

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

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WEDNESDAY

OCTOBER 15, 2025

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CARL H. BLAKE, Vice-Chairperson

ZONING COMMISSION MEMBER PRESENT:

ROBERT MILLER, Vice-Chairperson

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

PHILIP BRADFORD
MICHAEL JURKOVIC
JOSHUA MITCHUM
KAREN THOMAS

1 OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

2 SARAH BAJAJ, ESQ.
3 CARISSA DEMARE, ESQ.
4 CHRISTOPHER PENA, ESQ.

5 The transcript constitutes the minutes from the
6 Regular Public Hearing held on October 15, 2025.
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Adjourn	

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

9:31 a.m.

CHAIRPERSON HILL: Good morning, ladies and gentlemen. The Board of Zoning Adjustment's 10/15/2025 meeting 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 Commissioner Rob Miller. 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, excuse me. If you're experiencing difficulty with WebEx or your telephone call-in, then please call our OZ hotline number at 202-727-5471, once again, 202-727-5471.

At the conclusion of a decision meeting session, I shall, in consultation with the Office of

1 Zoning, determine whether a full or summary order may
2 be issued. A full order is required when the decision
3 it contains is adverse to a party, including an affected
4 ANC. A full order may also be needed if the Board's
5 decision differs from the Office of Planning's
6 recommendation. Although the Board favors these over
7 summary orders whenever possible, an applicant may not
8 request the Board to issue such an order.

9 In today's hearing session, everyone who is
10 listening on WebEx or by telephone will be muted during
11 the hearing, and only persons that have signed up to
12 participate or testify will be unmuted at the
13 appropriate time. Please state your name and home
14 address before providing oral testimony or your
15 presentation.

16 Oral presentations should be limited to a
17 summary of your most important points. When you're
18 finished speaking, please mute your audio so that your
19 microphone is no longer picking up sound or background
20 noise.

21 All persons planning to testify either in
22 favor or in opposition should have signed up in advance,
23 but will be called by name to testify. If this is an
24 appeal, only parties are allowed to testify. By signing
25 up to testify, all participants completed the oath or

1 affirmation as required by Subtitle Y, 408.7.

2 Requests to enter evidence at the time of an
3 online virtual hearing, such as written testimony or
4 additional supporting documents, other than live video,
5 which may not be presented as part of the testimony,
6 may be allowed pursuant to Y 103.13, provided the person
7 making the request to enter an exhibit explain, A, how
8 the present exhibit is relevant, B, the good cause that
9 justifies allowing the exhibit into the record,
10 including an explanation of why the requester did not
11 file the exhibit prior to the hearing pursuant to Y 206,
12 and C, how the proposed exhibit would not unreasonably
13 prejudice any parties. Ordinary procedures for special
14 exceptions and variances are pursuant to Y 409.

15 At the conclusion of each case, an individual
16 who was unable to testify because of technical issues
17 may file a request for leave to file a written version
18 of the planned testimony to the record within 24 hours
19 following the conclusion of the public testimony
20 hearing.

21 If additional written testimony is accepted,
22 then the parties will be allowed a reasonable time to
23 respond as determined by the Board. The Board will then
24 make its decision at its next meeting session, but no
25 earlier than 48 hours after the hearing. Moreover, the

1 Board may request additional specific information to
2 complete the record.

3 The Board and staff will specify at the end
4 of the hearing exactly what is expected and the dates
5 when persons must submit the evidence to the Office of
6 Zoning. No other information shall be accepted by the
7 Board.

8 Finally, the District of Columbia
9 Administrative Procedures Act requires that a public
10 hearing on each case be held in the open before the
11 public. However, pursuant to 405(b) and 406 of that
12 Act, the Board may, consistent with its rules and
13 procedures and the Act, enter into a closed meeting on
14 a case for the purposes of seeking legal counsel on a
15 case pursuant to D.C. Official Code Section 2-575(b)(4)
16 and/or deliberate on a case pursuant to D.C. Official
17 Code 2-575(b)(13), but only after providing necessary
18 public notice, and in the case of an emergency closed
19 meeting, after taking a roll call vote. Madam
20 Secretary, do we have any preliminary matters?

21 MS. MEHLERT: Good morning, Mr. Chairman,
22 members of the Board. There are no scheduling changes
23 today. Regarding late filings, the Chairman has
24 reviewed and granted waivers to allow late filings into
25 the applicable case record pursuant to Subtitle Y, Title

1 6.7, Section 103.3.

2 Any other late filings during the course of
3 today's live hearing, should be presented before the
4 Board by the applicant, parties, or witnesses after the
5 case is called, and any other preliminary matters will
6 be noted when the case is called.

7 CHAIRPERSON HILL: Okay, great, thank you.
8 Let's see, if you could go ahead and call our first case,
9 Madam Secretary?

10 MS. MEHLERT: The first case is application
11 number 21348 of the Audrey Goldman Barresi Revocable
12 Trust dated November 21, 2022. This is an application
13 pursuant to Subtitle X, Section 1002, for area variances
14 from Subtitle D, Section 203.2, to allow a detached
15 principal dwelling with a building height of 42 feet
16 and four stories. This would permit a fourth story to
17 an existing, detached, four-story principal dwelling
18 unit. It's located in the R-1B Zone at 3566 Alton Place
19 NW at Square 1970 at Lot 81. And I'll note that the
20 ANC 3F report was submitted in Exhibit 24.

21 CHAIRPERSON HILL: Thank you. Okay, if the
22 applicant can hear me, if they can please introduce
23 themselves for the record?

24 MR. BARRESI: Hi, yes, hopefully you all can
25 hear me. This is Tony Barresi.

1 CHAIRPERSON HILL: Hi, Mr. Barresi. Is your
2 camera working?

3 MR. BARRESI: It is. I just tried to start
4 it. Let's try again here. Start video. All right.

5 CHAIRPERSON HILL: Okay, great.

6 MR. BARRESI: Are you able to see me okay?

7 CHAIRPERSON HILL: Yes, perfect, thank you.

8 MR. BARRESI: Okay, great.

9 CHAIRPERSON HILL: Mr. Barresi, I mean, we've
10 read through all of the record and the exhibits and I
11 understand why you're here, but if you could please go
12 ahead and present your case to us, and then we'll just
13 kind of work through from there as best we can.

14 MR. BARRESI: Yep, yep, sure thing. So, this
15 case goes back to, I guess, for us, the summer of 2022,
16 when we purchased this property. We purchased the
17 property with all of the -- as a new build with all of
18 the requisite inspections passed, both during the
19 construction and final inspection from our own
20 inspector, and everything was signed off on and
21 permitted, and we moved into the house and have been
22 having nothing but horrendous problems ever since, such
23 that I'm now not even living in the home.

24 We're essentially rebuilding it. The only
25 things that are remaining in place are the floors of

1 the studs. Every other element of the wall, and
2 structure, and foundation is being excavated and
3 completely rebuilt because it was so belligerently,
4 poorly constructed, and somehow got by all of the
5 inspection process, and not the least of which is this
6 element of the design in the build that we're here to
7 discuss today, which is the height of the structure.

