

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JANUARY 24, 2024

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video-Teleconference, pursuant to notice at 9:37 a.m. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA L. JOHN, Vice-Chairperson
CARL BLAKE, Member
CHRISHAUN S. SMITH, NCPC Designee

ZONING COMMISSION MEMBER PRESENT:

ANTHONY J. HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

RON BARRON
SHEPARD BEAMON
MICHAEL JURKOVIC

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.
COMETRIA COOPER, ESQ.
CARISSA DEMARE, ESQ.
RYAN NICHOLAS, ESQ.

The transcript constitutes the minutes from
the Regular Public Hearing held on January 24, 2024.

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

2 9:50 a.m.

3 MR. MOY: In the Board's public hearing session,
4 the first case is Application Number 20768 of District
5 Properties.com, Inc.

6 This is a self-certified application pursuant to
7 Subtitle X, Section 901.2, special exception under Subtitle
8 D, Section 5201 from the side yard requirements of Subtitle
9 D, Section 206.2 and Subtitle X, Section 1002 for area
10 variance from the minimum lot width requirements of Title D,
11 Section D -- strike that, Subtitle D, Section 202.1,
12 properties located in the R-1B Zone at 4337 Douglas Street,
13 Northeast, Square 5115, Lot 59.

14 And this is one of the two cases I mentioned
15 earlier where the Applicant filed the motion to continue and
16 postpone.

17 Thank you, sir.

18 BZA CHAIR HILL: Okay, thank you.

19 Y'all, give me just one second, please, I need to
20 grab something.

21 Okay, sorry.

22 If the Applicant can hear me, if they could
23 introduce themselves for the record, please?

24 (NO AUDIBLE RESPONSE)

25 BZA CHAIR HILL: Mr. Seck, can you hear me?

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1 (NO AUDIBLE RESPONSE)

2 BZA CHAIR HILL: Mr. Seck?

3 (NO AUDIBLE RESPONSE)

4 BZA CHAIR HILL: Can the Applicant hear me?

5 (NO AUDIBLE RESPONSE)

6 BZA CHAIR HILL: You all can hear me, right?

7 (NO AUDIBLE RESPONSE)

8 BZA CHAIR HILL: Okay, all right.

9 Well, we'll wait and see if Mr. Seck can hear me.

10 (NO AUDIBLE RESPONSE)

11 BZA CHAIR HILL: Mr. Seck?

12 (NO AUDIBLE RESPONSE)

13 BZA CHAIR HILL: Mr. Moy, do you have Mr. Seck's
14 contact information?

15 MR. MOY: Yes, I have staff reaching out to him.

16 He's on -- I think maybe he just unmuted himself.

17 BZA CHAIR HILL: Mr. Seck?

18 (NO AUDIBLE RESPONSE)

19 BZA CHAIR HILL: Okay.

20 So, there are two of these, Mr. Moy. There's this
21 one and there's the next one. Both are District properties.

22 If staff could reach out to Mr. Seck, I mean, even
23 if he called in -- Mr. Seck, even if you called in to that
24 202-727-5471 number, that would be helpful.

25 But I'm going to go ahead and move on and we'll

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1 come back to those two, Mr. Moy.

2 Mr. Young, if you could excuse everyone from the
3 hearing room.

4 And then, if you, Mr. Moy, could go ahead and call
5 our next one which is 21019, I believe.

6 MR. MOY: All right.

7 Okay, so, jumping down the list, or up the list,
8 depending on your point of view, the next case before the
9 Board then is Application Number 21019 of Equilibrium Cordova
10 Village, GA Avenue, LLC.

11 Self-certified application pursuant to Subtitle
12 X, Section 901.2, special exception under Subtitle C, Section
13 703.2 on the minimum vehicle parking requirements, Subtitle
14 C, Section 701.5, property in the MU-4 Zone at 2816 through
15 2818 Georgia Avenue, Northwest, Square 2886, Lots 328 and
16 329.

17 And I'd like to check one other thing.

18 Okay, that's it.

19 Thank you, sir.

20 BZA CHAIR HILL: Thank you.

21 Okay, if the Applicant can hear me, if they could
22 please introduce themselves for the record?

23 MR. DEBEAR: Eric DeBear from Cozen O'Connor, land
24 use attorney for the Applicant.

25 Chair Hill, I know that we are expecting Mr. Tase,

1 the architect to be on the call.

2 He had told me he had a meeting that -- until
3 10:00. So, he might be joining at some point.

4 BZA CHAIR HILL: Okay, let's see how this goes,
5 Mr. DeBear.

6 Why don't you go ahead and walk us through your
7 client's application and explain why you believe they're
8 meeting the criteria for us to grant that relief.

9 I mean, I see that you have a relatively extensive
10 PowerPoint. And that would make sense because it's, you
11 know, it's a large project.

12 And we'll see how it gets, what we need from you
13 or the architect, if we get to that point.

14 But I won't expect you to do anything necessarily
15 in the architectural renderings in detail.

16 But go ahead and begin whenever you like.

17 MR. DEBEAR: Great, thank you.

18 If Mr. Young could pull up the PowerPoint that we
19 filed in the case record, that would be great.

20 Thank you.

21 Next slide, please?

22 This is the property. It's comprised of two lots
23 that front on Georgia Avenue in the -- along the Georgia
24 Avenue corridor. It's in the MU-4 Zone.

25 Next slide, please?

1 The property is currently comprised of two
2 two-story buildings, both of which are used for
3 office/commercial uses at the corner of Georgia Avenue and
4 Gresham Place.

5 And as you can see in the image on the bottom left
6 there, that's the rear of the property along Gresham Place.
7 There's no alley or curb cut.

8 | Next slide, please?

9 The proposal is to subdivide the two lots and
10 demolish the two existing structures and construct a new
11 mixed use building that will have ten units and about 27,000
12 square feet of commercial space on the ground and cellar
13 levels.

14 So, this is intended to be an entirely by-right
15 development other than this request for parking relief, which
16 is one space, which I will explain in a moment.

17 || Next slide, please?

18 We have the support of ANC 1E. We have the
19 support of the Office of Planning. And DDOT submitted a
20 report stating no objection.

21 | Next slide, please?

22 I want to briefly walk through the plans. As we
23 just discussed, the architect is intended to be on, but was
24 tied up with something until 10:00. We weren't expecting to
25 go.

1 But this is the general site plan. And again, I
2 did want to just draw the Board's attention to the fact that
3 we have frontage on Georgia Avenue, no alley access along
4 Gresham Place, and no existing curb cut.

5 I did also want to note that there's a window well
6 facing Gresham Place that OP noted we may have to be --
7 removed because of public space regulations.

8 And so, the Applicant is -- understands that
9 they'll have to comply with all public space regulations as
10 they get to the building permit phase.

11 So, this might change a little bit, but only
12 really to the extent of the public space design.

13 || Next slide, please?

