

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY  
APRIL 3, 2024

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 9:53 a.m. EDT, 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:

KEARA MEHLERT, Secretary  
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

SHEPARD BEAMON  
CRYSTAL MYERS  
KAREN THOMAS

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

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

The transcript constitutes the minutes from  
the Regular Public Hearing held on April 3, 2024.

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

2 9:53 a.m.

3 MS. MEHLERT: The board has now entered the public  
4 hearing session, and the first case is Application No. 17963-  
5 A of 4975 South Dakota Associates, LTD. And this is an  
6 application pursuant to Subtitle X, Section 901.2 for a  
7 special exception under Subtitle U, Section 511.1(f)(1) to  
8 allow a gas station service station use. This project is  
9 located in the MU-3A zone at 4975 South Dakota Ave., N.E.,  
10 Square 3899, Lot 76.

11 And as a preliminary matter, the applicant is  
12 requesting a postponement. This is the applicant's fourth  
13 request to postpone.

14 BZA CHAIR HILL: Great. Thank you. Can the  
15 applicant hear me? And if so, if they can introduce  
16 themselves for the record.

17 MR. OLI: Yes. My name is Yagya Oli with the  
18 applicant. And, yes, we would like to postpone the hearing  
19 for the next available date due to the thing requested by the  
20 civic association citizens and the ANC, and the owner is  
21 taking some time to make a decision.

22 BZA CHAIR HILL: Okay. So the owner wants to take  
23 time to think about the changes discussed by the ANC and the  
24 civic associations; is that correct?

25 MR. OLI: Yes, that is correct.

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1 BZA CHAIR HILL: Okay. When do you think -- the  
2 issue that I have, Mr. Oli, is that this is your fourth  
3 request --

4 MR. OLI: Yes.

5 BZA CHAIR HILL: -- and so you guys, you keep  
6 continuing to take a slot away from somebody else, right, in  
7 terms of our calendar and our availability. So when do you  
8 think you might actually be ready to present before us?

9 MR. OLI: Yes. The developer is having a meeting  
10 this week or next week to have a decision, and then we can  
11 let you know after the decision.

12 BZA CHAIR HILL: Okay. Madam Secretary, when  
13 could we hear this again in a way that might be conducive to  
14 the board?

15 MS. MEHLERT: I believe the Office of Planning is  
16 also on. I think that there were some other issues regarding  
17 DDOT and the Office of Planning's review that might take a  
18 little longer. I don't know if the Office of Planning wanted  
19 to contribute.

20 BZA CHAIR HILL: Could we hear from the Office of  
21 Planning, please?

22 MS. MYERS: Hi. This is Crystal Myers with the  
23 Office of Planning. It is my understanding from DDOT is that  
24 they needed additional information to do their, I think it's  
25 their traffic analysis of the case, and that was going to

1 take some time. We actually met with the applicant ourselves  
2 and DDOT. We met with them earlier last year, and the  
3 applicant was told the series of information that was going  
4 to be needed, and it's been sort of quiet ever since. And  
5 so I know that, when they are ready to come back again, I  
6 think a little bit of time is going to be needed for DDOT to  
7 do their review.

8                   So I don't know what it entails, but I do know  
9 that that's part of the issue. And from OP's perspective,  
10 that's really the critical thing is to get DDOT's position  
11 in order to complete our review because that's a pretty main  
12 factor in the OP review for this case.

13 BZA CHAIR HILL: Mr. Oli, if you heard all that,  
14 when do you think that might fall within your time line?

15 MR. OLI: Could you let me know the next available  
16 date, like what would be the next? Because it depends on --  
17 because I know it takes around three to four months to have  
18 a next ready.

19 BZA CHAIR HILL: Okay. Ms. Mehlert, what's the  
20 last day that you're currently scheduling for?

21 MS. MEHLERT: Like, this year or in terms of the

— —

23 BZA CHAIR HILL: Well, I mean, I don't know when  
24 you, I don't know what -- yes, whatever you're starting to  
25 schedule for right now, what is the last date? I'm just

1 curious.

