

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

OCTOBER 26, 2022

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via videoconference, pursuant to notice at 9:38 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA JOHN, Vice Chair
CHRISHAUN SMITH, Board Member
CARL H. BLAKE, Board Member

ZONING COMMISSION MEMBER PRESENT:

ROBERT MILLER, Zoning Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist
TRACEY ROSE, Senior Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

ELISA VITALE
JONATHAN KIRSCHENBAUM

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D.C OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQUIRE

The transcript constitutes the minutes from the
Regular Public Hearing held on October 26, 2022.

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

(9:38 a.m.)

CHAIRPERSON HILL: Good morning, ladies and gentlemen, to the Board of Zoning Adjustment. Today's date is 10/26/2022. The public hearing will please come to order.

My name is Fred Hill. I'm the Chairperson of the District of Columbia Board of Zoning Adjustment. Joining me today is Vice Chair, Lorna John; Board Members, Carl Blake and Chrishaun Smith; and Zoning Commissioner, Rob Miller.

Today's meeting and hearing agenda is available to you on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on Webex or by telephone will be muted during the hearing. Also be advised that we do not take any public testimony at our decision meeting session.

If you're experiencing difficulty accessing Webex or with your call-in, then please call our OZ hotline number at 202-727-5471 to receive Webex call-in or login instructions.

At the conclusion of the decision meeting session, I shall, in consultation with the Office of Zoning, determine whether a full or summary order may be issued. A full order is required when the decision it contains is adverse to a party,

1 including the affected ANC. A full order may also be needed if
2 the Board's decision differs from the Office of Planning's
3 recommendation. Although the Board favors the use of summary
4 orders whenever possible, an Applicant may not request the Board
5 to issue such an order.

6 In today's hearing session, everyone who is listening
7 on Webex or by telephone will be muted during the hearing, and
8 only persons who have signed up to participate or testify will
9 be unmuted at the appropriate time. Please state your name and
10 home address before providing oral testimony or your
11 presentation. Oral presentations should be limited to a summary
12 of your most important points. When you are finished speaking,
13 please mute your audio so that your microphone is no longer
14 picking up sound or background noise.

15 Once again, if you're experiencing difficulty accessing
16 Webex, or with your telephone call-in, or if you've forgotten to
17 sign up, then call 202-727-5471.

18 All persons planning to testify either in favor or in
19 opposition should have signed up in advance and will be called
20 by name to testify. If this an appeal, only parties are allowed
21 to testify. By signing up to testify, all participants completed
22 the oath or affirmation as required by Subtitle Y, 408.7.
23 Requests to enter evidence at the time of an online virtual
24 hearing such as written testimony or additional supporting
25 documents, other than live video, which may not be presented

1 prior to testimony, may be allowed pursuant to Subtitle Y, 102.13,
2 provided the person making the request enter an exhibit
3 explaining: A, how the subject is relevant; B, the good cause
4 that justifies by allowing the exhibit into the record, including
5 an explanation of why the requester did not file the exhibit
6 prior to the hearing pursuant to Y 206; and how the proposed
7 exhibit would not unreasonably prejudice any party. The order
8 of procedures for special exceptions and variances are pursuant
9 to Y 409.

10 At the conclusion of each case, an individual who was
11 unable to testify because of technical issues may file a request
12 to leave the following version of their planned testimony to the
13 record within 24 hours following the conclusion of public
14 testimony in the hearing. If additional written testimony is
15 accepted, then parties will be allowed a reasonable time to
16 respond as determined by the Board. The Board will then make
17 its decision at the next meeting session, but no earlier than 48
18 hours after the hearing.

19 Moreover, the Board may request additional specific
20 information to complete the record. The Board and the staff will
21 specify at the end of the hearing exactly what is expected and
22 the date when persons must submit the evidence to the Office of
23 Zoning. No other information shall be accepted by the Board.