14 This is the cellar level. Again, there'll be
15 commercial space as well as long-term bicycle parking
16 storage.

17 || Next slide, please?

18 The ground level will have commercial space as
19 well and one unit.

20 | Next slide?

21 And then, your typical floor plan will have three
22 units from the second through the fourth floor.

23 || Next slide?

24 And there'll be penthouse space.

25 || Next slide?

1 Just to give the Board an idea of the elevations.
2 This is facing Georgia Avenue. It's pretty consistent with
3 the property to the south which was also recently
4 redeveloped.

5 | Next slide, please?

6 And here is the northern elevation along Gresham
7 Place.

8 And again, the rear, you can see there where the
9 rear yard is compliant, but, again, there's no alley access.

10 || Next slide, please?

11 || And here's a rendering.

12 | Next slide?

13 || And another rendering.

14 | Next slide?

15 So, again, the Applicant is requesting one parking
16 space of relief. The calculations, you can see on the slide
17 here, the ten units have a two-space requirement.

20 And due to the proximity to the Columbia Heights
21 Metro, there's a 50 percent reduction.

22 So, that's how we la

23 Next slide, please?
24 And as the Board is well aware, you know, the
25 relief in this neighborhood, it's a walkable, mixed use

1 neighborhood.

2 Again, we have excellent access to public transit,
3 including the Metro, bus routes on Georgia Avenue and Capital
4 Bikeshare.

5 And again, there's no ability to have alley access
6 to the rear of the property.

7 And there's no existing curb cut.

8 And my understanding from DDOT's regulations is,
9 it would be a challenge to obtain a curb cut due to the
10 proximity to the Georgia Ave/Gresham Place intersection.

11 Next slide, please?

12 There'll be no adverse effects.

13 The access to transit and amenities should reduce
14 the need for personal vehicles.

15 And again, this is a modest request of only one
16 space.

17 Next slide, please?

18 But we believe we meet the special conditions of
19 703, including Subsections B and C for the reasons that I've
20 stated.

21 Next slide, please?

22 And walking through the standard of 703, the
23 relief is proportionate to the reduction in demand due to,
24 again, the proximity to public transit and ability to access
25 amenities on foot.

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1 It's limited to the number of spaces. The
2 Applicant demonstrates to not reasonably be provided.

Again, with no curb cut or alley access, it's not possible to provide parking.

5 And finally, we are not seeking relief from any
6 other parking space related section.

7 | Next slide, please?

8 And finally, I did want to note that, while we did
9 coordinate with DDOT, no TDM plan is required under 703.4
10 because the reduction is for less than four spaces.

11 | Next slide, please?

15 BZA CHAIR HILL: Okay, great, thank you, Mr.
16 DeBear.

17 Let me turn to the Office of Planning first before
18 I turn to my Board.

19 MR. BEAMON: All right, good morning.

20 For the record, this is Shepard Beamon with the
21 Office of Planning.

22 We've reviewed the application and recommend
23 approval of the requested parking relief.

24 The Applicant has provided sufficient evidence.
25 They're only required to provide one space and due to the

1 proposed development, lack of open space alleys, and curb
2 cuts, and the proximity to the Metro, rail, and bus station,
3 OP finds that the required parking is not necessary for this
4 project.

5 They've met their criteria for Subtitle C and X.
6 And staff stands on the record of the report.

7 And I'm available for any questions.

8 BZA CHAIR HILL: Okay, great, thank you.

9 I do see the architect joined us, but I don't
10 think anybody has any questions just yet.

11 I'll let the architect introduce himself.

12 Let's see, does the Board have any questions of
13 the Applicant or the Office of Planning?

14 (NO AUDIBLE RESPONSE)

15 BZA CHAIR HILL: Okay.

16 Oh, go ahead, Chairman Hood.

17 ZC CHAIR HOOD: Question for Mr. DeBear.

18 First of all, good morning, everyone.

19 Mr. DeBear, how did we come to -- how in the
20 analysis of seeing which is the closest Metro, Georgia Avenue
21 and Columbia Heights, to me, is a long walk.

22 But I mean, how did we come to deciding which was
23 the closest Metro?

24 MR. DEBEAR: That is a good question, Chairman
25 Hood.

1 So, historically, the Zoning Administrator has
2 measured it as the crow flies, as they say.

3 So, if you draw a measurement from the property
4 directly to the Columbia Heights Metro, it's actually just
5 within that half-mile radius.

6 ZC CHAIR HOOD: Okay, all right.

7 MR. DEBEAR: Georgia Ave. Metro is slightly
8 farther, it's slightly beyond the half mile.

9 ZC CHAIR HOOD: I got you.

10 I'll think about the Zoning Administrator if I
11 ever have to walk it.

12 Thank you.

13 Thank you, Mr. Chairman.

14 BZA CHAIR HILL: Okay, thanks, Chairman Hill.

15 All right, Mr. Young, is there anyone here wishing
16 to speak?

17 MR. YOUNG: We do not.

18 BZA CHAIR HILL: Okay.

19 All right, Mr. DeBear, do you have anything you'd
20 like to add at the end?

21 MR. DEBEAR: No, thank you, Chair.

22 BZA CHAIR HILL: Okay, thank you.

23 And go ahead and close the hearing and the record.

24 So, if you can please excuse everyone.

25 Okay, I didn't have any issues with the

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1 application. I thought it was relatively straightforward and
2 that it's one parking space. There are two that were going
3 to be there, the 50 percent reduction due to close to the
4 Metro.

5 You can't -- they can't do a curb cut. They have
6 no alley access.

7 And so, I do appreciate the time and effort that
8 they've put into the application.

9 You know, oftentimes, we're the last stop on the
10 way to something at least moving forward. Or we're the next
11 stop.

12 And so, I'm glad that, you know, this Applicant
13 has come forward with the support of the Office of Planning,
14 has gone through the DDOT process, and also, has gone through
15 ANC process, and also, we have their approval.

16 I'm saying some of this for the Applicant, meaning
17 the client, to the attorneys because they have to pay for all
18 of this.

19 But if it wasn't done properly and efficiently,
20 it can also end up costing a lot more.

21 So, I'm going to be voting in favor of the
22 application.

23 Mr. Smith, do you have anything you'd like to add?

24 MEMBER SMITH: Of this particular case, I think
25 it's fairly straightforward. It's a fairly straightforward

1 request.

2 I would just say my analysis on this request,
3 based off of the proximity of the Metro, bus lines, I think
4 it's fascinating that the Zoning Administrator decides to
5 measure by way of the crow, not by way of a quarter mile
6 walking distance, the actual technical measurement when it
7 comes down to this type of analysis.

8 By that measure then, by the time the build
9 company East Potomac Park or something like that, based on
10 the measurement of the crow, it is within a quarter mile of
11 a Metro station, even though, technically, you can't walk
12 from East Potomac Park -- you don't have that level of
13 adjacency.