2 MS. MEHLERT: So we're at the beginning of July  
3 right now for next cases. But for this case, I would  
4 schedule it probably for the end of September or early  
5 October to allow time for their transportation study.

6 BZA CHAIR HILL: Yes. Let's do early October.

7 MS. MEHLERT: We can do October 2nd or October  
8 9th.

9 BZA CHAIR HILL: Mr. Oli, do you have any  
10 preference for October 2nd or October 9th?

11 MR. OLI: October 9th.

12 BZA CHAIR HILL: Okay. All right. Mr. Oli, so  
13 you're asking for the farthest date out. We don't -- the  
14 fourth postponement, Mr. Oli, is usually the last one.  
15 That's why you're on here live, okay? So talk to the  
16 applicant and, you know, see what they want to do. And it's  
17 so far out, I mean, even that's like, the property is  
18 probably, you know, he needs to probably figure out something  
19 that he or she wants to do with it.

20 Okay. Mr. Oli, are you good?

21 MR. OLI: Yes. Thank you, sir.

22 BZA CHAIR HILL: Okay. We'll see you in October.

23 MR. OLI: Have a good day.

24 BZA CHAIR HILL: You're welcome. That is so far  
25 out, I'm not going to even hang on to that report. Okay.

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1 The next one I got is -- whenever you're ready, Ms. Mehlert.

2 MS. MEHLERT: The next application in the public  
3 hearing is Application No. 21084 of Kenneth N. Jefferson.  
4 This is a self-certified application pursuant to Subtitle X,  
5 901.2, for special exceptions under Subtitle E, Section  
6 207.5, to allow the rear wall of a row building to extend  
7 farther than 10 feet beyond the farthest rear wall of any  
8 adjoining principal residential building on an adjacent  
9 property; and under Subtitle E, Section 5201, from the lot  
10 occupancy requirements of Subtitle E, 210.1. And this  
11 project is to construct a third story and three-story rear  
12 addition to an existing two-story attached principal dwelling  
13 in the RF-1 zone. This is located at 808 I Street, N.E.,  
14 Square 910, Lot 35. And the applicant has submitted an  
15 expert witness, Joshua Hill, as an expert at architecture;  
16 and Mr. Hill is not in the witness book.

17 BZA CHAIR HILL: Okay. Great. If the applicant  
18 can hear me, if they could please introduce themselves for  
19 the record.

20 MR. OLIVER: This is John Oliver from the law firm  
21 of Holland & Knight, here on behalf of the property owner.

22 BZA CHAIR HILL: Welcome, Mr. Oliver. Are you new  
23 over there?

24 MR. OLIVER: This is my third year here, so I am  
25 newish.

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1                   BZA CHAIR HILL: Okay. But have you presented  
2 before the board before?

3                   MR. OLIVER: No, sir, first time here.

4                   BZA CHAIR HILL: Well, welcome. Mr. Hill.

5                   MR. HILL: Good morning.

6                   BZA CHAIR HILL: Good morning. Could you  
7 introduce yourself for the record, please?

8                   MR. HILL: Yes. My name is Joshua Hill. I am  
9 principal architect and co-founder of Hill & Hurtt Architects  
10 in D.C.

11                  BZA CHAIR HILL: Great. I'm looking through your  
12 resume. I don't have any issues with admitting Mr. Hill as  
13 an expert in architecture, being that he is an architect.  
14 And unless my board has any issues about that, please speak  
15 up. Hearing none. Okay. We're going to add Mr. Hill to our  
16 book of experts.

17                  Let's see. Mr. Oliver, if you want to go ahead  
18 and walk us through your client's application and why you  
19 believe they're meeting the criteria for us to grant the  
20 relief requested, and I'm going to put 15 minutes on the  
21 clock so I know where we are. And you can begin whenever  
22 you'd like.

