

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

OCTOBER 1, 2025

+ + + + +

The Public Hearing of the District of Columbia Board of Zoning Adjustment convened via teleconference, 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 H. BLAKE, Vice Chairperson  
ANTHONY J. HOOD, Zoning Commission Chairperson

BOARD OF ZONING ADJUSTMENT STAFF PRESENT:

KEARA MEHLERT, Secretary  
PAUL YOUNG, A/V Operations

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ALSO PRESENT:

ON BEHALF OF THE OFFICE OF PLANNING:

SHEPARD BEAMON  
CRYSTAL MYERS  
JOSHUA MITCHUM

The transcript constitutes the minutes from the  
Regular Public Hearing held on October 1, 2025.

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

(9:30 a.m.)

CHAIRPERSON HILL: Good morning ladies and gentlemen to the Board of Zoning Adjustment. Today is 10/1/2025. This hearing will please come to order.

My name is Fred Hill, Chairman of the District of Columbia Board of Zoning Adjustment. Joining me today are Board members Carl Blake and Zoning Commission Chairman Anthony Hood.

Today's meeting and hearing agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on Webex or by telephone will be muted during the hearing. Also please be advised that we do not take any public testimony at our decision meeting sessions. If you're having difficulty accessing Webex or with your telephone call-in then please call our OZ hotline number at 202-727-5471, once again 202-727-5471 to receive Webex login or call-in instructions.

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

1 the Board's decision differs from the Office of Planning's  
2 recommendation. Although the Board favors the use of summary  
3 orders whenever possible, an applicant may not request the Board  
4 to issue such an order.

5 In today's hearing session everyone who's listening by  
6 Webex or by telephone will be muted until their time during the  
7 hearing and only persons who have signed up to participate or  
8 testify will be unmuted at the appropriate time. Please state  
9 your name and home address before providing any oral testimony  
10 or your presentation. Oral presentations should be limited to a  
11 summary of your most important points.

12 When you're finished speaking please mute your audio  
13 so that your microphone is no longer picking up sound or  
14 background noise. Once again, if you're experiencing difficulty  
15 accessing Webex or with your telephone call-in, please call the  
16 OZ hotline number that's on the screen.

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

1 Subtitle Y, Section 103.13 provided that the person making the  
2 request to enter an exhibit explain, a) how the proposed exhibit  
3 is relevant, b) the good cause justifies allowing the exhibit  
4 into the record including an explanation of why the requester did  
5 not file the exhibit prior to the hearing pursuant to Subtitle  
6 Y, Section 206 and how the proposed exhibit would not unreasonably  
7 prejudice any parties. The order of procedures for special  
8 exceptions and variances are pursuant to Subtitle Y, Section 409.

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

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

23 Finally, the District of Columbia Administrative  
24 Procedures Act requires that a public hearing on each case be  
25 held in the open before the public. However, pursuant to 405(b)

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

8 Madam Secretary, do we have any preliminary matters?

9 MS. MEHLERT: Good morning. A couple of scheduling  
10 changes for today. Application No. 20507-C of Solid Brick  
11 Ventures, LLC has been administratively rescheduled to next week,  
12 October 8th, 2025. Also appeal No. 21270 of Alexis Sainz and  
13 Robyn Epstein has been postponed to January 28th, 2026. The  
14 Chairman has also reviewed and granted waivers to allow late  
15 filings into the case record pursuant to Subtitle Y, Section  
16 206.7 and Section 103.13. Any other late filings during the  
17 course of today's live hearing should be presented before the  
18 Board by the applicant, parties or witnesses after the case is  
19 called. And any other preliminary matters will be noted when  
20 that case is called.

21 CHAIRPERSON HILL: Thank you, Ms. Mehlert. And in  
22 addition to that as I mentioned I'm just going to reorder some  
23 of the cases to put 21326 at the end. I'm just going to do the  
24 first two in the order that we have them, and that being the case  
25 you can go ahead and call our first one which I think is 21345.

1 MS. MEHLERT: Great. The first case in the Board's  
2 hearing session is Application No. 21345 of D.C. Department of  
3 General Services. This is a self-certified application pursuant  
4 to Subtitle X, Section 1002 for an area variance from Subtitle  
5 C, Section 302.2 to allow seven principal buildings on one record  
6 lot. This project is for seven temporary structures on the campus  
7 of an existing public school to provide swing space for students  
8 during renovations. It's located in the R-1B zone at 3rd Street,  
9 Northwest, Square 3269, Lot 65.

10 CHAIRPERSON HILL: Great. Can the Applicant hear me,  
11 and if so if they could introduce themselves for the record or  
12 maybe we're waiting for them still to come on.

13 (Pause.)

14 CHAIRPERSON HILL: Mr. Young, are you able to find the  
15 Applicant?

16 MS. STERLING: -- Sterling. I represent DCPS. I'm  
17 just, I'm here to let you know that our team is joining.

18 CHAIRPERSON HILL: Okay. Great. Thank you.

19 MS. STERLING: Of course.

20 CHAIRPERSON HILL: But your attorney isn't on. Is that  
21 correct, Ms. Sterling?

22 MS. STERLING: That is correct. They're in the process  
23 of joining right now.

24 CHAIRPERSON HILL: Okay. Great. Thank you.

25 (Pause.)



1 MS. STERLING: It seems as though they're having  
2 difficulties with the link so they're working on it.

3 CHAIRPERSON HILL: No problem.

4 MS. STERLING: Thank you.

5 (Pause.)

6 CHAIRPERSON HILL: Ms. Mehlert, do you know if 21346  
7 is on with us right now?

8 MS. MEHLERT: I think so. I think they are on.

9 CHAIRPERSON HILL: Okay. Why don't we go ahead and let  
10 this, let's move to the next one.

11 Ms. Sterling, we'll let your team kind of work through  
12 the technical issues and we'll do the next one first. Okay?

13 MS. STERLING: Understood. Thank you.

14 CHAIRPERSON HILL: Okay. Great. Thank you.

15 Ms. Mehlert, if you can go ahead and call 21346.

16 MS. MEHLERT: This is Application No. 21346 of Daniela  
17 Serrano Pavon. This is an application pursuant to Subtitle X,  
18 Section 901.2 for a special exception under Subtitle E, Section  
19 5201 from the rear yard requirements of Subtitle E, Section 207.1  
20 and pursuant to Subtitle X, Section 1002 for an area variance  
21 from the lot occupancy of requirements of Subtitle E, Section  
22 210.1.

23 This is for a rear deck addition to an existing two-  
24 story principal row dwelling. It is located in the RF-1 zone at  
25 1130 4th Street, Northeast, Square 773, Lot 72 and as a

1 preliminary matter the Applicant submitted a motion to allow late  
2 filings which are in the record at Exhibits 51, 52 and 53.

3 CHAIRPERSON HILL: Okay. Great. Thank you.

4 If the Applicant can hear me, if they could please  
5 introduce themselves for the record.

6 MR. LESTOCK: Hi there. This is Jake Lestock. Can you  
7 hear me all right?

8 CHAIRPERSON HILL: Yes. Can you hear me?

9 MR. LESTOCK: Great. Well, yes, I hear you guys.

10 CHAIRPERSON HILL: Okay.

11 MR. LESTOCK: I think we're good.

12 CHAIRPERSON HILL: Okay. Great. And who is the other  
13 person with you here?

14 MR. LESTOCK: This is, sorry, go ahead.

15 MS. JEWELL: Hi everybody. I'm Flora. I am just  
16 helping Jake and Daniela with the process. So, yes.

17 MR. LESTOCK: Flora is our contractor. I am the husband  
18 of Daniela Serran, so I'm the occupant of the house.

19 CHAIRPERSON HILL: Okay. Mr. Lestock, you can go ahead  
20 and walk us through your application. I mean, we've looked  
21 through the record and know what's there. I see you have a  
22 PowerPoint here. You can tell us how you think you're meeting  
23 the criteria for us to grant this particular relief. I'm going  
24 to put 15 minutes on the clock so I know where we are and you  
25 can begin whenever you like.

1 MR. LESTOCK: Sounds good. So, thank you, Chairman  
2 Hill and members of the Board. My name's Jake Lestock and I'm  
3 the owner and occupant along with my wife, Daniela Serrano. We're  
4 here today seeking an area variance as well as a special exception  
5 for rear yard requirements.

6 So after buying our house a couple of years ago and  
7 walking down our alley and seeing the numerous decks, I had no  
8 idea how difficult this process was going to be. We started the  
9 process back in February and started filing stuff in April to try  
10 and do this the legal way and make sure that we were following  
11 all the rules. I found out after that that a lot of houses in  
12 our neighborhood as well as the city probably don't do that so  
13 we just wanted to start off honestly and make sure that we were  
14 doing things the correct way.

15 So I think that in reviewing our case, the exceptional  
16 conditions that our plat or our area or our building create,  
17 again, with the size of our space. At 18 feet wide our lot meets  
18 the width requirement for RF-1 and with that width a lot that  
19 would conform with the lot area would be 100 feet deep, but in  
20 our case we're only about half of that. We're at 55 feet.  
21 Similarly a conforming lot occupancy of 60 percent on an 1,800  
22 square foot lot would equal about 1,080 square feet which is  
23 actually 93 square feet larger than our entire plat.

24 So in other words, the entire building area proposed  
25 with this application is less than the matter-of-right lot

1 occupancy on a conforming size lot. That's because, you know,  
2 our space was split into two. There's an alley between us that  
3 is on Abbey Place that cut our squares in half, so we have half  
4 of the space that most houses do in the District. And I will  
5 admit that that is an argument that I found from one of the few  
6 buildings around our neighborhood that actually went through the  
7 process of getting zoning exceptions, Zoning Board exceptions as  
8 well as permit process to build these decks and they live right  
9 up the street. He actually happens to be our ANC representative.

10           So while that is I believe a case in itself on why our  
11 situation is exceptional, I think an additional reason why our  
12 case provides further exceptional conditions is the current  
13 topography of our very small space. Our residence is situated  
14 in the middle of the row where the alley is elevated to ensure  
15 that there's proper water runoff through the back of our alley,  
16 so this creates a very significant elevated space for our area  
17 in the back of our house. There's a steep incline which leaves  
18 little to no flat usable space for any outdoor recreational  
19 reasonable yard use.

20           I think that these conditions constitute an exceptional  
21 situation under the zoning regulations unlike properties located  
22 at the ends of the row which were also granted these special  
23 exceptions, like the one that I referenced. They have a flat  
24 back. Ours has an unusable slope which makes this even more  
25 particularly exceptional and I think that these exceptional

1 conditions result in practical difficulties for us in that no  
2 usable outdoor space can be created in this small area, 1) without  
3 violating rear yard or lot occupancy regulations and even if the  
4 proposed vertical addition that conforms to lot occupancy, this  
5 would not meet rear yard requirements because the existing house  
6 is already so close to the rear property line.

7           And then additionally that slope of the small area  
8 doesn't allow us to utilize any of the space. Parking, which  
9 was what we were sold the house a couple of years ago as what  
10 this space could be used for is also impossible right now because  
11 the angle makes us scrape our car up on the bottom of the car  
12 every time we try and pull it.

13           So we're trying to figure out a way to use this space  
14 and it's essentially just been a place for our trash cans in the  
15 back. So I don't believe that this has any, there's no  
16 substantial detriment to the public good. I think that granting  
17 this variance supports the zoning intent by allowing functional  
18 residential use. It wouldn't disrupt the neighborhood character  
19 or impacting neighbors.

20           There's similar structures I've used in the PowerPoint  
21 as well as submitted online through the IZIS platform to show  
22 that how many decks there are in the back. It's very common for  
23 them. They're 100 percent, I went through this morning and  
24 counted 12 decks on our row that had 100 percent area variance.  
25 They went all the way out to the edge of their existing borders

1 and obviously it's not going to cause any visually obvious  
2 concerns that don't already line up with the deck. It doesn't  
3 impact light or air availability to adjacent properties and the  
4 level of privacy to deck owners.

5 We have also worked to secure, you know, our support  
6 from our neighborhood. We worked with our neighbors. We got  
7 letters of support from them. I also wanted to go through the  
8 process and reach out to our local ANC who supported our  
9 application. They themselves noted that usually cases like these  
10 no longer meet the thresholds of exceptional conditions but that  
11 the slope of our space did in fact create these practical  
12 difficulties for us. And we spoke in depth with the Office of  
13 Planning as well but due to the changes in the past couple of  
14 months from you all and with the Zoning Commission they were  
15 hesitant to support our case unless the BZA gave us their support  
16 for these exceptions.

17 So I guess I'll just finish it up. I can walk kind of  
18 through the PowerPoint. I don't know if --

19 CHAIRPERSON HILL: That's okay, Mr. Lestock. I mean,  
20 I really want to see all those. I mean --

21 MR. LESTOCK: Yeah. So I guess I'll walk you, can I  
22 walk you through just the pictures really quick?

23 CHAIRPERSON HILL: Sure. Go ahead.

24 MR. LESTOCK: You can see in slide 3 I'm just kind of  
25 trying to show some spaces on my side of the row. You can see

1 not only that the decks go all the way out to the end of the  
2 property lines but also they don't have a slope. It's a flat  
3 space.

4 The fourth slide shows some more examples from  
5 different angles and you can kind of see there might be a slight  
6 incline, or decline, there but really nothing huge. A car can  
7 easily park. I believe the house, no, that's not the house.