8 So, apparently, when the developer, who is
9 now bankrupt, bankrupted themselves out of the lawsuit
10 that we filed against them and are still pursuing, but
11 this developer submitted plans. In the plans, the
12 elevation, which is measured from the ground at the
13 midpoint of the front-facing elevation, the height of
14 the building was within code.

15 When they finished constructing the property,
16 they did not bring the ground level over to where the
17 submitted plan said they would. However, somehow,
18 we're finding this out now, the building was approved
19 and we were allowed to move into it.

20 And fast forward two years, we're now
21 submitting all of the permits that we need to submit
22 to basically rebuild this house, and it's upon review
23 of those permits that the Zoning Administration
24 discovered oh, actually, the way the house has been
25 constructed, it's actually too tall, and we were

1 confused because we said, well, that's like the one thing
2 we're not changing on the house is the height, but what
3 they came back and told us was that no, actually, it
4 was always too tall and somehow got approved as-is
5 despite it not conforming with the initial plans that
6 we had approved.

7 So, they recommended that what we do is go
8 through the area variance process and essentially, you
9 know, communicate with our neighbors, communicate with
10 the ANC, socialize the issue, ensure that everybody's
11 understanding and in agreement, and then we would be
12 able to permit the structure to exist as it is without
13 any sort of deficiency on the deed or anything like that.

14 So, we've been engaged in that for the last
15 six months and it's sort of culminating here where we're
16 coming to you all for the final review and approval,
17 and yeah, that's my best summary there.

18 CHAIRPERSON HILL: Okay, Mr. Barresi, thank
19 you. Before I turn to my fellow Board members, if I
20 could just hear from the Office of Planning, please?

21 MR. BRADFORD: Good morning, Chairman Hill,
22 members of the Board. For the record, this is Philip
23 Bradford with the Office of Planning. The Office of
24 Planning is recommending approval for the requested area
25 variance for building height.

1 The project, in essence, didn't get built too
2 tall. The grade and the building height measurement
3 point changed throughout the various iterations of the
4 project, and given the issues the applicant is facing
5 here, we believe that granting the area variance for
6 height is the most reasonable path forward to resolving
7 their issues, and with that, I can stand on the record
8 of the report in Exhibit 20 and I'm available for any
9 questions.

10 CHAIRPERSON HILL: Okay, thank you. Okay,
11 I don't have any questions for the applicant or the
12 Office of Planning. Do any of my fellow Board members
13 have any questions?

14 VICE CHAIRPERSON BLAKE: I have one question,
15 Mr. Chairman. The actual plans that we have that
16 reflect whatever it is, is not in the record at this
17 point. I'd just be curious to see if we have those.

18 Is that available or why was that not submitted? And
19 perhaps the Office of Planning, were you able to review
20 those plans?

21 MR. BRADFORD: I can answer that. I met with
22 the Department of Buildings and they went into project
23 talks to just show me various iterations. The house
24 design changed, I believe, three times, very
25 significantly. The first building permit that was

1 submitted, I believe Mr. Barresi said 2022. Maybe the
2 building permit was submitted earlier than that. I do
3 note that permit in my report, but totally different
4 house, basically, and then it changes and it's different
5 again.

6 There were a lot of alterations to the garage.

7 It's smaller at first, then it gets wider, and that
8 point getting wider exceeds now like 50 percent of the
9 front facade, so it shifts the building height measuring
10 point over now to, like, the lower grade where the garage
11 access is instead of the flat grade at the front door
12 where it would normally be measured from, and then it
13 kicks the house to a taller height that is not permitted.

14 But there were a lot of changes to this and
15 it's hard to keep track of. Those, I don't believe,
16 were accessible to the applicant to upload in the record,
17 but DOB was able to pull them for me in Scout so I could
18 look at them, but I don't have, like, access to those
19 physical files either, but it was helpful for DOB to
20 show me them for context to write my staff report.

21 VICE CHAIRPERSON BLAKE: Okay, thank you.

22 CHAIRPERSON HILL: Okay, thank you, Mr.
23 Blake. All right, Mr. Young, is there anyone here
24 wishing to speak? Okay, all right, well, Mr. Barresi,
25 it's a little odd, as you know. You've gotten through

1 this part, and I'm sorry that you've gone through all
2 of this and I wish you the best of luck.

3 MR. BARRESI: Thank you so much. We
4 appreciate all of your effort and your review here.

5 CHAIRPERSON HILL: Okay, I am going to go
6 ahead and close the hearing and the record. Mr. Young,
7 if you could please excuse everyone? Okay, I'm
8 comfortable with the entire story as to how they got
9 to this point, and I'm also comfortable with how they're
10 meeting the test for the area variance, and I will also
11 agree with the report that the Office of Planning has
12 put forward in terms of I think this is an extraordinary
13 and exceptional situation.

14 I see how they are tied with a practical
15 difficulty to this and I don't think there's going to
16 be any substantial detriment to the public good, so I'm
17 going to be voting in favor. Mr. Blake, do you have
18 anything you'd like to add? You're on mute, Mr. Blake.

19 VICE CHAIRPERSON BLAKE: I agree with you,
20 Mr. Chairman. The applicant, I do believe, has met the
21 burden of proof to be granted the requested relief.
22 There are a confluence of factors that allowed them to
23 meet the test.

24 The main issue is that there was a reliance
25 on, obviously the developer with the bad measuring

1 points and so forth like that, but also it arises from
2 an error that was made by the D.C. Department of
3 Buildings, or DCRA at the time, however you look at it,
4 and I do think that that situation is unique and it does,
5 you know, result in exceptional practical difficulties
6 which requires substantial significant structural
7 adjustments and some financial burdens.

8 Given the fact that they're redoing the
9 project, I suspect they probably could get it to fix
10 at some point, but I do think that this is a ZA referral,
11 and one of the issues I had was the plan, but the Zoning
12 Administrator believes that this is the major issue that
13 they face with it.

14 So, as I said, this is to correct a wrong.
15 I do believe and agree with the Office of Planning's
16 approach that this is a good way to address that issue.

17 I give great weight to the Office of Planning, to the
18 Office of Planning's recommendation for approval, and
19 I also give great weight to the ANC's report, which is
20 in support, and states no issues or concerns. I'll be
21 voting in favor of the application.

22 CHAIRPERSON HILL: Great, thank you. All
23 right, I'm going to go ahead and then make a motion.

24 COMMISSIONER MILLER: Chairman? I --

25 CHAIRPERSON HILL: I'm sorry, Commissioner

1 Miller, I apologize.

2 COMMISSIONER MILLER: I know, I had my video
3 turned off because of connectivity issues. I concur
4 with both of your comments and appreciate Board Member
5 Blake's comprehensive analysis, and I also give great
6 weight to the Office of Planning and the ANC 3F, which
7 had no concerns, so thank you.

8 CHAIRPERSON HILL: Thank you, and again, I
9 apologize, Commissioner Miller. Since I didn't see
10 your face there, I kind of moved along, but I appreciate
11 that you've having technology issues and that we're not
12 going to have you on video today. I'm going to go ahead
13 and make a motion to approve application number 21348
14 as captioned and read by the Secretary and ask for a
15 second, Mr. Blake?