23                  MR. OLIVER: Perfect. Thank you. Mr. Young, if  
24 you could pull up our PowerPoint presentation, which is in  
25 the record at Exhibit 32. Thank you. So once again, John

1 Oliver from Holland & Knight here on behalf of the property  
2 owner.

3 If we can turn to the next slide, Mr. Young. BZA  
4 Case No. 21084 pertains to the subject property located at  
5 808 I Street. As we can see on the graphic in the upper  
6 right-hand side of the slide, 808 I Street is located north  
7 of the H Street Corridor. The property is not located within  
8 a historic district, and the property is zoned RF-1.

9 Next slide, Mr. Young. As we've heard this  
10 morning, we are here seeking two types of relief, both of  
11 which are a special exception. Approval of those two will  
12 result in the renovation of an addition to an existing  
13 structure, which will expand the footprint of the first and  
14 second floor, and then we'll construct new third-floor roof  
15 deck space.

16 So the first relief being requested is a special  
17 exception pursuant to E 210.1, which is from the maximum  
18 percentage of lot occupancy permitted in the RF-1 zone. The  
19 property currently is at 43 percent. If approved, the lot  
20 occupancy will increase to 68.77 percent.

21 The second type of special exception is pursuant  
22 to E 207.5 and 207.4, commonly known as the 10-foot rule.  
23 If approved the property's rear wall will be constructed 20  
24 feet 10 inches beyond the furthest rear wall of the property  
25 located to the west, which it is currently flush with. Once

1 built out, it will be flush with the property to its east.

2 Again, this case has support from the property  
3 owner next door at 806 I Street and also next door at 810 I  
4 Street. We also have support from the Office of Planning and  
5 from ANC 6A.

6 With all that being said, I'm going to turn it  
7 over to Mr. Hill, who will offer some exhibits. Josh, the  
8 floor is now yours.

9 MR. HILL: Thank you, John. If you could advance  
10 to the next slide, please. So we're just going to walk  
11 through some of the exterior massing shots and renderings  
12 just to get a sense of what we're proposing here.

13 So here's a front aerial view. What we're saying,  
14 of course, at the bottom of the page is the street facade,  
15 and you can see that we've set back the rooftop addition by  
16 7 feet. The volume that we're adding is 8 foot 10 inches  
17 above the existing height of the building. We can also see  
18 that, and I want to point this out because it's a little  
19 tricky the way the roofs work in the rendering, but the back  
20 facade, as John mentioned, are aligned. So we have a two-  
21 story piece with a roof terrace on the back, and that does  
22 align with the adjacent property there.

23 Next slide, please. These two shots just show  
24 walking down the street on the same side as the property and  
25 then across the street. We did set back that front to make

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1 a small terrace, so that sits back 7 feet, and that is really  
2 to allow that existing cornice line to continue through just  
3 as it does now to really be more sensitive in how we're  
4 approaching this rooftop addition to meet the program but  
5 also be sensitive and think about how we're treating both the  
6 street facade but even the alley facade, and we'll talk about  
7 that in just a moment.

8                   But we can see that, in both of these, you do see  
9 the addition peeking out. The idea here is that the windows  
10 and the materiality will be the same as the existing  
11 building, and that's very intentional so that, you know, as  
12 people do see that, that it looks like it's harmonious and  
13 fits in with the neighborhood.

14                   Next slide, please. Here we have a rear aerial  
15 view, and that shows the setback that we talked about, which  
16 is about 13.5 feet on the back, and then also that two-story  
17 piece which aligns with the rear facade of the adjacent  
18 property.

19                   Next slide. And then two other views, one from  
20 the alley and one from the neighbor's yard at 806 I Street.  
21 Looking up, again, you can see that two-story mass that  
22 mimics the back piece and then the setback which, you know,  
23 creates a facade that's more sensitive on the alley side.

24                   Next slide, please. We went through and did some  
25 shadow studies and happy to answer any questions or talk

1 about these in more detail. I'll just quickly discuss each  
2 pair. So starting at the top left, the 9 a.m. slide, we can  
3 see the existing and proposed does add a little more shadow  
4 on the northwest side on those two properties at the early  
5 hour. But then when we get to the next piece on the right  
6 side at noon, we can see that the additional shadow is really  
7 just on the subject property. Bottom left, at 3 p.m., we can  
8 see that the added shadow is really on the property to the  
9 east on their roof; and then, at 5 p.m., it's mostly also on  
10 the roof structures to the adjacent.