24 Once again, finally, the District of Columbia
25 Administrative Procedures Act requires that the public hearing

1 on each case be held in the open before the public. However,
2 pursuant to Section 405(b) and 406 of that Act, the Board may,
3 consistent with its Rules of Procedures and the Act, enter into
4 a closed meeting on a case for purposes of seeking legal counsel
5 on a case pursuant to D.C. Official Code Section 2-575(B)(4),
6 and/or deliberating on a case pursuant to D.C. Official Code
7 Section 2-575(B)(13), but only after providing the necessary
8 public notice and, in the case of an emergency closed meeting,
9 after taking a roll call vote.

10 Ms. Rose, do we have any preliminary matters?

11 MS. ROSE: Good morning, Mr. Chairman and Members of
12 the Board. Yes, staff would note that BZA Number 20549, appeal
13 of Advisory Neighborhood Commission 6B has been withdrawn and
14 will not be heard today. Any other preliminary matters can be
15 handled when we call the cases.

16 CHAIRPERSON HILL: Okay. Great. Okay. And you guys,
17 once again, I apologize, but around 10:00, 10:15 somewhere in
18 there, I'm going to have to break for 15 minutes, and so I will
19 let you know when that moment arises. Up until then, Ms. Rose,
20 you can call our first case, and good morning, everyone.

21 MS. ROSE: Good morning. The first case is Application
22 Number 20788 of Shannon Collier and Seth Horstmeyer. This is for
23 special exception relief from the lot occupancy requirements of
24 Subtitle D, Section 304.1 (pursuant to Subtitle D, Section 5201,
25 and Subtitle X, Section 901.2), and from the rear yard

1 requirements of Subtitle D, Section 306.2 (pursuant to Subtitle
2 D, Section 5201, and Subtitle X, Section 901.2), to construct a
3 rear deck addition to an existing semi-detached two story with
4 basement, principal dwelling unit in the R-2 zone at Premises
5 609, Quintana Place, N.W., Square 3200, Lot 231.

6 CHAIRPERSON HILL: All right. Great. Thank you.

7 If the Applicant can hear me, if they could please
8 identify themselves.

9 MS. COLLIER: Hi, yes. This is Shannon Collier, and I
10 can hear you.

11 CHAIRPERSON HILL: Okay, Ms. Collier. Are you choosing
12 not to use your camera? It's fine; just wanted to know.

13 MS. COLLIER: I'm not choosing. I've actually never
14 used Webex before, so I'm not even sure how to show myself.

15 CHAIRPERSON HILL: At the bottom, if you scroll your
16 cursor over the screen, at the bottom, there should be a "Start
17 Video" button.

18 MS. COLLIER: Okay.

19 CHAIRPERSON HILL: Okay. Great. Wonderful. Thank
20 you. All right, Ms. Collier. If you want to go ahead and tell
21 us about your application. We have reviewed the record, and I
22 know you're not a zoning attorney, but if you'd like to tell us
23 what you're trying to do and we'll see whether or not we have
24 any questions for you.

25 MS. COLLIER: Sure, yeah. Actually, I thought it was

1 much more simple than it has appeared to be. But basically, what
2 our goal was and is, is that we purchased the house at 609
3 Quintana Place, Northwest, D.C. 20011, and at the time we bought
4 the house, the former homeowner had replaced the original deck
5 with a larger deck that was not to code and was deemed as not
6 particularly safe by our original home inspection, and that was
7 back in 2008.

8 We have the intention -- had the intention to replace
9 that deck as, you know, it wore and tore over the years and the
10 posts were starting to twist. And again, it was already unsafe
11 when we bought the house. Our goal is to replace the deck, bring
12 it back to code, and then also to have it more in character with
13 the way that the home was originally built. So that's all we're
14 really trying to do.

15 CHAIRPERSON HILL: Okay. Great. Thanks, Ms. Collier.

16 If the Board's okay, I'm going to hear from the Office
17 of Planning first and then ask questions. May I hear from the
18 Office of planning, please?

19 MR. KIRSCHENBAUM: Good morning, Chair Hill and members
20 of the Board of Zoning Adjustment. I am Jonathan Kirschenbaum
21 with the Office of Planning, and we recommend approval of the
22 special exception relief for lot occupancy and rear yard, and we
23 rest on the record. Please let me know if you have any questions.
24 Thank you.

