

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

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WEDNESDAY

OCTOBER 29, 2025

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via videoconference, pursuant to notice at 9:37 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 MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
GWEN WRIGHT, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on October 29, 2025.

CONTENTS

Page

21326	Application of Ehsan Jazini	10
21360	Application of M & Potomac Streets Associates	22
21374	Application of Laura Williams and Kevin Donohue	27

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

(9:36 a.m.)

CHAIRPERSON HILL: Good morning, ladies and gentlemen. The Board of Zoning Adjustment's 10/292/2025 public 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, Chair Anthony Hood, and Commissioner Gwen Wright. Today's meeting and hearing agenda are available on the Office of Zoning's website.

Please be advised that the 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 public testimony at our decision meeting sessions. If you're experiencing difficulty accessing Webex or with your telephone call-in, then please call OZ hotline number at 202-727-5471. Once again, 202-727-5471. It's also listed on the screen to receive Webex login or call-in instructions.

At the conclusion of a decision meeting

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

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

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

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

1 testify, all participants completed the oath or
2 affirmation as required by Subtitle Y 408.7.

3 Requests to enter evidence at the time of an
4 online virtual hearing, such as written testimony or
5 additional supporting documents, other than live video,
6 which may not be presented as part of the testimony,
7 may be allowed pursuant to Subtitle Y 103.13, provided
8 that the person making the request to enter an exhibit
9 explain, (a) how the proposed exhibit is relevant, (b)
10 is a good cause that justifies allowing the exhibit into
11 the record, including the explanation of why the
12 requester did not file the exhibit prior to the hearing
13 pursuant to Y 206, and (c) how the proposed exhibit would
14 not unreasonably prejudice any parties. The order of
15 procedures for special exceptions and variances are
16 pursuant to Y 409. The order of procedures for an appeal
17 is pursuant to Y 507.

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

24 If additional written testimony is accepted,
25 then parties will be allowed a reasonable time to respond

1 as determined by the Board. The Board will then make
2 its decision at its next meeting session, but no earlier
3 than 48 hours after the hearing. Moreover, the Board
4 may request additional specific information to complete
5 the record.

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

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

23 Madam Secretary, do we have any preliminary
24 matters?

25 MS. MEHLERT: Good morning, Mr. Chairman, and

1 members of the Board. There were a few late filings
2 that the chairman has reviewed and granted waivers to
3 the applicable case record. Pursuant to Subtitle Y
4 Section 206.7 and Section 103.13, any other late filings
5 during the course of today's live hearing should be
6 presented before the Board by the applicant and parties
7 or witnesses after the case is called and then any other
8 preliminary matters will be noted as the case is called.

9 CHAIRPERSON HILL: Okay, great. Thank you.

10 Okay, good morning, everyone. I know we have
11 Chairman Hood with us just for a little bit today. I
12 guess I don't know whether you want to call these or
13 -- so there's two, there's three things that are on for
14 decision for today with Chairman Hood. And two of them,
15 Case No. 21319 and Case No. 21307, I was having a little
16 bit of difficulty with during the week, so I'd like to
17 postpone the decision if it's okay with my fellow board
18 members for a little bit of time. And I'm trying to
19 think how much I need.

20 Why don't we put this off for two weeks until
21 the 12th? There's also a chance that we might need
22 another one of our board members at that time, and so
23 I don't know -- one of our board members is off due to
24 the shutdown, and so they may or may not be back here
25 by then, but in either case, I can probably have enough

1 time to wrap my head around what I think by the 12th.

2 So unless my board members have any issues with that,
3 Madam Secretary, can I just do that or do I need to do
4 something?

5 MS. MEHLERT: So you wanted to do this with
6 cases 21319 and 21307?

7 CHAIRPERSON HILL: Yes.

8 ZC CHAIR HOOD: Can I interrupt, Mr. Chairman?

9 CHAIRMAN HILL: Of course.

10 ZC CHAIR HOOD: There are two -- I agree with
11 you and I'm glad we're putting this off, and I know we
12 can't wait and predict when the Government will open
13 back up, but I think Board Member Smith, for me, will
14 be very vital and I know that's not necessarily fair
15 to the applicant, so even if we get to the 12th, and
16 I will do some more discovery as you and Board Member
17 -- Vice Chair Blake, but I think for me with the expertise
18 that I think Board Member Smith brings to the table,
19 I really want -- and I was thinking about this. I really
20 would like to hear his input, but I know we can't wait
21 forever, so I'm just saying that right now, I know where
22 I'm going to be on the 12th and I'm just saying that
23 right now. I'll leave it at that. I just want us to
24 have a meeting to get out if we need to.