16 VICE CHAIRPERSON BLAKE: Second.

17 CHAIRPERSON HILL: The motion has been made
18 and seconded. Madam Secretary, take the roll call,
19 please?

20 MS. MEHLERT: This is a motion to approve the
21 application. Chairman Hill?

22 CHAIRPERSON HILL: Yes.

23 MS. MEHLERT: Vice Chair Blake?

24 VICE CHAIRPERSON BLAKE: Yes.

25 MS. MEHLERT: Commissioner Miller?

1 COMMISSIONER MILLER: Yes.

2 MS. MEHLERT: Staff will record the vote as
3 three to zero to two to approve application number 21348
4 on the motion made by Chairman Hill and seconded by Vice
5 Chair Blake.

6 CHAIRPERSON HILL: Great, thank you. Madam
7 Secretary, if you could call our next one, please?

8 MS. MEHLERT: The next case is application
9 number 21347 of Sima J. Gandhi Management Trust and
10 Richard Kyle Gurley Management Trust. This is an
11 application pursuant to Subtitle X, Section 1002 for
12 area variances from Subtitle D, Section 203.2 to allow
13 a detached, principal dwelling with a building height
14 of 43 feet and four stories. It's located in the R-1B
15 Zone at 3564 Alton Place NW, Square 1970, Lot 82.

16 CHAIRPERSON HILL: Great, thank you. If the
17 applicant can hear me, if they could please introduce
18 themselves for the record? I guess I'm waiting to find
19 the applicant. Oh, yes.

20 MS. GANDHI: Hi, hi, sorry, this is Sima
21 Gandhi. Unfortunately, I can't be on video right now.

22 I'm at an all-day conference, so I'm just tucked away
23 in a corner, and I apologize for any background noise.

24 Due to the scheduling change, this is the only way I
25 could make this work.

1 CHAIRPERSON HILL: Okay.

2 MS. GANDHI: I am the neighbor of Mr. Barresi.
3 His situation is similar to mine. I'd just underscore
4 that we purchased these properties in 2022. They were
5 brand-new properties. We bought new development
6 because we did not want to be dealing with issues that
7 often come with historical structures. We relied on
8 the city inspectors and the development process.

9 As purchasers, we purchased only after there
10 was a certificate of occupancy, and we assumed that all
11 of the requisite inspections would have been done, and
12 done appropriately, as the building would have been
13 built to code as required to get a certificate of
14 occupancy, and as Mr. Barresi explained, over the last
15 three years, it's been nothing but a nightmare, and it's
16 been very frustrating to now be penalized in addition
17 to all of the expenses that we've had to incur to rectify
18 the buildings and go through this process in order to
19 achieve this area variance. Otherwise, you know, place
20 a lien on the property.

21 So, I don't really have anything more to add
22 to Mr. Barresi's testimony for his property. We
23 purchased within a month of each other and have
24 experienced parallel issues and similar frustrations,
25 and so we hope that the case was made clear in terms

1 of where we are at, that we are asking for no changes
2 to the property.

3 We just want to be able to continue to move
4 on, and we are incurring material expenses to rectify
5 what should not have been issues in these properties
6 as brand-new builds, but it is what it is and we are
7 where we are, so we hope that the application is approved
8 and that we can move on, and if you have any questions,
9 I'd be happy to answer them.

10 CHAIRPERSON HILL: Okay, thanks, Ms. Ganji.
11 Is it Ganji?

12 MS. GANDHI: It's Gandhi --

13 CHAIRPERSON HILL: Oh, Gandhi, okay.

14 MS. GANDHI: -- G-A-N-D-H-I.

15 CHAIRPERSON HILL: Okay, Ms. Gandhi, okay.
16 Can I hear from -- before I turn to our Board members,
17 can I hear from the Office of Planning, please?

18 MR. BRADFORD: Good morning again, Chair Hill
19 and members of the Board. For the record, Philip
20 Bradford with the Office of Planning. The Office of
21 Planning recommends approval of the requested area
22 variance for building height. Given the related nature
23 of this case and the previous one, and that they are
24 built next door, and by the same developer, my testimony
25 from the past case can be applied to this one as well,

1 so I will stand on the record of the report in Exhibit
2 19 and I'm available for any questions.

3 CHAIRPERSON HILL: Okay, great, thank you.
4 I don't have any questions for the applicant or the
5 Office of Planning. Do any of my Board members have
6 any questions? Okay, Mr. Young, is there anyone here
7 wishing to speak? Okay, I'm sorry, Commissioner
8 Miller, did you say you had a question or no?

9 COMMISSIONER MILLER: No, I just said no
10 questions. Thank you.

11 CHAIRPERSON HILL: Okay, thank you,
12 Commissioner Miller. Okay, Ms. Gandhi, I hope you enjoy
13 your conference and I hope you have a nice day.

14 MS. GANDHI: All right, thanks so much.

15 CHAIRPERSON HILL: Okay, all right, I'm going
16 to go ahead and close the hearing and the record. Again,
17 this is a bit of a unique case and I will again agree
18 with the announcement that the Office of Planning has
19 provided.

20 I can see from the testimony and the record
21 how they are in an extraordinarily exceptional situation
22 due to the confluence of factors that they found
23 themselves in, and I see how that is leading to a
24 practical difficulty and I do not think that this is
25 going to be a detriment to the public good. I'm going

1 to be voting in favor of this application. Vice Chair
2 Blake, do you have anything you'd like to add?

3 VICE CHAIRPERSON BLAKE: Chair, I agree with
4 your analysis, and I do believe the applicant has met
5 the burden for approval. It is, as we said in the last
6 case, an administrative or measurement error by the
7 developer and the Department of Buildings.

8 The situation is unique because it was part
9 created through official oversight and the inherited
10 post-construction process, inherited post
11 construction. Enforcement obviously would require,
12 you know, removing a floor, regrading the entire garage
13 frontage and we talked about, and that would really
14 entail extraordinarily costs, a structural disruption,
15 and a loss of functionality.

16 So, I believe that that is a practical
17 difficulty meeting the first qual. The second problem
18 with regard to detriment to the public good, I think
19 that the -- all reports in the record did indicate that
20 this was an imperceptible difference, even though a
21 height difference among the buildings in the area, and
22 also the structure otherwise fits really with the R-1B
23 neighborhood development requirements, so shouldn't
24 have any adverse impact on light, air, or privacy.

25 And as far as the third prong is concerned,

1 this is -- you know, we did indicate what the issues
2 were, part of being a regulatory oversight issue, and
3 the relief here is really to tailor to correct an
4 irregularity, not to authorize new construction or
5 increase density, so I believe in that sense, it is --
6 and the building itself otherwise really is consistent
7 with the R-1B Zone purpose and development standard,
8 so for that, I'd be in support.

9 And as you pointed out, I give great weight
10 to the Office of Planning's report and recommendation
11 for approval, and also give great weight to the report
12 of ANC 3F, which is at Exhibit 21, which states no issues
13 or concerns, so I'll be in support of the application.

14 CHAIRPERSON HILL: Thank you. Commissioner
15 Miller?

16 COMMISSIONER MILLER: Thank you, Mr.
17 Chairman. I agree with both your analysis and Board
18 Member Blake's analysis. Thank you.

19 CHAIRPERSON HILL: Thank you. All right, I'm
20 going to make a motion to approve application number
21 21347 as captioned and read by the Secretary, and ask
22 for a second, Mr. Blake?