25 CHAIRPERSON HILL: Thank you.

1 Ms. Collier, you guys went through the ANC, correct?

2 MS. COLLIER: We did, and we have in the record approval
3 from the ANC.

4 CHAIRPERSON HILL: Okay. Great. I see that as well
5 in the record.

6 Does the Board have any questions for the Applicant or
7 the Office of Planning?

8 (No audible response.)

9 CHAIRPERSON HILL: Mr. Young, is there anyone here
10 wishing to speak?

11 (No audible response.)

12 CHAIRPERSON HILL: Okay. Ms. Collier, is there
13 anything you'd like to add at the end?

14 MS. COLLIER: There's a lot I could say about this
15 process. I think the one thing I will say is that in particular,
16 Mr. Robert Reid from your office has been an incredible asset to
17 the city and to this team and to this process for me, as far as
18 being able to just answer questions, helping guide the process,
19 and I'm definitely grateful to hear that DCRA is going through
20 some restructuring, because ultimately that has been one of the
21 more confusing aspects of this experience for me.

22 CHAIRPERSON HILL: Okay. Well, thanks, Ms. Collier.
23 And thank you, Mr. Reid.

24 Ms. Rose, if you could please pass that on to Mr. Reid
25 and also let Mr. Moy know, because it's always helpful when Mr.

1 Reid and the office is able to help people that aren't zoning
2 attorneys and so they don't necessarily know the process. But,
3 Ms. Collier, it seems as though you successfully have navigated,
4 so congratulations.

5 All right. I'm going to go ahead and close the hearing
6 and the record.

7 Thank you, Ms. Collier.

8 MS. COLLIER: Thank you very much. And can you just
9 let me know the next step?

10 CHAIRPERSON HILL: Yeah, you can go ahead and watch,
11 Ms. Collier. The Office of Zoning will be in touch with you.

12 Okay. All right. I actually didn't have any issue
13 with this application. I would agree with the analysis that the
14 Office of Planning has provided as well as that of the Applicant.
15 Also, I am happy to see that DDOT had no objection as well as
16 ANC 4B, so I'm going to be voting in approval of this application.

17 Mr. Smith, do you have anything to add?

18 BOARD MEMBER SMITH: I don't have anything to add. I
19 agree with your analysis of this case and the Office of Planning's
20 analysis of this case. I have no issues. The proposed deck
21 seems to be roughly the same size and in keeping with the
22 character that's already along that alley, so this will only just
23 improve the aesthetics, so I will be in support of the special
24 exception.

25 CHAIRPERSON HILL: Thank you. Mr. Blake.

1 BOARD MEMBER BLAKE: Yes, I would agree with the
2 analysis that both you and Board Member Smith provided on this.
3 I do believe the Applicant meets the burden of proof to be granted
4 relief, and I'll be voting in favor of the application.

5 CHAIRPERSON HILL: Thank you. Commissioner Miller.

6 COMMISSIONER MILLER: Yes.

7 CHAIRPERSON HILL: Vice Chair John.

8 VICE CHAIR JOHN: Thank you, Mr. Chairman. I agree
9 with all of the comments so far and I'm in support of the
10 application.

11 CHAIRPERSON HILL: Okay. Great. I'll go ahead and
12 make a motion to approve Application Number 20788 as captioned
13 and read by the secretary and ask for a second. Ms. John.

14 VICE CHAIR JOHN: Second.

15 CHAIRPERSON HILL: Ms. Rose, if you could take a roll
16 call, please.

17 MS. ROSE: Please respond with your vote.

18 Chairman Hill.

19 CHAIRPERSON HILL: Yes.

20 MS. ROSE: Vice Chair John.

21 VICE CHAIR JOHN: Yes.

22 MS. ROSE: Mr. Blake.

23 BOARD MEMBER BLAKE: Yes.

24 MS. ROSE: Mr. Smith.

25 BOARD MEMBER SMITH: Yes.

1 MS. ROSE: And Commissioner Miller.

2 COMMISSIONER MILLER: Yes.

3 MS. ROSE: Staff will record the vote as 5 to 0 to 0
4 to approve the application on a motion by Mr. Hill, seconded by
5 Ms. John, with Mr. Blake, Mr. Smith, and Mr. Miller in support
6 of the motion.