11                   That's our equinoxes if we look at the next slide,  
12 please.

13                   BZA CHAIR HILL: Mr. Hill, just so I'm clear, it's  
14 the little red piece? I'm trying to understand again on the  
15 shadow study there.

16                   MR. HILL: Sorry. So that little orange, that's  
17 the subject property, both existing and proposed.

18                   BZA CHAIR HILL: But that little tiny, the black  
19 orange, the darker orange, is that -- I'm trying to zoom in.  
20 I'm trying to see the additional shadowing.

21                   MR. HILL: Yes. So we rendered all the shadow in  
22 the same tone. I was actually thinking that might not be a  
23 bad idea for next time to just actually make the different  
24 shadow a different color. This is just how we've done it in  
25 the past. So, yes, you do have to sort of look back and

1 forth and compare the two. But I don't know if you guys want  
2 to zoom in, and we can sort of get a little more into the  
3 nitty gritty, if that's --

4 BZA CHAIR HILL: I see now. I see it now. I see  
5 it now. Yes. What's helpful is if you show the existing  
6 versus the proposed and highlight the difference. That's  
7 helpful.

8 MEMBER BLAKE: Mr. Chair.

9 BZA CHAIR HILL: Did somebody say something?

10 MEMBER BLAKE: I would also say that, actually,  
11 the most helpful, too, is the matter of right versus the  
12 proposed and differential there. That's probably the most  
13 helpful.

14 BZA CHAIR HILL: Thank you, Mr. Blake. Okay.  
15 That is correct. That would tell the board kind of who, in  
16 the past, looking at things, so the shadowing, you know, the  
17 matter of right versus the proposed and then the ease with  
18 which, you have a different shade or something to show it so  
19 it's easier to point out, Mr. Hill. And I will point out  
20 also that, even though we do ask for the difference between  
21 the matter of right and the proposed, that doesn't  
22 necessarily mean that the matter of right is necessarily  
23 going to get built. Like, that value also I don't hold as  
24 kind of like necessarily a baseline, but it is something that  
25 is helpful, I think, to the board.

1                   So go ahead, Mr. Hill. I can see it. It takes  
2 a little bit to kind of study, but I can see it.

3 MR. HILL: Apologies for that. We'll definitely  
4 keep that in mind for next time.

5 Next slide, please. Oh, I'm sorry. Sorry. I  
6 didn't realize you had advanced it. If you could go back.  
7 That's perfect. Thank you.

8                   June, summer solstice. So, again, if we're  
9 looking at the top left, the additional shadow does tend to  
10 be on just a small little corner of the property two doors  
11 down, and then the majority is on the adjacent roof. That's  
12 the 806 I Street adjacent roof.

13                   If we look at 12 p.m., again, the additional  
14 shadows on subject property. If we look at 3 p.m.,  
15 additional shadow is on the adjacent roof. No additional  
16 shadow otherwise. And then if we look at 5 p.m., it's the  
17 same thing, also on the adjacent roof at 810.

18                   And then the next slide would be the December  
19 winter solstice. The 9 a.m. actually hits the, the shadow  
20 hits the garage roof on the corner of the property. I  
21 studied these, so I can see it and point it out a little more  
22 easily but, again, happy to answer questions. The 12 p.m.  
23 is, again, on the subject property, and 3 p.m. is on the  
24 adjacent rooftop.

25 | And next slide, please. And back to John.

1 MR. OLIVER: Thanks, Josh. All right. This slide  
2 contains the special exception criteria pursuant to E 5201.4,  
3 which is how relief from E 207.5 and E 210.1 can be granted.  
4 The board knows this criteria well. So if we can turn to the  
5 next slide, I will explain how this request satisfies the  
6 burden of proof.

7                   The first element of E 5201.4 essentially states  
8 that the light and air available to neighboring properties  
9 cannot be unduly affected here. As we've talked about, the  
10 shadow studies show that there's a small increase of  
11 shadowing, but that does not unduly affect the neighboring  
12 properties.

