

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

SEPTEMBER 11, 2024

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:30 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CARL BLAKE, Member
CHRISHAUN S. SMITH, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

ROBERT MILLER, Vice-Chairperson

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

SHEPARD BEAMON
MAXINE BROWN-ROBERTS
CRYSTAL MYERS
PHILIP BRADFORD

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

NANCY NAGELHOUT, ESQ.

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CARISSA DEMARE, ESQ.
CHLOE SELLERS, ESQ.
JORDANE WONG, ESQ.

The transcript constitutes the minutes from
the Regular Public Hearing held on September 11, 2024.

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

(9:50 a.m.)

MS. MEHLERT: Okay. Next is in the Board's hearing session. This is Application Number 19887A of Marjorie Hutchinson. This is a request pursuant to Subtitle Y, Section 704, for a modification with hearing to remove a condition of approval adopted in the Order approving Application Number 19887 issued on April 1st, 2019.

This is to eliminate Condition Number 10 to allow trash storage in a shed outside of the building. The project is located in the RF-1 Zone at 1724 North Capitol Street, Northwest, Square 3105, Lot 72. This request was originally submitted as a modification of consequence and scheduled for decision at the public meeting on April 24th. After a request of ANC 5E, the meeting was postponed to May 8th, when the Board decided to put the request on the hearing agenda as a modification of significance, which is now considered a modification with hearing.

CHAIRPERSON HILL: Okay. Thank you.

Can the Applicant hear me? And if so, could they introduce themselves for the record?

MS. STEDMAN: Janet Stedman for Jam Doung.

CHAIRPERSON HILL: Okay. Ms. Stedman, can you

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1 use your camera? Okay. Great.

2 MS. STEDMAN: Okay.

3 CHAIRPERSON HILL: Great. Thank you.

4 Ms. Stedman, is there anyone here with you
5 today?

6 MS. STEDMAN: I believe everyone was having an
7 issue logging in. Marjorie is supposed to be here. And I
8 have one witness, but they're having an issue, so --

9 CHAIRPERSON HILL: Okay.

10 MS. STEDMAN: I think it'll be just me.

11 CHAIRPERSON HILL: Okay. And is it the ANC
12 Commissioner that I see? Could you introduce yourself for
13 the record, please?

14 MR. CARVER: Fred Carver. I'm ANC 5E03, and I
15 represent this district.

16 CHAIRPERSON HILL: Okay. Great. All right.
17 Welcome, Commissioner.

18 Okay. Ms. Stedman -- I'm sorry. Stedman,
19 correct?

20 MS. STEDMAN: Correct. Yes.

21 CHAIRPERSON HILL: Okay. Great. Ms. Stedman,
22 were you with us for the original hearing?

23 MS. STEDMAN: I was, yes.

24 CHAIRPERSON HILL: Oh, my gosh. That was a
25 long time ago, Ms. Stedman.

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1 MS. STEDMAN: Indeed.

2 CHAIRPERSON HILL: All right. So, Ms. Stedman,
3 you're familiar with everything that went -- that happened
4 at that time, and we've read the record and what you're
5 proposing. And I'm not exactly sure that we're going to
6 be able to resolve this today, but if you want to go ahead
7 and explain to us what you would like to see happen;
8 what's your argument here for your application?

9 MS. STEDMAN: Well, my argument is Condition 10
10 was asking us to store the garbage inside the restaurant,
11 and that is just not possible. I can tell you that when I
12 first thought of storing the garbage inside the
13 restaurant, my thinking was if I had something attached to
14 the restaurant where I can store the garbage, that would
15 be sufficient because I was wish -- not only me, we were
16 all a little confused on the storage of internal location.
17 So I was thinking as long as it was inside someplace and
18 not just exposed on the sidewalk, that would satisfy the
19 meaning of storage of internal location. But then,
20 someone said internal location meant inside the restaurant
21 itself.

22 I invited Mr. Fred Carver to come take a look
23 at the restaurant to see that it's virtually impossible
24 for me to store the garbage inside the restaurant because
25 right now, I have three recycle holders and two, two-yard

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1 dumpster that I was able to get a shed, and it's stored
2 inside there. With that, I get trash pickup five days a
3 week. So if -- it would just -- it would just be
4 impossible for me to store the garbage inside the
5 restaurant.

6 When I tried to talk to the trash company, many
7 different trash company, and how that would work, it
8 wasn't -- it was just not working. So I don't know how to
9 store the trash inside the restaurant until it's time to
10 pick up. Right now, I store the trash on the sidewalk.
11 I've uploaded some pictures.

12 I got a letter from Office of Planning that
13 they will support the idea of keeping the shed and storing
14 the trash there. I also have a letter from Mr. Orlando,
15 my neighbor.

16 The shed is a good idea to store the trash
17 because it's aesthetically, it looks good. It'll hold the
18 smell down. And I don't have an issue with that other
19 than condition number 10 is saying that it needs to be
20 inside the restaurant. But I was thinking that when they
21 said internal location, originally, I thought internal
22 location meant inside something. I didn't know it meant
23 inside the restaurant.

24 CHAIRPERSON HILL: Okay. The -- I'm going to
25 let us go through the hearing, Ms. Stedman, because the --

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1 what I was confused about was whether or not it was in
2 public space where the shed was. Is it in public space?
3 You don't know.

4 MS. STEDMAN: It is -- so, depends on who you
5 speak with. I called DOB, and they'll say -- depends on
6 who I get -- they'll say it's not in public space. So
7 I've heard it is in public space, and I've heard it's not
8 in public space.

9 From doing my own reading, I feel like it is in
10 public space, and -- but when I called DDOT to find out
11 about public space, they said I would -- I would need to
12 file an application asking them for permission to keep the
13 shed and that they would look at each request
14 individually, and they can grant the permission.

15 CHAIRPERSON HILL: Okay. Commissioner, give me
16 one second, and I'll take your testimony. Just one
17 second. Just let me see if my Board members have any
18 questions for Ms. Stedman at this time.

19 I'm going to go to the Office of Planning and
20 find out where they think public space is and HPRB, but do
21 my Board members have any questions for Ms. Stedman? Or
22 I'll wait and hear from everybody else, and then maybe
23 you'll have some questions.

24 Commissioner Carver, would you like to give us
25 your testimony?

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1 MR. CARVER: I wanted to speak to that point.
2 The shed is in the building restriction zone, so it's, you
3 know, the public right-of-way. It's not in public space.
4 So they have a sidewalk, you know, that's public space.
5 And then, part of the land right on that street, right
6 next to the houses, is a building restriction zone on
7 DDOT's maps. So they would have to get permission to
8 build there. Even though it's technically their land,
9 it's a public right-of-way.

10 CHAIRPERSON HILL: Okay. All right. Let me
11 hear from the Office of Planning if I could.

12 MR. BEAMON: Good morning, everyone. This is
13 Shepard Beamon. I'm with the Office of Planning. Let's
14 see. So OP has reviewed the requested modification of
15 significance to remove condition 10 from the original
16 order requiring internal storage of trash. We don't
17 support the elimination of the condition.

18 Instead, we just recommend that the Board
19 approve the modification of the condition to allow outside
20 storage of trash under the conditions that the trash
21 enclosure is properly secured and not moved from the
22 requested location and that the enclosure is properly
23 closed and locked when not in use, which the Applicant has
24 agreed to.

25 We stand on the record, and I'm happy to take

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1 any questions.