7 CHAIRPERSON HILL: Thank you.

8 And, Ms. Rose, again, if you would thank Mr. Reid and/or
9 if you guys could both reach out to Ms. Collier to let her know
10 how this process will continue moving forward.

11 MS. ROSE: We certainly will. Thank you.

12 CHAIRPERSON HILL: Thank you. All right.

13 Ms. Rose, you can call the next case.

14 MS. ROSE: The next application is Number 20793 of Lily
15 Habtom. This is a special exception from the matter-of-right uses
16 of Subtitle U, Section 401 (pursuant to Subtitle U, Section 421,
17 and Subtitle X, Section 901.2), and from the lot occupancy
18 requirements of Subtitle F, Section 304.1 (pursuant to Subtitle
19 F, Section 5201, and Subtitle X, Section 901.2), to construct an
20 additional dwelling unit and convert to a three-unit apartment
21 house, an existing, semi-detached, two-story with cellar, flat
22 in an RA-1 zone at premises 36 Hawaii Avenue, Northeast, Square
23 3675, Lot 1.

24 And as a preliminary matter, the Applicant has
25 submitted a PowerPoint presentation within the 24-hour period and

1 will need a waiver of the 24-hour rule.

2 CHAIRPERSON HILL: Okay. Thank you. Unless the Board
3 has any issues, I'd like to see that PowerPoint presentation.
4 Would the staff please add that to the record? And I assume that
5 Mr. Young has that PowerPoint.

6 Ms. Wilson, if you can hear me, if you can introduce
7 yourself for the record.

8 MS. WILSON: Hi. Alex Wilson from Sullivan and Barros
9 on behalf of the Applicant in this case.

10 CHAIRPERSON HILL: Great. Thanks.

11 So, Ms. Wilson, if you want to go ahead and walk us
12 through your application as to why you believe your client is
13 meeting the requirements for us to grant the relief requested.
14 I'm going to put 15 minutes on the clock there so I know where
15 we are, and you can begin whenever you like.

16 MS. WILSON: Great. Thank you so much.

17 Mr. Young, could you please pull up our presentation?

18 Would you go to the next slide when you have a chance?
19 Thank you so much.

20 So the property is located in the RA-1 zone. It
21 currently has three units, but the existing certificate of
22 occupancy is only for two units. So we are seeking special
23 exception relief from U, 421 for a new development in the RA-1
24 zone, and that's just to make the existing third unit legal.
25 We're not physically adding any additional units or altering the

1 building envelope in any way. We do require special exception
2 relief for lot occupancy, because even though the lot occupancy
3 is decreasing overall, the existing lot occupancy is non-
4 conforming and exterior elements like the stairs are being
5 relocated and BZA typically only allows you to rebuild in kind
6 in this type of situation. And so we do need relief for that.

7 The Office of Planning is recommending approval. We
8 worked closely with them to relocate the staircase and adjust
9 exterior elements. We have three letters of support from the
10 adjacent neighbors, and the ANC did vote to support unanimously.
11 We thought the letter was going to be submitted yesterday or this
12 morning. I believe -- I assumed the (audio interference) was
13 potentially logging in to talk about the support, but we did get
14 unanimous support from the ANC.

15 Next slide, please.

16 This just shows the context from the corner of Allison
17 and Hawaii.

18 Next slide, please.

19 In terms of the general criteria, the request is to
20 keep the status quo in terms of the number of units and overall
21 lot occupancy is decreasing slightly.

22 Next slide, please.

23 The proposal meets the requirements of U 421. It just
24 makes the existing situation legal and should not impact any of
25 these requirements. And again, we did work closely with the

1 Office of Planning to make sure it fits within the context of
2 the street and relocated staircases.

3 Next slide, please.

4 In terms of the specific requirements for the lot
5 occupancy relief, the relocation will result in an overall
6 decrease in lot occupancy. The proposed stair -- existing stair
7 is being relocated further away from the only adjoining property,
8 and again, the Applicant worked with the Office of Planning to
9 find a location for the stair that did not substantially visually
10 intrude upon the character, scale, and patterns of houses.

