

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY  
JUNE 26, 2024

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Video/Teleconference, pursuant to notice at 9:30 a.m. EDT, Lorna L. John, Vice 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 MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson  
TAMMY STIDHAM, NPS Designee

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.  
CARISSA DEMARE, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on June 26, 2024.

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

2 9:36 a.m.

3 BZA VICE CHAIR JOHN: Good morning, ladies and  
4 gentlemen.

5 The Board of Zoning Adjustment's June 26th  
6 public hearing will please come to order.

7 My name is Lorna John, Vice Chairperson of the  
8 District of Columbia Board of Zoning Adjustment. Joining  
9 me today are Board Members Carl Blake and Chrishaun Smith,  
10 and Zoning Commissioners Tammy Stidham and Anthony Hood.  
11 Chairman Hill is also joining for one decision case.

12 Today's meeting and hearing agendas are  
13 available on the Office of Zoning's website.

14 Please be advised that this proceeding is being  
15 recorded by a court reporter and is also webcast live via  
16 Webex and YouTube Live. The video of the webcast will be  
17 available on the Office of Zoning website after today's  
18 hearing.

19 Accordingly, everyone who is listening on Webex  
20 or by telephone will be muted during the hearing. Also,  
21 please be advised that we do not take any public testimony  
22 at our decision meeting session.

23 If you experience difficulty accessing Webex or  
24 with your telephone call in, then please call our OZ  
25 hotline number at 202-727-5471 to receive Webex log-in or

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1 call-in instructions.

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

12                  In today's hearing session, everyone who is  
13 listening on Webex or by telephone will be muted during  
14 the hearing and only persons who have signed up to  
15 participate or testify will be unmuted at the appropriate  
16 time.

17                  Please state your name and home address before  
18 providing oral testimony or your presentation. Oral  
19 presentations should be limited to a summary of your most  
20 important points. When you are finished speaking, please  
21 mute your audio, so that your microphone is no longer  
22 picking up sound or background noise.

23                  Once again, if you experience difficulty  
24 accessing Webex or with your telephone call-in, or if you  
25 have forgotten to sign up 24 hours prior to this hearing,

1 then please call our OZ hotline number at 202-727-5471 to  
2 sign up and testify and to receive Webex log-in or call-in  
3 instructions.

4 All persons planning to testify either in favor  
5 of or in opposition should have signed up in advance.  
6 They will be called by name to testify. If this is an  
7 appeal, only parties are allowed to testify. By signing  
8 up to testify, all parties completed the oath or  
9 affirmation, as required by Subtitle Y, Section 408.7.

10 Requests to enter evidence at the time of an  
11 online virtual hearing, such as written testimony or  
12 additional supporting documents, other than live video,  
13 which may not be presented as part of the testimony, may  
14 be allowed, pursuant to Subtitle Y, Section 103.13,  
15 provided that the person making the request to enter an  
16 exhibit explains how the proposed exhibit is relevant; the  
17 good cause that justifies allowing the exhibit into the  
18 record, including an explanation of why the requester did  
19 not file the exhibit prior to the hearing, pursuant to  
20 Subtitle Y, Section 206; and how the proposed exhibit  
21 would not unreasonably prejudice any party.

22 The order of procedure for special exceptions  
23 and variances, pursuant to Subtitle Y, 409, will be as  
24 follows:

25 Preliminary and procedural matters;

1 Statement of the applicant and the applicant's  
2 witnesses;

3 Report and recommendation from the D.C. Office  
4 of Planning;

5 Reports and recommendations from other public  
6 agencies;

7 Reports and recommendations from the affected  
8 Advisory Neighborhood Commission and the ANC's witnesses,  
9 if any, with the area in which the property is located;

10 Parties in support of the application;

11 Individuals and organization representatives in  
12 support of the application;

13 Parties in opposition to the application;

14 Individuals and organization representatives in  
15 opposition to the application;

16 Individuals and organization representatives  
17 who are undeclared with respect to the application;

18 Rebuttal and closing statements by the  
19 applicant.

20 At the conclusion of each case, an individual  
21 who was unable to testify because of technical issues may  
22 file a written request for leave to -- may file a request  
23 for leave to file a written version of the planned  
24 testimony to the record within 24 hours following the  
25 conclusion of public testimony in the hearing. If

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1 additional written testimony is accepted, then parties  
2 will be allowed a reasonable time to respond, as  
3 determined by the Board. The Board will, then, make its  
4 decision at its next meeting session, but no earlier than  
5 48 hours after the hearing.