13 The second element of E 5201.4 states that the  
14 privacy of use and enjoyment of neighboring properties shall  
15 not be unduly compromised. Here, the proposed third-story  
16 deck does not unduly compromise the privacy available to the  
17 neighboring structures because the current structure has a  
18 two-story deck with windows on the wall. Also, privacy along  
19 the ground floor will be protected by an existing fence.

20 The third element of E 5201.4, states the proposed  
21 construction, when viewed from public rights of way, shall  
22 not substantially visually intrude upon the character, scale,  
23 and pattern of houses along the street or alley frontage.  
24 Here, the proposed rear wall, as we've talked about, will  
25 match the adjacent rear wall of the building located to the

1 property's east at 810 I Street, N.E. Also, as shown on the  
2 slide on the bottom right-hand side, the proposed addition  
3 does not intrude upon the character and scale of houses along  
4 the 800 block of I Street because there are a variety of rear  
5 wall depths within that block.

6 Again, we enjoy support from the property owner  
7 of 806 I Street, 810 I Street, ANC 6A, and the Office of  
8 Planning. You can turn to the next slide.

9 This slide contains photos of properties within  
10 the surrounding neighborhood, which have been expanded in the  
11 same way as the proposed expansion to the subject property  
12 here. We can turn to the next slide. This slide contains  
13 the general special exception criteria, which is that the  
14 board can grant special exception if it finds that the  
15 request isn't permitted of the general purpose and intent of  
16 the zoning regulations and if the request will not tend to  
17 affect adversely the use of neighboring property in  
18 accordance with the zoning regs and the zoning maps.

19 On the next slide, we discuss how we meet that  
20 burden of proof. Here, the proposed addition is consistent  
21 with the intent of the RF-1 zone, which is to provide for  
22 areas predominantly developed with row homes on small lots  
23 within which no more than two dwelling units are permitted.  
24 Again, here, the request does not impact the purpose or the  
25 intent of the RF-1 zone and, instead, will simply allow the

1 expansion of an existing residential row house.

2 Finally, as discussed, the addition does not have  
3 an adverse effect on the use of neighboring properties, as  
4 shown by what we've seen here and by the letters of support  
5 from the next door property owners.

6 And then our final slide, slide 16, this slide was  
7 prepared in response to a letter in opposition from the  
8 Capitol Hill Restoration Society, which is in the case record  
9 at Exhibit 27. That letter essentially argues that the  
10 proposed expansion will impact the light and air available  
11 to 806 I Street. In response to that letter, we would like  
12 to note the property is not located within the Capitol Hill  
13 Historic District. On this slide, you can see the historic  
14 district boundaries with the property with a star.

15 Also, the shadowing of the proposed addition has  
16 a very small impact on the property located to its east --  
17 I'm sorry -- west at 806 I Street. Again, there is a letter  
18 in support from the property owner of 806 I Street. And as  
19 this board and the D.C. Court of Appeals has continuously  
20 held, absent an easement agreement, there is no right to  
21 light and air from adjoining land. So we believe, more or  
22 less, the letter in opposition is misplaced at this point in  
23 time.

24 All that being said, that concludes our  
25 presentation, and we are happy to address any questions that

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1 this board might have. Thank you.

2 BZA CHAIR HILL: Thank you. Before I turn to my  
3 fellow board members, can I hear from the Office of Planning?

4 MS. THOMAS: Chair, members of the board, we are  
5 in support of the application for special exception relief.  
6 We believe that the applicant's submission fully met the  
7 criteria, and we will rest on the record of our report.  
8 Thank you.

9 BZA CHAIR HILL: Thank you. Does anybody have any  
10 questions for the Office of Planning? All right. Mr. Young,  
11 is there anyone here wishing to speak?

12 MR. YOUNG: We do not.

13 BZA CHAIR HILL: Okay. Does the board have any  
14 final questions of the applicant or the Office of Planning?  
15 Okay. Mr. Oliver, nice to meet you. I'm going to go ahead  
16 and excuse you and your team and close the record of the  
17 hearing.