11 Next slide, please.

12 That concludes the main portion of the presentation.
13 I don't see our architect on here. He was supposed to join, but
14 I'm happy to answer any questions or get in touch with him.

15 CHAIRPERSON HILL: Mr. Young, is the commissioner from
16 the ANC here, by any chance?

17 (No audible response.)

18 CHAIRPERSON HILL: Okay.

19 Is there anyone here wishing to speak?

20 MR. YOUNG: We do not.

21 CHAIRPERSON HILL: Okay. All right.

22 Does the Board have any questions of the Applicant?

23 (No audible response.)

24 CHAIRPERSON HILL: I'm going to turn to the Office of
25 Planning.

1 MR. KIRSCHENBAUM: Good morning, again. Jonathan
2 Kirschenbaum with the Office of Planning.

3 We recommend approval for new residential development
4 in the RA-1 zone via special exception and special exception for
5 lot occupancy.

6 Our analysis and recommendation is based on the
7 architectural plans of Exhibit 22-B. And we appreciate the
8 Applicant's responsiveness to our concerns about the original
9 location of the staircase to the second floor, and as the
10 Applicant mentioned, it was moved to the rear of the building,
11 which we think is a better overall solution. And we rest on the
12 staff report. Please let me know if you have any questions.
13 Thank you.

14 CHAIRPERSON HILL: Great. Thank you.

15 Ms. Wilson, is Mr. Bloom the architect?

16 (No audible response.)

17 CHAIRPERSON HILL: Okay. That's fine. Okay.

18 Mr. Bloom, you can introduce yourself for the record
19 since you're not here.

20 MR. BLOOM: Sure. My name is Dave Bloom. I'm the
21 architect with District Architecture Studio.

22 CHAIRPERSON HILL: Okay. Great. Thank you. All right.
23 Does the Board have any questions for anyone?

24 (No audible response.)

25 CHAIRPERSON HILL: Okay. Ms. Wilson, you have -- oh,

1 | sorry. Go ahead, Mr. Blake.

2 | BOARD MEMBER BLAKE: Mr. Bloom, could you just tell me,
3 | what's the actual distance between the property line and the
4 | staircase?

5 | MR. BLOOM: From Hawaii?

6 | BOARD MEMBER BLAKE: No, from the adjacent property.

7 | MR. BLOOM: Oh, from the adjacent property. So the
8 | existing distance is a few feet, maybe three or four feet, and
9 | that's being extended to, I'd guess, around 12 to 15 feet.

10 | BOARD MEMBER BLAKE: Okay. Thank you.

11 | CHAIRPERSON HILL: Okay. Anyone else?

12 | (No audible response.)

13 | CHAIRPERSON HILL: All right.

14 | Ms. Wilson, do you want to add anything at the end?

15 | (No audible response.)

16 | CHAIRPERSON HILL: Okay. I'm going to go ahead and
17 | close the record and excuse everyone, please.

18 | I again didn't have any issues or concerns with this
19 | one. I thought it was relatively straightforward. I thought
20 | that I would -- I mean, I would agree with the Applicant's
21 | PowerPoint as to why they're meeting the criteria for us to grant
22 | the relief requested, also that of the -- analysis that the Office
23 | of Planning has supported. The testimony that the Applicant put
24 | forward, I would, you know, believe, which is that the ANC has
25 | voted unanimously to support. I think the envelope isn't

1 changing, so I don't see a big issue with this. I would leave
2 the record open, however, to see if we can get something from
3 the ANC. Maybe if -- again the Office of Zoning could reach out
4 to the ANC for something from them, we will leave it open for a
5 week, and if not, then we'll go ahead and close the record. Other
6 than that, I have nothing really to add.

7 Mr. Smith, do you have anything to add?

8 BOARD MEMBER SMITH: I concur with your opinion and
9 will support the special exception.

10 CHAIRPERSON HILL: Mr. Blake.

11 BOARD MEMBER BLAKE: I, too, concur with your analysis
12 and will be in support of the application.

13 CHAIRPERSON HILL: Commissioner Miller.

14 COMMISSIONER MILLER: I concur with my colleagues and
15 support the application and thank the Applicant for reaching out
16 to the neighbors and the ANC, and working with Office of Planning
17 on design related issues. I support the application. Thank you.