8 If I move to slide 5, that is the Abbey Place side. So  
9 that's directly behind our house. You can see, I mean they have  
10 different plats so it's not really related to our application  
11 considering they have a much larger space in the back, not to  
12 mention --

13 CHAIRPERSON HILL: Mr. Young, you want to go to slide  
14 5. Thank you.

15 MR. LESTOCK: Thank you. Sorry, I'm going really fast.

16 CHAIRPERSON HILL: It's okay.

17 MR. LESTOCK: That's Abbey Place side. So I don't know  
18 that it's applicable to our side because our plats are a lot  
19 smaller than theirs and the backyards they have are a lot larger  
20 than ours.

21 CHAIRPERSON HILL: Okay, Mr. Lestock. I understand.  
22 Okay.

23 Let me do this. Let me go ahead and hear from the  
24 Office of Planning.

25 MR. BEAMON: Good morning, Board members. For the

1 record, Shepard Beamon with the Office of Planning.

2 OP has reviewed the application for the requested area  
3 variance relief from lot occupancy and finds that the request has  
4 not met the criteria for Subtitle X, Section 1000., therefore,  
5 OP recommends denial. However, if the Board determines that the  
6 Applicant has met the area variance test, OP has no opposition  
7 to the requested special exception relief for a rear yard and  
8 with that I will conclude and take any questions.

9 CHAIRPERSON HILL: Okay. Thanks.

10 Now, I think, Mr. Lestock, or even Mr. Beamon, the  
11 Zoning Commission is taking up this issue at the end of October;  
12 is that right, Mr. Lestock?

13 MR. LESTOCK: Yes. I spoke with the Office of Planning  
14 and they mentioned that they are working on omnibus zoning  
15 amendments that include area variance exceptions that could allow  
16 us to not get that exception from you all. But we would still  
17 need to get a special exception for the rear yard occupancy.

18 CHAIRPERSON HILL: Yes. Okay.

19 The, I can't recall if, Mr. Beamon, I don't know if you  
20 can tell me this. If this were, is there any reason that this,  
21 if this were to get denied, right, does it interfere with what  
22 they might be able to do after the Zoning Commission does what  
23 they need to do?

24 MR. BEAMON: If this were denied, yes. It would still  
25 have to wait that year to come back to the Board following for



1 the rear yard relief.

2 CHAIRPERSON HILL: For the rear yard relief. But if  
3 the rear yard relief got approved then there's, then whatever  
4 happens with the Zoning Commission they wouldn't have to come  
5 back to us again?

6 MR. BEAMON: Correct, yes. Because that would take  
7 care of the lot occupancy.

8 CHAIRPERSON HILL: Okay. Okay. All right.

9 Let's see. Mr. Young, is there anyone here wishing to  
10 speak?

11 MR. YOUNG: We do not.

12 CHAIRPERSON HILL: Okay. All right.

13 Mr. Lestock, I got to tell you. Like, these things  
14 have been before us now for a while and it's really hard to make  
15 this leap now that we're trying to get to, and so the Zoning  
16 Commission is trying to fix this thing with the decks. And  
17 everything and so, you know, I think that, I understand your  
18 argument but I think the better route probably is going to be  
19 with the Zoning Commission and so I'm just telling you what I  
20 think in the fact that I am in a little bit of a pressure today.

21 Do you, Mr. Lestock, have any questions?

22 MR. LESTOCK: I guess I would ask, so yeah. If you  
23 were to approve the area, sorry, the special exception and then  
24 deny the area variance you're essentially saying that I'll have  
25 to wait for the process and see if the Zoning Commission approves

1 the omnibus text amendments and if they don't, I'm kind of out  
2 of luck, right?

3 CHAIRPERSON HILL: Well, if they don't you're not -- I  
4 mean, I'm just kind of shorthanding it for me, like, you know.  
5 The reason why it doesn't work is because you're not meeting the  
6 criteria for us to grant this particular relief and so that, then  
7 you would be, yes. You would not be able to do what you're trying  
8 to do. But as I said, I don't know what the Zoning Commission  
9 is doing but I think that that's probably going to be your best  
10 route. But do you have any other questions?

11 MR. LESTOCK: So you don't believe that, or sorry, I  
12 don't know if I can ask this, but you don't believe that the  
13 slope and the small lot size would provide exceptional  
14 circumstances and detriment, substantial detriment?

15 CHAIRPERSON HILL: I understand your argument. I don't  
16 think it's going to probably work for me, you know, because,  
17 like, it's really more just like the use of the outdoor space  
18 that, you know, it's not any different than any of the other, I  
19 mean, I don't know whether the ones they made it illegally or  
20 they just did it illegally or not. But, you know, the one thing  
21 that you're speaking to is the slope there, the driveway, you  
22 know, and so I don't think that, I mean, I have other people on  
23 this Board though that get to also make a decision.

24 In other words, that's where I'm standing. So, you  
25 know, I think that, I mean, I know the Zoning Commission's trying

1 to fix this and so I think you're actually better off than you  
2 think or than you know, right, because this has been with us now  
3 for a while and so what I'm just trying to figure out is whether  
4 keeping this alive until after the Zoning Commission meets at the  
5 end of October is helpful for you one way or the other and that's  
6 what I guess I'm trying to understand by talking this through  
7 with you and I suppose actually we could just kind of postpone  
8 this until after the Zoning Commission meets and then you come  
9 back to us again and see if, you know, the Board thinks any  
10 differently if something happens with the Zoning Commission and  
11 it doesn't work the way you think it's going to work.

12 MR. LESTOCK: Okay. Yeah. No, I understand that and  
13 I get that it's not on you to make the rules. But, yeah, I guess  
14 I just would require us to wait probably another year before we  
15 can do this legally..

16 CHAIRPERSON HILL: Oh, no, no. I don't know how the --  
17 Madam Secretary?

18 MS. MEHLERT: Yes.

19 CHAIRPERSON HILL: So I don't know how to do this. Now  
20 I just want to kind of bump this now until November and then see  
21 what happens as we kind of move forward. What does November look  
22 like for us? And the Zoning Commission, the Chairman's here.  
23 Like, I don't know how this Zoning Commission thing works. Like,  
24 if they vote on something in October I don't know when something  
25 actually happens to when we would hear this or try to hear this.

1 Chairman Hood?

2 ZC CHAIRPERSON HOOD: So, I'm having some connectivity  
3 issues so I'm going to do my best. I do want, Mr. Chairman, I  
4 do want to ask Mr. Beamon. Do you know what the Office of  
5 Planning's recommendation is to the Zoning Commission on this  
6 text amendment?

7 MR. BEAMON: So we're in support. Actually, this is a  
8 request from the Zoning Commission for OP, so OP is leading this  
9 text amendment. So we would be in support of the 200, are you  
10 referring to the text amendment, or, I'm sorry, the text  
11 amendment, correct?

12 ZC CHAIRPERSON HOOD: I'm referring to the text  
13 amendment that's coming to the Zoning Commission on the 30th or  
14 whatever date it is.

15 MR. BEAMON: Correct, yes. So OP would be in support  
16 of that.

17 ZC CHAIRPERSON HOOD: Okay. Well, from that standpoint  
18 whatever that relief is, Mr. Lestock, I think, I can't say what's  
19 going to happen but I can tell you you're on good ground, and  
20 I'll leave it at that, from that standpoint.

21 MR. LESTOCK: Okay.

22 CHAIRPERSON HILL: Okay.

23 MR. LESTOCK: Yeah. I did hear that there was a couple  
24 of folks that raised concerns with this specific deck  
25 component --

1 CHAIRPERSON HILL: Mr. Lestock?

2 MR. LESTOCK: -- I'm not sure how that (indiscernible).

3 CHAIRPERSON HILL: Mr. Lestock, I'm going to interrupt  
4 you just a minute because I don't want the Chairman to get in  
5 trouble now for trying to do something that, like, this isn't the  
6 forum for what they're going to do later.

7 MR. LESTOCK: Yeah.

8 CHAIRPERSON HILL: That being the case, I'm just going  
9 to ask if anybody has any, because I think we're going to go  
10 ahead and decide this now then, Mr. Lestock. It seems like that  
11 might be the most efficient thing for you and so, in terms of  
12 the special exception.

13 So let me go ahead and see if the Board has any other  
14 questions for anybody?

15 (No audible response.)

16 CHAIRPERSON HILL: Okay. And, Mr. Young, I did ask if  
17 somebody was going to speak, right, or ask to speak?

18 MR. YOUNG: We do not.

19 CHAIRPERSON HILL: All right. Well, Mr. Lestock, thank  
20 you so much for your time here today and I'm going to go ahead  
21 and close this portion, I'm going to close the hearing and the  
22 record.

23 MR. LESTOCK: Thank you very much.

24 CHAIRPERSON HILL: Thank you. Okay.

25 In terms of my fellow Board members, as I already kind

1 of stated, I didn't think that there's necessarily anything  
2 extraordinary or exceptional about this particular plot, over  
3 this particular land, I'm sorry, plot, yeah. And so I don't  
4 think I'll be able to get behind the variance argument. However,  
5 I do think that they're meeting the criteria for the special  
6 exception for rear yard relief and so I will be able to get behind  
7 that.

8 And so I just, before I make a motion, I want to see  
9 Chairman Hood, do you have anything you'd like to add?

10 ZC CHAIRPERSON HOOD: No, I don't have anything to add  
11 but I do want to clarify. When I say good ground doesn't mean  
12 it's going to get approved so I want to make sure I put that  
13 clear because we have to go through a full process. But I would  
14 agree with your way of proceeding, Mr. Chairman.

15 Thank you.

16 CHAIRPERSON HILL: Vice Chair Blake, do you have  
17 anything you'd like to add?

18 VICE CHAIRPERSON BLAKE: Obviously I do agree with you  
19 that the special exception criteria for the rear yard relief has  
20 been met because it doesn't appear to have any adverse impact on  
21 the neighboring properties. The issue though with the variance  
22 is very challenging because it really is not a unique lot and  
23 moreover I think that the -- obviously I'll tell you there's not  
24 enough information in the record to substantiate a significant  
25 difference in this lot's topography.

1           I would also say that from a practical difficulty  
2 standpoint, the fact of lack of outdoor space is not a practical  
3 difficulty. I can certainly understand the fact that we want  
4 space and we deserve outdoor space, we like it. But it's not  
5 necessarily something that zoning guarantees in terms of outdoor  
6 space, and so forth. So I don't think that's the case that it  
7 meets that criteria as you pointed out.

8           I think the timing of this thing is interesting. I  
9 think that from that perspective it makes sense if possible to  
10 postpone this activity to give them a chance to see if what the  
11 Zoning Commission does fits in with their criteria, otherwise we  
12 do have to deny the, I certainly would be in favor of denying  
13 the variance but I would be in support of the special exception  
14 as well. So, but otherwise I would just put it off until after  
15 we, you know, we had a chance to see if, what the Zoning  
16 Commission does to will help them to get this done because they  
17 don't meet the criteria as it is today.

18           CHAIRPERSON HILL: Okay. All right. Can you all hang  
19 on one second?

20           (Pause.)

21           CHAIRPERSON HILL: Okay. You guys, I'm just trying to  
22 do this faster. I'm going to reopen the record. Can you bring  
23 the Applicant back in, Mr. Young?

24           Mr. Lestock, can you hear me?

25           MR. LESTOCK: Yes.

1                   CHAIRPERSON HILL: Can you re-introduce yourself for  
2 the record, please.

3                   MR. LESTOCK: Yes. Jake Lestock, home owner of 1130  
4 4th Street.

5                   CHAIRPERSON HILL: Okay.

6                   MR. LESTOCK: Yeah.

7                   CHAIRPERSON HILL: Okay. Great.

8                   So, Mr. Lestock, what I'm going to do is I'm going to  
9 postpone this, okay? I'm going to postpone this until November  
10 sometime whenever the secretary thinks we can fit this in, Madam  
11 Secretary, and then, Mr. Lestock, if you need to postpone it  
12 again you can request for a postponement again to see how this  
13 all kind of shakes out and, again, what I'm trying to help you  
14 with is that if you do not need the variance anymore you should  
15 withdraw it because that's going to slow up the process if you  
16 keep it and we deny it, right?

17                  MR. LESTOCK: Okay.

18                  CHAIRPERSON HILL: So, and then I guess if the Office  
19 of Planning, I'm sorry, the text amendment doesn't work out your  
20 way you can come back here and make the same argument again and  
21 maybe we'll think differently of it at that time. So you just  
22 don't know. So I think that's best off for you. Okay?

23                  MR. LESTOCK: Yes, that's great. Thank you very much.

24                  CHAIRPERSON HILL: Sure. Madam Secretary, when can we  
25 do this again?



1 MS. MEHLERT: I would recommend November 19th.

2 CHAIRPERSON HILL: Okay. Mr. Lestock, is that good for  
3 you?

4 MR. LESTOCK: Yes.

5 CHAIRPERSON HILL: Okay. Okay. Then we'll see you on,  
6 we will or won't see you on 11, I guess we'll see you one way or  
7 the other to be quite honest.

8 MR. LESTOCK: Yes.

9 CHAIRPERSON HILL: 11/19, Madam Secretary? Right,  
10 because you will still be here to talk about the special exception  
11 if that's what you end up needing. Okay. All right, Mr. Lestock.  
12 Thank you.

13 MR. LESTOCK: Thank you.

14 CHAIRPERSON HILL: Have a good day.

15 MR. LESTOCK: You too.

16 CHAIRPERSON HILL: Closing this portion of the hearing  
17 and the record. Okay.

18 You had another thing, we were going to get maybe 21345  
19 back on the line, right?

20 MS. MEHLERT: Yes. Okay. So next is Application No.  
21 21345 of the D.C. Department of General Services. This is a  
22 self-certified application pursuant to Subtitle X, Section 1002  
23 for an area variance from Subtitle c, Section 302.2 to allow  
24 seven principal buildings on one record lot. This is for seven  
25 temporary structures on the campus of an existing public school

1 to provide swing space for students during renovations. It's  
2 located in the R1-B zone at 3rd Street, Northwest, Square 3269,  
3 Lot 65.