18 Okay. I thought the applicant did a good job with  
19 their presentation. We have kind of a light day today, so  
20 it was nice to be able to kind of like listen more closely  
21 to the presentations as they're put before us. I didn't have  
22 any concerns about the light and air affected by this  
23 particular property. I thought that the shadow studies,  
24 although somewhat difficult to point to, were helpful, as  
25 well as the report from the Office of Planning and that of

1 the ANC. It's also helpful to have the members of the  
2 adjacent properties in support.

3 I would not agree with the letter that was  
4 provided by the Capitol Hill Restoration Society, as I don't  
5 think that this is something that is outside of our purview.  
6 And I think that I will be able to vote in favor of this  
7 application.

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

9 MEMBER SMITH: No, Chairman Hill. I don't really  
10 have anything to add. I agree with your assessment of this  
11 case and the record from the Office of Planning and the  
12 testimony provided by the applicant for the reasons why this  
13 particular property meets the burden of proof granting the  
14 special exception (audio interference) requirements. So I,  
15 by and large, agree with the assessment presented today and  
16 disagree with the letter, disagree with the Capitol Hill  
17 Restoration Society and their assessment of this particular  
18 case.

19 As we stated before on the record and as stated  
20 by the applicant, no one is entitled to relief under the  
21 auspices of the zoning regulations, and it seems to me their  
22 primary argument indicates closing of the dog leg. Based on  
23 the shadow studies, while I do agree with you it is fairly  
24 difficult to read, so thank you to the applicant for running  
25 through those shadow studies, I do believe that the

1 additional shadowing is not undue and this addition is, by  
2 and large, in line with the existing addition that's to the  
3 east of this particular property. I think we have even  
4 larger buildings at this end of the square that come closer  
5 to the alley than this proposed addition that, to me, affect  
6 views more so than this proposed addition.

7 So with that, I give great weight to the Office  
8 of Planning and support the application.

9 BZA CHAIR HILL: Thank you. Mr. Blake.

10 MEMBER BLAKE: I'm going to vote in favor of the  
11 application. I, by and large, agree with the comments made  
12 by you and Board Member Smith. On the surface, I looked at  
13 this situation initially as a fairly substantial addition at  
14 68.77, which is really 69, is very close to the 70 percent  
15 limit, which is fairly significant when you think about it.  
16 Also, when you think about the size of the addition going  
17 back 20 feet 10 inches, that's a fairly significant increase.

18 So that said, I do appreciate the design elements  
19 that were done with the 7-foot setback in the front and the  
20 13-foot setback in the back. I think that certainly does  
21 significantly improve the visual intrusion issue of this  
22 large project, and I appreciate the architect walking through  
23 the shadow studies with us and helping us to appreciate what  
24 we have here. I think that it would, based on that analysis  
25 and walking it through, I do not believe that it provides an

1 undue burden, unduly affect the light near neighboring  
2 properties.

3 That said, I give great weight to the Office of  
4 Planning's recommendation for approval. I also give great  
5 weight to the report provided by ANC 6A, which is in support  
6 of the application with no issues or concerns. I'd also note  
7 the letters of support on the record from the two adjacent  
8 neighbors. And, again, I, too, acknowledge the concerns  
9 raised by Capitol Hill Restoration, but I'm otherwise  
10 persuaded by the evidence in the case record to the contrary.  
11 I'll be voting in favor of the application.

12 BZA CHAIR HILL: Thank you. Chairman Hood.

13 ZC CHAIR HOOD: Thank you, Mr. Chairman. After  
14 Board Member Blake and yourself and Board Member Smith, I  
15 don't have anything to add. I, too, will be voting in  
16 support. I think the record reflects any impacts would be  
17 mitigated, as already been discussed. And I think this  
18 record is favorable for me to vote in support. Thank you.

19 BZA CHAIR HILL: Thank you, Chairman Hood. All  
20 right. I'm going to make a motion to approve Application No.  
21 21084 as captioned and read by the secretary and ask for a  
22 second, Mr. Blake.