2 Oh, and sorry. To address the building
3 restriction line, as the Commissioner did mention, there
4 is a 15-foot building restriction line along Randolph
5 Place, Northwest, so the enclosure would be over that line
6 and would require a Public Space Committee review.

7 CHAIRPERSON HILL: So we would need Public
8 Space Committee review first, Mr. Beamon, before we would
9 even know if this could stay there, correct?

10 MR. BEAMON: You don't have to, but there may
11 be some additional conditions or, you know, things that
12 come about from that committee review that may have an
13 impact on the site plans. So I think we don't have to,
14 but it may be best or recommended that that be the route,
15 but that's up to the Board to determine.

16 CHAIRPERSON HILL: Okay. I'm just looking at
17 your report.

18 Ms. Stedman, do you know how to go about
19 getting before Public Space for this committee review?

20 MS. STEDMAN: I did send everything over to
21 DDOT. I was in communication with the person who was
22 handling the case, who did the Public Space review for the
23 first hearing we had way back then. She was -- she
24 remembered the case. She was familiar with the case.

25 So I kind of wanted to know if -- what I wanted

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1 to do was to know if you guys would give me permission to
2 even have the -- keep the shed before I ask Public Space,
3 so that way, if Public Space said, yes, you can keep the
4 shed, then if I come and ask you guys, and you guys said
5 no, we won't revise Condition 10, then it wouldn't be any
6 point to ask DDOT because you didn't give me permission to
7 revise Condition 10. But I was thinking, if you said yes,
8 we will revise Condition 10, then I can ask Public Space:
9 I got permission from the Board of Zoning to leave the
10 shed here; now will you give me permission to keep the
11 shed?

12 CHAIRPERSON HILL: Right. I got you. And so,
13 what it seems to be, Ms. Stedman, is that Public Space may
14 ask you to do some different things, and then we would
15 need to know what those different things are, or the
16 design might be different or something. And so that's why
17 we would need to hear from them first, right?

18 And then, Mr. Beamon, can you hear me?

19 MR. BEAMON: Yes. I'm here.

20 CHAIRPERSON HILL: Is there something about
21 HPRB?

22 MR. BEAMON: Yeah. So it's in the Bloomingdale
23 Historic District, so it would need review by them too.

24 CHAIRPERSON HILL: Okay. So, Ms. Beamon, do
25 you know about HPRB?

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1 MR. BEAMON: Stedman.

2 CHAIRPERSON HILL: I'm sorry. Stedman. Sorry.

3 MS. STEDMAN: I do. I spoke -- I think the
4 person who was responsible for my area was Brandon Mayer
5 (phonetic).

6 CHAIRPERSON HILL: Okay.

7 MS. STEDMAN: I spoke with him, and he -- I
8 didn't -- the conversation with him did not go well. I
9 felt like he was obnoxious, and he was calling the houses
10 his brownstone.

11 And I read the rules, and in the rules, it said
12 that I had -- I had a right to ask them to come out and
13 take a look at the condition that I'm trying to have done.
14 And I asked him that, and he said no, he's not coming out.

15 CHAIRPERSON HILL: Okay.

16 MS. STEDMAN: He know -- he can see everything
17 from his computer, so our conversation did not go well,
18 but I plan to speak with his supervisor.

19 CHAIRPERSON HILL: Okay. So, Ms. Stedman, and
20 I know this -- like, anyway, I mean I remember the first
21 hearing. Like, the first hearing was long, right?

22 MS. STEDMAN: Yes, it was.

23 CHAIRPERSON HILL: And so, you're back here,
24 and I never thought I'd see you guys again, you know? And
25 so -- but not in a bad way. I'm just saying that, like,

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1 it sounds like you got to go to the -- you have to go to
2 Public Space first.

3 MS. STEDMAN: Yes.

4 CHAIRPERSON HILL: Then HPRB, and then come
5 back to us.

6 MS. STEDMAN: Okay.

7 CHAIRPERSON HILL: So that's what's kind of
8 sort of happening a little bit here.

9 But before we even do that, again, Commissioner
10 -- and I'll get back to my Board members. Sorry.

11 Commissioner, your ANC had additional
12 conditions or new conditions. Can you explain those?

13 I'm sorry, Commissioner. You're on mute.

14 MR. CARVER: My apologies. Yeah, this is a new
15 ANC from when the restaurant was approved in the first
16 place, in terms of I wasn't on the commission. So we had
17 -- and we've now lived with the restaurant with the trash
18 pickup and so on. So we had concerns about the trash
19 pickup itself.

20 The main concern is that the trash trucks pull
21 up onto the actual sidewalk to pick up the trash, which I
22 believe creates a hazard for pedestrians and people
23 waiting at the bus stop next door to it. So that would be
24 our main concern with conditions.

25 The others were details -- we also -- we're

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1 curious about the order of how the committees work here,
2 so we wanted to make sure that this passed the Historic
3 Board as well as, of course, the Public Space Committee.
4 But the main concerns we had were trash pickup.

5 And also, there's a lot of delivery vehicles
6 that sometimes park on the sidewalk themselves because
7 there's not much parking there. So we would like as a
8 condition of this that they place a bollard or some other
9 device on the sidewalk to prevent vehicles and the trash
10 trucks from pulling up onto the sidewalk.

11 CHAIRPERSON HILL: Okay. So, I guess,
12 Commissioner, I don't know how that bollard or planter
13 thing might work. Meaning, that's again something that I
14 guess then Ms. Stedman would have to show Public Space, I
15 would imagine.

16 MR. CARVER: Right, right.

17 CHAIRPERSON HILL: Whatever the plan was,
18 right?

19 And so, Ms. Stedman, if there is -- and I'm
20 sorry. This is a little bit out of my realm here. Like,
21 if there's a planter -- I don't think a bollard, but if
22 there's a planter or something that you think -- do you
23 understand what the Commissioner is talking about, Ms.
24 Stedman?

25 MS. STEDMAN: I do, yes.

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1 CHAIRPERSON HILL: Okay. So if you want to go
2 ahead and see if you can appease the ANC for -- the other
3 ones are all relatively straightforward. I mean, it's
4 like, you know, the HPRB, you're going to have to deal
5 with; you know, the number 2 and number 3, the sealed
6 smells and liquids contained. The rats can't enter. You
7 know, trash pickup occurs between peak hours, and
8 Applicant applies for a loading zone -- I mean, applies
9 for a loading zone permit. I don't know if you need to
10 apply for a loading zone permit or not.

11 You know, that's -- again, I think if you can,
12 just kind of work with the ANC, Ms. Stedman, as to those
13 conditions. By the next time you come back here, if you
14 guys are both at least in agreement on those or if not,
15 then we can talk those through when you get here. Okay?

16 MS. STEDMAN: Okay.

17 CHAIRPERSON HILL: Okay. So let's see. Okay.
18 Do my fellow Board members have any questions of anybody?

19 Go ahead, Mr. Blake.

20 MEMBER BLAKE: Commissioner Carver, the
21 conditions that are in the original order do still apply
22 completely. And there was, under the parking element,
23 discussion about bollards. So you may want -- and I'm
24 sure you've reviewed those conditions, but some of those
25 conditions would still be -- those conditions would still

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1 be in place. So, in fact, if that is already there, we
2 would -- you know, your request would not be necessarily
3 required if it's already in the order.

4 And of course, Ms. Stedman, you need to adhere
5 to that requirement.

6 MS. STEDMAN: I did.

7 MEMBER BLAKE: I'm looking at parking number 6
8 is what I'm looking at -- Condition Number 6 in the
9 previous order. Thank you.