6 Moreover, the Board may request additional  
7 specific information to complete the record. The Board  
8 and the staff will specify at the end of the hearing  
9 exactly what is expected and the date when persons must  
10 submit the evidence to the Office of Zoning. No other  
11 information shall be accepted by the Board.

12 Once again, after the Board adjourns the  
13 hearing, the Office of Zoning, in consultation with me,  
14 will determine whether a full or summary order may be  
15 issued. A full order is required when the decision it  
16 contains is adverse to a party, including an affected ANC.  
17 A full order may also be needed if the Board's decision  
18 differs from the Office of Planning's recommendation.  
19 Although the Board favors the use of summary orders  
20 whenever possible, an applicant may not request the Board  
21 to issue such an order.

22 Finally, the District of Columbia  
23 Administrative Procedure Act requires that the public  
24 hearing on each session -- on each case be held in the  
25 open before the public. However, pursuant to Sections

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

11 MS. MEHLERT: There are a couple of preliminary  
12 matters.

16 Application No. 20802 of 639A LLC, the Board's  
17 action on the Motion to Stay has been rescheduled to July  
18 24th's public meeting.

19 And then, Appeal No. 20984 of Jonathan Dupree,  
20 Mike Maguire, and the 2429 Ontario Condominium Unit Owners  
21 Association, has been withdrawn.

22 For the late filings, the Vice Chair has  
23 reviewed and granted waivers to allow late filings into  
24 the applicants' record, pursuant to Subtitle Y, Section  
25 206.7 and Section 103.13. Any other late filings during

1 the course of today's hearing should be presented before  
2 the Board by the applicant or parties or witnesses after  
3 the case is called.

4 And any other preliminary matters will be noted  
5 when the case is called.

6 BZA VICE CHAIR JOHN: Thank you, Madam  
7 Secretary.

8 Before you call the first case, I would like to  
9 thank Chairman Hill for coming in today on his birthday  
10 and wish him a very happy birthday, as he gets younger and  
11 younger. And I hope you enjoy the rest of your day.

12 Thank you, Ms. Mehlert.

13 BZA CHAIR HILL: I'm a little embarrassed.  
14 Thanks.

15 BZA VICE CHAIR JOHN: Well, you deserve it, Mr.  
16 Chairman.

17 Madam Secretary?

18 MS. MEHLERT: So, the Board's first case on the  
19 meeting agenda is Application No. 21037 of Nathaniel and  
20 Patricia Robb. This is an application pursuant to  
21 Subtitle X, Section 901.2, for Special Exceptions, under  
22 Subtitle E, Section 5201, from the lot occupancy  
23 requirements of Subtitle E, Section 210.1, and the rear  
24 yard requirements of Subtitle E, Section 207.1.

25 This is to construct a rear deck addition to an

1 existing, three-story attached building. This is a two-  
2 unit flat located in the RF-1 Zone, at 1361 Oak Street,  
3 Northwest, Square 2835, Lot 73.

4 This case has been heard several times since  
5 March 20th. On June 5th, the Board granted a request to  
6 postpone the decision from ANC Commissioner Jeremy Sherman  
7 to allow time for the ANC to provide additional input.

8 And participating are Chairman Hill, Mr. Blake,  
9 Mr. Smith, and Chairman Hood.

10 BZA VICE CHAIR JOHN: Thank you.

11 I'm not on this case. So, I'm going to turn  
12 off my video.

13 BZA CHAIR HILL: Thanks, Vice Chair John.

14 Okay. Thanks, everybody.

15 So, we -- I found this pretty difficult for me,  
16 to be quite honest, and I've kind of struggled with it a  
17 little bit. So, I'll be happy to hear what you all have  
18 to say.

19 This was postponed so that I think the ANC  
20 could also weigh-in. The ANC didn't weigh-in the first  
21 time. And so, they were like, you know, they didn't give  
22 us -- they didn't take a position. I can't recall  
23 exactly. But now, they're voting in opposition. And what  
24 they seem to be pointing out more, or more to, is, again,  
25 light and air issues rather than privacy, although they do

1 mention privacy.