14 So, I know the Zoning Administrator isn't here,
15 but I recommend that he tighten that analysis up.

16 But other than that, I do believe they've met the
17 burden of proof for us to grant the special exception.

18 And I'll give OP the analysis great weight, and
19 note that the ANC is also in support of this application.

20 And I will support it as well.

21 BZA CHAIR HILL: Thank you.

22 Mr. Blake?

23 MEMBER BLAKE: Yes, I can agree that the -- with
24 the analysis you and Mr. Smith have put forward.

25 I'll be voting in favor of the application and

1 give great weight to the Office of Planning's recommendation
2 for approval and great weight to the ANC recommendation which
3 has no issues or concerns stated.

4 BZA CHAIR HILL: Thank you.

5 Chairman Hood?

6 ZC CHAIR HOOD: My colleagues, I appreciate the
7 work that's been done. And I think the request is very de
8 minimis and I'll be voting in favor.

9 Thank you, Mr. Chairman.

10 BZA CHAIR HILL: Thank you.

11 All right, I'm going to make a motion to approve
12 Application Number 21019 as captioned read by the Secretary.

13 And ask for a second, Mr. Blake?

14 MEMBER BLAKE: Second.

15 BZA CHAIR HILL: Motion made and seconded.

16 Mr. Moy, if you can take a roll call, please?

17 MR. MOY: Thank you, sir.

18 When I call your name, if you'll please respond
19 to the motion made by Chairman Hill to approve the
20 application for the relief requested.

21 The motion was seconded by Mr. Blake.

22 Zoning Commission Chair Anthony Hood?

23 ZC CHAIR HOOD: Yes.

24 MR. MOY: Mr. Smith?

25 MEMBER SMITH: Yes.

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1 MR. MOY: Mr. Blake?

2 MEMBER BLAKE: Yes.

3 MR. MOY: Chairman Hill?

4 BZA CHAIR HILL: Yes.

5 MR. MOY: Staff would record the vote as 4 to 0
6 to 1.

7 And this is on the motion made by Chairman Hill
8 to approve the application for the relief requested.

9 The motion to approve was seconded by Mr. Blake
10 who also voted to approve the application, as well as
11 approval of the application from Zoning Commission Chair
12 Anthony Hood, Mr. Smith, of course, Mr. Blake, and Chairman
13 Hill.

14 We have no other Board Members participating.

15 Again, the motion carries on the vote of 4 to 0
16 to 1.

17 BZA CHAIR HILL: Thank you, Mr. Moy.

18 Okay, you may call our next one when you have an
19 opportunity.

20 MR. MOY: Okay, would you like to go back to the
21 previous case? Staff tells me that he is in the panel on the
22 phone.

23 BZA CHAIR HILL: Oh, okay, yes, let's go ahead and
24 take care of that then.

25 Go ahead, please, yes, 20768.

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1 MR. MOY: Okay, so, let me re-read the caption.
2 This is Case Application 20768 of District
3 Properties.com, Inc., self-certified application pursuant to
4 Subtitle X, Section 901.2 for a special exception under
5 Subtitle D, Section 5201 from the side yard requirements of
6 Subtitle D, Section 206.2 and pursuant to Subtitle X, Section
7 1002 for area variance from minimum lot width requirement,
8 Subtitle D, Section 202.1, R-1B Zone at 4337 Douglas Street,
9 Northeast, Square 5115, Lot 59.

10 BZA CHAIR HILL: Okay, if the Applicant can --
11 well, I don't see the Applicant yet.

12 MR. SECK: Yes, can you hear me?

13 BZA CHAIR HILL: Can you hear me?

16 MR. SECK: Yes, good morning, Chairman Hill, good
17 morning, Board Members.

18 My name is Oumar Seck, representing District
19 Properties.com regarding the Case Number 20769 and 68.

20 BZA CHAIR HILL: Okay.

21 MR. SECK: I apologize, I was having technical
22 difficulties but I heard I'm not the only one today who be
23 able to unmute from my computer. So, I'm logging in -- I'm
24 joining with my phone.

25 BZA CHAIR HILL: No problem, Mr. Seck.

1 We're going to have to probably call these
2 separately, I would imagine, Mr. Moy, but we'll call them
3 separately anyway.

4 But Mr. Seck, I mean, as you probably know, the
5 main thing is this is your fifth motion for a postponement.
6 And this has been sitting around here since July of 2022.

7 So, if we were to grant this, this would be the
8 last postponement. Right? You'd have to come back and --
9 and I don't --

10 So, why do you need another postponement?

11 MR. SECK: The thing is, Chairman Hill, we've been
12 working with the possibility of working around the Heritage
13 tree that is on the property.

14 One is confirmed, one is to be confirmed by Urban
15 Forestry.

16 We have applications right now for both properties
17 on top.

18 And we're working with structural engineers and
19 an architect to design the house within the 25-foot lot by
20 doing the proper tree protection plan for the site.

21 It has these trees, as you know, they don't grant
22 permit to remove them. But when you come up with a strategy
23 to protect the roots and be able to build or push the house,
24 that's what been the problem now.

25 | And then, the second is, there's been opposition

1 filed by the ANC, which was my surprise because we had
2 recently two cases on the same street that ANC have approved
3 and supported.

4 And there's also neighbors -- a neighbor by the
5 name of Frank Matthews who's also uploaded a letter of
6 opposition.

7 So, once we find out how we're going to go around
8 the trees and able to build it within the requirements of
9 Urban Forestry, then we will approach both ANC and the
10 neighbors to try to mitigate those two situations.

11 That's the problem we're having now.

12 BZA CHAIR HILL: Okay.

13 So, I mean, Mr. Seck, I don't -- I just don't want
14 to get back here again where there's another postponement
15 request.

16 MR. SECK: Correct, yes.

17 BZA CHAIR HILL: When do you think you're going
18 to have this?

19 Because, and I've mentioned this before, and you
20 guys kind of do it more often than others, but like you take
21 up a slot, right?

22 And so, then, we end up sitting here reading, I
23 mean, even if it's a postponement, the attorneys still have
24 to take a look at the case.

25 I still have to take a look at the case.

1 Everybody has to take a look at the case.

2 Right?

3 And so, it's, again, just taking up a slot from
4 somebody else.

5 So, when do you think you might be ready for this?

6 MR. SECK: I would request -- and I agree with
7 what you said, sir, and especially this one multiple times.

8 We do sincerely apologize.

9 The later as you can in the middle of the years,
10 let's say, June, July, even August, I would say that would
11 give us ample time to work around the PPP, tree protection
12 plan, and then, also with the ANC.

13 BZA CHAIR HILL: Mr. Moy --

14 MR. SECK: I would think that would --

15 BZA CHAIR HILL: Okay, I got you, Mr. Seck.

16 Mr. Moy, do you have a suggestion for this?

17 Because even I -- and Mr. Moy, maybe you and I can
18 talk about this at another time, in other words, like I'm
19 trying to figure out, you know, we have to give them a date.