4 CHAIRPERSON HILL: Great. Thank you.

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

7 MS. MOLDENHAUER: Good morning, Chairman Hill, and  
8 members of the Board. My name is Meredith Moldenhauer here  
9 representing the Department of General Services.

10 CHAIRPERSON HILL: Okay.

11 MS. MOLDENHAUER: We have three people from our team  
12 online.

13 CHAIRPERSON HILL: Okay. Thank you, Ms. Moldenhauer.  
14 Ms. Moldenhauer, we have some time issues going on today so I'm  
15 trying to work through these cases as efficiently as possible.  
16 We've all reviewed this record and so if you want to just kind  
17 of highlight some of the issues and what you're trying to do and  
18 we'll see if the Board has any questions.

19 I know that one question we are going to have, we've  
20 had these temporary situations before us and we've always had  
21 kind of a time limit on it as to when you all think you might  
22 need, you would be able to return the space. And so that's the  
23 only part I needed to see if you wanted to ask your team or  
24 figure out when that might be possible to return the space, and  
25 so that's my only question to you. After that I'll put 15 minutes

1 on the clock and you can begin whenever you like.

2 MS. MOLDENHAUER: Thank you so much. We had filed a  
3 PowerPoint presentation, Chairman Hill, in this but it doesn't  
4 appear to be in the record. I know that my office emailed it to  
5 Mr. Young, entered into the record on Monday at 6:42. So I'm  
6 happy to either verbally walk through it now given your time  
7 constraints or if Mr. Young can find it and wants to place it  
8 into the record, I'm happy to see if he can pull it up and we  
9 can run through it quickly.

10 CHAIRPERSON HILL: Mr. Young, do you have that?

11 MS. MOLDENHAUER: It would be coming from Zachary  
12 Bradley.

13 CHAIRPERSON HILL: Mr. Young, did you say you do have  
14 it?

15 MR. YOUNG: I have it, yes.

16 MS. MEHLERT: I don't think that was uploaded to the  
17 record as well, so if the Applicant can submit that to the record  
18 of BZA submissions that would be great.

19 CHAIRPERSON HILL: Okay. Why don't I, if you could do  
20 that, Ms. Moldenhauer, and then also, Mr. Young, if you want to  
21 pull up that slide deck and then, Ms. Moldenhauer, you can walk  
22 us through that now.

23 MS. MOLDENHAUER: Okay. We are here obviously for the  
24 Whittier Elementary mobile campus. Next slide.

25 We have members from the team Ronnie McGhee &

1 Associates, as the principal architect, Alex Casey from DGS and  
2 Michelle Sterling who is the project manager from DCPS. Next  
3 slide.

4 The site is located in the R-1B district. Next slide.

5 I'm going to turn over, Ron, if you could just really  
6 quickly walk through this.

7 MR. MCGHEE: Yes. Can you hear me?

8 CHAIRPERSON HILL: Yes.

9 MR. MCGHEE: Yes. Good morning. Thank you. I'll  
10 quickly move to the subject. You see on the slide Coolidge High  
11 School to --

12 CHAIRPERSON HILL: Could you introduce yourself real  
13 quick for the record.

14 MR. MCGHEE: Yes. Ronnie McGhee, architect, principal  
15 at R. McGhee & Associates.

16 CHAIRPERSON HILL: Okay. Great. Thank you.

17 MR. MCGHEE: So to the left there is Coolidge High  
18 School and to the north is Takoma Aquatic Center. The area in  
19 question is this L-shaped lot set in there. We're bounded on  
20 the east and the south by residential areas and where the actual  
21 Whittier School is at, that's sort of (indiscernible) area to the  
22 bottom left. Next slide.

23 So as you can see this clearly illustrates our  
24 location. So especially going to open green space there with a  
25 baseball field that's in use to the north, tree lined streets on

1 3rd Street and on Sheridan Street. That's the site that we're  
2 taking over. The L-shaped part at the top that runs up near the  
3 Aquatic Center, we're not adjusting that at all, we're just  
4 talking about the area that is south of the baseball field. So  
5 next slide.

6           So this indicates exactly the area that we're using.  
7 We're using the public field there right now where the actual  
8 modular system will be installed. We have the baseball field  
9 will be intact, it will not affect that and the Aquatic Center,  
10 the dog leg part at the top will not be affected either. Next  
11 slide.

12           So this shows the actual modular system. We've created  
13 a green space to the right, the public facing side. The left  
14 side actually faces Coolidge. We have a fence on the other left  
15 side and emergency egress back there on the left side on the  
16 west. So we've created play spaces for the age groups that we  
17 have there and obviously eight and seven. The trees will not  
18 affected. We're going to protect those. This fenced area is  
19 for the play areas for the kids that, you see the little red line  
20 that separates the treed area from the school. The entry point  
21 is off of 3rd Street and there's a vehicular entry point on  
22 Sheridan Street. Loading is off of Sheridan Street. So the main  
23 areas where you might see service is off of Sheridan. We have  
24 the bubble area 13, the assembly area, you have the kitchen and  
25 other areas like that.

1           So as the public will enter at six and six, and six in  
2 the middle, that's where the students will enter and six at the  
3 bottom is the administrative entrance. So we basically designed  
4 this to protect the public sides from direct, contactless as much  
5 as possible. There's a screen at the bottom of Sheridan Street  
6 to kind of screen off the parking. So that's basically the layout  
7 that we have.

8           If you have any questions, I'm here to answer.

9           CHAIRPERSON HILL: Thank you.

10          MS. MOLDENHAUER: Thank you so much. So we're ready  
11 to review this next slide, please.

12          I'll go over to Michelle.

13          MS. STERLING: Hi. Michelle Sterling, DCPS project  
14 coordinator for both the Whittier ES modernization as well as the  
15 modular campus.

16          So DCPS and DGS have conducted ongoing engagement with  
17 families, staff and neighbors throughout the design process.  
18 Since April 1st of this year we have held or attended four  
19 community meetings including three School Improvement Team  
20 sessions. Those sessions included an ANC Commissioner of ANC 4B  
21 and then on June 23rd, 2025 the Applicant presented the  
22 application to ANC 4B who voted unanimously in support. So the  
23 resolution has been filed in the record at (audio interference).

24          MS. MOLDENHAUER: Thank you so much. Next slide,  
25 please.

1           The relief that we're seeking here is an area variance  
2 relief and we believe that the property does satisfy the area  
3 variance criteria in order to locate the temporary modular swing  
4 space which is multiple different detached buildings which seeks  
5 the relief from the, or permissions or the zoning section which  
6 does not permit more than one single primary structure on a  
7 residential lot. Next slide.

8           The area variance test requires that the property must  
9 have an exceptional or unique condition. Here we believe the  
10 property does satisfy this requirement and it creates a practical  
11 difficulty. Complying with the regulations and that relief from  
12 this requirement would not unduly burden the public good or the  
13 zone plan. Next slide.

14           The property is affected by a confluence of conditions  
15 that qualify as exceptional. Here the property requires a modular  
16 construction due to the cost and speed and the need for the  
17 reversibility of the site back to public use. The modular  
18 trailers here are limited and reverted to their constructability  
19 as to width and must remain detached to comply with fire  
20 separation and transportation limitations. The property is  
21 uniquely situated from multiple principal structures due to the  
22 fact that it is extremely large and is located where in most  
23 instances properties are small and much smaller in the  
24 surrounding neighborhood. Next slide.

25           These conditions lead to a practical difficulty in not

1 being able to connect or provide one singular structure as  
2 providing a connection would create multiple issues in regards  
3 to mechanical, fire safety, and accessibility. Next slide.

4 We believe this would not create a practical difficulty  
5 for the public good or the zoning plan as a public elementary  
6 school is a by-right permitted use. The swing space will be  
7 temporary and that all other zoning requirements are complied  
8 with with regard to lot width, lot area and lot (indiscernible).  
9 The area will be returned to its open space public use. We are  
10 aware of two letters in the record in opposition, however as  
11 Michelle indicated, this project has gone through extensive open  
12 community dialog and discussion and we would be amenable based  
13 on our understanding the property would most likely be  
14 demobilized at the end of spring of 2029 and returned to a grass.  
15 That would be four years from now so out of an abundance of  
16 caution we would ask for potentially if the Board wished to put  
17 a limitation on this order of five years. Next slide.

18 That concludes our presentation and we're available  
19 here for any questions.

20 CHAIRPERSON HILL: Great. Thank you, Ms. Moldenhauer.  
21 Before I turn to my Board, can I turn to the Office of Planning?

22 MS. MYERS: Good morning. Crystal Myers with the Office  
23 of Planning.

24 The Office of Planning is in support of this case and  
25 we can stand on the record of the staff report but of course, if



1 | you'd like me to go through our report I'm happy to do so.  
2 | Otherwise, here for questions.

3 |           Thank you.

4 |           CHAIRPERSON HILL: Thank you. Thank you, Ms. Myers.  
5 | Good to see you.

6 |           Let's see. Mr. Young, is there anyone here wishing to  
7 | speak.

8 |           MR. YOUNG: Yes. We have one witness signed up.

9 |           CHAIRPERSON HILL: Okay. Can I have their name please  
10 | and could you please allow them in?

11 |           MR. YOUNG: Holly Oliver.

12 |           CHAIRPERSON HILL: Ms. Oliver, can you hear me?

13 |           MS. OLIVER: I can.

14 |           CHAIRPERSON HILL: Okay. Great. As a member of the  
15 | public you'll have three minutes to give your testimony and you  
16 | can begin whenever you like.

17 |           MS. OLIVER: Thank you. My name is Holly Oliver and I  
18 | live two blocks away from the park in question today. I believe  
19 | strongly in public education and hyperlocal public education like  
20 | Whittier offers our community. However, I'm speaking today in  
21 | opposition to this project.

22 |           Although it has been stated that there was extensive  
23 | outreach to the community I have not heard anything about what  
24 | is happening and neither have my neighbors. My neighbors and I  
25 | are frustrated by the lack of transparency, the budget and the

1 removal of green space. Excuse me for one moment. Thank you.

2 Last weekend I found a small placard. It was about 11  
3 by 17. It was on the ground on the public field and I looked up  
4 this project and was shocked to learn that the city would be  
5 building a structure of around 150,000 square feet on heavily  
6 used park space although it was deemed to be temporary and was  
7 further shocked to learn that the city generally spends about \$1  
8 million on this type of project and this one will cost taxpayers  
9 about \$18 million, although alternative solutions estimated at  
10 about \$1 million were suggested.

11 On the surface this does seem to be a significant waste  
12 of tax dollars. In addition, as I mentioned, public outreach has  
13 been minimal. I do receive ANC notifications from our local ANC  
14 representative as well as newsletters from our councilmember and  
15 the newsletter from the Mayor. I have not seen any information  
16 about this project in any of those venues.

17 Green space has also been a priority for this city.  
18 Removal increases urban heat. Green space is essential for public  
19 health and as I mentioned, this is a heavily used field used for  
20 soccer teams, rugby, flag football, daycare centers and the  
21 community. With fencing erected already even before this  
22 hearing, I am not hopeful this project will change but I do think  
23 it's important to oppose this application based on the lack of  
24 notification, the significant budget and the loss of green space.

25 Thank you for taking my comments.

1 CHAIRPERSON HILL: Thank you, Ms. Oliver. Does the  
2 Board have any questions of Ms. Oliver, and if so please speak  
3 up.

4 (No audible response.)

5 CHAIRPERSON HILL: Okay. All right. Ms. Oliver, thank  
6 you for your time and please enjoy the rest of the hearing. Okay.  
7 Great.

8 Let's see. Ms. Moldenhauer, again you had mentioned,  
9 right, five years is when you think they're going to be able to  
10 get this done, right?

11 MS. MOLDENHAUER: Yes. We believe that it would  
12 obviously be earlier than that. You know, we believe the field  
13 should be available for public use potentially by spring of 2029  
14 but we would ask just for, you know, a grace period given over  
15 that spring. We're obviously currently just looking at the years  
16 in which the order would be issued five years, I would give a  
17 grace period just to ensure compliance.

18 CHAIRPERSON HILL: Okay. Great. Okay. All right.

19 Does the Board have any final questions? If so, please  
20 speak up.

21 ZC CHAIRPERSON HOOD: I have a question, so the young  
22 lady who's in opposition. You know, Whittier I think was built  
23 in the 1920s and I understand the dynamic of what's trying to be  
24 done.

25 But I do have a question, Ms. Moldenhauer, for either

1 | you or Ms. Sterling real quick. So we're going to do the swing  
2 | space and I know this is being done all over the city. Is it  
3 | only going to be one school? Whittier is the only one or are  
4 | they going to, do you think they may use that space for another  
5 | school that they may improve because, again, Whittier was built  
6 | in 1926 so I mean it's time for a new school. So do you see them  
7 | just using that as a one time use for Whittier or do you think  
8 | you may have to come back and they're going to use it for another  
9 | time, if you understand my question?

10 | MS. MOLDENHAUER: Yes. We do understand your question  
11 | and the intent here is to just use it for Whittier.

12 | ZC CHAIRPERSON HOOD: Just for Whittier? Okay. And  
13 | last question, Mr. Chairman, and I'm going to be quick because I  
14 | know we're on a time schedule. Is that the Ronnie McGhee that  
15 | used to be on HPRB? I didn't see him so I just wanted to know.  
16 | If it was I wanted to say good morning, so I'll leave it at that.