2                   My issues with the project primarily centered  
3 around privacy from that balcony on the third story and  
4 the size of that balcony on the third story. There has  
5 been a lot of testimony about, you know, whether or not  
6 there's a third unit or not. And that's not really within  
7 the purview of the Board, neither would it be something  
8 that we would be enforcing. Right? That's something  
9 that, you know, that's on the neighborhood, I guess, to  
10 see if they wanted to -- if there is a third unit and they  
11 wanted to report it, and then, that's not our area to  
12 enforce.

13                   So, that's just kind of -- I'm shelving that.  
14 Right? Like that's not something that we're looking at.  
15 It's now, basically, just this Special Exception for the  
16 lot occupancy and the rear yard.

17                   And the Office of Planning weighed-in and also  
18 thought that they, the Applicant, met the criteria for  
19 this project. And I can review the Office of Planning's  
20 recommendation, but it's all there in the record.

21                   And they -- the Office of Planning, I guess --  
22 as I was kind of speaking about this with a colleague, you  
23 know, think that there are other decks like this in that  
24 neighborhood that are up this high and are this big, that  
25 have been approved.

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1                   And I'm not going to, like, say one way or the  
2 other as to what I think. But since this is my only case,  
3 I get to speak a little bit longer. So, I won't keep you  
4 guys much longer.

5                   But my issue was the size and the fact that  
6 that deck went in front of the elevator shaft. Right?  
7 And so, just the privacy. So, then, we talked about the  
8 privacy screening. And so, I guess that's kind of where  
9 we are right now.

10                  To me, if they were like little decks that just  
11 came out to the elevator shaft, two little decks on either  
12 side of the elevator shaft, and then, a stairwell from one  
13 of the decks down to the bottom, so that there would also  
14 be fire egress, which is something that the Applicants  
15 spoke about, it would make me feel better.

16                  But I'm not trying to redesign the thing. So,  
17 I'm going to wait to see what you all say, and I'm going  
18 to turn it over to Mr. Smith, if I could.

19                  MEMBER SMITH: We've had a lot of deliberation  
20 on this particular case. And based on the information  
21 within the record and what was presented by the Office of  
22 Planning, I do agree with the Office of Planning's  
23 analysis of this particular case in how it meets the  
24 Special Exception criteria for us to grant the Special  
25 Exception for lot occupancy and rear yard.

1                   Some of the major concerns that were raised by  
2 the neighborhood relate to privacy and light and air.  
3 This is an open deck. It's open to the -- and it's not  
4 enclosed or nothing. So, I do not believe that, given the  
5 nature of it being open, it would have an undue effect on  
6 the light and air.

7                   One of the primary concerns that was raised by  
8 the neighbors relates to privacy and a question about  
9 whether the upper-floor unit would be rented. That's not  
10 something that could be regulated by this particular  
11 Board. There are other avenues within the District of  
12 Columbia's government that could allay some of those  
13 concerns.

14                  And as I stated previously when we last talked  
15 about this case -- and this is to the Applicants -- that  
16 the ANC is paying attention. So, if you are renting out  
17 those units, or renting out the upper floor as a dwelling  
18 unit, you will be cited. And there are other avenues that  
19 they can pursue to correct that issue.

20                  Regarding privacy, I do -- and the Office of  
21 Planning has brought this up -- they do not believe, per  
22 their analysis of 5201.4(b), that the inclusion of a  
23 third-floor deck would, while it would result in some  
24 level of privacy impacts, there are similar types of  
25 structures along this alley, but they do believe that some

1 of those privacy impacts could be mitigated by screening,  
2 planters, and the like.

3 And I did make a recommendation to include a 3-  
4 foot screening wall, a privacy wall, along all sides of  
5 the upper-floor deck. And I do believe that that would  
6 sufficiently mitigate some of the privacy concerns. I do  
7 not believe that a 3-foot privacy wall or screening would  
8 have an undue impact on the neighboring properties as it  
9 relates to light and air, because this is still an open  
10 deck or balcony.

11 So, I believe, with that and given the analysis  
12 that has been presented by the Office of Planning, and the  
13 additional pictures presented by the Office of Planning,  
14 as well as the Applicant, I believe that the Applicant has  
15 met the burden of proof for us to grant both of these  
16 Special Exceptions, and supported with the condition that  
17 the upper-floor deck would be screened, as illustrated  
18 within the most recently submitted ones.

