9 contributions to various things that are of interest to city
10 but the Board still does not include them as conditions. So
11 those are just my two thoughts, Mr. Miller. And, you know,
12 I don't know how the Board will decide.

13 COMMISSIONER MILLER: Yes, I understand what
14 you're saying and the adjacent neighbor did ask for it to be
15 in perpetuity and I guess the Applicant came back with the
16 15-year thing and that's what the ANC went with, as far as
17 his application now, basically.

18 BZA CHAIR HILL: Okay. I can't believe this. I'm
19 saying that because I do think Ms. John has a valid point and
20 I'm still kind of stuck, okay? Which is to say, again, we
21 are the Board and we to decide. Well, not we are the Board
22 and we get to decide, but the ANC had this contingent and
23 that one, Mr. Miller, I'm not clear on. I have look it up
24 here. You know, was that condition contingent upon the ANC?

25 And, Ms. Nagelhout, maybe you can look at that

1 also, because if that means that it's not a condition, does
2 that mean that the ANC is now in opposition, which means that
3 this is taking it to a full order.

4 VICE CHAIR HART: It's a full order regardless,
5 it's a party in opposition so.

6 BZA CHAIR HILL: Thanks, I forgot. And I still
7 want to know if the ANC is withdrawing their support.

8 COMMISSIONER MILLER: I am looking at their letter
9 right now in Exhibit --- actually, I don't know what the
10 exhibit it is.

11 VICE CHAIR HART: 64.

12 BZA CHAIR HILL: Right, right.

13 COMMISSIONER MILLER: It says, support is subject
14 to the following conditions. The first one is the 15-year
15 residential use. And the second one is the screening option.

16 BZA CHAIR HILL: So, that's what --- so now and
17 I am not visiting Ms. John I'm just -- I am now either. So,
18 Mr. Hart, where are you?

19 VICE CHAIR HART: I, yeah, I think that it is not
20 a straightforward, it is --- it is a difficult decision with
21 regard to this covenant issue, only because the use is an
22 allowable use and we would be ---

23 BZA CHAIR HILL: Okay. Actually, I change my
24 mind. I change my mind. I change my mind. I'm not in favor
25 of, if it's a matter of right and you're on the matter of

1 right, I'm not in favor of the covenant. I am in favor of
2 the screen. Okay? So, that exhibit.

3 VICE CHAIR HART: And I will say this, too. It's
4 not that --- I just think that we are not --- I don't think
5 it should be a condition in the order. I think that the
6 Applicant can have a separate covenant with the owner -- I'm
7 sorry, with the party in opposition, that's fine, they can
8 do that. Or they can put the covenant down there. That's
9 up to them. I'm just saying that the screen is something
10 that I think that's within the zoning and it just seems a
11 little bit --- a little bit, well, it just seems --- it
12 doesn't seem to make sense to me to add the covenant in there
13 because of the reasons that we discussed.

14 BZA CHAIR HILL: That's fine. So, I think we have
15 the votes here now.

16 COMMISSIONER MILLER: I will just say that I'm
17 fine with that, but I think since this is going to be a full
18 order I think the findings of fact and at least the findings
19 of fact, not a condition of the decision, the findings of
20 fact would reference the fact that the ANC condition, their
21 support on that and that the Applicant has offered to enter
22 into a covenant that would restrict for no further than 15
23 years. Certainly the reference can be made in the findings
24 of fact even if it's not included as a condition of the order
25 --- condition of the decision that's part of the order.

1 I think that would be in there, because if you do
2 a full order you fully represent what's taking place in terms
3 of the findings of fact and representations that have been
4 made.

5 BZA CHAIR HILL: Okay. Ms. Nagelhout, did you get
6 that?

7 MS. NAGELHOUT: I did get that, yes.

8 BZA CHAIR HILL: Okay. All right. So then it
9 looks as though, if I'm getting this right, if I'm following
10 the ANC, A12 of Exhibit 62 is where the screening options are
11 referenced. And so I'm going to make a motion to approve
12 Application Number 20238 as captioned and read by the
13 Secretary including the condition that the Applicant work
14 with the party in opposition on one of the screening options
15 in A12, Exhibit 62.

16 Ms. John, sorry?

17 MEMBER JOHN: Just one question. If the parties
18 cannot agree on one of the options, then what happens? So,
19 I would suggest Applicant should be able to select one option
20 if they're unable to come to an agreement.

21 MS. NAGELHOUT: Mr. Chair?

22 BZA CHAIR HILL: Yes?

23 MS. NAGELHOUT: You could adopt a condition
24 requiring a screening element such as the one shown in
25 Exhibit whatever, and encourage the Applicant to work with

1 the party in opposition. But I agree with Ms. John that you
2 have to have some finality here. You have to have some way
3 for the Applicant to move forward with one of those screening
4 options in case there's no agreement reached with the
5 neighbor.

6 BZA CHAIR HILL: That's fine. So, I'll go ahead
7 and make a motion, again, to approve Application Number 20238
8 as captioned and read by the Secretary with the condition
9 that the Applicant work with the party in opposition on a
10 screening option, such as in A12 Exhibit 62. And if they not
11 come to an agreement, the Applicant does provide screening
12 similar to one of the options in A12 Exhibit 62 and ask for
13 a second? Ms. John?