25 CHAIRPERSON HILL: No, that's fine. So I

1 mean again and I thought about this as well, like if
2 and -- this is for the applicant and the applicant's
3 attorney, that if this were to be decided in the
4 positive, it would have been a summary order and that's
5 something that would have happened rather quickly. If
6 this would be decided in the negative, then it's in the
7 negative and so, you lose anyway. So what I'm trying
8 to say is that if this would have been a full order,
9 I can understand how timeliness would have been more
10 of a factor.

11 However, I think that -- and that's the
12 problem. Like I'd also like to have another board
13 member because then there would be at least four of us,
14 but let's just go ahead and see where we are on the 12th.

15 I kind of doubt anything is going to happen by the 12th
16 in terms of our colleague, but you never know.

17 So I'm back to Madam Secretary -- Mr. Blake,
18 do you have anything to add?

19 VICE CHAIRPERSON BLAKE: I'm comfortable with
20 that.

21 CHAIRPERSON HILL: Okay. Can you hear us,
22 Mr. Blake? We can't hear you very well, I don't think.

23 VICE CHAIRPERSON BLAKE: Can you hear me now?

24 CHAIRPERSON HILL: Yes.

25 VICE CHAIRPERSON BLAKE: Fantastic.

1 CHAIRPERSON HILL: Okay, we got it. So you
2 didn't have any comment?

3 VICE CHAIRPERSON BLAKE: I do not.

4 CHAIRPERSON HILL: So let's put this off,
5 Madam Secretary, until 11/12, okay?

6 MS. MEHLERT: Okay, sounds good.

7 CHAIRPERSON HILL: Okay. So that's that.
8 So are we all ready for 21326? Okay.

9 Mr. Blake, are you ready? Okay. I think your
10 microphone is kind of -- can you say something, Mr.
11 Blake?

12 VICE CHAIRPERSON BLAKE: You should be able
13 to hear me now.

14 CHAIRPERSON HILL: We can hear you.

15 VICE CHAIRPERSON BLAKE: Give me two seconds
16 while I can start.

17 CHAIRPERSON HILL: Madam Secretary hasn't
18 called it yet.

19 VICE CHAIRPERSON BLAKE: Okay, great.

20 CHAIRPERSON HILL: Go ahead, Madam Secretary,
21 if you can call -- actually, if you all can hang on for
22 just one second. Just give me one minute. Sorry.

23 (Pause.)

24 All right, I'm sorry.

25 (Pause.)

1 Mr. Blake, are you there?

2 VICE CHAIRPERSON BLAKE: I am.

3 CHAIRPERSON HILL: Yes. Okay. Madam
4 Secretary, could you please call our next decision?

5 MS. MEHLERT: This is in the Board's meeting
6 session, Application No. 21326 of Ehsan Jazini, as
7 amended. the self-certified application pursuant to
8 Subtitle X, Section 901.2 for special exceptions under
9 Subtitle D, Section 207.5 to allow the rear wall of a
10 row building to extend farther than 10 feet beyond the
11 farthest rear wall of any adjoining principal
12 residential building on any adjacent property; another
13 subtitle use, Section 2(c)(3) to allow an accessory
14 apartment on the second floor of a new accessory
15 structure. This project is to construct a third floor
16 and a three-story rear addition to an existing two-story
17 attached principal dwelling and accessory apartment on
18 the second floor of a new two-story accessory structure
19 in the rear yard. It's located in the R-3/GT zone at
20 3526 Whitehaven Parkway, Northwest, Square 1296, Lot
21 384, and this hearing began October 1st, was scheduled
22 to October 22nd and was scheduled for decision.
23 Participating are Chairman Hill, Vice Chair Blake, and
24 Chairman Hood.