19 So, that's all I would inject.

20 BZA CHAIR HILL: All right. Thanks, Mr. Smith.

21 I think it's Exhibit 82.

22 Mr. Blake?

23 MEMBER SMITH: Eighty-one, Mr. Chair. It's 83.  
24 Thank you, Mr. Chair.

25 BZA CHAIR HILL: Eighty -- which one? I'm

1 sorry.

2 MEMBER SMITH: Three.

3 BZA CHAIR HILL: No, the drawings are in 81.

4 MEMBER SMITH: Yes, 81.

5 BZA CHAIR HILL: Okay.

6 Sorry. Mr. Blake?

7 MEMBER BLAKE: Yes, I agree with the analysis  
8 that you and Mr. Smith provided for us. I do think this  
9 case has had a very full record. And I do appreciate the  
10 input from Commissioner Sherman, as well as the ANC, as  
11 they have evolved through this process. We've got a lot  
12 of information from the community, tons of community  
13 input.

14 So, as Board Member Smith pointed out, the main  
15 issue -- and as you, Mr. Chair, pointed out -- the main  
16 issue that came up to me was the issue of privacy from the  
17 discussions with the community. And I do believe that the  
18 privacy screen will, in fact, actually do a lot to deal  
19 with the privacy issue.

20 I don't anticipate, given the way that the  
21 Applicant has expressed their use for this facility, it  
22 does not appear that you would have 20 people gathered at  
23 one time peering into other people's yards for extended  
24 periods of time. So, I do believe that the use of this  
25 property, you know, this deck, will not necessarily cause

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1 that problem. If you're sitting down on the deck, the  
2 privacy screen actually would shield both the users of the  
3 property as well as those beneath.

4                   Also, in the Office of Planning's analysis,  
5 there was an issue that there would be potentially some  
6 privacy concerns on the neighboring properties on the  
7 side. I think this will definitely address that.

8                   As far as the light and air portion of the  
9 criteria, it's pretty clear from this, as Board Member  
10 Smith pointed out, it's an open-air deck. And because of  
11 that and its height, it isn't necessarily going to cast  
12 additional shadow, especially since it's the building  
13 faces north-south, and the shadows cast from the building  
14 itself will pretty much not be that much more as a result  
15 of the deck, even though it's on the third floor.

16                   I would argue that putting the screening up  
17 could actually worsen that, but I do not think it's a  
18 significant amount. I think the Office of Planning did  
19 determine that -- and I credit the analysis they did --  
20 that it would not be an undue impact from a light and air  
21 perspective.

22                   And as you pointed out, Mr. Chair, the vantage  
23 point, the visual intrusion issue is somewhat mitigated by  
24 the fact -- if you look at the entirety of the square, it  
25 includes, obviously, a MU zone, which has much larger

1 structures with larger decks which are very close to it.  
2 So, the overall proximity makes that not as visually  
3 intrusive as one might think.

4 And as you realize, the deck is not the least  
5 bit visible from Oak Street itself, and this building does  
6 sit at the peak of a hill on Oak Street. So, it does  
7 appear to tower over everything else, largely because of  
8 the topography.

9 We are, by Y, 406.2, we are required to give  
10 great weight to the issues and concerns, including that in  
11 the written report of the ANC as it relates to the  
12 standards in which the application is judged, not  
13 necessarily a recommendation of the ANC. Great weight,  
14 basically, means that the BZA has to acknowledge the  
15 legally relevant issues and concerns raised by the ANC and  
16 explain the degree of particularity in their order and why  
17 it did not find the ANC's views persuasive.

18 In this written report, in Exhibit 83, the ANC  
19 want to oppose the application based on light and shadow  
20 and the oversized nature of the structure, and the  
21 repeated changes to plans throughout the BZA process.

22 I, first, say that, again, it's the legally  
23 relevant issues which, basically, are light and shadow,  
24 but, as we talk about the repeated changes, there weren't  
25 a lot of changes. There was a refinement, a lack of

1 information. We had measurement issues which were  
2 addressed by the Zoning Administrator and corrected in the  
3 application which is the subject of this current  
4 application and revised measurements (audio interference)  
5 that actually did not change.

6 The other issue that came up with regard to the  
7 oversized structure, the Applicant said that the ANC was  
8 concerned that it was a larger deck than necessary for the  
9 purposes of fire escape and for the use that they have  
10 specified. We are not able to control the size of it.  
11 They have a right to use their property pretty much the  
12 way that they would like to, so long as it meets the  
13 criteria for approval, which really relates to the impact  
14 on the neighboring properties with regard to light and air  
15 and privacy. And I do believe that the privacy screen, as  
16 I said, addressed that, and we believe that those issues  
17 have been met, essentially.