23 MEMBER BLAKE: Second.

24 BZA CHAIR HILL: Motion made and seconded. Madam  
25 Secretary, if you could take a roll call.

1 MS. MEHLERT: -- Respond to the Chair's motion to  
2 approve the application. Chairman Hill?

3 BZA CHAIR HILL: Yes.

4 MS. MEHLERT: Mr. Smith.

5 MEMBER SMITH: Yes.

6 MS. MEHLERT: Mr. Blake.

7 MEMBER BLAKE: Yes.

8 MS. MEHLERT: And Chair Hood.

9 ZC CHAIR HOOD: Yes.

10 MS. MEHLERT: Staff would record the vote as 4 to  
11 0 to 1 to approve Application 21804 on the motion made by  
12 Chairman Hill and seconded by Mr. Blake.

13 BZA CHAIR HILL: Thank you. Chairman Hood, before  
14 we call this next case, you're a lucky rabbit's foot or  
15 something because, like, this is our last case right now and  
16 it's about to happen.

17 ZC CHAIR HOOD: Well, I think, sometime, I do  
18 deserve a break, so this is one time I'm getting one. I did  
19 watch you all last week. The last time I was here, I think  
20 we worked to six, so let me have one.

21 BZA CHAIR HILL: I'm happy that we can be here for  
22 you, Chairman Hood. All right. Ms. Mehlert, if you can call  
23 our last case, please.

24 MS. MEHLERT: The last case is Application No.  
25 21090 of Daniel Joseph. This is an application pursuant to

1 Subtitle X, Section 901.2, for special exceptions under  
2 Subtitle E, Section 5201, from the rear yard requirements of  
3 Subtitle E, 207.1, and the lot occupancy requirements of  
4 Subtitle E, 210.1. This is to construct a one-story rear  
5 addition to an existing two-story attached principal dwelling  
6 in the RF-1 zone. It's located at 440 Irving Street, N.W.,  
7 Square 3050, Lot 115.

8 BZA CHAIR HILL: Great. Thank you. If the  
9 applicant can hear me, if they could please introduce  
10 themselves for the record.

11 MR. JOSEPH: I can. Good morning, members of the  
12 board. My name is Dan Joseph, and my address is 448 Irving  
13 Street, N.W. I'm the owner and occupant of the property in  
14 question.

15 BZA CHAIR HILL: Okay. Mr. Joseph, if you want  
16 to walk us through your application and why you believe  
17 you're meeting the criteria for us to grant the relief  
18 requested. I'm going to put 15 minutes on the clock so I  
19 know where we are, and you can begin whenever you'd like.

20 MR. JOSEPH: Good morning. The proposed  
21 construction is the replacement of a rear covered wood-frame  
22 deck. I'm seeking relief under special exception for the  
23 rear yard requirements of Subtitle E, 207.1. The required  
24 distance is 20 feet. Currently, the distance from the alley  
25 to the home's exterior wall is 14 feet, and, under the

1 proposed construction, it would be 9 feet.

2                   And then special exception for lot occupancy  
3 requirements. Required is 60 percent, and under the proposed  
4 it would be 70 percent. The request has support from the  
5 ANC. The proposed construction matches existing conditions  
6 with a minor change to the type and orientation of the  
7 stairs. The proposed construction is in line with the rear  
8 decks of the adjacent properties, and the proposed  
9 construction would be fixing dangerous conditions. The  
10 existing wood-frame deck providing exit from the house is in  
11 poor repair.

12                   BZA CHAIR HILL: Okay. Thank you. Before I turn  
13 to my fellow board members, could I hear from the Office of  
14 Planning?

15                   MR. BEAMON: Good morning, everyone. Shepard  
16 Beamon with the Office of Planning. We have reviewed the  
17 application of the proposed rear addition and the request for  
18 relief for lot occupancy in rear yard. We find that the  
19 request meets the criteria for Subtitles E and X and,  
20 therefore, recommend approval. We stand on the  
21 recommendation as shown in the record in Exhibit 17, and I  
22 am open for any questions.

23                   BZA CHAIR HILL: Thank you. Does anybody have any  
24 questions for the Office of Planning? Mr. Young, is there  
25 anyone here wishing to speak?