23 VICE CHAIRPERSON BLAKE: Second.

24 CHAIRPERSON HILL: The motion has been made
25 and seconded. Madam Secretary, take a roll call,

1 please?

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

4 CHAIRPERSON HILL: Yes.

5 MS. MEHLERT: Vice Chair Blake?

6 VICE CHAIRPERSON BLAKE: Yes.

7 MS. MEHLERT: Commissioner Miller?

8 COMMISSIONER MILLER: Yes.

9 MS. MEHLERT: Staff would record the vote as
10 three to zero to two to approve application number 21347
11 on the motion made by Chairman Hill and seconded by Vice
12 Chair Blake.

13 CHAIRPERSON HILL: Okay, great, thank you.
14 All right, Madam Secretary, you can call our next case.

15 MS. MEHLERT: Next is application number
16 20507C of Solid Brick Ventures, LLC. This is a request
17 pursuant to Subtitle Y, Section 705.2 for a two-year
18 extension of the validity of the order in application
19 number 20507 issued on May 24, 2023, and a request
20 pursuant to Subtitle Y, Section 704 for a modification
21 with hearing of the order issued in application number
22 20507, to add pursuant to Subtitle X, Section 901.2,
23 a request for a special exception under Subtitle U,
24 Section 421, to allow a new residential development,
25 which would involve an increase in the total number of

1 dwelling units in each building in six of the lots from
2 nine to 16 and to reduce the penthouse height on each
3 building. This originally included the expansion of
4 existing apartment houses on 11 lots. However, five
5 of those lots are not included in this application.
6 It's located in the RA-1 Zone at 65-85 Hawaii Avenue
7 NE, Square 3674, Lots 2, 3, 4, 5, 6, and 7.

8 CHAIRPERSON HILL: Okay, thank you. All
9 right, if the applicant can hear you, if they can please
10 introduce themselves for the record?

11 MS. WILSON: Alex Wilson from Sullivan and
12 Barros, and I'm here on behalf of the applicant.

13 CHAIRPERSON HILL: Okay, thanks, Ms. Wilson.
14 Go ahead, Mr. Blake?

15 VICE CHAIRPERSON BLAKE: I want to note for
16 the record that I have no personal interest in this
17 property and no nonpublic knowledge of this project,
18 but because I hold a substantial financial interest in
19 a property located within 200 feet of the site, I
20 previously recused myself from reviewing this
21 application.

22 That said, due to the ongoing government
23 situation, shutdown, this case has been
24 administratively postponed several times, and for
25 expediency, if the Board is comfortable, I have reviewed

1 the full case record and I'm prepared to participate
2 in today's proceedings if that would work for everyone.

3 CHAIRPERSON HILL: Thank you, Vice Chair
4 Blake, and thank you for that explanation. I don't have
5 any problem with you participating in this case.
6 Commissioner Miller, do you have any concerns?

7 COMMISSIONER MILLER: I think it's
8 appropriate for Board Member Blake to participate and
9 I'm glad he's here. Thank you.

10 CHAIRPERSON HILL: Okay, great, thank you.
11 All right, Ms. Wilson, if you can go ahead and walk us
12 through your presentation or your case and why you
13 believe that we should approve this? I'm going to put
14 15 minutes on the clock so I know where we are and you
15 can begin whenever you like.

16 MS. WILSON: Great, thank you so much, and
17 we also greatly appreciate your participation so that
18 this is not pushed another week. Thank you for joining
19 us today. We do have a brief presentation if Mr. Young
20 could pull that up? Thank you so much. And I'm here
21 today with Michael Cross and Garima Gupta, who are the
22 project architects.

23 If you could please go to the next slide?
24 Thank you. So, the properties are located in the RA-1
25 Zone. They're currently each improved with an

1 eight-unit apartment building, with four units on the
2 first floor and four units on the second floor, and no
3 units in the cellar.

4 So, in BZA case number 20507, the Board
5 approved special exceptions for 11 lots to allow
6 enlargements and additional units, and so now the
7 properties have been split up. They're no longer under
8 the control of the original applicant.

9 Some have been sold to a different owner.
10 Requesting a modification on two properties that have
11 already been through this Board, and that's, I believe,
12 89 Hawaii and 93 Hawaii. The other properties are under
13 the control of the current applicant, who is proposing
14 modifications for the six properties in bold.

15 Originally, these properties were going to
16 have the units on the first and second floors split up
17 into two larger units, and then do two units in the
18 cellar, I believe, and then two units on -- and then
19 there was a -- I think there was either three units in
20 the cellar or two units, but whatever the mix was, the
21 plan was to split up the existing units on the first
22 and second floor into larger units, and so with this
23 plan, we're actually maintaining that existing unit
24 structure and then doing four units in the cellar and
25 four units on a new third floor.

1 So, we are maintaining the existing envelope
2 that was originally approved, just adding more units
3 within that existing envelope. And so, the current
4 modification only applies to those specific lots in
5 bold, and each individual building will need its IZ
6 requirement, as well as OAG's settlement obligations
7 and the affordable housing covenant.

8 And so, part of the OAG settlement, and I
9 believe Mr. Pena was originally going to testify. I
10 don't know if he's still going to join us from OAG, but
11 it was to leave those units sort of as-is and rent
12 controlled, and so that's been part of this
13 modification, as well. We're just going to add units
14 on the new floors rather than modify the existing units.

15 Next slide, please? Yes? I can't hear you,
16 Commissioner Blake.

17 VICE CHAIRPERSON BLAKE: Sorry about that.
18 The last slide you had on that thing talked a little
19 bit about the modification. There were two questions
20 I had with regard to that. You mentioned the, I'm sorry,
21 the time extension.

22 MS. WILSON: Oh, yes.

23 VICE CHAIRPERSON BLAKE: You said the
24 effective date was 6/3/23. I believe the effective date
25 would be the 24th, and therefore, the extension would

1 expire not on 6/3, but on 5/24 of '25, so we go two years
2 into that. Is that correct? Why did you choose 6/3/23?

3 MS. WILSON: I think that was ten days after
4 the issuance of the order becomes effective.

5 CHAIRPERSON HILL: Yeah, the date that we have
6 also, Ms. Wilson, is also that it's when it was
7 effective, and so it goes until May -- if this were to
8 be approved, it would be --

9 MS. WILSON: Okay.

10 CHAIRPERSON HILL: -- May 24th, 2027.

11 MS. WILSON: Okay, okay, excellent.

12 CHAIRPERSON HILL: That's where we are.

13 MS. WILSON: We're comfortable with that.

14 VICE CHAIRPERSON BLAKE: The second question
15 I have with regard to that is I wasn't clear exactly
16 what the extension applied to, which properties? We
17 have -- in this modification, I'm clear that it only
18 represents those six properties, and I understand we've
19 done two modifications prior on, let's see, on 89 and
20 93. So, my question is, does your extension request
21 apply to 97 Hawaii, 66 Webster, and 98 Webster, as well?

22 MS. WILSON: No, sir, those are already in
23 permitting, and so we do not require an extension for
24 those.

25 VICE CHAIRPERSON BLAKE: Thank you very much

1 for that clarification.