18 So, I would argue that, while I appreciate the  
19 efforts of the ANC's vantage point regarding the  
20 application -- it was very helpful and insightful -- I did  
21 not find that the ANC offered persuasive advice that would  
22 warrant denial of the zoning relief requested by the  
23 Applicant.

24 So, I would agree with, again, the Office of  
25 Planning's report and give great weight to their

1 recommendation. And I will be voting in favor of the  
2 application.

3 BZA CHAIR HILL: Thank you.

4 Chairman Hood?

5 ZC CHAIR HOOD: Thank you, Mr. Chairman.

6 I won't repeat everything I heard, which I  
7 actually agree with the analysis of my colleagues and the  
8 conclusions they have come to.

9 I will agree with Board Member Blake about the  
10 ANC report. As I was reading through it, while we were  
11 expounding ourselves and trying to get to some relevant  
12 issues and understanding exactly what was actually  
13 happening, and get a full understanding before we made a  
14 decision, I wanted to make sure that, while we respect  
15 what the ANC said and, yes, we went back and forth and  
16 never changed it, because we need to understand what we  
17 are voting on. And I think Board Member Blake hit that  
18 right on the head, about how we went through that process.

19 So, I want to make sure the ANC understands  
20 that we appreciate their information, but I think this  
21 case meets the criteria. The privacy issue, as Board  
22 Member Smith has mentioned, I think has been satisfied.

23 And, Mr. Chairman, without me elaborating and  
24 keep going on here, I will be voting to support this  
25 application, and also wish you a happy birthday and also

1 tell you that all of us work on our birthdays on the  
2 zoning.

3 So, I'll leave it at that. Thank you.

4 BZA CHAIR HILL: Okay. All right.

5 Let's see. I still don't like it. I'll just  
6 tell you guys that I still don't like it.

7 All right. I'm going to make a motion to  
8 approve Application No. 21037 -- approve Application No.  
9 21037, as captioned and read by the Secretary, including  
10 the condition that there is a 3-foot privacy screening all  
11 the way around the third-floor deck, except for the little  
12 entrance area where there's, like, the stairwell, as in  
13 Exhibit 81, and ask for a second, Mr. Blake.

14 MEMBER BLAKE: Second.

15 BZA CHAIR HILL: The motion is made and  
16 seconded.

17 Madam Secretary, if you would take the roll  
18 call?

19 MS. MEHLERT: All right. So, for the Chair's  
20 motion to approve the application with the condition  
21 regarding the privacy screening, as shown in Exhibit 81.

22 Chairman Hill?

23 BZA CHAIR HILL: Yes.

24 MS. MEHLERT: Mr. Blake?

25 MEMBER BLAKE: Yes.

1 MS. MEHLERT: Mr. Smith?

2 MEMBER SMITH: Yes.

3 MS. MEHLERT: Chairman Hood?

4 ZC CHAIR HOOD: Yes.

5 MS. MEHLERT: Staff will report the vote as  
6 4-to-0-to-1 to approve Application 21037 with one  
7 condition on the motion made by Chairman Hill and seconded  
8 by Mr. Blake.

9 BZA CHAIR HILL: Okay. Thanks.

10 Ms. John, are you there?

11 ZC CHAIR HOOD: See you all later.

12 BZA CHAIR HILL: Bye, Chairman Hood.

13 BZA VICE CHAIR JOHN: Good day, Chairman Hill.  
14 Thank you.

15 BZA CHAIR HILL: Thank you. Thank you all.

16 MEMBER STIDHAM: Happy birthday, Chairman Hill.

17 BZA CHAIR HILL: Thank you.

18 And thank you, Ms. John. I appreciate it.

19 BZA VICE CHAIR JOHN: Thanks.

20 BZA CHAIR HILL: Bye.

21 BZA VICE CHAIR JOHN: So, we can call the next  
22 case, Ms. Mehlert.

23 MS. MEHLERT: Next on the agenda is Application  
24 No. 21147 of Deirdre O'Scannlain and Stephen Jones. This  
25 is an expedited review case, a self-certified application,

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1 pursuant to Subtitle X, Section 901.2, for a Special  
2 Exception under Subtitle D, Section 5201, and Subtitle D,  
3 Section 5004.1(a), to allow an accessory building in the  
4 rear yard. This is to construct a two-story rear addition  
5 to an existing detached principal dwelling with an  
6 existing one-story accessory structure in the rear yard.  
7 It's located in the R-1B zone at 4913 Rodman Street,  
8 Northwest, Square 1477, Lot 39.