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1 MR. YOUNG: We do not.

2 BZA CHAIR HILL: Does the board have any final  
3 questions of the applicant or the Office of Planning? All  
4 right. Mr. Joseph, I am going to excuse you. Thank you.  
5 You have a nice day.

6 MR. JOSEPH: Thank you.

7 BZA CHAIR HILL: I'm going to close the hearing  
8 on the record. Okay. You know, this, again, I think was  
9 relatively straightforward. I mean, the applicant has done  
10 their due diligence in terms of going through the ANC  
11 process. I do appreciate that Commissioner Ray is the person  
12 who took a look at this, and we do a lot of work with him,  
13 and I know that his ANC is pretty diligent in the way they  
14 actually look at the zoning regulations.

15 I would agree that with the analysis of the Office  
16 of Planning concerning the applicant's adherence to Subtitle  
17 E and X, and I thought, in terms of the lot occupancy and  
18 rear yard, I thought it was pretty minor, you know. Again,  
19 I was looking at the architectural plans. It seems a pretty  
20 straightforward project and that it would be in line with the  
21 other decks that are in the neighborhood there. So, you  
22 know, the character and scale in the rear also wouldn't be  
23 affected. So I'm going to be voting in favor.

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

25 MEMBER SMITH: No, Chairman Hill. I agree with

1 your assessment of this case, that it's fairly  
2 straightforward. I have read the record, and I believe they  
3 have met the burden of proof for us to grant the special  
4 exception.

5 So I will give OP staff report great weight,  
6 recognizing that ANC 1E is in support of this application,  
7 and will support this one.

8 BZA CHAIR HILL: Thank you. Mr. Blake.

9 MEMBER BLAKE: Mr. Chair, I have nothing to add.  
10 I believe I'm in support of the application. I think it's  
11 fairly straightforward. And given the dimensional  
12 similarities of the new deck with the existing deck and also  
13 the similarity of the design with other decks in the alley,  
14 it should have no real impact on light, air, or visual  
15 intrusion on the adjoining properties.

16 So, for that reason, I'm very comfortable and will  
17 be in support of the application.

18 BZA CHAIR HILL: Thank you. Chairman Hood?

19 ZC CHAIR HOOD: I don't have anything extra to  
20 add. I will be supporting this application. Thank you.

21 BZA CHAIR HILL: Thank you. I'm going to make a  
22 motion to approve Application No. 20190 as captioned and read  
23 by the secretary and ask for a second, Mr. Blake.

24 MEMBER BLAKE: Second.

25 BZA CHAIR HILL: The motion has been made and

1 seconded. Ms. Mehlert, if you could take a roll call, please.

2 MS. MEHLERT: Please respond to the chair's motion  
3 to approve the application. Chairman Hill.

4 BZA CHAIR HILL: Yes.

5 MS. MEHLERT: Mr. Smith.

6 MEMBER SMITH: Yes.

7 MS. MEHLERT: Mr. Blake.

8 MEMBER BLAKE: Yes.

9 MS. MEHLERT: And Commissioner Hood.

10 ZC CHAIR HOOD: Yes.

11 MS. MEHLERT: Staff records the vote as 4 to 0 to  
12 1 to approve Application 21090 on the motion made by Chairman  
13 Hill and seconded by Mr. Blake.

14 BZA CHAIR HILL: Thank you. Oh, my gosh, this is  
15 the first time, like, before the break we've been done in I  
16 can't even remember how long. Like, it's like an hour.

17 Okay. All right. Well, I hope you all have a  
18 nice day. You guys want to say anything? Because we've got,  
19 like, six hours. Is everybody good? Okay. You all have a  
20 good day.

21 ZC CHAIR HOOD: You all have a good day.

22 BZA CHAIR HILL: Bye-bye. Thank you. We're  
23 adjourned.

24 (Whereupon, the above-entitled matter went off the  
25 record at 10:31 a.m.)

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In the matter of: Public Hearing

Before: DC BZA

Date: 04-03-24

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.

*Neal R. Gross*  
Court Reporter

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