14 MEMBER JOHN: Second.

15 BZA CHAIR HILL: The motion has been made and
16 seconded. All those in favor -- Mr. Moy, if you could take
17 a roll call, please?

18 MR. MOY: Seconded, Mr. Chairman. When I call
19 your name if you would please reply with a yes, no or abstain
20 to the motion made by Chairman Hill to approve the
21 application for relief request, including the condition as
22 he has already specified.

23 Zoning Commissioner Robert Miller?

24 COMMISSIONER MILLER: Yes.

25 MR. MOY: Vice Chair Hart?

1 VICE CHAIR HART: Yes.

2 MR. MOY: Ms. John?

3 MEMBER JOHN: Yes.

4 MR. MOY: Chairman Hill?

5 BZA CHAIR HILL: Yes.

6 MR. MOY: Staff would record the vote as four to
7 zero to one and this is on the motion of Chairman Hill to
8 approve the application with the condition as stated.
9 Seconding the motion, Ms. John. Also in support Vice Chair
10 Hart and Zoning Commissioner Robert Miller.

11 Motion carried, sir. And we have a Board seat
12 vacant. Four to zero to one.

13 BZA CHAIR HILL: Okay. Mr. Miller, is that it for
14 you?

15 COMMISSIONER MILLER: That's it, adios amigos, and
16 good luck, Board Member Hart, we will see you other
17 capacities and have a good August, safe and well August,
18 everybody. Bye.

19 BZA CHAIR HILL: Thank you. You guys, I got to
20 say, I don't know. I mean, it's 1:00.

21 So, Mr. Moy, I have to go get some lunch, and so
22 we're going to come back at --- I think we're back here at
23 1:45, personally. So, even if we said 1:30 it will be 1:45.
24 Does that work with everybody? Okay. All right. I'll see
25 you guys at 1:45.

1 (Whereupon, the above-entitled matter went off the
2 record at 1:01 p.m. and resumed at 4:52 p.m.)

3 BZA CHAIR HILL: Then that being the case then I
4 guess we can call that last case that Mr. Shapiro was on.

5 MR. MOY: Yes. Then that would be Case
6 Application Number 20014-A, Addisleigh, R., Washington
7 Properties, LLC.

8 This is a request for a modification of a
9 consequence to the conditions of BZA Order Number 20014 to
10 allow a redesign and a change in the uses of the approved
11 building at premises at --- and a change in uses in the
12 approved building in the MU-4 Zone at premises 1803 Rhode
13 Island Avenue Northeast, Square 4209, Lot 5. I think that's
14 the right address. Yes, yes. Rhode Island Avenue.

15 BZA CHAIR HILL: Okay, right. And so there's no
16 ANC report. The ANC had asked for a delay so that they can
17 take a look at this. And I'm fine with giving them the
18 delay. They're meeting, I guess, in August, which I was a
19 little surprised at. Is that correct, Mr. Moy?

20 MR. MOY: That's my understanding, sir.

21 BZA CHAIR HILL: So, then we can do this in
22 September then?

23 MR. MOY: Yes.

24 BZA CHAIR HILL: When is Mr. Shapiro back?

25 COMMISSIONER SHAPIRO: September 16th.

1 BZA CHAIR HILL: Right, perfect. So, then we'll
2 just have another one on September 16th. Let's do that.

3 Okay. All right. So, Mr. Moy, let's postpone
4 this to September 16th. Because I think, you said in the
5 record the ANC is meeting in, so when will we get something
6 from the ANC then?

7 MR. MOY: Well, I will --- the staff will contact
8 them and I think that to allow them adequate time, let's set
9 a date of let's say by September --- by Wednesday, September
10 the 9th.

11 BZA CHAIR HILL: Okay. All right.

12 Mr. Hart, do you want to take a break before you
13 start yours? Mr. Shapiro, see you later.

14 VICE CHAIR HART: See you, Commissioner Shapiro.

15 COMMISSIONER SHAPIRO: Carlton?

16 VICE CHAIR HART: See you later, man.

17 COMMISSIONER SHAPIRO: Later.

18 VICE CHAIR HART: Nice working with you.

19 COMMISSIONER SHAPIRO: You, too.

20 VICE CHAIR HART: I guess we're going to have to.
21 Just, like a few minutes. Ten minutes.

22 BZA CHAIR HILL: Okay. I'm not on the next two,
23 but I am going to stick around to end the hearing.

24 VICE CHAIR HART: Understood.

25 BZA CHAIR HILL: I'm just going to watch.

1 VICE CHAIR HART: And we have there Mr. Peter May.
2 We can see you now. I know, I know, we're waking you up from
3 your long day's sleep.

4 We're going to take about a ten minute break.
5 We'll come back at 5:05.

6 VICE CHAIR HART: That's what I need is a break.

7 COMMISSIONER MAY: I know, I know. It's been a
8 rough day for you.

9 VICE CHAIR HART: I've been on this all day long.

10 COMMISSIONER MAY: Thanks for hanging in there.

11 (Whereupon, the above-entitled matter went off the
12 record at 4:56 p.m.)

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: DCBZA

Date: 08-05-20

Place: teleconference

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



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com