10 The other thing for Mr. Beamon, I had one
11 question with regard to the container -- or the storage
12 shed, if it is approved, are there any specific
13 requirements that the Office of Planning would have to
14 make sure this particular structure will actually
15 accomplish its goals to keep out the rodents and things of
16 that nature? Because it's a shed, and I know you want to
17 keep it closed, but is there anything that we would have
18 to have as a specific condition that would actually, you
19 know, wrap it up pretty tight?

20 MR. BEAMON: Design? We were not proposing any
21 additional, like, design standards or requirements for
22 this particular structure or enclosure. The fact that
23 it's closed and covered and secured, we find that it
24 should not have a negative impact on neighboring
25 properties when it comes to rodents or odors. So we don't

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1 have any other conditions that we're imposing to that
2 particular structure.

3 MEMBER BLAKE: Okay. Thank you.

4 CHAIRPERSON HILL: Commissioner Carver?

5 MR. CARVER: To the bollards, the ones that are
6 there, they are flexposts, but they don't block people
7 from pulling up onto the sidewalk. So the current
8 location of them was supposed to prevent people from
9 parking directly in front of the building. But they --
10 you know they -- but the problem is that those flexposts
11 have narrowed the street.

12 And so, if any trash truck were to pull up
13 without a dedicated loading zone, they would block
14 completely the street. There would be no way to get by
15 the truck. So, right now, if they don't pull up on the
16 sidewalk, there's really not a practical way for them to
17 even get the trash. So that's why we put in the loading
18 zone application.

19 MEMBER BLAKE: Thank you.

20 MS. STEDMAN: I can say, with the trash truck
21 pulling up onto the sidewalk to get the trash, I did call
22 the company. I did -- I wrote letters to the company, and
23 I spoke with the supervisor, the manager, and everyone at
24 the trash company, and that is no longer an issue because
25 I let them know -- I took pictures. The trash truck

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1 damaged the sidewalk even. I took pictures. I wrote
2 letters. And I did everything.

3 I send the letter from the ANC showing that the
4 trash truck pulling on the sidewalk is an issue. And they
5 got involved, the trash company, and they let the drivers
6 know that under no circumstance they should pull on the
7 sidewalk to pick the garbage. And I can say that I
8 haven't had an issue with that I believe since April, and
9 they come five days a week.

10 MR. CARVER: Well, I would also, just some
11 detail there, I often see vehicles parked on the sidewalk
12 as well.

13 MS. STEDMAN: Yeah, the vehicle on the sidewalk
14 is still an issue.

15 MR. CARVER: Yeah. So I think, you know, just
16 to ensure that this doesn't happen again for safety
17 measures.

18 And there's a big take-out business with this
19 business, and there's a lot of parking in alleys and
20 blocking traffic. And I think then people resort to the
21 sidewalk because there's nowhere else to park temporarily.
22 We would like to address that permanently by putting some
23 physical barrier that would prevent people from doing
24 that.

25 CHAIRPERSON HILL: Okay. So I don't know,

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1 again, Commissioner Carver, whether or not that's
2 necessarily even in Ms. Stedman's purview.

3 MR. CARVER: Right.

4 CHAIRPERSON HILL: But she can go ahead and try
5 to talk to Public Space about what she's trying to do.

6 And then, I don't know, again, if there's a
7 planter or something, Ms. Stedman, that you want to --
8 when you're talking to Public Space, that you think the
9 ANC would like to see that might be helpful to resolve
10 some of these things.

11 Like, who put the flex thing there,
12 Commissioner?

13 MR. CARVER: I'm not sure. That was before my
14 time on the committee. I'm not sure what the purpose was.
15 The flexposts are on both sides of the --

16 CHAIRPERSON HILL: Okay. So all I'm just
17 trying -- that's DDOT. Like, I don't even know, you know?

18 MR. CARVER: Yeah, yeah.

19 CHAIRPERSON HILL: Like, we wouldn't do that
20 kind of stuff.

21 So, Ms. Stedman, if you want to go ahead and
22 speak with the Office of Planning because I guess they can
23 also help with some of this, but get through Public Space
24 and HPRB and then come back to us, okay?

25 MS. STEDMAN: Okay. Sounds good.

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1 CHAIRPERSON HILL: Okay. Mr. Beamon, can you
2 hear me? Is that kind of the sort of thing that you might
3 be able to help Ms. Stedman with?

4 MR. BEAMON: I think we can help her with that.

5 CHAIRPERSON HILL: Okay. Great. All right,
6 Ms. Stedman. You at least got some help.

7 MS. STEDMAN: Thank you.

8 CHAIRPERSON HILL: Okay. Anybody else before I
9 move onto witnesses? Okay.

10 Oh, sorry. Go ahead, Commissioner.

11 COMMISSIONER MILLER: Commissioner Chairman,
12 yeah. I -- thank you to all the -- those who testified,
13 Mr. Beamon, Ms. Stedman, and Commissioner Carver from the
14 ANC. And I've -- I read the record, and I wasn't on the
15 original approval.

16 My -- so I agree with my -- the comments of
17 you, Mr. Chairman, and Commissioner -- and Board Member
18 Blake that you need to comply with the previous conditions
19 about applying for a permit for a planter or a bollard to
20 be installed on public space and apply for the loading
21 permit. That was in the previous order.

22 And so, I encourage you to work with the Office
23 of Planning and the ANC on these, that Public Space Review
24 Committee process at DDOT on those issues that have been
25 identified today and previously, and also work with

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1 Historic Preservation since it has to go through that.

2 My question -- I have one, just one question.
3 The existing shed that you have on the sidewalk and the
4 existing trash enclosure, I just have a question about
5 that. Is the -- what is the -- is it a dumpster? Is it
6 something that rats can't get into?

7 MS. STEDMAN: Right. It is. I worked with the
8 Office of Rodent Control when I was getting the shed, so
9 he had some requirements like it needed to be metal so the
10 rats can't gnaw through the metal. It needed to be
11 sealed, completely sealed, so rats cannot get inside the
12 shed. And it needed to be covered so there's no smell
13 perforating throughout the neighborhood. So we -- I did
14 -- it's a good shed. And it's also a nice-looking shed,
15 so it's not -- it doesn't make the neighborhood looks bad.
16 It looks good and it does the job: keep the rodents out,
17 the garbage in, and the smell in.

18 COMMISSIONER MILLER: Thank you for that
19 response. I appreciate that. Do we -- we don't have a
20 picture in the record -- or do we -- of the --

21 MS. STEDMAN: We do.

22 COMMISSIONER MILLER: We do.

23 MS. STEDMAN: I uploaded pictures, yes.

24 COMMISSIONER MILLER: I'll look at that. Okay.
25 Well, thank you very much. I encourage you to work

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1 through those other processes and get back to us. Thank
2 you.

3 MS. STEDMAN: Thank you.

4 CHAIRPERSON HILL: Okay. Ms. Stedman, I'm
5 going to actually ask you one more thing. When you're
6 going through with Mr. Beamon, like, I haven't -- I
7 appreciate how all my other Board members have gone
8 through the previous conditions in a way that has helped
9 me find some clarity.

10 Like, if there are zoning permit issues or
11 anything that -- you know, I'm sorry -- loading zone
12 permits or something that you were supposed to have
13 applied for or gotten, I mean make sure that all of the
14 previous conditions that you had put down on your
15 paperwork --

16 MS. STEDMAN: I did. Before I could get the
17 certificate of occupancy, I had to satisfy the conditions.
18 In order to satisfy the condition, I have to write letters
19 to DDOT, asking them for bollards and -- because that's
20 all I can do. I can ask them and make the request. Once
21 I -- once I write the letter, submit the letter to DDOT, I
22 have to submit it in my files so that the DOB can see that
23 I did what Zoning asked me to do in order to get the
24 certificate of occupancy. So I had to do everything on --
25 in the condition section, so I did write the letters to

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1 DDOT.