2 MS. WILSON: Yeah. Next slide, please? In
3 terms of community and agency support, OP is
4 recommending approval. ANC 5A voted in support. There
5 are OAG comments in the record, and so we met with Mr.
6 Pena from OAG on September 25th. We confirmed the
7 proposal complies with the covenant conditions and OAG
8 settlement order that was related to the previous owner.

9 There were other community comments in the
10 record from Ms. Washington representing FTCA, and so
11 I reached out to discuss the trash and rodent control,
12 and confirm the intent to have daily trash pickup and
13 continue construction, and she was appreciative of that.

14 Next slide, please?

15 This just shows the subject properties. Next
16 slide, please? Next slide, please? Next slide,
17 please? In terms of the criteria for approval, the
18 special exception is consistent with the purpose of the
19 RA-1 Zone, which supports low to moderate density
20 multi-family housing.

21 The project will not adversely affect the use
22 of neighboring properties as the area already contains
23 a mix of multi-family and single-family residences,
24 including larger apartment and condo buildings. The
25 proposal also addresses the need to renovate

1 longstanding apartment uses within an area well-served
2 by infrastructure and recreation. Next slide, please?

3 Thank you. If I'm having any connectivity
4 issues or you're having trouble hearing me, please let
5 me know. I'm not in my usual setup here. It is not
6 anticipated that the number of units proposed in the
7 modification would significantly impact school
8 enrollment.

9 In terms of public streets and recreation,
10 Hawaii intersects with North Capitol Street about 600
11 feet north of the properties. North Capitol is a major
12 transportation corridor in the District. Fort Totten
13 Park is a two to three-minute walk from the properties
14 and the Metro station is about a 15-minute walk.

15 As determined in a previous case, residents
16 should be adequately served by the surrounding public
17 streets, recreation, and other services such as public
18 transit, and each building also includes more parking
19 spaces than required, five parking spaces. The Office
20 of Planning submitted a report recommending approval
21 of the modification. Next slide, please?

22 In terms of the time request, the application
23 was served to all parties. The changes summarized in
24 the modification are being proposed by a new owner who
25 was not able to secure the required governmental agency

1 approvals prior to the expiration date, and so we are
2 requesting a two-year time extension for the subject
3 properties noted at the beginning of this presentation.

4 Next slide, please? Great, and with that, I'll turn
5 it over to the architectural team to walk through the
6 plans.

7 MS. GUPTA: Good morning, this is Garima
8 Gupta, project designer, joined here with Mr. Michael
9 Cross, principal architect on the architects' team on
10 behalf of the applicant. This plan shows the six
11 properties included in this modification as you can see
12 in the blue. Each of these six properties offer five
13 off-street parking spaces located at the rear. Three
14 are full-sized and two are compact. Next slide, please?

15 These are the typical floor plans for the
16 proposed 16-unit buildings, which include one bed, one
17 bathroom unit. And as you can see, we are proposing
18 four units on each floor. Three indoor long-term
19 bicycle storage spaces are proposed in the cellar. Next
20 slide, please?

21 This 3D view shows the front and rear of the
22 row of the properties, which are all six of them. As
23 noted previously, each property will have five parking
24 spaces. Additionally, each property will have a
25 dedicated trash space at the rear of the property, which

1 will be collected by a private service at intervals to
2 meet the building demand. This is one of the concerns
3 Ms. Wilson has spoken about. With that, we will turn
4 the presentation back over to Ms. Wilson and can take
5 any questions related to architecture and design.

6 MS. WILSON: Thank you. I believe that
7 concludes our presentation and we're happy to answer
8 any questions.

9 CHAIRPERSON HILL: Okay, thanks. I'm going
10 to go through this process here with my -- my fellow
11 Board members, if you'll let me go through the process
12 and then ask any questions? I think OAG is also here
13 with us as well, but before I turn to OAG, can I hear
14 from the Office of Planning?

15 MR. MITCHUM: Hi, this is Joshua Mitchum with
16 the Office of Planning. We are recommending approval
17 of the requested modification with hearing of the
18 approved plans, as well as, the approval of the requested
19 two-year time extension of the original order pursuant
20 to Subtitle Y, Subsection 705, and we're available for
21 any questions if you have any. Thank you.

22 CHAIRPERSON HILL: Okay, thank you. Madam
23 Secretary, is OAG here? Oh, good.

24 MR. PENA: Hi, Mr. Hill.

25 CHAIRPERSON HILL: Hi, Mr. Pena.

1 MR. PENA: Thank you.

2 CHAIRPERSON HILL: Can you go ahead and
3 introduce yourself for the record, please?

4 MR. PENA: Certainly, so my name is
5 Christopher Pena. I'm with the Office of the Attorney
6 General, our Housing and Environmental Justice Team in
7 the Public Advocacy Division. I'm here as an undeclared
8 witness neither in favor of nor opposed to the
9 application, but just to provide this Board more context
10 and clarity as to separate legal obligations that this
11 applicant, Solid Brick Ventures, has to OAG, and with
12 that, to make the request that in any order that this
13 Board would issue, that those separate legal obligations
14 would be respected and reflected in either a finding
15 of fact or a finding of law.

16 So, a brief background, this all stems from
17 a lawsuit that the Office of Attorney General brought
18 in 2022. The facts of that lawsuit are not particularly
19 relevant other than that it resolved with a settlement
20 in December of 2022, and that's the consent order that
21 we submitted along with our letter.

22 And in that consent order, the owner had an
23 ongoing obligation to abide by certain conditions.
24 Specifically with respect to tenant relocation, there
25 are certain requirements in that order as far as the

1 consent that was needed to move on location on the
2 property to another.

3 And then probably more importantly or just
4 as importantly is the affordable housing covenant, which
5 is recorded with recorder B. That is a 25-year covenant
6 on the property that all the existing rent-stabilized
7 units at the property or rent-controlled units will
8 remain under that program.

9 So as Ms. Wilson mentioned, we did meet and
10 receive confirmation from the applicant that their
11 current plans will not impact their obligation to abide
12 by that covenant, that the plans for modification that
13 they have submitted to the Board do not anticipate
14 eliminating any of those rent-controlled units.

15 So, what we're asking for essentially, and
16 hopefully it's not too much of an inconvenience for the
17 Board, is in any order that you would grant, to simply
18 reflect that this separate legal obligation exists and
19 that the order that the Board (audio interference) has
20 no obligation here.

21 I have one other point of clarification, which
22 would just be for your own assurance. The covenant
23 speaks about 97 Hawaii and a requirement that 97 Hawaii
24 would have four more additional affordable housing units
25 added to it. That is a typographical error and that

1 should be 93 Hawaii, which is not a part of this
2 application. 93 Hawaii was dealt with as part of a
3 separate matter. I wanted to clarify that, that it's
4 not 97 Hawaii that we will have three additional units,
5 but I'm happy to take any questions.

6 CHAIRPERSON HILL: Okay, thanks, Mr. Pena.
7 Yeah, we've reviewed everything that you guys have
8 submitted to the record, and I think that if this were
9 to move forward, we would be able to reference your
10 letter and your comments, as well, in the order. Does
11 -- Ms. Wilson, do you have any difference of opinion?
12 Is there anything got said from Mr. Pena?