9 BZA VICE CHAIR JOHN: Thank you.

10 So, are we ready to deliberate?

11 And I guess I'll go ahead and get started.

12 So, as we heard, this is a Special Exception  
13 request for a rear yard relief for 18 feet, where 25 feet  
14 are required. And the relief is necessary in this case  
15 because the addition to the principal building brings it  
16 much closer to the accessory structure and would encroach  
17 on the rear yard, the existing rear yard.

18 So, in looking at the application, I did not  
19 believe that there's any adverse impact on either air or  
20 privacy, and we're only looking at 7 feet of relief, which  
21 I don't believe was significant enough to have an adverse  
22 impact on the neighbors.

23 And in terms of whether or not the addition is  
24 consistent with the current scale and pattern of houses  
25 along this street or alley, I believe that the application

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1 met that requirement.

2 I also agree with OP's analysis and  
3 recommendations and give great weight to OP's report, and  
4 I note that the ANC is in support as well.

5 So, does anyone have anything to add?

6 Mr. Blake?

7 MEMBER BLAKE: And, Madam Vice Chair, I agree  
8 with your analysis of this case. It's fairly  
9 straightforward. And I believe the Applicant has met the  
10 burden of proof to be granted the requested relief.

11 I'm going to be voting in support of the  
12 application. I agree with the Office of Planning's  
13 analysis of how they met the standards. I give great  
14 weight to their recommendation. I also note that DDOT has  
15 no objection, as you point out, and ANC 3D is in support.  
16 They weigh no issues or concern. And there are also  
17 several persons who support it, including the abutting  
18 neighbors. So, I'll be voting in favor of the  
19 application.

20 BZA VICE CHAIR JOHN: Thank you.

21 Board Member Smith?

22 Can you hear me, Board Member Smith?

23 MEMBER SMITH: I have nothing to add. I agree  
24 with your assessment and Board Member's Blake's assessment  
25 of this case, and will give, also, Planning's staff report

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1 great weight, and support the application.

2 BZA VICE CHAIR JOHN: Thank you.

3 Commissioner Stidham?

4 MEMBER STIDHAM: I also agree with everything  
5 that has already been said, and with that great weight  
6 being applied to the OP report, and will be voting in  
7 support as well.

8 BZA VICE CHAIR JOHN: Thank you.

9 I think I have everybody.

10 So, with that, I'll go ahead and make a motion  
11 to approve Application 21147, as captioned and read by the  
12 Secretary, and ask for a second, Mr. Blake.

13 MEMBER BLAKE: Second.

14 BZA VICE CHAIR JOHN: Thank you.

15 Madam Secretary, would you please take the roll  
16 call?

17 MS. MEHLERT: On the Chair's motion to approve  
18 the application, Vice Chair John?

19 BZA VICE CHAIR JOHN: Yes.

20 MS. MEHLERT: Mr. Blake?

21 MEMBER BLAKE: Yes.

22 MS. MEHLERT: Mr. Smith?

23 MEMBER SMITH: Yes.

24 MS. MEHLERT: And Commissioner Stidham?

25 MEMBER STIDHAM: Yes.

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1 MS. MEHLERT: Staff will record the vote as  
2 4-to-0-to-1 to approve Application 21147 on the motion  
3 made by Vice Chair John and seconded by Mr. Blake with one  
4 Board member not participating.

5 BZA VICE CHAIR JOHN: Thank you.

6 You can call the next case.

7 MS. MEHLERT: Next is another expedited review  
8 case. This is Application No. 21148 of Claire Carlin and  
9 Martin Hamburger. This is a self-certified application,  
10 pursuant to Subtitle X, Section 901.2, for a Special  
11 Exception under Subtitle D, Section 5201, from the rear  
12 yard requirements of Subtitle D, Section 207.1. This is  
13 to construct a three-story rear addition to an existing  
14 detached, two-story principal dwelling. The project is  
15 located in an R-1B zone at 1303 Quincy Street, Northeast,  
16 Square 3967, Lot 84.