2 CHAIRPERSON HILL: Okay. I'm going to just
3 -- hold on. I'm pulling up the record again. I'm going
4 to just again refer you back to, again, the Office of
5 Planning. And just make sure, Ms. Stedman, the next time
6 you're back before us, you've gone through Public Space,
7 you've gone through HPRB, and you're living up to all of
8 the conditions that were in the previous order. Okay?

9 MS. STEDMAN: Just as long as we understand
10 that I can only write DDOT, write Public Space, and ask
11 them. I can't make them respond to my letters.

12 CHAIRPERSON HILL: That's fine. And I guess,
13 Ms. Stedman, when you get back here again, I'm going to
14 look very closely at all of the previous conditions,
15 right? And all I'm asking is that, again, you have an
16 explanation of whether or not those conditions -- because
17 right now, one of the conditions is the trash is supposed
18 to be inside. And so, the trash isn't inside. The trash
19 is outside. So I'm trying to also figure that out.

20 I don't remember when we did the conditions. I
21 was there, Ms. Stedman, and I know that we had a long,
22 long hearing, right? And I can't remember if it was -- I
23 can't remember if it was your suggestion to keep it
24 inside, and you now aren't able to keep it inside. I
25 can't remember, right? I have to go back and look --

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1 MS. STEDMAN: Wait. I -- when I heard internal
2 location, I honestly thought it meant inside something. I
3 never thought for a minute it meant inside the store.

4 CHAIRPERSON HILL: I got you. And what I'm
5 trying to say, Ms. Stedman, is I have to go back and look
6 also and be like I'm not -- you know, is it your
7 interpretation? Was it my -- I don't know, right? But
8 what I'm saying is, the next time you're back here, if
9 Public Space says what you're proposing is good, if HPRB
10 says what you're proposing is good, and if the ANC is in
11 agreement with what you're proposing, it will be an easier
12 process to understand the hearing, okay?

13 MS. STEDMAN: Awesome.

14 CHAIRPERSON HILL: Okay. Great. Anybody else
15 before I move onto the public?

16 (No response.)

17 CHAIRPERSON HILL: Okay. Mr. Young, is there
18 anyone here wishing to speak?

19 MR. YOUNG: We have one person signed up.

20 CHAIRPERSON HILL: Great. Can you give me that
21 person's name, please?

22 MR. YOUNG: It is Barry Douglas, and he's
23 calling in by phone.

24 CHAIRPERSON HILL: Okay. Great. Mr. Douglas,
25 can you hear me? Mr. Douglas, can you hear me?

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1 MR. DOUGLAS: Okay. I'm unmuted.

2 CHAIRPERSON HILL: Oh, great. Can you hear me,
3 Mr. Douglas?

4 MR. DOUGLAS: Yes, I hear you fine.

5 CHAIRPERSON HILL: Okay. Great. Could you
6 please introduce yourself for the record including where
7 you live?

8 MR. DOUGLAS: Yeah. My name is Barry Douglas.
9 I reside right beside this dump at 9 Randolph Place,
10 Northwest.

11 CHAIRPERSON HILL: Okay. Great. Mr. Douglas,
12 you'll have three minutes to give your testimony, and you
13 can begin whenever you like.

14 MR. DOUGLAS: Okay. First of all, I'd like to
15 say I had to endure vandalism to private property and
16 being cursed out and threatened for raising issues about
17 the unsanitary conditions, of the rat smell, and the
18 reason Zoning is requesting to uphold the regulations put
19 into place to protect the residents and the homes in the
20 area from this nuisance business, and this individual is
21 responsible for the destruction of the environment.

22 Discontinued fines, warnings, hearing, and
23 environmental concerns that have been initiated at the
24 Director's level to include the Mayor's Office, the Deputy
25 Director, DPW Director, DDOT, Clean City, the Department

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1 of Public Health and Safety, Rodent Control, and the
2 Historical Society, as well as the ANC, as well as ongoing
3 environmental and social problems, vandalism, and threats
4 resulting from the exposure of -- exposing the
5 mismanagement of the illegal dump in just by simply taking
6 pictures of the dump, the rats, and other visible
7 violations, has resulted in police reports being required.

8 The removal of the dump should be mandatory
9 because the garbage dump is illegally construction of a
10 flimsy, three-sided, shed, understood retrieved from a
11 garbage dump, that is pulled over the smallest bin is
12 understood commercial garbage container available that is
13 consistently overstuffed with garbage, organic food waste
14 that has caused -- and basically, it's ruined the sidewalk
15 from years of runoff onto the landscape, onto the streets,
16 into the storm drains, and down in front of residential
17 properties containing -- you know, contaminating the
18 pavement.

19 The smell of the rotten and rotting food waste
20 and years of mismanagement have penetrated the pavement.
21 It has been stated that it's permanent, actually, by
22 Rodent Control, and probably need to be replaced. The
23 walkway is blackened from the food waste and the
24 mishandling of the waste products, the use of strong
25 bleach and ammonia from wasting -- from washing the rotten

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1 remains from the garbage dump as well as the illegal
2 dumping of the -- and cleaning food equipment are a
3 nuisance to have them do it by the residents. And police
4 called multiple times for the cleaning of the equipment
5 that actually being placed on residents' property as they
6 clean it, again, in lack of respect for the residents.

7 In addition, DDOT had to be called for the
8 commercial pickup of the garbage on the sidewalk. As she
9 stated, the sidewalk has been damaged. They do, in fact
10 -- we witnessed the garbage cans going in between cars and
11 sometimes striking the cars when they get to the -- to
12 take the dump. The trucks do park at the -- in the alley
13 entranceway, but it leaves food residue and the stench of
14 their rotten food as a trail from the leakage, down in
15 front of people's residence that the residents still have
16 to endure.

17 CHAIRPERSON HILL: Mr. Douglas?

18 MR. DOUGLAS: Like all the --

19 CHAIRPERSON HILL: Mr. Douglas?

20 MR. DOUGLAS: Yeah.

21 CHAIRPERSON HILL: I just want to -- you're
22 running out of time. If you want to, go ahead and wrap
23 up.

24 MR. DOUGLAS: Yeah, sure. Let's see. Dealing
25 with the smell of the garbage, as I done stated, and the

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1 rats has been an issue, as you might as well know, that's
2 causing tunneling that's destroying the properties of
3 other residents in the area for them trying to find a
4 pathway to the food that has been a problem for some time.

5 CHAIRPERSON HILL: Okay. Okay. All right.
6 Thank you, Mr. Douglas.

7 Let's see. Does the Board have any questions
8 for Mr. Douglas?

9 Mr. Blake?

10 MEMBER BLAKE: Mr. Douglas, have you spent some
11 time with your -- Mr. Carver and the ANC to discuss the
12 concerns you have?

13 MR. DOUGLAS: I have not met Mr. Carver. I've
14 spoken with a lady that apparently has taken control over
15 the ANC and the issues, and she has -- and I've been
16 corresponding with her because she's been asking for
17 pictures and stuff. She came out and viewed the place.

18 And it started when there was a patch of grease
19 that had caked up around the light lamppost that was
20 extremely smelly and disgusting from the garbage being
21 physically dumped onto the street, onto the sidewalk, and
22 washed onto the street from the sidewalk nightly. This
23 was going on for like two years now.