18 CHAIRPERSON HILL: Thank you, Commissioner Miller.

19 Vice Chair John.

20 VICE CHAIR JOHN: Thank you, Mr. Chairman. I agree
21 with the Office of Planning analysis and the comments (audio
22 interference) how this application meets the requirements.
23 Unfortunately, we can't give great weight to the ANC report as
24 there is no report in the record as of this time.

25 CHAIRPERSON HILL: Thank you. Thank you, Vice Chair

1 John.

2 All right. I am going to make a motion to approve
3 Application Number 20793 as captioned and read by the secretary
4 and ask for a second. Ms. John.

5 VICE CHAIR JOHN: Second.

6 CHAIRPERSON HILL: Oh, and also to leave the record
7 open for one week for the ANC to submit. The motion has been
8 made and seconded. Ms. Rose, if you could take a roll call.

9 MS. ROSE: Yes. When I call your name, please respond.
10 Chairman Hill.

11 CHAIRPERSON HILL: Yes.

12 MS. ROSE: Vice-Chair John.

13 VICE CHAIR JOHN: Yes.

14 MS. ROSE: Mr. Blake.

15 BOARD MEMBER BLAKE: Yes.

16 MS. ROSE: Mr. Smith.

17 BOARD MEMBER SMITH: Yes.

18 MS. ROSE: Mr. Miller.

19 COMMISSIONER MILLER: Yes.

20 MS. ROSE: The staff would record the vote as 5 to 0
21 to 0 to approve the application on a motion by Chairman Hill,
22 seconded by Vice Chair John, with Mr. Blake, Mr. Smith, and Mr.
23 Miller in support of the motion.

24 CHAIRPERSON HILL: Thank you.

25 All right, Ms. Rose. I know we have a short day because

1 we were going to have an appeal today. And we'll see whether
2 this case gets interrupted because I might have to take a quick
3 moment, but if you could call our last one, please.

4 MS. ROSE: Yes. This is Application Number 20794 of
5 SQL 1335 Taylor, LLC. This is a special exception from the
6 matter-of-right uses of Subtitle U, Section 301, (pursuant to
7 Subtitle U, Section 320.2, and Subtitle X, Section 901.2), to
8 construct a third story and a three-story rear addition with
9 cellar and roof deck, and convert to a three-unit apartment house
10 an existing, attached, two-story with cellar, principal dwelling
11 unit in the RF-1 zone, at 1335 Taylor Street, Northwest, Square
12 2822, Lot 17.

13 CHAIRPERSON HILL: Okay. Thank you.

14 Mr. Heisey, if you can hear me, if you could introduce
15 yourself for the record, please.

16 MR. HEISEY: Mr. Chairman, I am Joel Heisey. I'm
17 representing the owner for the application.

18 CHAIRPERSON HILL: Okay, Mr. Heisey. Do you want to
19 go ahead and walk us through your client's application and why
20 you believe that they're meeting the criteria for us to grant the
21 relief requested? I'm going to put 15 minutes on the clock so I
22 know where we are, and you can begin whenever you like.

23 MR. HEISEY: Sure. The other two were short and sweet.
24 I'm going to keep this one the same way, and then you guys have
25 the shortest agenda I think I've ever seen.

1 As was stated for the record, we are requesting to
2 convert a single-family dwelling to a three-unit apartment
3 building in the RF-1 zone. All other zoning requirements are
4 being met and this is the only exception being requested. The
5 adjoining property is exactly the same footprint that we are
6 proposing and the same three-unit design that was approved by the
7 Board in January of '21. There are seven others that have been
8 approved in this single member ANC just since the 2016 Regulations
9 have been adopted. I believe it does meet the standard for being
10 -- with the -- in congruity with the design of the neighborhood.
11 The light and air are not being affected by the adjoining
12 neighbors, with only a 10-foot extension by right, and these are
13 deep lots. There is about another 30, maybe 40 feet behind the
14 buildings yet.