20 Right?

21 But if they re-file and they were to start all
22 over again, they might be even in a better date than what we
23 have right now.

24 Because we're not scheduling a year away or six
25 months. I mean, when's your next slot?

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1 MR. MOY: Mr. Chair, I'm currently -- we have a
2 lot of applications that just recently have come into the
3 office. And I'm scheduling cases, actually as we speak, for
4 April the 17th.

5 And I was going to suggest, the earliest where I
6 don't have any cases scheduled at all would be April 29th --
7 I mean, April 24th that's empty.

8 BZA CHAIR HILL: Okay, hold on.

9 I mean, Mr. Seck, that's only three months away.

10 MR. SECK: Right.

11 BZA CHAIR HILL: Are you going to be ready for us?

12 MR. SECK: I will think three months will be
13 tight. If there is anything after that, that would be
14 better.

15 By the time we attend ANC and all that because
16 that's --

17 BZA CHAIR HILL: Okay.

18 Mr. Moy, and I appreciate, Mr. Seck, and again,
19 you guys do do stuff in front of us relatively often. And
20 I know of the people that are listening, they do stuff in
21 front of us relatively often.

22 But I need to figure out, Mr. Moy, like how, you
23 know, we can talk about this later, Mr. Moy. Right?

24 Meaning, I mean, can you schedule something six
25 months out?

1 MR. MOY: We have done that in the past. They
2 typically have been appeal cases because I have metrics for
3 not having appeals for every hearing. But we've had quite
4 a few that --

5 BZA CHAIR HILL: Okay.

6 (Simultaneous speaking.)

7 MR. MOY: -- months.

8 But I was going to suggest, sir, based on what I'm
9 hearing now, and of course, it's going to be the judgment of
10 the Board, I'm looking at the Memorial Day week.

11 So, we could schedule it that last week in May,
12 which is May 22nd or when we return in June after that
13 Memorial holiday, which would be June the 5th.

14 BZA CHAIR HILL: Let's do June the 5th.

15 Mr. Seck, is that what you think is better for you
16 guys?

17 MR. SECK: Yes, sir, absolutely, yes.

18 BZA CHAIR HILL: Okay.

19 All right, and then, Mr. Moy, please let's talk
20 about this because, you know, if it's better off -- I mean,
21 if it's even better off for the Applicant to start again than
22 to, you know, the Board to have this happen, would be
23 helpful.

24 So, Mr. Seck, okay, we'll see you on 6/5/2024.

25 MR. SECK: Okay, for both cases, correct?

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1 BZA CHAIR HILL: Pardon me?

2 No, you have to come back, Mr. Seck. We're --
3 don't go anywhere, we're going to call the next case.

4 MR. SECK: Oh, got it, got it.

5 BZA CHAIR HILL: Okay?

6 Okay, thanks.

7 MR. SECK: Yes, thank you.

8 BZA CHAIR HILL: Go ahead, Mr. Moy, if you could
9 call the next case?

10 MR. MOY: Yes, thank you, sir.

11 This would be Case Application Number 20769 of
12 District Properties.com, Inc. Again, a self-certified
13 application pursuant to Subtitle X, Section 901.2, special
14 exception under Subtitle D, Section 5201, side yard
15 requirements of Subtitle D, Section 208.2, and pursuant to
16 Subtitle X, Section 1002 for an area variance from the
17 minimum lot dimension requirement, Subtitle D, Section 202.1
18 in the R-1B Zone at 4533 Douglas Street, Northeast, Square
19 5115, Lot 15.

20 This application, Mr. Chairman, we do have,
21 according to my notes, a person signed up to testify and I
22 suspect it's probably in opposition.

23 BZA CHAIR HILL: Okay.

24 Let me see, Mr. Seck, can you hear me again? If
25 so, could you introduce yourself for the record?

1 MR. SECK: Yes, good morning, again, Chairman Hill
2 and Board Members.

3 My name is Oumar Seck representing District
4 Properties for Case Number 20768, I believe it's 8, and 4533
5 Douglas Street, Northeast.

6 BZA CHAIR HILL: Okay, that's great.

7 So, we just spoke about Case Number 20769. Is it
8 the similar issues, Mr. Seck, as that one?

9 MR. SECK: Yes, sir.

10 BZA CHAIR HILL: The heritage tree as well as
11 trying to continue to work with the neighborhood to
12 understand the project?

13 MR. SECK: Yes, sir.

14 BZA CHAIR HILL: Okay.

15 I'm going to turn to my Board at the end to see
16 if they have any questions.

17 But Mr. Young, there's someone here who wants to
18 testify. Is that correct?

19 MR. YOUNG: Signed up, but staff was unable to get
20 in contact with them. So, they are not on.

21 BZA CHAIR HILL: Okay.

22 All right, we're going to postpone this anyway to
23 June 5, 2024.

24 And so, everyone will have enough time to take a
25 look at this and then, we can talk at that time.

1 Mr. Seck, June 5, 2024, is that okay?

2 MR. SECK: Yes, sir, thank you very much, yes.

3 BZA CHAIR HILL: Okay.

4 Unless my fellow Board Members have any issues
5 with anything with that, I'm going to keep moving along here.

6 All right, I'm hearing none.

7 Okay, Mr. Seck, we'll see you later.

8 MR. SECK: All right, thank you very much,
9 Chairman Hill. Thank you, everybody.

10 And good morning to Chairman Hood, it's been a
11 while.

12 ZC CHAIR HOOD: All right, Mr. Seck, good morning.
13 Good seeing you.

14 See you later.

15 MR. SECK: Thank you, bye-bye.

16 BZA CHAIR HILL: Okay, great.

17 All right, let's see then, Mr. Moy, if you want
18 to call the next case?

19 MR. MOY: The next case before the Board, it's
20 Application Number 21028 of Saeed Pilevar, P-I-L-E-V-A-R.

21 This is a self-certified application pursuant to
22 Subtitle X, Section 901.2, special exceptions under Subtitle
23 D, Section 207.5 to allow a rear wall to extend farther than
24 ten feet, and Subtitle U, Section 253.4 to permit an
25 accessory apartment.

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1 The property is located in the R-3/GT Zone at 3802
2 T Street, Northwest, Square 1311, Lot 69.

3 And I believe -- yes, that's it.

4 Thank you, sir.

5 BZA CHAIR HILL: Okay, great.

6 If the Applicant can hear me, if they could please
7 introduce themselves for the record?

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

10 BZA CHAIR HILL: Well, hello, Ms. Wilson, welcome
11 back.

12 MS. WILSON: Hi, thanks for having me back. I've
13 been on a maternity leave.

14 BZA CHAIR HILL: It's been a long time. Well,
15 wonderful, good for you.

16 All right, well, welcome back. Happy New Year,
17 good to see you.

18 If you want to go ahead and walk us through your
19 client's application and why you believe they're meeting the
20 criteria for us to grant the relief requested.