24 So I would be glad to speak to the new ANC
25 person because I have longtime voiced a lack of control

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1 and ability of the government to do their job and to
2 protecting the residents and the garbage. And
3 Environmental Crimes got involved because of the issues
4 with the dumping and the mess running into the storm
5 drains, as well as down under people's cars, getting on
6 their tires, and the rats destroying not only personal
7 property but some cars have been found -- rats have gotten
8 up under it and eaten on the wires and stuff like that
9 from this dump.

10 CHAIRPERSON HILL: Okay. Okay, Mr. Douglas.

11 Any other questions for Mr. Douglas?

12 (No response.)

13 CHAIRPERSON HILL: Okay. So, Mr. Douglas, your
14 -- Commissioner Carver, are you the SMD for that area?

15 MR. CARVER: Yes, I am. I believe this person
16 is speaking with Commissioner Imtiaz who represents the
17 district just to the north, and she used to -- her
18 district used to cover that area, so that may be why he
19 was communicating with her. But I actually do represent
20 the area. And I've communicated with that commissioner,
21 and she's sent me pictures and so on.

22 We do see some -- we did put in our ANC report
23 concern about liquids. We have seen some liquid coming
24 out from that shed, and they do -- I did witness, when I
25 went to visit the location, that they do pour bleach on

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1 the sidewalk to address some of this liquid issue. So I
2 have heard some of these concerns, and we were concerned
3 about it as well.

4 I believe Department of Health has gone out
5 recently and asked them to address the liquid issue by
6 contracting with a liquid trash provider.

7 Can you speak to that, Ms. Stedman?

8 CHAIRPERSON HILL: Let me just interrupt you
9 one second, Commissioner. Commissioner, I mean, do you
10 know Mr. Douglas, or do you -- have you had any contact
11 with Mr. Douglas, or do you know how to get in contact
12 with Mr. Douglas?

13 MR. CARVER: I don't. No.

14 CHAIRPERSON HILL: Okay. You said there's
15 another commissioner that's working with Mr. Douglas.

16 MR. CARVER: Yes.

17 CHAIRPERSON HILL: Maybe you can work with that
18 commissioner just so you guys can get some feedback from
19 Mr. Douglas by the next time you come here, okay?

20 MR. CARVER: Certainly.

21 CHAIRPERSON HILL: Okay. Great.

22 All right, Mr. Douglas, if you want to keep
23 listening in because this is going to get postponed to
24 another date. And if you want to join us at that time,
25 you can as well but thank you for joining us today.

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1 MR. DOUGLAS: Yeah. Thank you.

2 CHAIRPERSON HILL: All right. Thank you.

3 All right, Mr. Young. If you can, please
4 excuse Mr. Douglas. Okay.

5 So, Ms. Stedman, I guess, again, as one who was
6 there at the beginning, okay, and I keep saying that
7 because I was there at the beginning. And it was very
8 long, and there were a lot of things that were said. And
9 there was a lot of -- what is the word -- from blank -- it
10 is my first day back. There was a lot of things you
11 needed from us, right? And you got those things, right?
12 So, you know, and as I -- as you remember, it was a big --
13 you know, there was a lot of discussion as to whether or
14 not you should get those things, right?

15 And so, you know, what I'm trying to get to
16 you, Ms. Stedman, is by the time you come back here again,
17 please show a container that's very -- I'd like some
18 pictures, right? A very -- you know, whatever the
19 container looks like, please take some pictures the week
20 before you come to us, right? And like, this is what the
21 container looks like. This is what the container is
22 doing. This is what Public Space said we can do with the
23 container. This is what HPRB said we can do with the
24 container. We've talked to the ANC, and we're all on the
25 same page, okay?

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1 MS. STEDMAN: Okay.

2 CHAIRPERSON HILL: And so, if you could do all
3 that by the time you come back, that would be helpful.
4 And we --

5 MS. STEDMAN: I would like to say, also,
6 Mr. Douglas is correct in that he called every agency that
7 he can call on us, and we have never received one fine or
8 any violations.

9 CHAIRPERSON HILL: Okay.

10 MS. STEDMAN: None of that is in my file.
11 Just --

12 CHAIRPERSON HILL: So, Ms. Stedman, I got to
13 tell you, right, we all have neighbors, right? And I got
14 rats, okay? I got rat burrows all over my house too,
15 right? So, like, we all just try to have to get along the
16 best we can with whoever our neighbors are, right?

17 MS. STEDMAN: Exactly.

18 CHAIRPERSON HILL: And so, you know -- but also
19 then, you know, you -- all you have to do is convince us
20 also that you're doing your part. So when you come back
21 here, show us the containers, the grease is taken care of,
22 whatever, right, so that whoever comes to talk to us, we
23 can say, you know, your restaurant is doing what they can
24 and have been doing what we've asked them to do, okay?
25 All right.

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1 Ms. Mehlert, when can we get back here again
2 with Ms. Stedman?

3 MS. MEHLERT: It sounds like it needs to go to
4 Public Space and HPRB as well, so I would say put it at
5 around December 11th maybe. We can just have the December
6 11th hearing to give that enough time to meet with those
7 groups.

8 CHAIRPERSON HILL: Okay. Let's see. Oh,
9 Mr. Beamon?

10 MR. BEAMON: Yeah.

11 CHAIRPERSON HILL: Okay. And if we could get a
12 supplemental if you guys want to give it to us, okay?

13 MR. BEAMON: Okay.

14 CHAIRPERSON HILL: And Mr. Beamon, anything you
15 can help, would be wonderful, okay?

16 MS. STEDMAN: Is it possible that I can request
17 a later date because they might ask for plans, and I have
18 to get an architect and stuff like that?

19 CHAIRPERSON HILL: Okay.

20 MS. STEDMAN: And I can't control some -- they
21 really take a long time to -- some time, it takes a while
22 to get the stuff in.

23 CHAIRPERSON HILL: I got you. I got you. I
24 got you.

25 So what is that last date again? The 12/18,

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1 Ms. Mehlert?

2 MS. MEHLERT: 12/18, correct.

3 CHAIRPERSON HILL: And was it it's relatively
4 open at this point?

5 MS. MEHLERT: Yes.

6 CHAIRPERSON HILL: Okay. So, Ms. Stedman, if
7 you need more time, you come back and let us know, okay?

8 MS. STEDMAN: Okay.

9 CHAIRPERSON HILL: The reason why I'm not -- I
10 don't want to go out -- I mean, 12/18 is still now -- this
11 is only 9 -- it's 9/11 -- 9, 10, 11, 12, that's three
12 months, right?

13 MS. STEDMAN: Yes.

14 CHAIRPERSON HILL: And I know, I know there's a
15 lot of different places to go through, right? But the
16 thing that -- and so, what would also be helpful for us
17 when you come back here is whatever the issues are that
18 people seem to be having with the trash -- and I know. I
19 mean, you can't control everything, right? But if you can
20 address those issues now and try to do your best to
21 address those issues now, it will help us in December,
22 right? Because people might come and testify also in
23 December as to what's going on there.

24 My hesitancy with pushing it too far back --
25 because, again, I'm not terribly sure what we agreed to

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1 before, right? Which is that I don't know if you're not
2 doing what we asked for you to do before, right? So
3 that's what I'm trying to figure out.

4 So I'll put you on 12/18 for now, okay? And
5 then try to get back here, try to get -- and please take
6 care of the trash between now and then, okay?