15 The Office of Planning is in support of this
16 application. The ANC has voted in support of the application.
17 The neighbor at 1337 with the three-unit apartment building has
18 not objected to the application. We don't have an actual letter
19 of support because there are some construction issues between the
20 two owners, and the Applicant didn't want to aggravate that
21 situation. The owner at 1333 Taylor Street is an elderly single
22 woman. She is not opposed to this. She has not had any concerns,
23 but she was not willing to actually put anything in writing.
24 Other than that, I believe the record -- I'll stand on the record
25 as presented. If you have any questions, I'd be glad to answer

1 | them.

2 | CHAIRPERSON HILL: Okay, Mr. Heisey. I don't have a
3 | lot of zoning questions. I did want to ask about the ANC.

4 | So in Exhibit 25, there's a bunch of items that the ANC
5 | was concerned about that the Applicant has seen. I don't know
6 | -- well, I know that some of them would necessarily be outside
7 | of our purview, but is the Applicant in agreement with all of
8 | those conditions that the ANC had put forward in Exhibit 25?

9 | MR. HEISEY: I need to check to see if they have
10 | included their housing. They usually throw in an affordable
11 | housing thing from this ANC.

12 | CHAIRPERSON HILL: There is no affordable housing
13 | thing.

14 | MR. HEISEY: Okay. I believe the others were all kind
15 | of related to construction issues and, yes, the Applicants agreed
16 | to all of those.

17 | CHAIRPERSON HILL: Okay. In Exhibit 25. The ones that
18 | I think are --

19 | MR. HEISEY: In fact, I'm looking at it now and, yes,
20 | they've agreed to all of it.

21 | CHAIRPERSON HILL: Okay. The ones that really are more
22 | pertaining to the Board and adverse impact I would think, if the
23 | Board is in agreement, would be the Applicant will provide a
24 | point of contact, phone and email with neighbors that can contact
25 | with any questions or concerns about the development.

1 Number 8 seems to be, provide exterior lighting on the
2 rear extensions to further illuminate the rear parking and
3 alleyway behind these properties.

4 Number 9, that two parking spaces on the rear of the
5 property, accessible via the alley, be included in any plans.
6 Such parking will be permeable surfaces.

7 There are two parking spaces, correct, Mr. Heisey?

8 MR. HEISEY: Yes, there are. And the owners, the
9 adjoining owners already have contact information and the plans.
10 It's easy to add a light in the back if it's not already shown.

11 CHAIRPERSON HILL: Okay.

12 And then install permeable pavers for any driveway,
13 parking pad, walkway, or patio surface to be installed to help
14 with water runoff and flooding. That was Number 11. So, Number
15 1, 8, 9, and 11. And so those are my comments and the Applicant
16 has already agreed to all of them, but those are the ones that I
17 think we could possibly impart in our order.

18 May I turn to the Office of Planning, and then I'll ask
19 my fellow Board members if they have any questions.

20 MS. VITALE: Good morning, Mr. Chair, members of the
21 Board. Elisa Vitale with the Office of Planning.

22 The Office of Planning recommends approval of the
23 requested special exception relief under U 320.2 and will rest
24 on the record of the staff report.

25 CHAIRPERSON HILL: Great. Thank you.

1 Does the Board have any questions for the Applicant or
2 the Office of Planning?

3 (No audible response.)

4 CHAIRPERSON HILL: Mr. Young, is there anyone here
5 wishing to speak?

6 MR. YOUNG: A witness signed up.

7 CHAIRPERSON HILL: Could you please put that witness
8 forward? Is it Sima, S-I-M-A?

9 MR. HEISEY: Mr. Sima is the owner of the property.

10 CHAIRPERSON HILL: Oh.

11 MR. HEISEY: Or Sima, is it -- is the owner of the
12 property.

13 CHAIRPERSON HILL: The witness, Mr. Young.

14 MR. YOUNG: Okay. No, I was --

15 MR. SIMA: I'm part of the team.

16 CHAIRPERSON HILL: Oh, okay. So we don't have any
17 witnesses then, Mr. Young?

18 MR. YOUNG: No, we do not.

19 CHAIRPERSON HILL: Okay. All right.

20 Mr. Heisey, do you have anything you'd like to add at
21 the end?

22 MR. HEISEY: No. I stand on the record and look forward
23 to your approval.

24 CHAIRPERSON HILL: Okay. I'm going to go ahead and
25 close the hearing and the record. Okay.

1 Much like the other ones, I thought this was relatively
2 straightforward. I have noted the differences in the ANC
3 conditions versus those that I think the Board would be able to
4 implement. I would agree with the Applicant as to how they're
5 meeting the criteria for us to grant the relief requested as well
6 as that of the Office of Planning and DDOT.