25 CHAIRPERSON HILL: Thank you. I think Vice

1 Chair Blake was kind enough to start this discussion
2 for us, I believe, Mr. Blake?

3 VICE CHAIRPERSON BLAKE: Sure, Mr. Chairman.

4 I'm assuming as long as my electronic situations work
5 out I should be fine and my voice, that is.

6 In this case, the applicant is proposing an
7 addition to a principal dwelling that will extend 16
8 feet past the furthest wall of an adjoining neighbor
9 to the east, on the cellar, first and second floor
10 levels. The applicant is proposing a third floor
11 addition, but that portion of the addition will only
12 extend nine feet beyond the rear wall to the east, and
13 therefore, does not require relief.

14 The applicant is also proposing the use of
15 the second story of a newly constructed accessory
16 building as an accessory apartment and as well as the
17 accessory structure meets the matter of right
18 development standards of the zone, the applicant is only
19 seeking special exception relief to use the accessory
20 building as an apartment which is required in the R-3/GT
21 zone pursuant to Subtitle U, Section 253.

22 The special exception relief requested can
23 be granted pursuant to Subtitle D, Section 5201, and
24 the general standards of Subtitle X, 901 -- Section
25 901.2. The proposed accessory apartment must also

1 comply with the conditions specified on Subtitle U,
2 Section 253.

3 Now a special exception is a permitted
4 departure from the matter of right standard providing
5 certain conditions are met. The applicant must show
6 with substantial evidence that the project will not
7 cause an undue adverse impact on neighboring properties.

8 Every project has some impact, whether from shadows,
9 visibility, or change, but the regulations don't define
10 undue in numerical terms. It simply means that impacts
11 are expected, unreasonable, or inconsistent with what's
12 expected in the zone. Ultimately, it's the Board's task
13 to weigh the nature of the degree of those impacts
14 against the purpose of zoning district and any proposed
15 mitigation. There's no fixed threshold. It's a
16 qualitative judgment based on context, scale, and
17 reasonableness.

18 In reviewing the applications for a special
19 exception under the zoning regulation, the Board's
20 discretion is limited to determining whether the
21 proposed exception specifies the relevant zoning
22 criteria. If the prerequisites are satisfied the
23 Board's deny or grant the application.

24 So based on the applicant's representations
25 and the Office of Planning's analysis, I do believe that

1 the applicant has met the specific conditions of
2 Subtitle U, Section 5203. Under Subtitle D, Section
3 207.5, relief from the rear wall extension requirements
4 can only be granted pursuant to Subtitle X and Chapter
5 9 and subject to Subtitle D, Section 5201. With
6 Subtitle D, Section 5201, the applicant's burden
7 includes demonstrating that light, air, and privacy
8 impacts fall within normal expectations of the zone.

9 Specifically, the light and air available to
10 neighboring properties shall not be unduly affected.

11 The privacy of use and enjoyment of neighboring
12 properties shall not be unduly compromised and the
13 proposed addition shall not substantially visually
14 intrude upon the character, scale, and pattern of houses
15 along the street or alley front.

16 If we look
17 at 5201.4(a), the light and air available to neighboring
18 properties shall not be unduly affected, the opposition
19 argues that the 16-foot extension allegedly blocks
20 skylight light. Now some shadowing is permissible in
21 the R-3 rowhouse zone. It becomes undue only if the
22 extension substantially blocks primary windows or yards
23 or in this case skylight. It was determined that the
24 skylights in question were not on the property line and
25 therefore were not what they call at risk. If they were
at risk, they would have been excluded from the adverse

1 impact test, but these are not at risk.

2 So but the applicant then demonstrated that
3 the shadow study which was supported by the analysis
4 of the Office of Planning that the impact of shadows
5 cast would not unduly affect the light available to
6 neighboring properties on account of the design of the
7 addition with steps back on each story so that the top
8 floor actually meets the by right provisions. And from
9 this I conclude the light and air available to
10 neighboring properties shall not be unduly affected.