17 BZA VICE CHAIR JOHN: Thank you.

18 So, I'll go ahead and get started.

19 This is a Special Exception request from the  
20 rear yard requirements and the project would replace the  
21 existing one-story rear addition with a three-story  
22 addition and reduce the required rear yard to 8 feet.

23 The Office of Planning analyzed the application  
24 and is in support. I would give great weight to OP's  
25 analysis and recommendations of how the application meets

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1 the criteria for the relief. The application meets all of  
2 the development standards. And of note, there is a 12-  
3 foot -- or 11-foot side yard, where 8 feet is required.  
4 So, in terms of light and air, there should be no impact  
5 from having that rear addition in a part of the rear yard.

6 I don't think, also, that there's any impact on  
7 privacy because there are trees on the property which  
8 would provide some protection for any potential privacy  
9 impact, as the Office of Planning noted in its analysis.

10 I'll note that the ANC is in support of the  
11 application. DDOT has no objection.

12 It's, basically, quite straightforward, and I'm  
13 in support of the application.

14 Mr. Blake?

15 MEMBER BLAKE: Thank you, Vice Chair John.

16 I agree with the analysis that you've put  
17 forth. I agree with the Office of Planning's analysis in  
18 how the Applicant has met the conditions, D 5201, as well  
19 as the general standards.

20 I do believe that the Applicant's additional  
21 photographs were very helpful in seeing how the potential  
22 impact would be on the adjacent properties. It's an  
23 unusual property because it's a corner lot, et cetera.

24 I would love to have seen something from the  
25 neighbors, but the ANC report said that the drawings and

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1 proposal were given to the adjoining neighbors. So, I  
2 note that they were aware of it, and therefore, I feel  
3 pretty comfortable that there are no objections. So, I  
4 will be voting in favor of the application.

5 BZA VICE CHAIR JOHN: Thank you, Mr. Blake.

6 Board Member Smith?

7 Mr. Smith? Board Member Smith, we --

8 MEMBER SMITH: Sorry, can you hear me?

9 BZA VICE CHAIR JOHN: Now I can.

10 MEMBER SMITH: It keeps freezing. Sorry.

11 BZA VICE CHAIR JOHN: Okay.

12 MEMBER SMITH: Every time I hit unmute.

13 So, I agree with the analysis presented by you  
14 and Board Member Blake on the reasons why this application  
15 meets the burden of proof. So, I agree with everything  
16 that's stated. I do believe that it was a fairly  
17 straightforward application and I will be in support as  
18 well.

19 BZA VICE CHAIR JOHN: Thank you, Board Member  
20 Smith.

21 Commissioner Stidham?

22 MEMBER STIDHAM: Thank you.

23 I also agree with everyone, everything that's  
24 already been stated and OP's analysis, and will be in  
25 support as well.

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1 BZA VICE CHAIR JOHN: Thank you.

2 So, with that, I'll make a motion to approve  
3 Application -- is that 21148, Ms. Mehlert?

4 MS. MEHLERT: Yes.

5 BZA VICE CHAIR JOHN: Okay. Thank you.

6 So, with that, I'll make a motion to approve  
7 Application No. 21148, as captioned and read by the  
8 Secretary, and ask for a second, Mr. Blake.

9 MEMBER BLAKE: Second.

10 BZA VICE CHAIR JOHN: Madam Secretary, would  
11 you please the roll call?

12 MS. MEHLERT: Please respond to the Vice  
13 Chair's motion to approve the application.

14 Vice Chair John?

15 BZA VICE CHAIR JOHN: Yes.

16 MS. MEHLERT: Mr. Smith?

17 MEMBER SMITH: Yes.

18 MS. MEHLERT: Mr. Blake?

19 MEMBER BLAKE: Yes.

20 MS. MEHLERT: And Commissioner Stidham?

21 MEMBER STIDHAM: Yes.

22 MS. MEHLERT: The staff will report the vote as  
23 4-to-0-to-1 to approve Application 21148 on the motion  
24 made by Vice Chair John and seconded by Mr. Blake.

25 BZA VICE CHAIR JOHN: Thank you. So I think

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1 we'll take a 10-minute break and return at 10:25. Okay?

2 Thank you.

3 (Whereupon, the above-entitled matter went off  
4 the record at 10:12 a.m. and resumed at 10:28 a.m.)