17 | Thank you, Mr. Chairman.

18 | MR. MCGHEE: Yes, it is, Mr. Hood. Thank you.

19 | ZC CHAIRPERSON HOOD: All right. Good to hear you.  
20 | Thank you.

21 | CHAIRPERSON HILL: Okay. Great. Perfect. Thank you,  
22 | Chairman Hood. All right. I'm going to go ahead and close the  
23 | hearing and the record. Ms. Moldenhauer, thank you for your time  
24 | and your team.

25 | MS. MOLDENHAUER: Thank you very much.

1 (Pause.)

2 CHAIRPERSON HILL: Okay. I am going to agree with the  
3 analysis that the Office of Planning has put forward in their  
4 report. I will also agree with the ANC and how they are in  
5 support of this application as well. I would, I do think that  
6 they're meeting the criteria for us to grant this particular  
7 relief and also I do think that a five year term is something  
8 that would be appropriate.

9 In terms of the witness and Ms. Oliver, I am sorry that  
10 she had missed, I guess, I mean the couple of things. You know,  
11 the ANC had their meeting and so the ANC did take a vote on this  
12 and they had a public hearing concerning it and that's kind of  
13 the best way that the community does get to hear about things,  
14 and so, and I'm sorry that she missed that ANC meeting.

15 And then also I do think that since this is something  
16 where they're keeping all the trees, you know, they're keeping  
17 the heritage trees, they're keeping that one open strip or that  
18 strip of land and this is something that's temporary so that the  
19 school can get up to date. I think it is something that is  
20 appropriate, so I'm going to be voting in favor.

21 Chairman Hood, do you have anything you'd like to add?

22 ZC CHAIRPERSON HOOD: I don't have anything to add. I  
23 would agree with your comments 100 percent and the record.

24 Thank you, Mr. Chairman.

25 CHAIRPERSON HILL: Thank you.

1 Mr. Blake, do you have anything to add?

2 VICE CHAIRPERSON BLAKE: I'm in support of the  
3 application.

4 CHAIRPERSON HILL: Thank you.

5 VICE CHAIRPERSON BLAKE: With the five year time limit.

6 CHAIRPERSON HILL: Thank you. Thank you, Vice Chair  
7 Blake.

8 I'm going to make a motion to approve Application No.  
9 21345 as captioned and read by the secretary including a five  
10 year term limit and ask for a second.

11 Chairman Hood?

12 ZC CHAIRPERSON HOOD: Second.

13 CHAIRPERSON HILL: Thank you. Well, Mr. Blake, I don't  
14 know, you. Anyway, Chairman Hood. The motion is made and  
15 seconded. Madam Secretary, take a roll call, please.

16 MS. MEHLERT: Please respond to the Chair's motion to  
17 approve the application with the five year term limit.

18 Chairman Hill?

19 CHAIRPERSON HILL: Yes.

20 MS. MEHLERT: Vice Chair Blake?

21 VICE CHAIRPERSON BLAKE: Yes.

22 MS. MEHLERT: Chairman Hood?

23 ZC CHAIRPERSON HOOD: Yes.

24 MS. MEHLERT: Staff would record the vote as three to  
25 zero to two to approve Application No. 21345 with the condition

1 on the motion made by Chairman Hill and seconded by Chairman  
2 Hood.

3 CHAIRPERSON HILL: Okay. Great.

4 Everybody let's take a five minute break and we'll come  
5 right back, or whenever you come right back. Thank you.

6 (Whereupon, there was a brief recess.)

7 CHAIRPERSON HILL: Okay. Great. Madam Secretary,  
8 could you call us back in please and call our next case.

9 MS. MEHLERT: The Board is back from a quick break and  
10 returning to its hearing session. The next case is Application  
11 No. 21326 of Ehsan Jazini. As amended, this is a self-certified  
12 application pursuant to Subtitle X, Section 901.2 for special  
13 exceptions under Subtitle D, Section 207.5 to allow the rear wall  
14 of a row building to extend farther than ten feet beyond the  
15 furthest rear wall of any adjoining principal residential  
16 building on any adjacent property, and under Subtitle U, Section  
17 253 to allow an accessory apartment on the second floor of a new  
18 accessory structure.

19 This is for a new third floor and three-story rear  
20 addition to an existing two-story attached principal dwelling and  
21 accessory apartment on the second floor of a new two-story  
22 accessory structure in the rear yard. It's located in the R-  
23 3/GT zone at 3546 Whitehaven Parkway, Northwest, Square 1296, Lot  
24 384.

25 The public hearing was scheduled for July 30th and

1 postponed at the Applicant's request. Also on July 23rd the  
2 Board granted advance request for party status in opposition to  
3 Peter Cortois and Allison Astorino-Courtois, Amy Collen and  
4 Robert Winthrop Huffman. On Monday Amy Collen withdrew her party  
5 status in opposition and submitted an agreement with the  
6 Applicant into the record. Also as a preliminary matter, a couple  
7 of preliminary matters, the Applicant has submitted motions to  
8 waive the filing deadline to submit a number of supplemental  
9 materials and revised plans. Also the other parties in  
10 opposition, Peter Courtois and Win Huffman have filed opposition  
11 to these motions and requested a postponement of the hearing.

12 CHAIRPERSON HILL: Okay. Great. Thank you, Ms.  
13 Mehlert.

14 In terms of the preliminary matters I reviewed the  
15 record and I would like to see the submissions from the Applicant,  
16 in particular because of the agreement that happened with the  
17 next door neighbor. I also am looking at the submissions  
18 concerning the postponement and I will agree that I don't think  
19 it's necessary in terms of what seems to be the changes that were  
20 being made and, again, the reason for that was the neighbor that  
21 they're trying to work with to get to an agreement. So I'm in  
22 opposition to the postponement.

23 Chairman Hood and/or Mr. Blake, do you have anything  
24 to add to either one of those?

25 (No audible response.)



1 CHAIRPERSON HILL: No? Okay. Great.

2 ZC CHAIRPERSON HOOD: Nothing to add.

3 CHAIRPERSON HILL: Thank you, Chairman Hood. All  
4 right.

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

7 MR. JAZINI: Hi. My name is Ehsan Jazini. I'm going  
8 to let Marty Sullivan, my attorney, take over.

9 CHAIRPERSON HILL: Great. Thank you.

10 Mr. Sullivan, could you introduce yourself for the  
11 record.

12 MR. SULLIVAN: Thank, Ehsan. Thank you, Mr. Chairman  
13 and Board members. My name is Marty Sullivan with Sullivan &  
14 Barros on behalf of the Applicant.

15 CHAIRPERSON HILL: Okay. Great. And I see one of the  
16 party status people. Is it Mr. Courtois? If you could say that  
17 for me, that'd be great.

18 MR. COURTOIS: Peter [Cor-twa].

19 CHAIRPERSON HILL: Mr. Courtois. Okay. Great. And  
20 then also I see, is it Mr. Huffman?

21 MR. HUFFMAN: Yes. Win Huffman.

22 CHAIRPERSON HILL: Okay. Great. And I think I  
23 explained this probably, I can't remember. It was a little while  
24 ago when you guys got party status, but I think I probably  
25 explained the process to you guys, correct?

1 MR. COURTOIS: Correct.

2 CHAIRPERSON HILL: Okay. Great. All right.

3 So, Mr. Sullivan, if you want to walk us through your  
4 presentation and why you believe your client is meeting the  
5 criteria for us to grant the relief requested. I'm going to put  
6 15 minutes on the clock so I know where we are. I see your  
7 PowerPoint that's in the record and I'll go ahead and let Mr.  
8 Young pull that up.

9 And then for Mr. Huffman and Mr. Courtois, you'll  
10 basically have the same amount of time to give your presentation  
11 and it's something that, I'm going to try to keep you all to the  
12 same time that they have, whatever that is but you guys aren't  
13 experts in what you're doing, we're going to obviously, you know,  
14 listen to what you have to say but just going to let you know  
15 that you guys basically together are going to have the time that  
16 they have. So, Mr. Sullivan, you can go ahead and start whenever  
17 you like.

18 MR. SULLIVAN: Thank you, Mr. Chairman. If Mr. Young  
19 could please load the PowerPoint presentation, and while he's  
20 doing that I'd like to go through a quick summary of the changes  
21 from the initial, the original filing since some of them were  
22 late breaking changes.

23 The biggest change was scaling the building back four  
24 feet from the original proposal and that was done a couple of  
25 weeks ago and new shadow studies were presented with that. The

1 changes on Monday were just to two items that aren't part of the  
2 ten foot rule test. So the screened porch was reduced by two  
3 feet in length and the deck connected to that was reduced by two  
4 feet in length. Another thing that was done not really zoning  
5 related, but eliminated all proposed yard grading and retaining  
6 walls. That was a concern of both neighbors I believe, and so  
7 that's been eliminated. And we increased the space between the  
8 rear deck and the accessory building to more than 20 feet so that  
9 relief went away. And the lot occupancy went from 63 percent  
10 down to 57 percent. The matter-of-right is 60, so that removed  
11 an area of relief.

12 And I'll note although it's not applicable yet, under  
13 the newly proposed regulation of 16 feet, the first two levels  
14 here would be matter-of-right so the current matter-of-right of  
15 course is ten feet, so we're asking for six feet of relief for  
16 the basement, the main level and the second story and the top  
17 story is the matter-of-right length, the new story. So next  
18 slide, please.

19 So the Applicant's proposing an addition to the  
20 principal building and construct a new two-story accessory  
21 building for which the relief now needed is a special exception  
22 for the ten foot rule and this is for the cellar, first and  
23 second. As noted the addition extends 16 feet past the furthest  
24 adjoining rear wall of the neighbor to the east at 3544 and that's  
25 the neighbor that we've come to an agreement with. The third

1 floor is matter-of-right. It extends nine feet past the furthest  
2 rear wall and then in addition to that there's an eight foot  
3 screened porch and an eight foot deck on the main level, and  
4 they're not included in the ten foot rule.

5 So regarding accessory building use asking relief to  
6 have an accessory apartment in that accessory building just on  
7 the second story of that accessory building. The Office of  
8 Planning's recommending approval and happy to note that we did  
9 come to an agreement on Monday with the neighbor at 3544, and  
10 ANC 2E voted to not support the application on Monday night.

11 I will say regarding Mr. Huffman, the tenant at 3544,  
12 there were discussions between Mr. Jazini and Mr. Huffman and at  
13 one point Mr. Huffman actually connected us with his landlord who  
14 was represented by Ms. Ferster at which point we would have  
15 assumed that the tenant and the landlord were sort of  
16 communicating together and we focused on the landlord, Ms.  
17 Collen, and with mainly through her attorney, Ms. Ferster. So  
18 next slide, please.

19 And now I'll turn it over to Mr. Gordon. Mr. George  
20 Gordon is the project architect. I think he should be in  
21 attendance here.

22 CHAIRPERSON HILL: Mr. Gordon, can you hear me? Mr.  
23 Young, do you see Mr. Gordon? Can you all hear me?

24 MR. YOUNG: Yes. I just brought him in.

25 CHAIRPERSON HILL: Okay. Great. Mr. Gordon, can you

1 | hear me?

2 |           MR. GORDON: Yes, I can.

3 |           CHAIRPERSON HILL: Okay. Great. Could you introduce  
4 | yourself for the record and then begin your testimony.

5 |           MR. GORDON: Yes. I am George Gordon, architect for  
6 | this project and could you just repeat the question to me, please?

7 |           MR. SULLIVAN: George, if you could just take us through  
8 | the plans real quick and then just request to move to the next  
9 | slide when you just explain. We're on the site plan at this  
10 | point.

11 |           MR. GORDON: Sure. It's a very basic idea. Starting  
12 | with the front facing Whitehaven we are adding a third floor  
13 | level. Then, as Mr. Sullivan stated, we have an enhanced second  
14 | floor level. The main level of the house is the living, dining,  
15 | kitchen area with the screened porch and the deck and then we  
16 | have a cellar level which is a family recreation room and a home  
17 | office. That goes out to a little patio in the backyard. We  
18 | have the garage structure that faces the public alley and as Mr.  
19 | Sullivan stated, we'd like an accessory dwelling unit to be  
20 | available on the second floor.

21 |           MR. SULLIVAN: And next slide, please.

22 |           MR. GORDON: Next slide. Yes. Okay. So this is  
23 | basically the existing site plan. It shows the relationship of  
24 | the subject property which is shaded in the darker gray and the  
25 | adjacent properties showing the garages in the rear yards. Could

1 I have the next slide, please.

2 And this is the proposed which again is the plan of the  
3 house in the middle with the decks and the additions shown, and  
4 the garage in the rear yard. Next slide, please.

5 These are the interior plans starting with the  
6 basement. The cellar on the right hand side and then the first  
7 floor plan showing the kitchen, the decks, the second floor with  
8 the primary bedroom, third floor with the two bedrooms and the  
9 stairway to a roof deck. Could I have the next slide, please.

10 This is the east elevation showing the adjacent  
11 dwelling shaded in the gray and the relationship of the third-  
12 story addition on to the subject property, the roof deck, the  
13 stairway, the decks stepping down with the terrain to the backyard  
14 and the second-story on the garage for the ADU. Could I have  
15 the next slide, please.

16 MR. SULLIVAN: George, if you could hold up one second.  
17 If we could stay on this slide for a second, I wanted to point  
18 out. That line that the Board sees, the dotted line going down  
19 through the building, that shows the matter-of-right line.  
20 That's the ten foot line so the relief request is the six fee to  
21 the left of that. I'll also note a difference from the original  
22 plans. There were retaining walls we were proposing on the sides  
23 of the property because it's a very steep grade and Mr. Jazini  
24 was planning to grade to give himself the benefit of some kind  
25 of rear yard, and in response to concerns about that and also to

1 the expense of that he has removed all grading. And so now  
2 there's just a fence there. Previously there was a fence on top  
3 of a retaining wall. Okay. Sorry, George. You can take it  
4 over.