21 I going to put 15 minutes on the clock, so I know
22 where we are and you can begin whenever you like.

23 MS. WILSON: Great, thank you so much.

24 I'm also here with the architect, Lee Marsteller,
25 and he's going to be helping me present in the second half

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1 of the presentation.

2 BZA CHAIR HILL: Okay, great.

3 MS. WILSON: Thank you.

4 If you could please go to the next slide?

5 The property is located in the R-3/GT Zone.

6 The Applicant is proposing to construct a rear and
7 third story addition and proposing to use the cellar as an
8 accessory apartment.

9 The proposed addition will extend 23 feet past the
10 rear wall of the building to the west requiring special
11 exception relief from the 10-foot rule.

12 And the rear wall of the building to the east will
13 continue to extend even further than the proposed addition.

14 In this zone, accessory apartments require special
15 exception approval. And so, we are requesting that as well.

16 The proposal meets all other development
17 standards.

18 The Office of Planning is recommending approval.

19 ANC 2E voted to support the application.

20 And we have a letter of support from the adjacent
21 neighbor to the east.

22 Next slide, please?

23 This just shows an overhead view of the
24 properties. That property to the west is already built out.

25 Next slide, please?

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1 In terms of the general special exception
2 requirements, the proposed addition is still within the other
3 bulk and density requirements of this zone, including the
4 rear yard height and lot occupancy requirements.

5 And granting of this special exception will not
6 tend to adversely affect the use of neighboring properties,
7 as described more fully on the next slide.

8 | Next slide, please?

9 For the special exception relief for the ten-foot
10 rule, we've provided a shadow study and the architect will
11 walk through that in a moment.

12 The shadow study demonstrates that the proposed
13 addition will not unduly affect the light and air available
14 to the neighboring properties.

15 The proposed addition shall also not unduly
16 compromise the privacy and use or enjoyment of neighbouring
17 properties, as the Applicant is not proposing any windows on
18 the east or west side.

In terms of the character, scale, and pattern of houses, the proposal only minimally increase the existing height due to the pitch of the existing roof up front.

22 And the addition has been designed to be no larger
23 than the adjacent addition to the west.

24 || Next slide, please?

For the accessory apartment requirements, the

1 proposal meets all of these. It's just that, in this zone,
2 it requires approval from the Board.

3 The principle dwelling unit will be owner occupied
4 for the duration of the accessory apartment use.

5 The total number of people occupying the accessory
6 apartment will not exceed six.

7 Once the addition is complete, the house will have
8 well over the 12,000 square foot area requirements.

9 The accessory apartment's located in the cellar
10 and it only occupies 27.4 percent of the total GFA.

11 No street facing entrances are being created.

12 And this is not in a historic district.

13 Next slide, please?

14 With that, I'll turn it over to Mr. Marsteller to
15 walk through the plans and highlight the items discussed
16 today and the shadow studies.

17 MR. MARSTELLER: Thank you, Alexandra.

18 My name is Lee Marsteller. I'm with Monumental
19 Builders.

20 The existing site plan shows the subject property,
21 3802, with the -- to the east for the bottom of the thing is
22 3800 and to the west or north on the top of the drawing is
23 the 3804.

24 The -- it shows the dimensions here in red of the
25 existing structures, adjacent structures as well.

1 | Next slide, please?

2 This is the proposed site plan which shows a
3 23-foot addition in the back of the building from the 3804.
4 And it still remains four-foot less than the 3800 neighbor
5 which is to the east there.

6 | Next slide?

7 This is the cellar floor plan for the accessory
8 apartment.

9 The owner of this property does not currently
10 reside there, but he is going to -- once the renovation is
11 complete, they are moving there and that is their retirement
12 home, basically. So, they wanted an accessory apartment
13 available to them.

14 So, that's that.

15 | Next slide?

16 Is a couple other floor plans that really aren't
17 significant to this.

18 So, next slide?

19 And then, the next slide, I think, will show some
20 existing elevations. One more?

21 So, these are the existing front and rear
22 elevations of the structure.

23 It's a walk out basement in the rear, full light
24 walk out basement, and the cellar out front is below grade.

25 | Next slide?

1 The new elevation brings a little bit more
2 contemporary flare to it.

3 We've added two window wells in the front to bring
4 in some light as well as the back of the building is -- the
5 first two stories come out to the 23-foot, and the third
6 story sets back to provide some more privacy and less impact
7 with the shadowing plan.

8 Next slide, please?

9 And here is the massing for the side elevation
10 from the 3804 neighbor.

11 Next slide?

12 And here's the massing increase from the 3800
13 neighbor, which you can see is pretty insignificant on that
14 one.

15 Next slide, please?

16 Some sections to kind of give you the height
17 range. We're all within matter of right on everything other,
18 as Alexandra had said.

19 Next slide?

20 This is the spring solstice shadowing diagram.
21 The orange is in the -- the orange is the additional shading
22 requirements on this spring solstice.

23 Next one?

24 This is the summer equinox. And you can see the
25 orange again located for the additional shading, which is

1 pretty insignificant.

2 BZA CHAIR HILL: Wait a minute, did the slide
3 change? Let me just look here.

4 Oh, I got it.

5 Okay, all right, you can go ahead and continue.

6 MR. MARSTELLER: And the next slide is the autumn
7 solstice. And you can see the orange indicates the
8 additional shadowing.

9 And that's pretty much it, I think.

10 Next slide?

11 Questions? If anybody has any questions, I'd be
12 more than happy to answer anything I can.

13 BZA CHAIR HILL: Okay, great, thank you.

14 Before I turn to my Board, can I go ahead and turn
15 to the Office of Planning, please?

16 MR. BARRON: Good morning, my name is Ron Barron,
17 Development Review Specialist for the D.C. Office of
18 Planning.

19 The Office of Planning is recommending approval
20 of the special exception relief for the proposed rear wall
21 extension and accessory dwelling unit.

22 OP is content to rest on the report filed to the
23 record at Exhibit 20.

24 And I'm available to answer any questions you may
25 have.

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1 Thank you very much.

2 BZA CHAIR HILL: Thank you.

3 Also, before I turn to my Board, Mr. Young, is
4 there anyone here wishing to speak?

5 MR. YOUNG: We do not.

6 BZA CHAIR HILL: Okay.

7 Do my Board Members have any questions for the
8 Applicant or the Office of Planning?

9 Sure, go ahead, Mr. Blake.

10 MEMBER BLAKE: For the Applicant, I noticed that
11 you did a great amount of community outreach, speaking with
12 the agency, and so forth, and also, the neighbor to the east.

13 But I was curious about the interaction you had
14 with the neighbor to the west, which appears to be the more
15 affected of the two neighbors?