13 MS. WILSON: Opinion, I'm happy we met because
14 I actually find the typographical error, and it was
15 helpful to find that, so thank you, Mr. Pena.

16 CHAIRPERSON HILL: Okay, great. All right,
17 does the Board have any questions from anybody, or,
18 sorry, for anyone, Mr. Blake?

19 VICE CHAIRPERSON BLAKE: Yes, Mr. Pena, I have
20 one quick question. I wanted to understand how the 88
21 units were going to be allocated amongst the properties?
22 And maybe you said that. I couldn't quite hear you,
23 but how would those 88 units be allocated?

24 MR. PENA: Those 88 units existed, exist
25 already. Those were the 88 units that were part of the

1 original complex, that we internally called them the
2 Hawaii-Webster Complex, but it's, you know, 65 Hawaii
3 all the way through 98 Webster. Two of those buildings
4 were then sold to Richard Cunningham and I believe were
5 the subject of a prior modification already. That would
6 have, I believe, been 89 Hawaii and 93 Hawaii.

7 So, that's taking off, what, 16 units, because
8 it's eight per building, which then leaves the 72 units
9 that are still part under the ownership of Solid Brick
10 Ventures and part of the complex, so that's where you
11 get the 88 from. It's not adding any units. It's
12 simply maintaining the rent-controlled units already
13 on the property.

14 VICE CHAIRPERSON BLAKE: Okay, thank you.

15 CHAIRPERSON HILL: Okay, Commissioner
16 Miller, do you have any questions?

17 COMMISSIONER MILLER: Thank you, Mr.
18 Chairman. No, I just wanted to clarify. Well, I
19 appreciate the applicant's presentation and the
20 testimony from the Office of Planning and from Office
21 of Attorney General, so thank you for being here, and
22 the architects, as well.

23 I just wanted to clarify, Ms. Wilson, you --
24 in response to the Chairman's question, you had no
25 objection to it being referenced. Did you have any

1 objection to it being referenced as a finding of fact
2 or a conclusion of law?

3 MS. WILSON: No, not at all, and I turned my
4 camera off because there was a little bit of a lag, but
5 we have no objection to it being included as a finding
6 of fact nor a condition of law. Thank you.

7 COMMISSIONER MILLER: Thank you very much.
8 Thank you. Thank you, Mr. Chairman.

9 CHAIRPERSON HILL: Thank you. All right, I'm
10 -- Mr. Young, is there anyone here wishing to speak?

11 Okay, all right, I'm going to go ahead and let us move
12 along here. I'm going to -- Ms. Wilson, do you have
13 anything to add at the end?

14 COMMISSIONER MILLER: Well, I had one other
15 question.

16 CHAIRPERSON HILL: Oh, sure.

17 COMMISSIONER MILLER: I'm sorry, I meant to.
18 I think this is a case where we, yeah, we have something
19 in the record from Sandra Washington, maybe, I don't
20 know if she's here, at Exhibit number 32, who says that
21 she's a residence of ANC 5A-06, where this is located,
22 and a former ANC 5A commissioner, and now Acting
23 President of the Fort Totten Civic Association. She
24 had a question. Did you see that letter, Ms. Wilson,
25 if you're still here?

1 MS. WILSON: Yes.

2 COMMISSIONER MILLER: She had a concern about
3 trash and debris removal during the construction
4 process, in order -- do you have a comment or reaction
5 to that?

6 MS. WILSON: Yes, so I actually reached out
7 to her personally. I talked to the owner and asked them
8 what they were going to do about that, and so they're
9 doing daily trash removal and already have a rodent plan
10 set up, and we had a nice email exchange about that,
11 and so she has my information.

12 COMMISSIONER MILLER: Well, thank you for
13 that response, and I assume that you also have no
14 objection to that being referenced in the order, as well,
15 the daily -- even though as referenced, it's a
16 construction issue. It's not a zoning issue, but you
17 made that commitment to the neighbor and I think it
18 should be referenced if you don't, and I assume you don't
19 have an objection to that?

20 MS. WILSON: No objection, and I think it's
21 in our PowerPoint presentation too, so that can also
22 be referenced.

23 COMMISSIONER MILLER: Well, thank you for
24 your responsiveness.

25 CHAIRPERSON HILL: Okay, great. All right,

1 I'm going to go ahead and -- Ms. Wilson, anything else?

2 MS. WILSON: Thank you all for your time, and
3 thank you for your participation, Vice Chair Blake.

4 CHAIRPERSON HILL: Okay, all right, I'm going
5 to go ahead and close the hearing and the record. Mr.
6 Pena, nice to meet you. Okay, I'm comfortable with all
7 of the testimony that we've taken. I understand the
8 position that the applicant is putting forward as to
9 how they're making the request for the time extension
10 and also the changes and the modifications.

11 I'm comfortable with the, referencing the
12 letter from OAG, as well as, I guess, referencing that
13 the applicant has agreed to, during construction, make
14 sure that the trash and rodent situation is also taken
15 care of while they're doing the work, and I'm going to
16 be voting in favor of this application. Mr. Blake, do
17 you have anything you'd like to add?

18 VICE CHAIRPERSON BLAKE: Mr. Chair, I agree
19 with your assessment. I'm comfortable adding a note
20 in the order acknowledging that the agreements with the
21 Attorney General's Office exist and that these
22 obligations are independent of zoning approvals. I'll
23 be voting in favor of the application.

24 CHAIRPERSON HILL: Thank you. Commissioner
25 Miller?

1 COMMISSIONER MILLER: I concur with your
2 statements and those of Board Member Blake, and I'm ready
3 to support the application.

4 CHAIRPERSON HILL: Okay, thank you. All
5 right, I'm going to make a motion to approve application
6 number 20507C for the time modification and the -- I'm
7 sorry, the time extension and the modifications, and
8 the time extension would run through until May 24, 2027.

9 We would also reference the OAG's letter and also note
10 the commitment of the applicant concerning rodent and
11 trash adherence or monitoring during the construction
12 phase, and I ask for a second, Mr. Blake?

13 VICE CHAIRPERSON BLAKE: Second.

14 CHAIRPERSON HILL: The motion has been made
15 and seconded. Madam Secretary, take a roll call,
16 please?

17 MS. MEHLERT: Please respond to the Chair's
18 motion to approve the time extension and modification
19 requests. Chairman Hill?

20 CHAIRPERSON HILL: Yes.

21 MS. MEHLERT: Vice Chair Blake?

22 VICE CHAIRPERSON BLAKE: Yes.

23 MS. MEHLERT: Commissioner Miller?

24 COMMISSIONER MILLER: Yes.

25 MS. MEHLERT: Staff would record the vote as

1 three to zero to two to approve application number 20507C
2 on the motion made by Chairman Hill and seconded by Vice
3 Chair Blake.

4 CHAIRPERSON HILL: Okay, you guys, I'm going
5 to just keep chugging along here because I'm also trying
6 to -- something else has come up now, I didn't realize,
7 I had time commitment for myself. If we could do our
8 next case, Madam Secretary?