7 MS. STEDMAN: Okay.

8 CHAIRPERSON HILL: Okay. Great.

9 Okay. Go ahead, Mr. Blake.

10 MEMBER BLAKE: Ms. Stedman, one other thing.
11 I've reviewed these conditions again, and I understand in
12 parking -- they were specifically clear that you should do
13 these requests prior to your certificate of occupancy
14 being issued. And I understand that you can do -- you
15 wrote the letters, and you did follow the letter of the
16 requirement.

17 But I do think, for example, if we did
18 anticipate you would have a loading zone with those
19 limited hours; we did anticipate that you would do some of
20 these things, so it's not matter that you -- you did meet
21 the letter of the requirement, but I don't think the
22 spirit is necessarily resulted because if you had all
23 these things done, great. But if you do not, if you
24 simply met the criteria by writing the letter, that's a
25 little bit -- that's not in the spirit of what we were

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1 trying to do.

2 So I would just encourage you to, again, do the
3 best you can to be a good neighbor and meet these
4 requirements.

5 MS. STEDMAN: Writing letters and making phone
6 calls to DDOT -- if you can tell me what else I can do,
7 not in the meeting, but if you can reach out to me and
8 tell me what else I can do to get DDOT to respond and want
9 to do these things and even agree to do them, I have no
10 issue doing it. I just do what I know how to do. That's
11 what I was told I needed to do: make phone calls, write
12 letter. If there is something else I can do, and you can
13 reach out to me in an email, and let me know what else I
14 can do, I will do it.

15 CHAIRPERSON HILL: Okay. So, Ms. Stedman, I'm
16 going to turn you back over to Mr. Beamon.

17 Mr. Beamon, this is our first day back. This
18 is like -- this is like after school, right? This is the
19 first day back from school. And so, I'm -- so, you know,
20 and now we -- we're putting you all the way until our next
21 holiday.

22 And so, Ms. Stedman, right, what you just said,
23 as long as you can back up everything you just said the
24 next time you're here because we're going to take that --
25 those list of conditions and see whether or not you're

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1 adhering to those list of conditions, right? And so, but
2 we've at least -- you've at least met the next step, okay?
3 Which is, we have another date for you, and you can go to
4 Public Space and HPRB, and Mr. Beamon is going to help.

5 MS. STEDMAN: Awesome.

6 CHAIRPERSON HILL: Easy to understand, okay?

7 MS. STEDMAN: Yes.

8 CHAIRPERSON HILL: Okay. Thank you.

9 MS. STEDMAN: Thank you.

10 CHAIRPERSON HILL: All right. Thank you.

11 Thanks, Commissioner, for joining us.

12 I'm going to go ahead and close the hearing --
13 I'm sorry. Yeah. I'm going to close -- I'm going to
14 close this portion of the hearing, and we'll postpone
15 until 12/18.

16 Okay. All right. Ms. Mehlert, could you call
17 our next one?

18 MS. MEHLERT: Next is Application Number 21125
19 of M. Sean Royall. As recently amended, this is a self-
20 certified application pursuant to Subtitle X, Section
21 901.2 for special exceptions from the retaining wall
22 requirements of Subtitle C, Section 1401.5, under Subtitle
23 C, Section 11.11; from the entrance height requirements of
24 Subtitle C, Section 711.7; from the driveway width
25 requirements of Subtitle C, Section 711.5; and under

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1 Subtitle D, Section 5201, from the lot occupancy
2 requirements of Subtitle D, Section 404.1; from the
3 building area requirements for an accessory building,
4 Subtitle D, Section 5003.1; and from the accessory
5 building location requirements of Subtitle D, Section
6 5004.1A.

7 This is for a new, two-story accessory
8 structure in the rear yard of an existing three-story
9 detached principal dwelling. It's located in the R-1A/FH
10 Zone at 2400 Tilden Street, Northwest, Square 2231, Lot
11 803. This hearing was recently -- or was rescheduled from
12 June 26th to allow notice to ANC 3F. And on Monday,
13 September 9th, the Applicant submitted a request to
14 postpone the hearing, which is in Exhibit 3 in the record.

15 CHAIRPERSON HILL: Great. If the Applicant can
16 hear me, if they could, please introduce themselves for
17 the record.

18 MR. SULLIVAN: Marty Sullivan with Sullivan &
19 Barros on behalf of the Applicant.

20 CHAIRPERSON HILL: Okay. Mr. Sullivan, you're
21 requesting a postponement. Can you tell me why and when
22 you want the -- when you think you guys might be ready to
23 come before us?

24 MR. SULLIVAN: Yes. So, due to some changes in
25 the plan, it's kind of a complicated historical project,

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1 and we've added two new areas of relief just on Monday.
2 And so, we wanted the chance to go back to the ANC to have
3 them weigh in on those additional areas of relief. One
4 was related to retaining wall, and one was driveway width.

5 And so the -- we thought it'd be best to ask
6 for the next available date after the ANC's October
7 meeting date. We've asked for October 30th or the next
8 available date thereafter.

9 CHAIRPERSON HILL: Ms. Mehlert, what does
10 October 30th looking for us?

11 MS. MEHLERT: October 30th has six cases right
12 now on the hearing. And then there is five cases on
13 November 6th and four cases on November 13th.

14 CHAIRPERSON HILL: Okay. Mr. Sullivan, do you
15 think you're going to have a relatively cohesive case for
16 us? You don't know.

17 MR. SULLIVAN: Yes. We have -- we're not going
18 to have any opposition. And the ANC was in support, and I
19 don't see why they'd have any issue with the additional
20 relief. Everything's gone smoothly.

21 CHAIRPERSON HILL: All right. What's the --
22 what did you say? November 2nd, Ms. Mehlert, we had five?

23 MS. MEHLERT: November 6th has five cases.

24 CHAIRPERSON HILL: Let's put it on November
25 6th, 11/6. Okay.

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1 All right, Mr. Sullivan.

2 MR. SULLIVAN: Thank you.

3 CHAIRPERSON HILL: Thank you.

4 Okay. First day back from school, like, we
5 should have new clothes and a new backpack, you know? I'm
6 just going to keep chugging along because there's some
7 things that are happening. So unless you all -- if you
8 all need something or a break, let me know.

9 Ms. Mehlert, could you call our next one?

10 MS. MEHLERT: Next case is Application Number
11 21140 of Carstensz Loan Holdings, LLC. This is a self-
12 certified application pursuant to Subtitle X, Section
13 901.2 for a special exception under Subtitle E, Section
14 5201, from the lot occupancy requirements of Subtitle E,
15 Section 210.1.

16 It's for a front porch roof addition to an
17 existing, attached, principal dwelling. It's located in
18 the RF-1 Zone at 1631 G Street, Southeast, Square 1092,
19 Lot 48.

20 CHAIRPERSON HILL: Great. If the Applicant can
21 hear me, if they could, please introduce themselves for
22 the record.

23 MR. TERAN: Good morning, Chairman Hill, and
24 Commissioners. My name is Eric Teran, and I am the
25 architect.

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1 CHAIRPERSON HILL: Okay. Mr. Teran, if you
2 could, walk us through your client's application and why
3 you believe they're meeting the criteria for us to grant
4 the relief requested. I'm going to put 15 minutes on the
5 clock, so I know where we are. And you can begin whenever
6 you like.

7 MR. TERAN: Okay. Thank you.

8 Mr. Young, you can bring up the site photos,
9 please. Next page, please.

10 So that's the front of the house. It has an
11 existing porch, and all we are doing is putting a roof on
12 top of it like the rest of the neighbors.