5 MR. GORDON: It's okay. Next slide.

6 And this is the west elevation showing the property to  
7 the west. Again, you see the third floor addition, the stepping  
8 down. The dark gray which is the subject property also is a  
9 retaining wall patio structure on the lot, the adjacent lot, and  
10 then of course moving to the right is the two-story garage and  
11 ADU. So let's have the next slide.

12 These are the shadow studies. I think Martin Sullivan  
13 can talk about this one.

14 MR. SULLIVAN: Sure. The Board's familiar with this.  
15 The highlighted red area is the area showing the difference in  
16 shadow between a matter-of-right length and the proposed length  
17 of 16 feet and you'll see from these slides that it is, there's  
18 some impact but not undue. Next slide, please.

19 And this is in the winter solstice season. Again, some  
20 shadow but not undue in our opinion. Next slide, please.

21 Similar effect in the March and September seasons.  
22 Next slide, please.

23 George, I think I can take them through the photos.  
24 This is the current view from the subject property's rear porch  
25 to Mr. Courtois's property, to the west at 3548. Next slide,

1 please.

2           And this would be a view of Ms. Collen's property at  
3 3544. These are pointing out to show that the privacy we think  
4 is somewhat improved by extending the addition out to the current  
5 situation where from his porch now you can look inside of her  
6 first floor addition, or main level addition. Next slide, please.

7           This is a rear view from the back and from the alley.  
8 On the right is the existing accessory building that's going to  
9 be replaced. The building will be set back so it will meet the  
10 center line alley setback requirement. There's also a  
11 requirement in this zone to not be more than five feet off the  
12 property line and so we've complied with that as well as it's  
13 just two feet off the property line. The accessory building you  
14 see there on the left is two doors down from us and you can see  
15 an addition that they've done on that property in the last few  
16 years as well. Next slide, please.

17           And straight ahead is the retaining wall structure that  
18 Mr. Gordon mentioned on the west elevation, I think it was.  
19 That's on Mr. Courtois's property and that's a retaining wall  
20 holding up and creating a rear yard for him, and Mr. Jazini had  
21 similar ideas but only of a scale that would have been matter-  
22 of-right which we would have had to do four foot retaining walls  
23 tiered to have portions of the yard. I assume that retaining  
24 wall went up before the retaining wall regulations limiting it  
25 to four feet in height. Next slide, please.



1           Regarding the general special exception requirements.  
2   The proposed addition is within the other bulk and density  
3   requirements of the R-3/GT zone. It's going to be a single family  
4   including a rear yard. We meet the rear yard safely. There's  
5   now space in between the accessory building and the deck and the  
6   proposed addition will be in harmony with the general purpose and  
7   intent of the zoning regulations and zoning maps. Again, the lot  
8   occupancy is 57 percent. It's a small lot. It's a small and  
9   narrow lot so the lot occupancy of the principal building itself  
10   without the decks and the screened porch and not counting the  
11   accessory building is only about 35 percent. Next slide, please.

12           So regarding light and air the provided shadow study  
13   shows the slight difference between matter-of-right and proposed  
14   lengths that have minimal impact on the light and air to adjoining  
15   properties. The ten foot rule relief that we're requesting only  
16   relates to Ms. Collen's property because she has the furthest  
17   rear wall that's further back, or the most shallow furthest rear  
18   wall and so that's where we're counting the ten feet from and if  
19   it was just as to Mr. Courtois's property, we wouldn't need the  
20   ten foot rule relief. And again, that agreement was, there's a  
21   construction management agreement that Ms. Ferster submitted but  
22   the bulk of the behind getting to an agreement was the reduction  
23   in the length of the building and the deck, and the screened  
24   porch.

25           So there's no east or west facing windows. All the

1 decks are provided to take advantage of the exceptional views to  
2 the south because of their location and they do not facilitate  
3 views into adjoining properties. As shown in the photos the  
4 adjacent property to the west has a large retaining wall that  
5 will maintain the privacy between the two properties.

6           Regarding character, scale and pattern there's similar  
7 third story additions on this block of Whitehaven Parkway  
8 including 3550 which you saw in the photos from the rear alley  
9 two doors down and the addition is designed to blend with the  
10 character of the existing building and the houses as viewed from  
11 the street. The requested relief will also not substantially  
12 visually intrude upon character, scale and pattern as viewed from  
13 the alley. The proposed accessory building meets the bulk and  
14 height requirements safely and so that's also in character and  
15 scale with other accessory buildings on this alley. Next slide,  
16 please.

17           And I think that's, is that it? No. Okay. Regarding  
18 the principal dwelling unit. So the principal dwelling unit of  
19 course will be owner occupied or the accessory apartment will be  
20 for the duration of the accessory apartment use. The total number  
21 of persons that occupy the accessory apartment and the principal  
22 building will not exceed six persons. U-253.7 is not applicable  
23 because that's only for accessory apartments in a principal  
24 building and regarding some matter-of-right provisions with this  
25 use, we comply with those including we have the access because

1 we're on an alley that's at least 15 feet wide within 300 feet  
2 of a street. No roof deck is proposed and the accessory apartment  
3 is only located on the second story, as required. Next slide,  
4 please.

5 And I think that's it. So that's our presentation.  
6 Thank you. If the Board has any questions for myself or Mr.  
7 Jazini or Mr. Gordon.

8 Thank you.

9 CHAIRPERSON HILL: Okay. If it's fine with the Board  
10 what I'd like to do is just hear everyone's presentations and  
11 then I will have an opportunity for everyone to ask questions of  
12 everyone including the Office of Planning.

13 Mr. Huffman, since I got your screen on would you like  
14 to go ahead and begin and I'm just kind of, did I lose the other  
15 party status person? Where did Mr. Courtois go? Mr. Young, did  
16 we lose Mr. Courtois?

17 MR. YOUNG: I don't see him but he may be on with  
18 another member of their party. I'll bring her on. That's Gail,  
19 who said they were together.

20 CHAIRPERSON HILL: Mr. Courtois, can you hear me or can  
21 somebody turn their mike on? If it's Ms. Gail, I'm sorry. I  
22 can't, I haven't heard your last name pronounced yet so I don't  
23 know. Okay. I'll tell you what, Mr. Huffman, I'm just going to  
24 go ahead and just start with you while they try to figure out  
25 their technical issues. I'm going to put 15 minutes on the clock

1 | there again so I know where we are and you'll have half of that  
2 | time or thereabouts, and so you can go ahead and begin.

3 |           MR. HUFFMAN:   Okay.   Good morning.   I'm Win Huffman.  
4 | My wife and I are residents at 3544 Whitehaven which is the  
5 | abutting property to the west of the Applicant's property and we  
6 | do share a wall.

7 |           I wanted to address what Mr. Sullivan said briefly just  
8 | in regards to connecting the Applicant.   Mr. Jazini texted me and  
9 | asked me for Amy Collen's information.   I gave it to him in good  
10 | faith.   I, in no way was that an indicator that I was removing  
11 | myself in any way from the party status, you know, for that to  
12 | be framed as I'm passing that along in any way was not  
13 | communicated and was not the intent.   I'm not going to not give  
14 | the information if asked, you know, to help this process but that  
15 | is not what that intention was and I do, I don't want to say take  
16 | offense to that but that was not communicated whatsoever and I'm  
17 | not going to not give the information to try and create, you  
18 | know, a block or anything in that manner.   So I do want the record  
19 | to show that.

20 |           We've been given three days since the new plans to  
21 | review this kind of massive project that's going to have an  
22 | incredible impact on both sides of the neighbors, myself and  
23 | (audio interference) Courtois.

24 |           CHAIRPERSON HILL:   Wait, Mr. Huffman.   I'm getting  
25 | feedback now.   If you guys, can you mute your line, Ms. Gail?

1 Great. You might have two computers on is all I can think of  
2 maybe, and now I see Mr. Courtois back. Mr. Courtois, can you  
3 hear me?

4 MR. COURTOIS: Yes, I can.

5 CHAIRPERSON HILL: Okay. Great. Is Ms. Gail with you?

6 MS. JUPPENLATZ: Yes. This is Gail Juppenlatz and  
7 we're at my house because his internet just went down.

8 CHAIRPERSON HILL: Okay. Great. And I'm a little  
9 confused. I mean, can you guys share the screen with Mr.  
10 Courtois. Ms. Gail, can you mute your line? You need to mute  
11 your line, Ms. Gail. Just, there you go. Perfect. And, Mr.  
12 Courtois, if you can unmute your line. Can you hear me?

13 MR. COURTOIS: Yes, I can.

14 CHAIRPERSON HILL: Okay. Great.

15 Now I'm not sure, so is Ms. Gail just a neighbor or  
16 something, Mr. Courtois?

17 MR. COURTOIS: Gail lives on the property right on the  
18 other side of Win and she is basically the next neighbor over --

19 CHAIRPERSON HILL: Okay.

20 MR. COURTOIS: -- which is just about 16 feet away.

21 CHAIRPERSON HILL: I got you. You're just using her  
22 internet?

23 MR. COURTOIS: Right now, yes.

24 CHAIRPERSON HILL: Okay.

25 MR. COURTOIS: And she's also registered to testify as

1 a witness.

2 CHAIRPERSON HILL: As one of your witnesses or is she  
3 signed up to testify just as a member of the public?

4 MR. COURTOIS: Member of the public.

5 CHAIRPERSON HILL: Okay. So then, Ms. Gail, we'll get  
6 to you when we do the member of the public part.

7 MR. COURTOIS: Right.

8 CHAIRPERSON HILL: And so, Mr. Huffman, you can go  
9 ahead and continue.

10 MR. HUFFMAN: Okay. And again, in regards to the  
11 connecting, that was not a relieving of my kind of duties as a  
12 party in opposition. Since then, since late June when I was  
13 asked to connect I've had absolutely no outreach from the  
14 Applicant or Mr. Sullivan. The July postponement for the BZA  
15 meeting stated that they would like to continue to work with the  
16 immediate neighbors and since that filing in July, including in  
17 June, I've had absolutely no contact with either the Applicant  
18 or Mr. Sullivan.

19 When the new plans were submitted on Monday three hours  
20 before the ANC meeting we were expected to have time to review  
21 it and give a recommendation at that point. The ANC disapproved,  
22 did not approve of this project based on those factors as well  
23 as some inconsistencies with the plans which we'd like to cover  
24 in a moment.

25 Mr. Sullivan's response to the recent filing for our

1 request to postpone was that the project is simple and  
2 straightforward so three days should be enough time to review and  
3 approve this project. This feels very dismissive of our concerns,  
4 especially the fact that there has been zero outreach and I'd  
5 also like to bring up that the Office of Planning's approval of  
6 this, this was not based on the most recent plans that were  
7 submitted. So I'd like to explore what our options there, I feel  
8 like Office of Planning needs to see the actual plans that they  
9 approved.

10           Based on the lack of outreach, inconsistencies with the  
11 plans and three days timeline to review I respectfully ask the  
12 Board to postpone or disapprove this project.

13           Thank you.

14           CHAIRPERSON HILL: Okay, Mr. Huffman. Okay.

15           I'm going to get the questions of everybody. Mr.  
16 Courtois, can you hear me?

17           MR. COURTOIS: Yes, I can.

18           CHAIRPERSON HILL: Okay. You want to go ahead and give  
19 us your presentation, please.

20           MR. COURTOIS: Yes. And I agree with everything that  
21 Win has said so I don't want to restate those. But I do think  
22 it's important that we believe there's been very limited  
23 communication regardless of the opinion of the Applicant and his  
24 attorney, and I do want to highlight the fact that the ANC heard  
25 this on Monday and has recommended disapproval.

1           The parts that I think are most important, there are  
2 numerous mistakes in the presentation and I understand, you know,  
3 that's a different perspective but since we're specifically  
4 talking about, you know, the special exceptions I want to address  
5 those first because they make it sound so minimal. What they  
6 don't say is the Applicant's argument basically attempts to  
7 lessen the impact of the special exceptions by not addressing the  
8 impact of the matter-of-right.

9           So the matter-of-right has a significant impact on us,  
10 even if we're not allowed to contest that. But those need to be  
11 pointed out because there's four feet, at the cellar level and  
12 the first floor, and I'm speaking just from my property. It's  
13 even worse for the adjoining property which is Win's. At the  
14 cellar level and the first floor the matter-of-right already  
15 extends four feet beyond the cellar and first floor. The proposed  
16 addition for the second floor goes 17 feet beyond that, our  
17 existing level and 16 feet above us on the third floor. So those  
18 things significantly impact all of, you know, the conditions that  
19 say, hey, you have to -- there's some feedback. I'm sorry.

20           You know, when it talks about the reasons that you  
21 grant a special exception, when you start adding the special  
22 exception and you go to each of those levels and then you say  
23 there's six additional feet at those levels, to say that that's  
24 minimal we've already been adversely affected. So every  
25 expansion of additional footage makes it worse.



1           And so when you look at things like the shade studies  
2 and he's actually highlighted for us that there's additional  
3 impact and if you look at the rules of the special exceptions  
4 where it requires that they have an obligation on the rules that  
5 they have to, they shall -- it doesn't say they might, they could,  
6 we'd like to -- it says that they shall demonstrate that it does  
7 not, shall not have an adverse effect on the use and enjoyment  
8 of any abutting or adjacent dwelling or property. That the light  
9 and air available to the neighboring properties shall not be  
10 unduly affected. The privacy of use and enjoyment of neighboring  
11 properties shall not be unduly compromised.