9 MS. MEHLERT: Yes, next is application number
10 21349 of Ed Fendley, as amended. This is a
11 self-certified application pursuant to Subtitle X,
12 Section 901.2 for special exceptions, under Subtitle
13 C, Section 703.2 from the minimum vehicle parking space
14 requirements. That's Subtitle C, Sections 701.10,
15 701.14, and 702.2, and under Subtitle U, Section
16 301.1(c)(1) and (f) to allow a principal dwelling in
17 an accessory building built after January 1st, 2013.

18 This is for a new, two-story accessory building for
19 use as a principal dwelling in the rear yard of an
20 existing two-story row dwelling. It's located in the
21 RF-1 Zone at 628 15th Street NE, Square 1051, Lot 113.

22 CHAIRPERSON HILL: Okay, great, thank you.
23 If the applicant can hear me, if they could please
24 introduce themselves for the record?

25 MS. SCHINDER: Ileana Schinder. I'm the

1 architect for Mr. Ed Fendley.

2 CHAIRPERSON HILL: Okay, great. Ms.
3 Schinder, I'm sorry, I can hear you okay, but I'll try
4 to --

5 MS. SCHINDER: I'll try to be louder. Can
6 you hear me now?

7 CHAIRPERSON HILL: It's about the same, but
8 it's okay. We'll just see how it goes. Okay, I see
9 and I've read through the record and the application,
10 and the only -- one original question real quick I just
11 want to make note of is you listed C 702.2 and that really
12 is something that addresses public schools and is not
13 really something that you need. I see, you know, you
14 do need 701.10 and 701.14 for what you're trying to
15 propose, but 702.2 is incorrect, and so if I could just
16 get you to verbally withdraw that, we can continue.

17 MS. SCHINDER: As stated by the Chairman, we
18 are withdrawing 702.2 from this application due to a
19 typo mistake, and we appreciate the comment.

20 CHAIRPERSON HILL: Okay, thank you. All
21 right, now if you want to go ahead and walk us through
22 your client's application? I'm going to put 15 minutes
23 on the clock so I know where we are, and you can begin
24 whenever you like.

25 MS. SCHINDER: We don't have new material to

1 present, but this is a two-story accessory structure
2 that will receive a two-bedroom dwelling behind an
3 existing townhouse. There will be no alteration to the
4 existing structure, and the application tries to
5 compensate for the fact we are removing onsite parking
6 at this property.

7 We reached out to all ANCs and local neighbors
8 and they were verbally in support of this, and we
9 considered that due to the high transit density in the
10 area, that the requirement for onsite parking should
11 be addressed by the Board.

12 CHAIRPERSON HILL: Okay, great, and just to
13 be clear, and I do see that you mention it in the letter
14 of the ANC, you guys, everything that you did present
15 to people, you presented to people that someone is going
16 to live in there now, correct?

17 MS. SCHINDER: Correct.

18 CHAIRPERSON HILL: Okay, all right, let me
19 see, before I turn to my Board, if I could turn to the
20 Office of Planning?

21 MS. THOMAS: Good morning, Mr. Chair and
22 members of the Board, Karen Thomas with the Office of
23 Planning, and the Office of Planning is in support of
24 the applicant's request for parking relief and for a
25 new accessory structure on this site. We believe that

1 the accessory building, along with the request for
2 parking, should not cause an adverse impact on the
3 neighborhood.

4 Per DDOT's memo, which is in support of the
5 parking relief being requested, it is in a high transit
6 option corridor along high transit option corridors,
7 both with respect to 8th Street and Benning Road. And
8 also, the accessory dwelling is going to be, sorry, not
9 the accessory dwelling, the accessory structure,
10 because it is going to be a principal unit, it will
11 conform to all other aspects of the zoning requirements.

12 And with that, I'll rest on the record of our report.

13 Thank you.

14 CHAIRPERSON HILL: Thank you, Ms. Thomas.
15 Before -- again, Mr. Young, is there anyone here wishing
16 to speak? Okay, does the Board have any questions about
17 the applicant or the Office of Planning? Mr. Miller,
18 do you have any questions?

19 COMMISSIONER MILLER: No questions. Thank
20 you.

21 CHAIRPERSON HILL: Okay, all right. Okay,
22 then, Ms. Schindler, I'm going to -- oh, Schinder, sorry,
23 I'm going to go ahead and close the hearing and the record
24 unless you have anything to add?

25 MS. SCHINDER: Thank you for your time.

1 CHAIRPERSON HILL: Thank you. All right, I'm
2 going to go ahead and close the hearing and the record.

3 Mr. Young, if you could please excuse everyone? Okay,
4 all right, I'm comfortable with the argument that the
5 applicant has put forward concerning this request.

6 I'm comfortable, we're moving with the parking
7 pad, as also the Office of Planning had stated in terms
8 of the density -- I'm sorry, the transit rich environment
9 that this project is located in. I also appreciate that
10 the applicant withdrew their request for a 702.2, and
11 they will also, pointing out again that they have shown
12 everyone or told everyone that people are going to be
13 living in there right away so that U 301 is not a concern.

14 I'm going to be voting in favor of this application.

15 Mr. Blake, do you have anything you'd like to add?

16 VICE CHAIRPERSON BLAKE: Mr. Chairman, I
17 don't have anything to add. I'm in support of the
18 application, as well.

19 CHAIRPERSON HILL: Okay, Commissioner
20 Miller?

21 COMMISSIONER MILLER: Thank you, Mr.
22 Chairman. I also support the application and your
23 analysis.

24 CHAIRPERSON HILL: Thank you. All right, I'm
25 going to make a motion to approve application number

1 21349 as captioned and read by the Secretary, and ask
2 for a second, Mr. Blake?

3 VICE CHAIRPERSON BLAKE: Second.

4 CHAIRPERSON HILL: The motion has been made
5 and seconded. Madam Secretary, take a roll call,
6 please?

7 MS. MEHLERT: Yes, and I'll just note the
8 applicant withdrew that section of relief, 702.2, or
9 corrected it as --

10 CHAIRPERSON HILL: Correct.

11 MS. MEHLERT: -- you noted earlier rather than
12 -- okay. Please respond to the Chair's motion to
13 approve the application. Chairman Hill?

14 CHAIRPERSON HILL: Yes.

15 MS. MEHLERT: Vice Chair Blake?

16 VICE CHAIRPERSON BLAKE: Yes.

17 MS. MEHLERT: Commissioner Miller?

18 COMMISSIONER MILLER: Yes.

19 MS. MEHLERT: Staff would record the vote as
20 three to zero to two to approve application number 21349
21 on the motion made by Chairman Hill and seconded by Vice
22 Chair Blake.

23 CHAIRPERSON HILL: Thank you. All right, you
24 can call our next case, Madam Secretary.

25 MS. MEHLERT: The last case is application

1 number 21350 of Didier Martin. This is a self-certified
2 application pursuant to Subtitle X, Section 901.2, for
3 a special exception under Subtitle U, Section 253.4,
4 to allow a new accessory apartment in a principal
5 dwelling. This is for a new accessory apartment in a
6 portion of the basement of an existing attached
7 principal dwelling located in the R-3/GT Zone at 3132
8 O Street NW, Square 1243, Lot 71.

9 CHAIRPERSON HILL: Okay, great. If the
10 applicant can hear me, if they could please introduce
11 themselves for the record?