13 If you could, go to the next slide, please.
14 And then one more, one more slide. There you go. And
15 those are the neighbors. The entire block has those
16 roofed porches, and we're going to be over the lot
17 occupancy. And so, that's why we're here to request
18 adding that roof porch.

19 If you could, go to the plans, Mr. Young,
20 please.

21 So I hope this is an easy one for everyone, as
22 ANC fully supported it, for your case back.

23 Let's have the next slide, please. So that's
24 the porch addition there, 13 feet by, I think, it's like
25 8-foot 6 -- or the -- not the porch itself but the roof.

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1 Next slide, please. And they're just showing
2 the massing and where the roof porch is going to go.

3 Next slide, please. Same thing. There's the
4 roof with the slope.

5 Next slide, please. One more then I think
6 we'll get to the elevations. There, you can see the porch
7 roof on the right side, which would be matching what the
8 rest of the block is doing.

9 And then, Mr. Young, if you want to go to the
10 3D elevations, please, just to get a better understanding.
11 And I think that should be it -- should be it.

12 And so, there you go. Ours is a little bit
13 more modern, but it's on the left. And the one on the
14 right is what's existing.

15 I think if you go another slide or two, there
16 are some other different views. There you go.

17 But I think that's pretty straightforward.
18 We're just looking to do what the rest of the neighbors
19 are doing on the block. And we look forward to your
20 approval. And if you have any questions, I'm happy to
21 answer them.

22 CHAIRPERSON HILL: Thank you.

23 Before I turn to my Board, can I hear from the
24 Office of Planning?

25 MS. BROWN-ROBERTS: Good morning, Mr. Chairman,

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1 and members of the BZA. And I'm Maxine Brown-Roberts from
2 the Office of Planning.

3 On BZA 21140, their proposal to increase the
4 lot occupancy to 69.1 percent through the covering above
5 the existing porch would not unduly affect the light, air,
6 or use of adjacent properties and would be consistent with
7 the intent of the RF-1 Zone.

8 The Office of Planning, therefore, recommends
9 approval of the requested special exception. Thank you,
10 Mr. Chairman.

11 CHAIRPERSON HILL: Thank you, Ms. Brown-
12 Roberts. Nice to see you.

13 MS. BROWN-ROBERTS: Thank you.

14 CHAIRPERSON HILL: It's been so -- I mean, I
15 remember you in person. It's been that long.

16 MS. BROWN-ROBERTS: Since that long.

17 (Laughter.)

18 CHAIRPERSON HILL: Okay. Does anybody have any
19 questions for the Applicant or the Office of Planning?

20 Mr. Blake.

21 MEMBER BLAKE: Yes. Mr. Teran, could you just
22 -- I'm curious. Let's see. I wanted to make sure I
23 understand the completeness of this. This is a two-story,
24 rear addition to an existing two-story, attached principal
25 dwelling, and it had -- is that initially what took place?

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1 You just added two stories in the back, and then you're
2 coming back now for relief for this? Is that --

3 MR. TERAN: Yeah. That was under a separate
4 permit, and that was a -- all of that was done by right --

5 (Simultaneous speaking.)

6 MEMBER BLAKE: So you basically added the lot
7 coverage in the rear to -- within the context of by-right,
8 and you're coming back for relief for the front porch so
9 that --

10 MR. TERAN: Correct.

11 MEMBER BLAKE: Okay. Thank you.

12 CHAIRPERSON HILL: Thank you. Okay. Anyone
13 else?

14 (No response.)

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

17 (No response.)

18 CHAIRPERSON HILL: Okay. All right. Thank
19 you, Mr. Teran. Anything at the end you'd like to add?

20 MR. TERAN: No, thank you. I appreciate your
21 discussion and your review on this.

22 CHAIRPERSON HILL: Okay. I'm going to close
23 the record and the hearing.

24 I didn't have any issues with this. I thought
25 it was relatively straightforward. I would agree with the

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1 analysis of the Office of Planning and that of the ANC and
2 also the Applicant's explanation as to why they need the
3 relief. And I'm going to be voting in favor.

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

6 MEMBER SMITH: Nothing to add. I think this is
7 a fairly straightforward application. The design of the
8 porch is in keeping with the special exception standards
9 for us to approve the relief. It is in character. There
10 will not be any reduction in light and air. There
11 wouldn't be any reduction in privacy because this is a
12 one-story, open porch in the front, but we won't encourage
13 that type of -- those types of structures interacting with
14 the street. So, with that, I will support the
15 application.

16 CHAIRPERSON HILL: Thank you.

17 Commissioner Miller?

18 COMMISSIONER MILLER: Thank you, Mr. Chairman.
19 Yes, I agree with you and Board Member Smith that the
20 special exception criteria relief has been made in this
21 case for the lot occupancy relief. And there should be no
22 undue adverse impact, so I'm prepared to support the
23 application.

24 CHAIRPERSON HILL: Thank you.

25 Mr. Blake?

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1 MEMBER BLAKE: Nothing to add, Mr. Chair. I'll
2 be in support of the application.

3 CHAIRPERSON HILL: Thank you. All right. I'm
4 going to make a motion to improve Application Number 21140
5 as captioned and read by the secretary and ask for a
6 second.

7 Mr. Blake?

8 MEMBER BLAKE: Second.

9 CHAIRPERSON HILL: Motion made and seconded.

10 Ms. Mehlert, if you could, take a roll call,
11 please.

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

14 Chairman Hill?

15 CHAIRPERSON HILL: Yes.

16 MS. MEHLERT: Mr. Smith? Sorry. I didn't
17 hear, Mr. Smith. Sorry.

18 MEMBER SMITH: Yeah. Hold on. Yes.

19 MS. MEHLERT: Mr. Blake?

20 MEMBER BLAKE: Yes.

21 MS. MEHLERT: And Commissioner Miller?

22 (No audible response.)

23 MS. MEHLERT: Staff will record the vote as
24 four to zero to one to approve Application 21140 on the
25 motion made by Chairman Hill and seconded by Mr. Blake.

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1 CHAIRPERSON HILL: Thank you. Ms. Mehlert, if
2 you could call our last case, please.

3 MS. MEHLERT: The last case on the hearing
4 agenda is Application Number 21154 of Agraw Suliman. This
5 is a self-certified application pursuant to Subtitle X,
6 Section 901.2, for special exceptions under Subtitle E,
7 Section 5201, from the rear yard requirements of Subtitle
8 E, Section 207.1, and from the lot occupancy requirements
9 of Subtitle E, Section 210.1.

10 This is for a two-story, rear addition to an
11 existing two-story, attached principal dwelling located in
12 the RF-1 zone at 735 Harvard Street Northwest, Square
13 2888, Lot 71.

14 CHAIRPERSON HILL: Thank you. If the Applicant
15 can hear me, if they could, please introduce yourself for
16 the record.

17 MR. S. SULIMAN: Hi. My name is Samir Suliman.
18 I am testifying on behalf of my uncle here, Agraw.

19 MR. A. SULIMAN: Agraw Suliman.

20 CHAIRPERSON HILL: Okay. Great. I'm sorry.
21 Who's testifying on behalf?

22 MR. S. SULIMAN: So I'll be testifying on his
23 behalf.

24 CHAIRPERSON HILL: Okay. What's your name,
25 please?

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1 MR. S. SULIMAN: Samir Suliman.