12           So they are doing that and it's, you know, we feel as  
13 the neighbors that it's your obligation to hold them to that  
14 standard. They're just sort of whitewashing, oh, nothing. It's  
15 easy for the Applicant to say, oh, it's minimal. Well, there's  
16 construction is already significantly affecting us and for us to  
17 just say do it more, that's just absurd from our perspective.

18           So, you know, if you look at their presentation and  
19 they say things like, you know, their highlights are things on,  
20 back on their slides, minimal impact. I've already addressed  
21 that. It's not minimal. It does affect us and it does affect  
22 us significantly. The comments or their testimony that the moving  
23 this out actually provides us, enhances our privacy. Well they  
24 didn't mention, which we've told them and we've asked them for,  
25 you know, what are you going to do about this, we have skylights.

1 Both of us have skylights on our second floors that look into  
2 our bathrooms. When they put a third deck on and they go up and  
3 they have decks, they can see into our bathroom. In my posting  
4 in the record where I show the, you know, these decks they're  
5 adding 600 square feet of decks to the property and to say that  
6 they're not going to turn around and look into our bedroom  
7 windows? Yes, those do affect us. So there's absolute privacy  
8 concerns.

9           And they make the comment and they've done it  
10 repeatedly where they talk about there's a large retaining wall  
11 that will maintain privacy between the two properties and, again,  
12 I posted in the record a picture from my deck looking down into  
13 the basement level, I'm sorry, the cellar level yard. At that  
14 level it's a four and a half foot brick wall that goes around  
15 part of my property in the backyard. That provides absolutely  
16 no privacy unless you're standing at the cellar level and you're  
17 only three feet high, and you can't look over a four and a half  
18 foot wall.

19           So it affords some privacy at the cellar level but  
20 their allegation is that, oh, that's the only time they talk  
21 about any effects on privacy and to think that they're going to  
22 go that far out with this special exception and have views that  
23 affect all of us, it's just absurd for them to make that comment  
24 or make that allegation that it has no effect on us.

25           So although I think, you know, there are safety

1 concerns, there's privacy concerns. We think that there are  
2 numerous errors in the way the plans depict things, you know,  
3 simple things that they matter but they're wrong on the plans.  
4 And so those, and that's part of the reason why, as Win said,  
5 you know, we still did request and I know you said no to the  
6 Motion to Postpone, there are significant questions just about  
7 the plans.

8 I have a shared stairwell that goes, the only egress  
9 out of the property into the rear alley. That's a shared space  
10 that has been there for probably 30, 40 years, I don't know. I  
11 mean, I know it's old. I know they've been renovated and new  
12 stairs but on the same shared property. The plans do not address  
13 how that works. You know, the plans seem to indicate that that  
14 goes away. But it's not clear. There has been no plans provided  
15 to us that show those kinds of things.

16 There are numerous questions about the plans. The very  
17 first day I met Mr. Jazini, yes, he said oh, we recognize that  
18 we need to do this cooperatively and protect things like that  
19 stairwell. I see no indication that there's been any effort made  
20 to things like that. So we do have issues with the plans in  
21 general but very specifically what we're talking about today are  
22 these special exceptions and there is no case that we could see  
23 that they have made, you know, or adhered to the requirements  
24 that they shall demonstrate that it has no adverse impact.

25 So I'd like to hear if you have any questions for me,

1 but we respectfully request that you absolutely deny any special  
2 exceptions.

3 Thank you.

4 CHAIRPERSON HILL: Okay. Great. Thank you, Mr.  
5 Courtois. Okay.

6 I think I'm going to see what my Board members have to  
7 say. What I think I'd like to do also is maybe push this off a  
8 little bit but we'll see what we can do. Let me see. What I  
9 want to do is hear from the Office of Planning. I want to get  
10 through this section of it, this portion of it. Can I go ahead  
11 and hear the report from the Office of Planning, please.

12 MR. MITCHUM: Hi. Joshua Mitchum with the Office of  
13 Planning. And we are in support of the Applicant's application  
14 as well as we support the lesser relief as part of the newer  
15 submissions and we're available for any comments or questions.

16 Thank you.

17 CHAIRPERSON HILL: Thanks. So, Mr. Mitchum, again,  
18 like, your relief is based on the new plans that have less relief  
19 being requested, correct?

20 MR. MITCHUM: Yes.

21 CHAIRPERSON HILL: Okay. All right. Let's see. Okay.

22 Mr. Huffman?

23 MR. HUFFMAN: Yes.

24 CHAIRPERSON HILL: Like you, what you all are saying  
25 is you haven't had a chance to look at these plans a little bit

1 more closely, right, to understand what's going on, right?

2 MR. HUFFMAN: Sorry, not to interrupt. I have looked  
3 at them. There's enough inconsistencies and issues that I have  
4 with them that we need much more clarification such as the  
5 extension of the deck shown on the diagram. Where it goes down  
6 with the grade, it's not accurate. It has it starting at the  
7 start of the grade. It's actually much farther out and so it's  
8 less that I haven't looked at it, it's not that I haven't looked  
9 at them, it's that I have looked at them and there's enough  
10 questions where we need consultation and time to get those figured  
11 out.

12 CHAIRPERSON HILL: Okay. Let me think. So what  
13 normally happens now, just so you guys know, right? I would ask  
14 you if you have any questions, okay, and so for the Applicant,  
15 and you'd be really asking questions about zoning issues, right?  
16 Like, you know, light, air, privacy and you may have some  
17 questions, you may not. I don't know, right? But then the  
18 Applicant would ask, and you would ask any questions that you  
19 might have from the Office of Planning.

20 But what I'm trying to do is get this a little bit more  
21 efficient because I know that at least some of my Board members  
22 might have some questions and I'm trying to see how this may or  
23 may not get better facilitated just so you all know, right? I  
24 mean, they've gone ahead and they've worked with at least one of  
25 the people that, I guess the person is your landlord, Mr. Huffman?

1 Is that correct?

2 MR. HUFFMAN: Correct. That's Amy Collen.

3 CHAIRPERSON HILL: Okay. Great. So they worked with  
4 the landlord and the landlord, you know, withdrew the party status  
5 based upon them pulling back from what they already had done,  
6 right? And the way the Board does look at these things often  
7 times is, you know, we're looking at what's the additional  
8 difference between the matter-of-right and what they're  
9 proposing, right? And that's really what we look at. We don't  
10 look at what the matter-of-right is necessarily because the  
11 matter-of-right is the matter-of-right. And so that's kind of  
12 how we look at things.

13 Now, what I'm trying to do is give you all time to  
14 either get your questions answered but I don't know what, I'm  
15 trying to figure out also the schedule for us and before I do  
16 all that I'm going to see, Mr. Blake, did you have any comments  
17 or questions?

18 VICE CHAIRPERSON BLAKE: I wanted to make sure I had a  
19 good sense again of what happened with the ANC exactly. I may  
20 have not heard that clearly. The other thing is I wanted to  
21 know, do we have illustrations that just address in detail the  
22 privacy issues that were raised in our discussion just now. Now,  
23 if I had a perspective to look at it would give me a better sense  
24 of what that was. Do we have that in the record or is that  
25 something we could put in the record?

1 CHAIRPERSON HILL: So, Mr. Sullivan, I think what Mr.  
2 Blake's asking about is like the skylight question that Mr. [Cor-  
3 to] --

4 MR. COURTOIS: [Cor-twa].

5 CHAIRPERSON HILL: Courtois. Thank you, sorry. Mr.  
6 Courtois, brought up and I don't know if that is anywhere in the  
7 record. Mr. Sullivan?

8 MR. SULLIVAN: No. And it would be an at-risk skylight  
9 as well, and the top floor is matter-of-right so we're not asking  
10 any relief for that. So if that's what he's referring to.  
11 Actually, the further the building goes out the more the more the  
12 privacy improves. So we did show those photos of the current  
13 view from Mr. Jazini's porch out in either direction. There's  
14 no windows on the side. The decks aren't part of the ten foot  
15 rule relief and actually the further the deck is out the more  
16 privacy is improved in that situation. So that was our position  
17 and I think that you can see that from the elevations. I'm happy  
18 to submit additional information if --

19 CHAIRPERSON HILL: I'm trying to figure out --

20 MR. SULLIVAN: -- if we think we can think of another  
21 way to explain that.

22 CHAIRPERSON HILL: (Indiscernible).

23 VICE CHAIRPERSON BLAKE: I have a question. Mr.  
24 Sullivan, could you explain to me when you said the skylight is  
25 at-risk, could you tell me how the skylight, what an risk

1 | skylight, well describe that, what exactly is that?

2 |           MR. SULLIVAN: So I don't know how the Board could say  
3 | that or in any part of the special exception test somebody could  
4 | poke a hole in their roof and now say I am entitled to all the  
5 | sunlight and views and nobody can look into my skylight, and  
6 | nobody can do an addition on their property because it might look  
7 | into my skylight. That's what it means. That --

8 |           VICE CHAIRPERSON BLAKE: (Indiscernible).

9 |           MR. SULLIVAN: Putting a skylight in shouldn't change  
10 | a neighbor's rights that they have before, just like an at-risk  
11 | window doesn't. And so we're not covering up any skylight. We're  
12 | just saying none of our matter-of-right structure looks into any  
13 | skylight and it's, again, this is a rowhouse urban neighborhood.  
14 | People see each other all the time.

15 |           VICE CHAIRPERSON BLAKE: No, Mr. Sullivan. I  
16 | understand your argument. I'm just trying to make sure I  
17 | understood the term at-risk skylight as opposed to, I mean, an  
18 | at-risk window typically means just because it's on the property  
19 | line and it shouldn't, you know, that type of thing. So when I  
20 | hear at-risk skylight I'm trying to use that definition and it  
21 | doesn't apply.

22 |           VICE CHAIRPERSON BLAKE: You're saying that --

23 |           MR. SULLIVAN: Correct. You're right. It's not really  
24 | the right term. I guess it means you put a skylight up, you  
25 | expect if it's not -- I mean, I think most skylights just let



1 light in. I don't know that they typically let a view in and I  
2 don't know if these do or not but agree, if you had an open  
3 skylight or a window it would be an expectation that sometimes  
4 somebody might happen to look into that.

5 But I don't think there's any part of our structure  
6 that, the top story is matter-of-right, that would look into that  
7 and, again, our decks are removed, the matter-of-right addition  
8 actually with decks and screened porches would be more likely to  
9 see into something like that as well as it would be closer to  
10 the existing building.

11 VICE CHAIRPERSON BLAKE: So just to clarify though. If  
12 we had a perspective that allowed us to see it that would answer  
13 the privacy question, as opposed to --

14 MR. SULLIVAN: Sure.

15 VICE CHAIRPERSON BLAKE: -- (indiscernible).

16 MR. SULLIVAN: Yeah, I don't know where the skylights  
17 are of which ones he's referring to, or whether or not they're  
18 already, whether you can actually see through them or not. I'm  
19 not aware. I've never seen the situation where there's a skylight  
20 that somebody could look up and look down the skylight and see  
21 what's going on under that skylight. I mean, maybe if it takes  
22 up the whole roof or something I guess you could but I guess I'd  
23 need to see more information on that before --

24 MR. COURTOIS: I think I can provide that.

25 VICE CHAIRPERSON BLAKE: Okay. Thank you very much,

1 Mr. Sullivan.

2 MR. COURTOIS: Can I address these rather than just  
3 have the opposition?

4 CHAIRPERSON HILL: Yes, Mr. Courtois, give me a second.  
5 I'm just trying to, Mr. Blake was asking a question --

6 MR. COURTOIS: Right.

7 CHAIRPERSON HILL: -- whether or not there was anything  
8 in the record that pointed to that.

9 MR. COURTOIS: There is.

10 CHAIRPERSON HILL: That was the question that we were,  
11 and where do you think that is, Mr. Courtois?

12 MR. COURTOIS: Well, I know that in the submission that  
13 I provided, I think it's, I can get you the exact exhibit number.  
14 It's one of the later ones recently that I provided for the BZA  
15 to look at. I show several pictures. I can get you a picture  
16 from the skylight. I can look out the skylight and see the roof  
17 deck on the other side.

18 CHAIRPERSON HILL: That's all right, Mr. Courtois.  
19 Let's see what the Board --

20 MR. COURTOIS: In the record and also in the testimony,  
21 the public testimony that Gail's going to provide, she's provided  
22 quite a few pictures that address the privacy issue. So the fact  
23 that it goes out further just gives them a greater view. The  
24 decks give them a greater view and all those things do not enhance  
25 our privacy in any way.

1                   CHAIRPERSON HILL:   Okay.   Let me get through some of  
2 these questions, and I guess I've got to keep doing the questions  
3 then first.

4                   Do you, Mr. Huffman, do you have any questions for  
5 either the Applicant or the Office of Planning?

6                   MR. HUFFMAN:   Mr. Mitchum with the Office of Planning.  
7 I just wanted to verify that you reviewed the current documents  
8 when you made your decision because based on the timeline it  
9 would have been from the older plans?

10                  MR. MITCHUM:   So that's correct.   At the time, the  
11 report actually says it on multiple occasions that at the time  
12 of the report this is the conclusion that the Office of Planning  
13 has come to, we have seen and reviewed the recent submissions and  
14 it has not impacted the recommendation of the original report.

15                  MR. HUFFMAN:   Okay.   And in that review there were  
16 several areas that you highlighted could be improved in terms of  
17 the plans.   Would you mind covering those?