12 MS. WILSON: Alex Wilson from Sullivan and
13 Barros on behalf of the applicant in this case.

14 CHAIRPERSON HILL: Okay, thanks, Ms. Wilson.
15 Ms. Wilson, if you want to go ahead and walk us through
16 your client's application and why you believe they're
17 meeting the criteria for us to grant the relief
18 requested? I'm going to put 15 minutes on the clock
19 so I know where we are, and you can begin whenever you
20 like.

21 MS. WILSON: Thank you so much. I have a very
22 brief presentation if Mr. Young could please pull that
23 up? Thank you. Could you please go to the next slide?
24 Thank you so much.

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

1 It's improved with a row dwelling with three floors
2 and a basement, and the applicant is proposing to convert
3 a portion of the basement into a self-contained studio
4 accessory apartment. The project will reconfigure an
5 existing bedroom and laundry area, add a kitchen, and
6 all work will remain within the current building
7 envelope.

8 And since this is in the R-3/GT Zone, it
9 requires special exception relief pursuant to U 253 to
10 have an accessory apartment. The Office of Planning
11 is recommending approval. ANC 2E voted unanimously in
12 support, and we have three letters of support from the
13 neighbors, including the adjacent neighbor to the west.

14 Next slide, please?

15 This is the subject property. Next slide,
16 please? This is the existing basement and proposed
17 basement. Next slide, please? Next slide, please?
18 In terms of the general special exception criteria, the
19 proposal retains the existing footprint. It only
20 involves interior alterations to create a basement level
21 studio apartment. Next slide, please?

22 In terms of the special exception
23 requirements, the principal dwelling is and will remain
24 owner occupied for the duration of the accessory
25 apartment. The total number of persons to occupy the

1 accessory apartment and principal dwelling unit will
2 not exceed six. The house meets this minimum
3 requirement of 1,200 square feet of GFA, and the
4 accessory apartment is well under the 35 percent. It's
5 about ten percent of the total GFA of the house.

6 In terms of additional entrances, the north
7 facade is the only street-facing facade, and there is
8 an existing entrance located facing west that will be
9 utilized towards the interior of the property and not
10 north towards the street. And then the final
11 requirement is not applicable. Next slide? Or that
12 may be the last slide, and I would conclude the
13 presentation.

14 CHAIRPERSON HILL: Okay, thank you. Before
15 I turn to my Board, could I hear from the Office of
16 Planning?

17 MR. JURKOVIC: Good morning. This is Michael
18 Jurkovic, Development Review Specialist with the Office
19 of Planning. OP recommends approval of the applicant's
20 requested relief for an accessory apartment and stand
21 on the record of our report. We are here to answer any
22 questions. Thank you.

23 CHAIRPERSON HILL: Okay, great, thank you.
24 All right, does the Board have any questions of the
25 applicant and/or the Office of Planning, Mr. Blake?

1 Mr. Blake, you're on mute and I didn't hear what you
2 said. I'm sorry.

3 VICE CHAIRPERSON BLAKE: I don't have any
4 questions.

5 CHAIRPERSON HILL: Oh, okay, great, thank
6 you. Commissioner Miller?

7 COMMISSIONER MILLER: Thank you, Mr.
8 Chairman, and thank you to Ms. Wilson for the applicant's
9 presentation and Mr. Jurkovic for the Office of Planning
10 report. I just had -- an appreciate, Ms. Wilson, the
11 community outreach and support that you have, including
12 unanimous support from the ANC and the neighbors, and
13 the adjacent neighbor to the west at 3134. Was there
14 any communication, I guess, with the other adjacent
15 neighbor at 3130?

16 MS. WILSON: Yeah. We requested that they do
17 additional outreach and we sent a letter and door
18 knocking, but just no letter returned. I don't know
19 if they didn't want to participate or just didn't want
20 to sign our letter, but we did our typical outreach.

21 COMMISSIONER MILLER: Well, I appreciate you
22 reaching out to them, so thank you for that.

23 CHAIRPERSON HILL: Thank you. All right. Mr.
24 Young, is there anyone here wishing to speak?

25 MR. YOUNG: We do not.

1 CHAIRPERSON HILL: Okay, Ms. Wilson, do you
2 have anything you'd like to add at the end?

3 MS. WILSON: Thank you all for your time.

4 CHAIRPERSON HILL: Okay, all right, I'm going
5 to close the hearing and the record. Mr. Young, if you
6 could please excuse everyone? Okay, thank you. Okay,
7 I thought this was relatively straightforward. I
8 didn't really have any issues or concerns with this.

9 I believe they're meeting the criteria for us to grant
10 this relief. I would agree with the analysis that the
11 Office of Planning has provided.

12 I also do appreciate the letter that we had
13 received from the ANC. I note that this particular ANC
14 is pretty active and is well-versed in what they do,
15 so I appreciate that, you know, ANC 2B has submitted
16 a letter with their analysis, and I will take great
17 weight from that letter, and I'm going to be voting in
18 favor of this application. Mr. Blake, do you have
19 anything you'd like to add?

20 VICE CHAIRPERSON BLAKE: Thank you for the
21 analysis, and I give great weight to the Office of
22 Planning's report and to the reports from the ANC. I'll
23 be voting in favor of the application.

24 CHAIRPERSON HILL: Thank you. Commissioner
25 Miller?

1 COMMISSIONER MILLER: Thank you, Mr.
2 Chairman. I agree with both of you and agree that the
3 applicant has satisfied all of the special exception
4 requirements for an accessory apartment, and I'm ready
5 to support the application.

6 CHAIRPERSON HILL: Thank you. All right, I'm
7 going to make a motion to approve application number
8 21350 as captioned and read by the Secretary and ask
9 for a second, Mr. Blake?

10 VICE CHAIRPERSON BLAKE: Second.

11 CHAIRPERSON HILL: The motion has been made
12 and seconded. Madam Secretary, take a roll call,
13 please?

14 MS. MEHLERT: Please respond to the Chair's
15 motion to approve the application. Chairman Hill?

16 CHAIRPERSON HILL: Yes.

17 MS. MEHLERT: Vice Chair Blake?

18 VICE CHAIRPERSON BLAKE: Yes.

19 MS. MEHLERT: Commissioner Miller?

20 COMMISSIONER MILLER: Yes.

21 MS. MEHLERT: Staff would record the vote as
22 three to zero to two to approve application number 21350
23 on the motion made by Chairman Hill and seconded by Vice
24 Chair Blake.

25 CHAIRPERSON HILL: Great, thank you. All

1 right, I appreciate the efficiency that everyone has
2 worked through today because I think there were some
3 time constraints on some of us, and so I hope everyone
4 has a good day. Madam Secretary, is there anything
5 additional for the Board today?

6 MS. MEHLERT: Nothing else, sir.

7 CHAIRPERSON HILL: Okay, well, you have a nice
8 day then. Okay, we're adjourned. Thank you.

9 (Whereupon, the above-entitled matter went
10 off the record at 10:34 a.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings; and that I am neither counsel for, related to, nor employed by any of the parties to this action in which this matter was taken; and further that I am not a relative nor an employee of any of the parties nor counsel employed by the parties, and I am not financially or otherwise interested in the outcome of the action.

A handwritten signature in cursive script, reading "Samuel Wojack", is written over a horizontal line.

Sam Wojack