2 CHAIRPERSON HILL: Okay, Mr. Suliman.

3 MR. S. SULIMAN: He is my uncle.

4 CHAIRPERSON HILL: Okay. Great. Mr. Suliman,
5 if you could, go ahead and walk us through your uncle's
6 application and why you believe he's meeting the criteria
7 for us to grant the relief requested. I'm going to put 15
8 minutes on the clock, so I know where we are. And you can
9 begin whenever you like.

10 MR. S. SULIMAN: Yeah. So the premise here is
11 we have a rear porch in his house. We're trying to build
12 a two-story, rear addition to enclose that porch as part
13 of the addition. I believe I have a presentation I've --
14 but if you wanted to share that, or do you want me to
15 upload that?

16 CHAIRPERSON HILL: No, he's got it right there.
17 Mr. Young has it.

18 MR. S. SULIMAN: Yes. Thank you. So this is
19 for 735 Harvard Street.

20 Next slide, please. Yeah, so pretty much what
21 we're trying to do is, we're here for special exception on
22 expanding up to the 70 percent limit. By right, I believe
23 we only get to 60 percent, so we need to go up to special
24 exception to get it to the 69 point something that it is
25 with the porch enclosed. Pretty much, the basis is it

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1 does not have -- it's underneath 70, or it doesn't exceed
2 70, and it does not affect the enjoyment of our neighbors.

3 Next slide. Yeah, so part of the criteria is
4 the light to the neighboring properties should not be
5 unduly affected. We're not increasing the lot use
6 occupancy with this special exception. We're merely
7 enclosing the existing porch as part of making that a rear
8 addition. The addition only extends 6 feet behind the
9 adjacent properties, and neither of those properties have
10 windows that touch the property line. We believe there
11 wouldn't be a significant impact on shadows and things
12 like that.

13 So next slide. Yeah, further, the privacy
14 enjoyment of the neighboring properties shouldn't be
15 compromised as a result of this because there are no
16 windows placed on the shared -- on the side of the
17 addition.

18 Next slide. Yeah, I do -- since it's only a 6
19 feet rear addition that's part of the existing porch, on
20 the alleyway view, I don't believe it intrudes visually.
21 There are other houses that have similar on the same
22 alleyway, so I think it satisfies this criteria.

23 Next slide. Yeah, so the key is part of this
24 plan is the existing porch would work. So we're simply
25 taking only the space of the existing porch, and then

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1 adding that as part of rear -- the rear addition to expand
2 the bathroom, the kitchen space for my uncle's house.

3 Next slide, this is the floorplan. You see the
4 existing porch. We're not -- to ensure we remain under 70
5 percent lot occupancy, we're only taking the existing
6 porch.

7 And then I think I have one more slide. Yeah.
8 That's pretty much it. I don't know if there are any
9 questions you guys have.

10 CHAIRPERSON HILL: Okay. Thank you.

11 Mr. Young, could you wrap that slide deck?

12 All right. Before I turn to my fellow Board
13 members, could I turn to the Office of Planning, please?
14 Well, I see the background of Mr. Bradford. Oh.

15 MR. BRADFORD: Good morning, Chairman Hill,
16 Commissioners. For the record, my name is
17 Phillip Bradford, Development and Review Specialist with
18 the Office of Planning.

19 The Office of Planning recommends approval of
20 the requested special exception relief and finds that it
21 meets the criteria in Subtitle E 5201 and X 901.2. And we
22 stand on the record of the report in Exhibit 31. And I'm
23 available for any questions.

24 CHAIRPERSON HILL: Okay. Thank you.

25 Do my fellow Board members have any questions

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1 of the Applicant or the Office of Planning?

2 (No response.)

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

5 MR. YOUNG: We do not.

6 CHAIRPERSON HILL: Okay. Mr. Suliman, just
7 real quick, can you remind me how it went with the ANC?

8 MR. A. SULIMAN: They approve.

9 MR. S. SULIMAN: The ANC has approved it. We
10 also got approval from his neighbors.

11 MR. A. SULIMAN: Neighbors too.

12 CHAIRPERSON HILL: Both neighbors?

13 MR. A. SULIMAN: My both side neighbors, yeah.

14 CHAIRPERSON HILL: Okay. Great. Okay. All
15 right. All right. I'm going to go ahead and close the
16 hearing and the record.

17 Mr. Young, if you could, please excuse
18 everyone.

19 Okay. This, again, seemed relatively
20 straightforward to me. I would agree with the analysis
21 that the Office of Planning has provided as well. It's
22 nice to see that the ANC was in support, as well as the
23 neighbors.

24 It seems like a relatively small home on a
25 small lot, and I don't think that there is going to be an

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1 issue with the relief that is being requested. I'm going
2 to be voting in favor of the application.

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

5 MEMBER SMITH: Nothing to add, Chairman Hill.
6 I concur with all of the statements that you've made and
7 will support the application as well.

8 CHAIRPERSON HILL: Thank you.

9 Commissioner Miller?

10 COMMISSIONER MILLER: Thank you, Mr. Chairman.
11 I agree with my colleagues that the special exception
12 criteria relief has been -- the Applicant has satisfied
13 the burden of proof to meet the criteria for the special
14 exception relief that's being requested. It's essentially
15 in the existing footprint, so there don't seem to be any
16 adverse impacts from this proposal. So I'm prepared to
17 support it. Thank you.

18 CHAIRPERSON HILL: Thank you.

19 Mr. Blake?

20 MEMBER BLAKE: I am in support of the
21 application. I'd first like to commend the Applicant on
22 his presentation. That was very helpful and throw in and
23 caught on all the points required for the approval by
24 5201.

25 I would also credit the Office of Planning's

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1 report in how it did that analysis as well. I give great
2 weight to the Office of Planning's recommendation for
3 approval.

4 I also give weight to the written report of ANC
5 1E in support of the application with no issues or
6 concern. There are obviously no letters in the record
7 from members of community opposition.

8 Again, I'll be voting in support of the
9 application.

10 CHAIRPERSON HILL: Thank you.

11 All right. I'm going to make a motion to
12 approve Application Number 21154 as captioned and read by
13 the secretary and ask for a second.

14 Mr. Blake?

15 MEMBER BLAKE: Second.

16 CHAIRPERSON HILL: Ms. Mehlert, the motion has
17 been made and seconded. Could you please take a roll
18 call?

19 MS. MEHLERT: Please respond to the Chair's
20 motion to approve the application.

21 Chairman Hill?

22 CHAIRPERSON HILL: Yes.

23 MS. MEHLERT: Mr. Smith?

24 (No audible response.)

25 MS. MEHLERT: Mr. Blake?

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1 MEMBER BLAKE: Yes.

2 MS. MEHLERT: Commissioner Miller?

3 COMMISSIONER MILLER: Yes.

4 MS. MEHLERT: Staff will record the vote as
5 four to zero to one to approve Application 21154 on the
6 motion made by Chairman Hill and seconded by Mr. Blake.

7 CHAIRPERSON HILL: Great. Thank you.

8 All right, everyone. Good first day back, and
9 I hope you all have a nice day. I'm going to adjourn
10 unless anyone has anything else they'd like to add.

11 Commissioner Miller?

12 COMMISSIONER MILLER: No, thank you. Have a
13 good day.

14 CHAIRPERSON HILL: Okay. All right. You all
15 have a good day. Bye-bye. We're adjourned.

16 (Whereupon, the above-entitled matter went off
17 the record at 10:54 p.m.)

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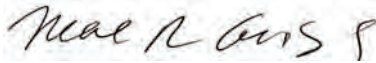
In the matter of: Regular Public Hearing

Before: DC BZA

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