7 Mr. Smith, do you have anything to add?

8 BOARD MEMBER SMITH: I concur with your position on
9 inclusion of that particular set of conditions that we can
10 reasonably and legally enforce. And I do give great weight to
11 the Office of Planning staff report and would support the special
12 exception.

13 CHAIRPERSON HILL: Great. Mr. Blake.

14 BOARD MEMBER BLAKE: Yeah, I too agree with the analysis
15 that you and Board Member Smith have set forth.

16 The one question I have is that the inclusion of the
17 requirement for the lighting. That's not shown on the existing
18 plan. Do we believe it needs to be incorporated? I'm comfortable
19 that it does not, but -- as it is being explicitly stated, but
20 that would be the only concern I have. But otherwise, I'm in
21 support of the application.

22 CHAIRPERSON HILL: I'm comfortable the way it is
23 mentioned during the application and also with it being in the
24 record as a condition unless anyone has other issues.

25 Ms. John, do you have any -- I'm sorry. Commissioner

1 Miller.

2 COMMISSIONER MILLER: Mr. Chairman, I concur with my
3 colleagues' comments and believe the Applicant has satisfied the
4 criteria for the special exception relief, and support the
5 application with the conditions that you cited, 1, 8, 9, and 11,
6 from the ANC resolution, and appreciate the Applicant's agreement
7 to satisfy those ANC conditions. Thank you.

8 CHAIRPERSON HILL: Great. Thank you.

9 Vice Chair John.

10 VICE CHAIR JOHN: Thank you, Mr. Chairman. I have
11 nothing to add. I agree with all of the comments so far and I
12 will give great weight to the Office of Planning report and the
13 ANC report with the conditions you've stated.

14 CHAIRPERSON HILL: Thank you.

15 VICE CHAIR JOHN: And I will note that the Applicant
16 has agreed to all of the conditions in the ANC report.

17 CHAIRPERSON HILL: Thank you, Ms. John.

18 I'm going to make a motion to approve Application
19 Number 20794 as captioned and read by the secretary, including
20 the conditions Number 1, 8, 9, and 11, as in Exhibit 25 of the
21 ANC report, and that I had mentioned during the hearing, and ask
22 for a second. Ms. John.

23 VICE CHAIR JOHN: Second.

24 CHAIRPERSON HILL: Motion made and seconded.

25 Ms. Rose, if you could please take a roll call.

1 MS. ROSE: When I call your name, please respond.
2 Chairman Hill.

3 CHAIRPERSON HILL: Yes.

4 MS. ROSE: Vice Chair John.

5 VICE CHAIR JOHN: Yes.

6 MS. ROSE: Mr. Blake.

7 BOARD MEMBER BLAKE: Yes.

8 MS. ROSE: Mr. Smith.

9 BOARD MEMBER SMITH: Yes.

10 MS. ROSE: Mr. Miller.

11 COMMISSIONER MILLER: Yes.

12 MS. ROSE: The staff would record the vote as 5 to 0
13 to 0 to approve the application with conditions as noted by the
14 Chair, on a motion by Chairman Hill, seconded by Vice Chair John,
15 with Mr. Blake, Mr. Smith, and Commissioner Miller in support of
16 the motion.

17 CHAIRPERSON HILL: Okay. Thank you. Thank you,
18 everyone. And I have to run to my other issue, and so you all
19 have a lovely day, and we are adjourned. Thank you.

20 (Whereupon, the above-entitled matter went off the
21 record at 10:11 a.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCBZA

Date: 10-26-2022

Place: Teleconference

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

Donna Jenkins