16 Just a follow up on how that interaction went?

17 MR. MARSTELLER: Yes, sir.

18 We --

19 MS. WILSON: Yes, Lee, go ahead.

20 MR. MARSTELLER: So, we had found, through the tax
21 records, of who it was and had found her. And she lives in
22 -- she's an elderly individual that's -- does not live there,
23 it's a rental. It's a rental investment for her.

24 But we reached out to her via several letters,
25 certified. And we also called, but weren't able to speak

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1 with her.

2 And so, we tried, you know, three or four
3 different methods of getting in touch with her.

4 But we did -- and we also contacted the property
5 management company that does the property management for her.

6 But we just didn't hear anything from anybody.

7 MEMBER BLAKE: All right, thank you.

8 BZA CHAIR HILL: Okay.

9 And I'll note again, right, that I appreciate the
10 ANC's work on this and them taking a look at it.

11 I actually am familiar with Commissioner Putta and
12 his work and I would imagine if they had an issue with the
13 adjacent neighbor, they might have brought that up at that
14 time during their meeting.

15 So, I appreciate, again, the efforts of the ANC.

16 Does anyone have any further questions?

17 (NO AUDIBLE RESPONSE)

18 BZA CHAIR HILL: Okay.

19 Ms. Wilson, do you have anything you'd like to add
20 at the end?

21 MS. WILSON: No, thank you.

22 BZA CHAIR HILL: Okay, all right, great.

23 And Ms. Wilson, I don't know if you saw that I
24 mentioned about you guys in expedited reviews.

25 Like just in terms of like giving us a little bit

1 more in terms of the community outreach as to what may or may
2 not have happened, and particularly if you don't have a
3 report from the ANC that gives us anything to kind of
4 understand.

5 It could be a problem for your expedited reviews.

6 MS. WILSON: Understood.

7 BZA CHAIR HILL: Okay, okay, great.

8 MS. WILSON: We'll be on that.

9 BZA CHAIR HILL: Okay, great.

10 All right, I'm going to go ahead and close the
11 hearing and the record and excuse everyone.

12 Thank you, Mr. Young.

13 Okay, as far as these ten-foot extensions, I mean,
14 we really look at them very carefully. I do find it a little
15 interesting that, as Chairman Hood is on this, and again, we
16 have a little bit more time to talk about it, and these
17 ten-foot things, you know, when I first started, were new,
18 I think, the ten-foot rule was a new rule.

19 And so, there was a lot of discussion about them.

20 And now, over time, we've at least gotten a better
21 handle on what the shadowing kind of does and what it affects
22 to the neighbors.

23 And in this particular case, being able to see the
24 shadowing as well as the analysis of the Office of Planning,
25 as well as the analysis of the ANC, which I had mentioned

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1 before as one that I'm familiar with as being pretty active,
2 I would be in favor of voting in favor of this application.

3 Mr. Smith, do you have anything you'd like to add?

4 MEMBER SMITH: Based on the shadow studies, it
5 doesn't seem that any shadowing would be an undue burden on
6 any of the adjacent properties. That's what I was most
7 concerned about.

8 Other than that, I do believe it meets the special
9 exception standards under Subtitle X, 901.

10 And I will give OP staff report great weight and
11 support the application.

12 BZA CHAIR HILL: Okay, great, thank you.

13 Mr. Blake?

14 MEMBER BLAKE: Yes, I, too, will be voting in
15 favor of the application.

16 I think the applicant has met the standard for
17 approval, the burden of proof for approval and I will be
18 voting in favor.

19 BZA CHAIR HILL: Thank you.

20 Chairman Hood?

21 ZC CHAIR HOOD: Agreed with all of my -- all of
22 what's been said and I will be voting in favor as well.

23 Thanks.

24 BZA CHAIR HILL: Thank you.

25 I'm going to make a motion to approve Application

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1 Number 21028 as captioned and read by the Secretary.

2 And I ask for a second, Mr. Blake?

3 MEMBER BLAKE: Second.

4 BZA CHAIR HILL: Motion made and seconded.

5 Mr. Moy, if you could take a roll call, please?

6 MR. MOY: Yes, thank you, sir.

7 When I call your name, if you'll please respond
8 to the motion made by Chairman Hill to approve the
9 application for the relief request.

10 The motion to approve was seconded by Mr. Blake.

11 Zoning Commission Chair Anthony Hood?

12 ZC CHAIR HOOD: Yes.

13 MR. MOY: Mr. Smith?

14 MEMBER SMITH: Yes.

15 MR. MOY: Mr. Blake?

16 MEMBER BLAKE: Yes.

17 MR. MOY: Chairman Hill?

18 BZA CHAIR HILL: Yes.

19 MR. MOY: Staff would record the vote as 4 to 0
20 to 1. And this is on the motion made by Chairman Hill to
21 approve.

22 The motion to approve was seconded by Mr. Blake.
23 Mr. Blake also voted to approve the application as well as
24 approval from Zoning Commission Chair Anthony Hood, Mr.
25 Smith, Mr. Blake, and Chairman Hill.

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1 We have no other Board Members participating.

2 Motion carries on a vote of 4 to 0 to 1.

3 BZA CHAIR HILL: Thank you, Mr. Moy.

4 If you will go ahead and call our last one, Mr.
5 Moy?

6 MR. MOY: This case is Application Number 21029
7 of John Harrison, self-certified application pursuant to
8 Subtitle X, Section 901.2 for a special exception under
9 Subtitle D, Section 207.5 to allow a rear addition to extend
10 more than ten feet beyond the furthest rear wall of the
11 adjacent principle residential building.

12 The property located in the R-3/GT Zone. Property
13 address 3803 T Street, Northwest, Square 1310, Lot 57.

14 And I'd like to check one other -- and that's it.

15 The only persons testifying is the Applicant's
16 party.

17 Thank you, sir.

18 BZA CHAIR HILL: Thank you.

19 If the Applicant can hear me, if they could please
20 introduce themselves for the record?

21 MS. WILSON: Hi, Alex Wilson from Sullivan and
22 Barros on behalf of the Applicant. And I am here with
23 Anthony Pizzo who is the project architect, and John Harrison
24 from the ownership team.

25 BZA CHAIR HILL: Great.

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1 Ms. Wilson, if you want to go ahead and walk us
2 through your client's application and why you believe they're
3 meeting the criteria for us to grant the relief requested?

4 I'm going to put 15 minutes on the clock so I know
5 where we are.

6 And you can begin whenever you like.

7 MS. WILSON: Great, thank you so much.

8 Before I get started, I have a note from my office
9 regarding the expedited review case that the ANC should be
10 filing something today because we did attend the meeting.

11 So, they just -- we wanted to relay that.

12 BZA CHAIR HILL: No, that's kind of you. I
13 appreciate that. I close the hearing and the record.

14 MS. WILSON: Yes.

15 BZA CHAIR HILL: And so, what's going to happen
16 -- I appreciate the comment and, really, I can't -- now, they
17 would have to now ask for us to reopen the record.