5 BZA VICE CHAIR JOHN: Okay. Ms. Mehlert, can  
6 you call us back in?

7 MS. MEHLERT: The Board has returned from a  
8 short break.

9 The last piece in the meeting session is  
10 Application No. 20763-A of MR H Street Land, LLC, and MR  
11 617 H Street 2 Capital, LLC. It's a time extension  
12 request, pursuant to Subtitle Y, Section 705.1, for a two-  
13 year time extension of the validity of the order approving  
14 Application No. 20763, which was issued and final on  
15 August 2, 2022.

16 The project is to construct a new 11-story  
17 attached building with office and retail uses and you've  
18 got the parking garage and penthouse. The project is  
19 located in the D-5-R zone at 613 to 617 H Street,  
20 Northwest, Square 453, Lots 847 and 848.

21 BZA VICE CHAIR JOHN: Thank you, Mr. Mehlert.

22 Just give me a minute.

23 Okay. So, this is a request for a time  
24 extension, and I believe there is good cause to grant the  
25 extension, the two-year extension.

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1                   The Applicant states that there is a lack of  
2 financing and that this is partly due to market  
3 volatility. And so, I believe the Applicant -- the time  
4 extension should be granted until August 2nd, 2026.

5                   The Office of Planning recommends approval, and  
6 I don't believe we have a report from ANC, the ANC.

7                   So, I'm in support of the application.

8                   And I'll go to Mr. Smith next.

9                   Board Member Smith?

10                  Can you hear me, Board Member Smith?

11                  Okay. Let's take a few minutes to see if Board  
12 Member Smith can get his technical difficulties resolved.

13                  (Pause.)

14                  Can you hear me now, Board Member Smith?

15                  MEMBER SMITH: Yes, I can hear you now.

16                  BZA VICE CHAIR JOHN: Okay. All right. Thank  
17 you.

18                  Please go ahead, Board Member Smith.

19                  MEMBER SMITH: I'll be quick because of these  
20 technical difficulties.

21                  I agree with the statement provided by you or  
22 the explanation provided by the -- or the reasons why this  
23 application meets the burden of proof for us to grant the  
24 time extension, and I will also vote to support.

25                  BZA VICE CHAIR JOHN: Thank you.

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## 1 || Board Member Blake?

2 MEMBER BLAKE: Thank you, Vice Chair John.

I am in support of the time extension request.  
I will credit the Office of Planning's report on the  
determination of why 705.2(b), which indicated there are  
no substantial changes in any of the material facts upon  
which the Board based its original zoning approval on the  
zoning surrounding the development or proposed development  
-- or the proposed development.

10 I would also note that the ANC has not provided  
11 a report. However, I would note Exhibit 14, which the  
12 Applicant provided, providing information on the unanimous  
13 support that they received from the Commission for the  
14 time extension at the meeting which was held recently.

15                   And I, again, agree with you it is good cause,  
16 and I'll be voting in favor of the time extension.

17 BZA VICE CHAIR JOHN: Thank you, Board Member  
18 Blake.

19 Commissioner Stidham?

20 MEMBER STIDHAM: Thank you.

21 I support the comments of Board Member Blake  
22 and agree that the term extension is worthy and I will  
23 support that as well.

24 BZA VICE CHAIR JOHN: Thank you.

25 And with that, I make a motion to approve

1 Application No. 20763-A, as captioned and read by the  
2 Secretary, and ask for a second, Mr. Blake.

3 MEMBER BLAKE: Second.

4 BZA VICE CHAIR JOHN: Madam Secretary, would  
5 you please state the roll call?

6 MS. MEHLERT: This is on the Vice Chair's  
7 motion to approve the time extension application.

8 Vice Chair John?

9 BZA VICE CHAIR JOHN: Yes.

10 MS. MEHLERT: Mr. Smith?

11 MEMBER SMITH: Yes.

12 MS. MEHLERT: Mr. Blake?

13 MEMBER BLAKE: Yes.

14 MS. MEHLERT: And Commissioner Stidham?

15 MEMBER STIDHAM: Yes.

16 MS. MEHLERT: Staff will report the vote as  
17 4-to-0-to-1 to approve Application 20763-A on the motion  
18 made by Vice Chair John and seconded by Mr. Blake.

19 BZA VICE CHAIR JOHN: Thank you.

20 (Whereupon, the above-entitled matter went off  
21 the record at 10:33 a.m.)

22

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC BZA

Date: 06-26-24

Place: telenconference

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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Court Reporter

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