11 Turning to D5201.4(b), the privacy of use and
12 enjoyment of neighboring properties shall not be unduly
13 compromised. The addition does not have any windows
14 based in east or west of the property and the adjacent
15 property to the west of the subject property will
16 partially be screened by an existing retaining wall.

17 So while the Office of Planning is in compliance with
18 the design standards, I will say that the photographic
19 evidence from the parties in opposition did show
20 measurable availability into the neighboring interiors.

21 Now pursuant to D521.5, the Board of Zoning
22 Adjustment may require special treatment in the way of
23 design, screening, exterior or interior lighting,
24 building materials or other features for the protection
25 of adjacent and nearby property. Considering that, I

1 believe that the ladder screens on both the east and
2 west sides as originally proposed by the applicant would
3 largely mitigate a potential compromise of privacy of
4 use and enjoyment of neighboring properties and would
5 recommend that as a condition of approval this be
6 included.

7 During to D521.4(c), the proposed addition.

8 The proposed addition to an apartment to visually
9 intrude upon the character, scale, and housing along
10 the street or alley frontage. Parties in opposition
11 claim that the project breaks uniform two-story rhythm
12 in the accessory apartment would be out of scale and
13 unique. However, given the existing three-story
14 presence and the proposed massing, setbacks meet the
15 development standards, I believe that the applicant has
16 demonstrated the addition and proposed accessory
17 structure would not substantially intrude upon the
18 neighborhood character.

19 So considering these factors that I do not
20 believe that the proposed addition will tend to
21 adversely affect the use of neighboring properties, and
22 the granting of approval would be in harmony with the
23 zoning regulation and the intent of the zoning
24 regulations. I give great weight to the Office of
25 Planning's recommendation for approval of the amended

1 application. I would also note that DDOT indicated the
2 Office of Planning did not have any objection to the
3 application.

4 I would also give great weight to the written
5 report of ANC 2E which does not support the application
6 as written, but acknowledges the written report provides
7 no rationale for its position and states no issues or
8 concerns.

9 So with that, I would be voting to approve
10 the application, Mr. Chair.

11 CHAIRPERSON HILL: Thank you, Vice Chair
12 Blake. I would agree with most of your analysis. I
13 do appreciate the extent to which you've gone through
14 this case. I mean it's been a long case for us and there
15 was a lot of thought in terms of opposition and concerns
16 from primarily the neighbors and those that were granted
17 party status. But I would like to note a couple of
18 things, I guess, like when I was looking back on this,
19 I did not particularly think again that the shadow study
20 or the additional 6 feet, I mean we're going from 10
21 to 16 and also not on all of the floors that you
22 mentioned, the third floor is still a matter of right
23 and only 9 feet past the adjacent property. And you
24 also noted that there's no windows on either side of
25 the buildings and I think that I would agree with you

1 in terms of your thoughts on the screening.

2 And I guess I would mention and I know that
3 during the application, I'm sorry, during the testimony
4 that we took, one of the neighbors who had
5 representation, they withdrew their opposition to the
6 project and they also indicated that they were not
7 interested in the privacy screening.

8 However, as you mentioned, Vice Chair Blake,
9 the job of the Board is to determine whether or not there
10 are possibly any impacts and if so, then to do something
11 or try to do something to help mitigate those impacts.

12 And I also agree with you that I think that the privacy
13 screening would mitigate any potential impacts.
14 However, those impacts I think also would be small and
15 negligible even without the screening I think it would
16 have been fine, but I'm comfortable with your condition
17 on both the east and west side of the proposed.

18 I do think that in terms of the issue with
19 the skylights, I thought it was somewhat interesting
20 that I think that one could frost the skylight if there
21 was some kind of concern of that, but I didn't see
22 anything -- I still can't see anything in the
23 regulations, but I can ask the Office of Planning how
24 skylights are necessarily treated. And so I know that
25 we've had things where there's the solar cells and things

1 like that that have protection in the regulations but
2 there's nothing really spoken to on skylights. The way
3 the city is, if there's a skylight, it can look down
4 on neighbors' houses if you're above the houses, but
5 it is also, I think, difficult to look into a skylight,
6 so I'm not exactly sure how I will understand that with
7 the Office of Planning in terms of how a skylight is
8 necessarily supposed to be treated. But I would agree
9 with you in all of the other aspects of your analysis
10 and I appreciate again you taking the time for that.