18 MS. WILSON: Okay.

19 BZA CHAIR HILL: We wouldn't reopen the record
20 because it's already kind of happened.

21 And so, it would be helpful if there's nothing
22 there to say, the ANC voted in favor or in opposition and
23 they're going to put something into the record.

24 Then, at least, we have an idea as to what's
25 happening at that time.

1 But I appreciate it.

2 MS. WILSON: And next time, we'll be on that. I
3 just wanted to, you know, just let you guys know.

4 BZA CHAIR HILL: Okay, I, again, it hasn't been
5 a blip for people yet, but it might be a blip. That's what
6 I'm trying to get around for people.

7 So, but go ahead, Ms. Wilson, and begin whenever
8 you like.

9 MS. WILSON: Great, thank you so much.

10 If Mr. Young could please pull up the
11 presentation?

12 Could you please go to the next slide?

13 The property is located in the R-3/GT Zone. It's
14 improved with a two-story single-family dwelling and
15 accessory garage.

16 The Applicant is proposing a rear and third-story
17 addition and replacement of the accessory building.

18 The proposed addition extends 18.8 feet past the
19 rear wall of the building to the west, requiring special
20 exception relief from the ten-foot rule.

21 The project meets all other development standards.

22 The Office of Planning is recommending approval
23 and ANC 2E voted to support the application.

24 And there are five letters of support from various
25 neighbors.

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1 | Next slide, please?

2 This shows the existing conditions on site.

3 | Next slide, please?

4 In terms of the general special exception
5 requirements, the proposed addition is still within all the
6 other bulk and density requirements of this zone.

7 And the granting of this special exception will
8 not tend to adversely affect the use of neighboring
9 properties as described more fully on the next slide.

10 | Next slide, please?

11 For the special exception relief for the ten-foot
12 rule, the addition shall not unduly impact the light and air
13 available to neighboring properties.

14 The proposed addition only extends an additional
15 8.8 feet past the permitted ten feet. And the Applicant --
16 and we've provided a shadow study to show the minimal impact
17 of the proposed addition.

18 And Mr. Pizzo will walk through that in the
19 upcoming slides.

20 The proposed addition shall not unduly compromise
21 the privacy of use and enjoyment of neighboring properties
22 as there are no proposed east or west facing windows.

23 And the request for the ten-foot rule is being
24 made in relation to the rear addition.

25 The additional 8.8 feet past the ten feet should

1 not be perceptible from the alley given that the proposal
2 maintains a nearly 60-foot rear yard. And the accessory
3 building will largely block the view of the home from the
4 alley.

5 Next slide, please?

6 With that, I'll turn it over to the architect to
7 walk through the plans and highlight the shadow studies.

8 MR. PIZZO: Okay, thank you, Alex.

9 Next slide, please?

10 So, starting here with the existing conditions,
11 we're Lot 57 in the middle here.

12 You can see the existing structure currently is
13 a two-story brick row home.

14 There is a two-story rear addition off the back,
15 a pool in the back in the middle.

16 And then, there is a one-story garage structure
17 off the alley.

18 Next slide?

19 Proposed site plan, so again, we're proposing
20 three stories about grade. There is a cellar level and a
21 rooftop deck that's accessed by a rooftop hatch. So, no
22 penthouse in this case.

23 There's a pool deck and a pool in the middle off
24 the back.

25 And a two-story accessory structure off the

1 alleyway. So, the first floor of that structure will be a
2 two-car garage and the second story is a rec room to support
3 the pool.

4 The red line here in the middle of the page
5 represents the extent of the existing footprint. So, what
6 we're asking for is an additional 8.8 feed beyond the matter
7 of right for a total of 18.8 feet beyond our neighbor's rear
8 property.

9 Next slide?

10 I'm not going to spend too much time on these
11 individual plans, but this is the -- this is cellar floor
12 plan.

13 So, rec room, wet bar, guest bedroom in the back.

14 Next slide?

15 First floor main level with living space and
16 family room in the front and back, kitchen in the middle.

17 Next slide?

18 Second story, there's two bedrooms, two bath.

19 Next slide?

20 And the third story, there's two bedrooms and a
21 den and a three bath.

22 Next slide?

23 And this is that, yes, the access hatch in the
24 front there that I mentioned.

25 Next slide?

1 So, looking at a section through the building,
2 again, you can see the red line there represents the extent
3 of the existing building.

4 So, you can see the bump out that we're asking for
5 towards the rear. And then, some of that additional third
6 story that we're adding at the top.

7 || Next slide?

Proposed front and rear elevations, so we're really trying to play off of the two-door architecture that you see common on the street. So, a lot of brick detailing, big windows, metal panel.

12 | Next slide?

13 These are floor plans of that accessory building
14 off the back.

15 So, the upper floor is the -- the upper plan is
16 the second floor of that structure, which is that rec room
17 that I mentioned.

18 And the lower plan is that two-story garage off
19 the alley.

20 | Next slide?

21 And the elevations of that rear structure.

22 | Next slide?

23 So, these are a few massing views that we created.

24 So, the image at the top is at the corner of the
25 intersection of the alley at 38th Street with our property

1 highlighted in orange here.

2 You can see, at that corner, there's a very large
3 heritage tree currently there. So, in reality, that tree
4 actually obstructs a lot of our property.

5 And then, at the bottom is a view from the alley
6 with that red dashed line that you can see kind of towards
7 the back distinguishing the matter of right from what we're
8 asking for.

9 So, you can see, it's pretty minimal from this
10 view.

11 Next slide?

12 And then, we went ahead and created a series of
13 sun studies with the column on the left is the matter of
14 right ten feet. And then, the column on the right is our
15 proposed 18.8 feet.

16 And then, we have 9:00 a.m. at the top, 12:00 p.m.
17 in the middle, and 3:00 p.m. across the bottom.

18 This particular street -- sheet is the spring and
19 fall equinox.

20 And then, the areas that are highlighted in red
21 represent the increased in casted shadow from what's allowed
22 by matter of right.

23 So, you can see in the morning at 9:00 a.m.,
24 there's just a small little square of increased shadow on our
25 neighbor's property.

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1 But by 12:00 and 3:00 p.m., it really only impacts
2 our site.

3 Next slide?

4 And similarly, with the summer solstice, again,
5 in the mornings, there's a slight increase in shadow on our
6 neighbor, but by 12:00 and 3:00 p.m., it's really only
7 impacting our site.

8 Next slide?

9 And by winter, just given the fact that this is
10 a north facing facade, basically, you're in shadow all day
11 long anyway. So, there's not much change here.

12 BZA CHAIR HILL: Can you tell me, and I think you
13 all night have mentioned it, that neighbor immediately to the
14 right, what was the feedback from them as you're facing that
15 -- your property in this direction?

16 MS. WILSON: So, I know you all have reached out
17 to him a couple of times and he doesn't live there, correct?
18 But you've sent the notices?