18                  MR. MITCHUM:   So that was in relation to the shadow  
19 study and since then the Applicant has provided an updated shadow  
20 study and once OP reviewed those materials it again did not affect  
21 the decision that we came to in our original report as well.

22                  MR. HUFFMAN:   Okay.   And so, again, I would go back to  
23 that we've been given three days to review these new shadow  
24 studies, new plans.   I understand that, you know, Office of  
25 Planning has their opinion on it but we are also, you know, a

1 party in this and given that timeline it's just an unacceptable  
2 timeline for us to be able to happily move forward with this  
3 project.

4 And we're very willing to work with the Applicant and  
5 Mr. Sullivan. It just hasn't happened at this point. Again, as  
6 I said, there's been no outreach with the reason being that I  
7 connected him to --

8 CHAIRPERSON HILL: Okay. It's okay, Mr. Huffman, I got  
9 you. I got you, I got you. So, okay. I think we're going to,  
10 I know we're going to do something here so just give me a minute.

11 But, Mr. Courtois, do you have any questions of the  
12 Office of Planning or the Applicant?

13 MR. COURTOIS: I understand what Mr. Mitchum just said  
14 but my question would be do they provide any justification for  
15 things such as the shadow study? In their initial report that  
16 was dated on the 17th they said how do you actually determine  
17 that that has no impact on the neighbors when it clearly shows  
18 an impact. I don't understand. So my question is, how do you  
19 then say, oh, we don't object to the special exception even though  
20 the shadow study does in fact show an impact? I'm trying to  
21 understand the logic of it, not I understand what he just said.  
22 How do you reach the same conclusion after seeing that?

23 MR. MITCHUM: So the test that the Office of Planning  
24 uses is that there's no impact of the relief requested of an  
25 undue nature. So the original shadow study that we reviewed did

1 not show any kind of impact that would be significantly greater  
2 than the existing conditions of the shadows on the property.

3           So even though OP commented that the shadow study could  
4 be clearer or just show different angles or other aspects like  
5 that, it did meet the undue burden test as presented with the  
6 original iteration of the shadow study. So when it came back  
7 with the revised version, it also still did not change the fact  
8 that we believe that there's no undue impact.

9           MR. COURTOIS: As a follow up to that, do you use any  
10 objective standard? Anything like percentage increase or, you  
11 know, oh, it did impact it by providing, you know, 12 more feet  
12 of shadow? Do you have any objective thing because, you know,  
13 if I was to read that I would say it does have an undue impact.  
14 But if you gave me an objective standard to measure that and that  
15 appears to not be the case; is that correct?

16           MR. MITCHUM: So each case is judged on its own merits  
17 and one of the helpful aspects of a shadow study is that we see  
18 the by-right and we see, or see the existing conditions and we're  
19 shown what is proposed and at the time of our review initially  
20 we did not see or think that the shadows cast by the proposed  
21 addition would constitute an undue impact. However, we do also  
22 acknowledge that the BZA can deviate from our opinion. But that's  
23 simply how it was presented at the time.

24           MR. COURTOIS: One final question then. Can you at  
25 least admit or agree that it does provide an additional impact?

1 Those red areas on their --

2 CHAIRPERSON HILL: Mr. Courtois? Yeah, I can tell you  
3 right now. I've been doing this now for a pretty long time and  
4 the undue, there's not a specific like measuring stick or anything  
5 unfortunately. Like, it is what the Board, this is what we're  
6 here for, is to determine whether or not we think it's undue or  
7 not. And so the Office of Planning gives their recommendations  
8 and then the Board determines what we think.

9 MR. COURTOIS: I understand, sir, and I was just trying  
10 to get an acknowledgement that there is an impact.

11 CHAIRPERSON HILL: Yes, sure. No, there is an impact.  
12 I'll tell you there's an impact. There's an impact --

13 MR. COURTOIS: Thank you, sir.

14 CHAIRPERSON HILL: -- there's an impact to anything we  
15 do.

16 MR. COURTOIS: (Indiscernible).

17 CHAIRPERSON HILL: Yes. Okay.

18 Let me do this. Let me go ahead and take public  
19 testimony. Mr. Young, you said there's only one person that's  
20 signed up to speak?

21 MR. YOUNG: That's correct.

22 CHAIRPERSON HILL: Okay. And is that Ms. Gail again?

23 MR. YOUNG: Yes.

24 CHAIRPERSON HILL: Okay. Mr. Courtois, I guess, or Ms.  
25 Gail, can you hear me? Let's see if I get feedback if you unmute

1 | your device.

2 |           MS. JUPPENLATZ: Okay. It's unmuted.

3 |           CHAIRPERSON HILL: Yeah, go ahead and try. I'm going  
4 | to mute me. Could you introduce yourself for the record.

5 |           MS. JUPPENLATZ: You're going to mute yours?

6 |           CHAIRPERSON HILL: You introduce yourself for the  
7 | record --

8 |           MS. JUPPENLATZ: Okay. Good morning.

9 |           CHAIRPERSON HILL: -- and you'll have three minutes to  
10 | give your testimony. Go ahead.

11 |           MS. JUPPENLATZ: Good morning. My name is Gail  
12 | Juppenlatz. Why are we getting feedback? Is it coming from  
13 | somewhere? Is it anything --

14 |           CHAIRPERSON HILL: It's okay. I can hear you. We can  
15 | hear you.

16 |           MS. JUPPENLATZ: Okay. I live at 3542 Whitehaven next  
17 | and the abutting neighbor to the east. Is this really annoying  
18 | to listen to?

19 |           CHAIRPERSON HILL: I mean, if you want to you can go,  
20 | I guess hop on to Mr. --

21 |           MS. JUPPENLATZ: Yes. Why don't I speak on his?

22 |           (Audio interference).

23 |           CHAIRPERSON HILL: Yes, mute yours. Yes, exactly.  
24 | Perfect.

25 |           MS. JUPPENLATZ: Let's see if this works.

1 CHAIRPERSON HILL: Yeah, go ahead. Go ahead and  
2 introduce yourself for the record and then you'll have three  
3 minutes to give your testimony.

4 MS. JUPPENLATZ: Thank you.

5 My name is Gail Juppenlatz. I live at 3542 Whitehaven  
6 next to the abutting neighbor to the east. I'm just going to  
7 summarize the comments that I sent in a letter to the BZA on  
8 Monday. And our case was presented at the ANC on Monday night  
9 and the Commissioners voted unanimously to deny the application.  
10 The ANC is made up of Burleith and Georgetown residents who know  
11 our neighborhood block by block same size symmetrical rowhouses  
12 and understand that the negative impact that this addition of  
13 this size will have on our neighborhood.

14 I'm opposed to the special exception for the 16 foot  
15 rear addition. I've lived next door the abutting house on the  
16 east side for 15 years and it's only, and I live only 17 feet  
17 away so I will be affected by this. There are three houses that  
18 bear the brunt of this addition and it's of course the abutting  
19 neighbors and me.

20 The magnitude of this addition more than doubles the  
21 size of the current house. It extends out 23 feet from the  
22 original house. The third floor and the roof deck plus the decks  
23 on every level and an additional covered deck on the main level  
24 extend the project out 39 feet into the yard. It will compromise  
25 probably air. Even the matter-of-right does, but of course this



1 is much worse, the D.C.'s prevailing westerly airflow and more  
2 importantly any semblance of privacy. Again, there is 600 feet  
3 of deck space and they can see from anywhere on any of their  
4 decks directly into our living rooms and bedrooms. We all have  
5 windows on the back of our houses and that's where we live. No  
6 part of our rear yards will have any privacy whatsoever from  
7 anywhere on any of those decks.

8 I have some photos that I sent to Mr. Young and maybe  
9 it will give you a better perspective of how this looks in our  
10 rear yards. Okay. That's my house on the right side, the beige  
11 color, and the house next door is the house on the east side  
12 abutting and then it's the Applicant's house. Next one.

13 This, I'm going to jump around in my presentation. But  
14 this is how the architect defined that rear slope and it's just  
15 wrong. The slope starts at the beginning of that first deck and  
16 so it goes way down and the point being that the architect's  
17 rendering of the slope and the placement of the first floor porch  
18 is inaccurate. The open deck on the first floor starts at the  
19 top of the first slope. It hovers 19 feet over the natural ground  
20 and we have a 15 foot grade from our cellar level up to the  
21 highest level. This thing just is going to be floating over all  
22 of our decks, all of our backyards and, again, the ability to  
23 look into our houses.

24 The original backyard there had 84 feet of space and  
25 they're trying to cover it with buildings leaving about 24 feet

1 of green space, and I do not understand how a green garage roof  
2 functions with the hot sun from this, we face south, every single  
3 day everything in the backyard dies if it's not watered regularly  
4 and getting to a garage roof to water, I don't understand that.

5 With the new 3,100 square foot house, I'm not sure how  
6 a special exception for a 250 foot apartment over a garage can  
7 be justified. There's only one other apartment over a garage on  
8 our alley between Whitehaven and T Street. That one was  
9 grandfathered in, it's the one two doors away and it's been there  
10 for probably 40 years. There are 50 homes on this alley between  
11 T Street and Whitehaven and only one of them has a garage ADU  
12 and it's the one two doors away that is not new and I can't think  
13 of the intent of the regulations is to fill every possible square  
14 foot of surface and rear yards with a building.

15 There will be no trees in Burleith in backyards if this  
16 is the case when you allow in the new regulations only 14 feet  
17 of rear yard. So I urge you to deny this application for special  
18 exception. The matter-of-right will significantly affect our  
19 light and our privacy, but with the special exception it is just  
20 far worse.

21 Thank you.

22 CHAIRPERSON HILL: Thank you, Ms. Gail. How do you say  
23 your last name?

24 MS. JUPPENLATZ: [Ju-pen-latz].

25 CHAIRPERSON HILL: Juppenlatz.

1 MS. JUPPENLATZ: Just every single letter, just  
2 Juppenlatz.

3 CHAIRPERSON HILL: Thanks, Ms. Juppenlatz. Okay. All  
4 right. Mr. Courtois, if you can come back.

5 MR. COURTOIS: Let me see. So one thing that was not  
6 shown were some of those other pictures that would address  
7 privacy.

8 CHAIRPERSON HILL: Yes. What was not shown?

9 MR. COURTOIS: In her presentation.

10 CHAIRPERSON HILL: Yes, Mr. Courtois. You're, well  
11 anyway. What are you saying? Say that again.

12 MR. COURTOIS: Some of the other slides were not shown  
13 that address some of the privacy concerns.

14 CHAIRPERSON HILL: What other slides?

15 MR. COURTOIS: On Gail's presentation.

16 CHAIRPERSON HILL: Oh, okay. That's all right.

17 MR. COURTOIS: If you need to see them I just want to  
18 let you know they're in there.

19 CHAIRPERSON HILL: Okay, sure.

20 MR. COURTOIS: Okay.

21 CHAIRPERSON HILL: Okay. So I know that, what do do.  
22 I know that, Mr. Blake, I think that you had some questions and  
23 Chairman Hood, did you have some questions also?

24 ZC CHAIRPERSON HOOD: Yes, I have a question, Mr.  
25 Chairman, but I've been listening and instead of listening to

1 stuff and throwing it on the wall to the Board and see what's  
2 going to stick, I think what I've heard from Mr. Courtois and  
3 Mr. Huffman I think is more, I think that's where you're going.  
4 I think they need more time. I think, while I don't want to  
5 deminimize their discussions with Mr. Sullivan and his client, I  
6 just think there needs to be some more discussion.

7 I've heard Mr. Courtois say two things. I heard him,  
8 or maybe Mr. Huffman, I forget which one it was now. One of them  
9 said asking us to deny and the other one said they needed more  
10 information. So it seems to me like further discussion and  
11 understanding needs to be had, whether they all agree or not it  
12 seems like more time needs to be allowed regardless of, as Mr.  
13 Sullivan thinks or not, I think that the people who are going to  
14 be most impacted need to have some certainty or at least some  
15 understanding and then we have to do our due diligence. That's  
16 where I am, Mr. Chairman. I don't know about me moving forward  
17 on this and also what Board member Blake asked for today I think  
18 is very appropriate, so that's all I have.

19 Thank you.

20 CHAIRPERSON HILL: Okay. Thanks. All right, Chairman  
21 Hood.

22 So, Mr. Sullivan, I know what we're kind of going to  
23 do anyway. So, you know, I do agree that whether or not, and I  
24 know we do this on a regular basis, that if the relief being  
25 requested is less you would think that it would be less adverse,

1 right? But still these people don't do this every day so Mr.  
2 Huffman's asking for a little bit more time to take a look at  
3 these plans.

4 Now, I, we've now gone through this hearing and so what  
5 I think we're going to do is the Board's going to ask for some  
6 things and, Mr. Sullivan, if your client wants to try to reach  
7 out to Mr. Huffman or you or whomever to try to get any kind of  
8 questions answered that would be helpful. And then, Mr. Courtois,  
9 again, and I'll let you respond in a second, Mr. Sullivan, respond  
10 to any kind of questions they may or may not have and then we're  
11 just going to have a continued hearing. We're not going to go  
12 back and go through this whole testimony again but, Mr. Huffman  
13 and Mr. Courtois, I'd be curious what meets the problem, whatever  
14 information we might be asking for now from you and then also  
15 discussions that you might be having with the Applicant, see if  
16 anything happens.

17 I mean, Mr. Courtois, like, what am I trying to say?  
18 Them doing whatever is by matter-of-right, they just wouldn't be  
19 here. They wouldn't be spending all this time and effort to do,  
20 you know, this is a special exception, it's something that if the  
21 Board thinks that this is not really adverse to what we've done  
22 in the past it gets approved, right? And so, you know, I'm  
23 saying all that is that you all might still end up at the same  
24 place which is you don't like it and you don't want it, but I do  
25 want to give just a little time for you to review the plans, Mr.