19 MR. HARRISON: Can you hear me? Can you hear me?

20 MS. WILSON: Yes, John.

21 MR. HARRISON: Hey, this is John Harrison. I'm
22 the owner of 3803.

23 So, Brad Hoyle owns the house next door. I
24 contacted him and we have text and email.

25 But then, we had a phone call and he was in

1 agreement. He -- I think he owns the house through a trust
2 and has used it as a rental unit and he's never lived there.

3 So, verbally, he was fine with it. We just
4 haven't had the letter come in yet from him. And I'm waiting
5 for that.

6 But yes, and he's verbally agreed with it.

7 BZA CHAIR HILL: Okay, okay.

8 You can -- Mr. Harrison, did you introduce
9 yourself for the record? I forgot?

10 MR. HARRISON: I think it did just now, but my
11 name is John Harrison. I'm the owner of 3803 T Street.

12 BZA CHAIR HILL: Okay, great, thank you.

13 Okay, go ahead, you can continue please, Mr.
14 Pizzo.

15 MR. PIZZO: I think this is the last slide. So,
16 next slide?

17 Yes, so, we're to his point.

18 BZA CHAIR HILL: Okay.

19 Before I get to my Board Members, let me go ahead
20 and hear from the Office of Planning.

21 MR. JURKOVIC: Mr. Chairman and Members of the
22 Board, my name is Michael Jurkovic, Development Review
23 Specialist with the Office of Planning.

24 OP recommends approval of the special exception
25 for a rear wall relief as requested by the Applicant and

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1 stands on the record of report.

2 I'm here for any questions.

3 Thank you.

4 BZA CHAIR HILL: Great, thank you.

5 Does my Board have any questions for the Applicant
6 and/or the Office of Planning?

7 (NO AUDIBLE RESPONSE)

8 BZA CHAIR HILL: Okay.

9 Mr. Young, is there anyone here wishing to speak?

10 MR. YOUNG: We do not.

11 BZA CHAIR HILL: Okay.

12 Okay, all right, Ms. Wilson, do you have anything
13 you'd like to add at the end?

14 MS. WILSON: No.

15 BZA CHAIR HILL: Okay, great.

16 All right, Mr. Young, if you can go ahead and
17 close the hearing and the record.

18 I'm going to close the hearing and the record.

19 Mr. Young, if you'd please excuse everyone?

20 Okay, again, it's kind of a similar discussion as
21 with the previous case.

22 These extensions, I know look, again, we now know
23 a little bit more about what the shadowing -- might happen,
24 what shadowing might happen to the properties.

25 I'm comfortable with this particular project and

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1 the shadowing that's being put forward.

2 I'm glad to hear that the Applicant has reached
3 out to the adjoining neighbor and at least verbally has heard
4 that they don't have an issue. Whether or not there's
5 anything official in the record or not, at least there's some
6 verbal understanding and the communication has taken place.

7 The other neighbor, they're just matching that
8 property in terms of how far back they're going.

9 It seems as though that Heritage tree also really
10 blocks a lot of the sunlight regardless that's already there.

11 And again, as I mentioned, I'm glad to see that
12 the ANC, this particular one, but again, the commission has
13 put that on has done their due diligence had is in support
14 of.

15 So, I'm going to be voting in support of this
16 application.

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

18 MEMBER SMITH: I agree with your assessment of
19 this case. It is very similar to the previous case.

20 You know, my concern was, has the Applicant
21 reached out to the adjacent property owners given the
22 orientation of this property and the shadowing impacts.

23 And I'm glad to hear that the Applicant has
24 reached out to the immediate adjacent property owners and has
25 heard from them that, though verbally, they don't have any

1 major concerns.

2 So, that was my major question and I'm glad that
3 the Applicant was able to answer that.

4 So, with that, I give OP's staff report great
5 weight.

6 I believe that, based on the testimony that we
7 heard from the Applicant, that I am comfortable with
8 supporting this application.

9 BZA CHAIR HILL: Thank you, Mr. Smith.

10 Mr. Blake?

11 MEMBER BLAKE: I'm in support of the application.

12 And I'll reiterate the comments that you and Board
13 Member Smith made.

14 BZA CHAIR HILL: Thank you.

15 Chairman Hood?

16 ZC CHAIR HOOD: I, too, agree with Board Member
17 Blake. I would reiterate the comments.

18 But I also would add, Mr. Chairman, you mentioned
19 something in the last proceeding about the ten-foot rule.
20 I think all parties all around have gotten this -- we've all
21 gotten a grip and a handle on how to look at this, especially
22 with the shadow studies and the impacts on neighboring
23 properties with the ten-foot rule.

24 And I'm probably have done myself damage by saying
25 this, but I think that the city's gotten it down or we're

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1 getting better. Hopefully, that does not come back to bite
2 me.

3 Thank you, Mr. Chairman.

4 BZA CHAIR HILL: All right, thank you, Chairman
5 Hood.

6 All right, I'm going to make a motion to approve
7 Application Number 21029 as captioned read by the Secretary
8 and ask for a second, Mr. Blake?

9 MEMBER BLAKE: Second.

10 BZA CHAIR HILL: Motion made and seconded.

11 Mr. Moy, take a roll call?

12 MR. MOY: Thank you, sir.

13 When I call your name, if you'll please respond
14 to the motion made by Chairman Hill to approve the
15 application for the relief requested.

16 The motion to approve was seconded by Mr. Blake.

17 Zoning Commission Chair Anthony Hood?

18 ZC CHAIR HOOD: Yes.

19 MR. MOY: Mr. Smith?

20 MEMBER SMITH: Yes.

21 MR. MOY: Mr. Blake?

22 MEMBER BLAKE: Yes.

23 MR. MOY: Chairman Hill?

24 BZA CHAIR HILL: Yes.

25 MR. MOY: And the staff would record vote as 4 to

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1 0 to 1.

2 And this is on the motion made by Chairman Hill
3 to approve.

4 The motion to approve was seconded by Mr. Blake.
5 Mr. Blake also had voted to approve the application as well
6 as approval from Zoning Commission Chair Anthony Hood, Mr.
7 Smith, and of course, Mr. Blake, and Chairman Hill.

8 We have no other Board Members.

9 Motion carries on a vote of 4 to 0 to 1.

10 BZA CHAIR HILL: Okay, thank you.

11 Mr. Moy, is there anything before the Board?

12 MR. MOY: There's nothing from me or the staff,
13 sir.

14 BZA CHAIR HILL: Okay, well, I hope you guys enjoy
15 your day and we dodged the bullet, the length of the day.

16 And so, Chairman, hope you enjoy your day.

17 ZC CHAIR HOOD: Thank you, y'all have a great day
18 and appreciate it.

19 BZA CHAIR HILL: All right, bye-bye.

20 We're adjourned.

21 (Whereupon, the above-entitled matter went off the
22 record at 10:55 a.m.)

23

24

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In the matter of: Public Hearing

Before: DC BZA

Date: 01-24-24

Place: teleconference

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

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