1 Huffman, that you think you didn't have enough time given that  
2 it was Monday, right? And, again, all I'm just saying is that  
3 even in the past, but I know that my Board has a little bit of a  
4 tight schedule right now, even in the past if it's less impact  
5 then we're starting from a smaller place, right?

6 So nonetheless Mr. Blake, what did you want? You had  
7 wanted something?

8 VICE CHAIRPERSON BLAKE: Thank you, Mr. Chair. Two  
9 things I'd like. One, I want to address the discrepancy we saw  
10 in the slope representations from the witness and also from the  
11 Applicant. If we could just get clarity on that. I don't know  
12 if that really matters in terms of the issues but I would like  
13 to just get at least some clarity as to, because we have  
14 conflicting ones there, and I'm not assuming the Applicant's is  
15 accurate but I want to just get some clarity there.

16 I'm not really concerned with the shadowing impact of  
17 the addition but I am curious about the privacy issue as relates  
18 to the skylight and for that reason I would also ask if the  
19 skylights, do they abut the property line? Are they very close  
20 to the property line or are they in the center, and if they are  
21 I'd just like to get a sense of if there is a privacy issue there  
22 in terms of line of sight, but also the location of those  
23 skylights and then the, you know, some indication of the line of  
24 sight because it sounds like it's a window and it's a window,  
25 and the question first of all about the location towards the, if

1 | it's against the property line then it would actually be an at-  
2 | risk skylight. But I don't think I'm that concerned about the  
3 | skylight in terms of light, I'm concerned about the skylight as  
4 | it relates to privacy.

5 |           So it's not really s, it's a privacy issue. So is it  
6 | direct line of sight? Would there be a real intrusion? It's  
7 | the bathroom, you know. So I'm curious to know and make sure  
8 | there's not, there isn't really a discrepancy there. That's the  
9 | only other question I have.

10 |           CHAIRPERSON HILL: Okay.

11 |           Mr. Sullivan, whether or not this ends up being  
12 | something that we find germane to the case, if you can just go  
13 | ahead and give Mr. Blake what he's looking for and I don't know  
14 | how you would do that but I guess you'll figure it out, right?

15 |           MR. HUFFMAN: Chairman, we're happy to provide photos.  
16 | It is a --

17 |           CHAIRPERSON HILL: Mr. Huffman? Mr. Huffman, it's  
18 | okay. Give me a second. What happens is they'll submit  
19 | something. You guys will also submit something. So I'm just  
20 | trying to figure out if Mr. Sullivan understands what Mr. Blake  
21 | is asking for.

22 |           MR. SULLIVAN: Yes, I believe I do.

23 |           CHAIRPERSON HILL: Okay. Great. And then, Mr. Huffman  
24 | and Mr. Courtois, you can also submit items that Mr. Blake is  
25 | asking for and then everybody will have an opportunity to resend

1 to the things that were submitted, right, before we get here the  
2 next time. Okay?

3 Now, okay. And then I guess, Mr. Sullivan, do you know  
4 if the ANC's going to submit a report?

5 MR. SULLIVAN: I am assuming they would if you left the  
6 record open. Their vote was to not support. That was the  
7 operative language and I won't speak for them on why they did  
8 that. I will note, if I might. I would get clarification on  
9 the grade question because it doesn't change the elevations at  
10 all where the grade is exactly and just I wanted to avoid hiring  
11 an engineer to do a topo survey just for that purpose when it  
12 doesn't really have anything to do with the ten foot rule relief  
13 or --

14 VICE CHAIRPERSON BLAKE: I agree, Mr. Sullivan, it  
15 would not matter on that so I'm comfortable without having that.  
16 You don't have to follow up on that.

17 MR. SULLIVAN: Thank you. And then I did want to say  
18 we have no problem with a continued hearing. We even said in  
19 our response our big concern was when we initially reached out  
20 to the scheduler, it looked like it could be as late as January  
21 and we thought that would be a problem. But if it can be a  
22 reasonable postponement we have no issue with that of course.  
23 We'd love to have more time to discuss so that Mr. Courtois's  
24 latest position was build it matter-of-right and we're not asking  
25 for ten foot rule relief as it relates to his property. So, and



1 we have support now and agreement with the only property from  
2 which we were asking for the ten foot rule relief but, again,  
3 hopefully if we could keep it to two weeks or so that would be  
4 great and it sounds like we're through most of this, so hopefully  
5 we can squeeze that in.

6 CHAIRPERSON HILL: Yes. I don't think I got you, I  
7 don't think I can get you here that fast, Mr. Sullivan, but I  
8 definitely am going to try to do what I can do.

9 So first of all let me just get what's been asked for,  
10 okay? So Mr. Blake has asked for something that explains what  
11 might be considered a view into these skylights, right? And just  
12 so you all know, I don't think the skylights necessarily, I don't  
13 think, again, is it necessarily germane to what is being asked  
14 for because the skylight thing, like, I don't think it is again  
15 something where it is, you get that. How should I say that,  
16 right? Like, I mean, again, I don't know, if skylight's get,  
17 what's it called, shade? If you frost the glass on the skylight  
18 you still get the sun, you just don't, you know, you're not  
19 getting the view of the sky but I don't necessarily think that  
20 that's something that has ever been spoken about with us to be  
21 quite honest. I'm going to have to look into it a little myself.  
22 But I don't know if that's going to matter.

23 But nonetheless, Mr. Blake has asked for how these  
24 skylights are affected. So if you can go ahead and submit  
25 something, Mr., I mean, unfortunately I think and I'm trying

1 | really hard to squeeze you in here. Like, the 10th is our last  
2 | hearing date, is that right, of the year, Ms. Mehlert?

3 | MS. MEHLERT: Correct. December 10th.

4 | CHAIRPERSON HILL: And you said, because I know you  
5 | sent me a text when I was asking this. So, like, November, we're  
6 | just jammed up all the way through, right?

7 | MS. MEHLERT: Yes, yes. There is at least seven cases  
8 | (indiscernible).

9 | CHAIRPERSON HILL: And then the 3rd, the 3rd is, what's  
10 | the 3rd and the 10th look like in December?

11 | MS. MEHLERT: The 3rd has six cases. The 10th will  
12 | have five cases.

13 | CHAIRPERSON HILL: Okay. Okay. Let's try the 3rd,  
14 | okay? And I'm going over backwards here now.

15 | MR. SULLIVAN: Mr. Chair?

16 | CHAIRPERSON HILL: Yes.

17 | MR. SULLIVAN: Can I, you're saying the 3rd of December?

18 | CHAIRPERSON HILL: Yes.

19 | MR. SULLIVAN: So we're going to lose two months. Now,  
20 | I'd like to speak a little bit more about some of the discussion  
21 | that's gone on because we had postponement decided and then they  
22 | used their time to discuss postponement all over again and I  
23 | didn't bother responding to that because I didn't think there was  
24 | any chance that we would lose two months.

25 | They used the term inconsistencies and mistakes and

1 never submitted anything that showed an inconsistency or mistake.  
2 So we're now going to lose two months because --

3 CHAIRPERSON HILL: Okay. Give me a second. Give me a  
4 second.

5 MR. SULLIVAN: -- two people unaffected by this, and Mr.  
6 Huffman has a landlord, he's got a lease. His lease probably  
7 ends before this thing even is built, so.

8 CHAIRPERSON HILL: Yes. I know, Mr. Sullivan, it  
9 doesn't matter. It doesn't matter, right? I mean, the Board is  
10 going to try to do what the Board's going to try to do. These  
11 plans got submitted on Monday and people aren't comfortable with  
12 the timeline and other Board members also feel the same way. I'm  
13 going to try to figure out this because I didn't realize it was  
14 two months from now, okay? I was trying to get you not in January  
15 and I know that your person is here, also your client, and I  
16 appreciate that you're trying to do something with them or help  
17 them. Like, what do I have, Ms. Mehlert, in terms of, like, I  
18 don't have the schedule. So, like, we've gone through a majority  
19 of this. When is the next time Chairman Hood's here?

20 MS. MEHLERT: He is back on October 22nd but that is,  
21 that's a very heavy day.

22 CHAIRPERSON HILL: It's a very heavy day.

23 ZC CHAIRPERSON HOOD: Chairman Hill, I will make it.  
24 Whatever you all, I will make it and adjust my schedule.

25 CHAIRPERSON HILL: You all take a break. We're going

1 to take a quick break. I'm going to call the secretary, okay?

2 You all take a break. I'll be right back.

3 (Whereupon, there was a brief recess.)

4 CHAIRPERSON HILL: Okay. Great.

5 So we're going to come back, Chairman Hood, you're back  
6 with us on the 22nd is what I was told.

7 ZC CHAIRPERSON HOOD: Yes, I believe so.

8 CHAIRPERSON HILL: Okay. We'll come back on the 22nd,  
9 okay? And so if that happens then, Ms. Mehlert, when do we need  
10 stuff?

11 MS. MEHLERT: If the parties can submit any  
12 supplemental information that was requested by next Wednesday,  
13 October 8th, then there would be a week for responses due on  
14 October 15th and then we'd be back for a continued hearing on  
15 the 22nd.

16 CHAIRPERSON HILL: Okay. Mr. Sullivan, does that work  
17 for you?

18 MR. SULLIVAN: That's great. Thank you, Mr. Chairman.

19 CHAIRPERSON HILL: Mr. Huffman? Mr. Courtois? Are you  
20 available that day?

21 MR. COURTOIS: I'm available 22 October.

22 CHAIRPERSON HILL: Yes.

23 MR. COURTOIS: The only request I have is that only  
24 gives us a week to prepare anything. I'd like as much time as  
25 possible, you know, even, I know that anything we provide, I

1 mean, if it's ten days from now then we miss the 8th.

2 CHAIRPERSON HILL: That's right. Mr. Courtois, I mean  
3 I have time parameters in terms of what I can leave the record  
4 open for and so, you know, whatever Mr. Sullivan's going to submit  
5 something about -- I mean, again, I don't really think the  
6 skylight matters, okay? So I don't think, I think if you frost  
7 it you frost it, whatever. I'm more interested in you guys having  
8 time to look at things because you don't think you've had time  
9 to look at it, right? And because these things got submitted on  
10 Monday and, again, there are things that got submitted that make  
11 it less effective than before, right?

12 But I still want to give you all some time, so you can  
13 submit whatever you want, Mr. Courtois, on the 8th, okay, and Mr.  
14 Sullivan, Mr. Huffman also concerning these issues with the  
15 privacy, right, is what we're asking for, right? And then I  
16 guess, Mr. Huffman and Mr. Courtois, since you haven't had  
17 anything about the change in plans, if you have something that  
18 you want to submit for the change in plans by the 8th then you  
19 can go ahead and do that, right? And then we'll have an  
20 opportunity, everybody will have a chance to respond to  
21 everybody's items that are in the record by the 15th and then  
22 we're going to come here on the 22nd. Okay?

23 MR. COURTOIS: Okay.

24 CHAIRPERSON HILL: And, again, just so you all know and  
25 I know that, like, and I'm sorry this this is, you know, you're

1 unhappy with what's going on and it's right next door to you guys  
2 and I totally get all that but we're doing this so that, I mean  
3 we're going to be working until dinner time and this is kind of  
4 a volunteer job by the way, right, and so the 22nd we're just  
5 trying to make this so whatever happens one way or the other it  
6 happens by the 22nd.

7           So you all take a look and if, Mr. Sullivan, you can  
8 talk to Mr., you know, I mean, if you all can talk to each other  
9 and try to do so in a, what's the right word? I don't know.

10           MR. COURTOIS: Civilized.

11           CHAIRPERSON HILL: Thank you. Civilized, I'll go with  
12 that since it's been such a, since we live in a very quirky city,  
13 right, as we all know what I'm talking about just go ahead and  
14 see if you can talk to each other and know that they want to do  
15 what they want to do and you don't like what they're trying to  
16 do. Okay? Nonetheless, the Board's going to determine whether  
17 or not it has an impact or not.

18           Chairman Hood, you had your hand up.

19           ZC CHAIRPERSON HOOD: I just wanted to add give and  
20 take to that whole discussion. Thank you.

21           CHAIRPERSON HILL: Okay. Great. All right.

22           So then we will see you guys on the 22nd. Does anybody  
23 have any questions before I excuse us?

24           (No audible response.)

25           CHAIRPERSON HILL: Okay. Great. All right.

1           Then I'm closing this portion of the hearing. I'm  
2 going to repeat myself. Submit what you want by the 8th, take a  
3 look at it, then you'll submit again the responses to whatever  
4 everybody else submits by the 15th and we're going to be here on  
5 the 22nd. Okay? You all have a nice day. Bye bye.

6           MR. SULLIVAN: Thank you.

7           MR. COURTOIS: Thank you.

8           CHAIRPERSON HILL: And we're doing it as a continued  
9 hearing. I know that I'm losing people, but a continued hearing.  
10 We're only talking about the things that we're talking about now.  
11 We're not going back and rehashing all of the other earlier stuff.  
12 Okay. Okay. That's it. Okay.

13           Madam Secretary, anything else? We're good.

14           MS. MEHLERT: Nothing else.

15           CHAIRPERSON HILL: Okay. I appreciate my Board today  
16 and you all have a good day. We are adjourned.

17           (Whereupon, the above-entitled matter went off the  
18 record at 11:47 a.m.)

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

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC BZA

Date: 10-01-25

Place: Via Webex

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

  
\_\_\_\_\_  
Vanessa Gonzalez