11 And then also, I would also mention that I
12 would give great weight to the Office of Planning and
13 also will agree with you in terms of what the ANC had
14 put forward on this case and I'll also be voting in favor
15 of this application.

16 Chairman Hood?

17 CHAIRMAN HOOD: Thank you, Mr. Chairman. Not
18 to be redundant, and I think that you and Board Member
19 Black have exhausted in analyzing this case and have
20 done a good job in summarizing what we've come to. The
21 key word for me was unduly and I think that you and Board
22 Member Blake have addressed that and what got it for
23 me and I do know there's going to be some inconvenience,
24 some difference, and I don't live there, so I know the
25 parties that were to the west, I believe, I understand,

1 I get it. But our job is to look at it and mitigate,
2 especially if it meets our regulations and I think Board
3 Member Blake has expounded upon that tremendously. So
4 I don't know to -- exhaustively is the word I really
5 want to use. And I think we have covered bases And
6 I think while there may be some impacts, there may be
7 some inconveniences, there may be some differences,
8 there also have been some things that have been
9 mitigated. And again, what gets it for me, as you
10 mentioned, the neighbor to the east will do their
11 opposition and I do agree with the frosting and the
12 lattice, whatever is being asked for here to help to
13 relieve some of those neighbors to the west. Other than
14 that, I will be voting in favor and I get it, but I think
15 the job of the Board is doing exactly what the job is
16 of the Board, so I will vote in favor of this application.
17 Thank you.

18 CHAIRPERSON HILL: Thank you, Chairman Hood.

19 Okay, I'm going to make a motion then to approve
20 Application No. 21326 as captioned and read by our
21 secretary and including a condition that there will be
22 lattices put on the east and west side of those decks
23 as proposed to what's in the record and ask for a second.

24 Mr. Blake?

25 VICE CHAIRPERSON BLAKE: Second.

1 CHAIRPERSON HILL: The motion has been made
2 and seconded.

3 Madam Secretary, will you take a roll call?

4 MS. MEHLERT: Please respond to the chair's
5 motion to approve the application with the privacy
6 screening condition.

7 Chairman Hill?

8 CHAIRPERSON HILL: Yes.

9 MS. MEHLERT: Vice Chair Blake?

10 VICE CHAIRPERSON BLAKE: Yes.

11 MS. MEHLERT: Chairman Hood?

12 CHAIRMAN HOOD: Yes.

13 MS. MEHLERT: Staff records the vote as 3 to
14 0 to 2 to approve Application No. 21326 with conditions,
15 the condition on the motion made by Chairman Hill and
16 seconded by Vice Chair Blake.

17 CHAIRPERSON HILL: Okay, great. Thank you.

18 All right, Chairman Hood, is that for you?

19 MS. HATFIELD: That's it for me. You all have
20 a great day. Thank you.

21 CHAIRPERSON HILL: You as well, sir. I think
22 we have Commissioner Wright with us maybe? Okay,
23 wonderful. Welcome, Commissioner.

24 Let's see, you want to go ahead and call our
25 next item on business, Madam Secretary?

1 MS. MEHLERT: Next in the Board's meeting
2 session, this is a preliminary matter for a status
3 request for Application No. 21360 of M & Potomac Streets
4 Associates, as amended. This is a self-certified
5 application pursuant to Subtitle X Section 901.2 for
6 special exception under Subtitle D Section 5201 from
7 the rear yard requirements of Subtitle D Section 207.1
8 from the side yard requirements of Subtitle D Section
9 1104.1, and pursuant to Subtitle X Section 1002 for area
10 variances from the lot area requirements of Subtitle
11 D Section 202.1 and the lot occupancy requirement of
12 Subtitle D Section 210.1.

13 This is for a principal dwelling in a near
14 detached two-story with cellar building. It's located
15 in the R-3/GT zone at Prospect Street, N.W., Square 1206,
16 Lot 832 and before the Board is a request for party status
17 in opposition from Joanna Perkowska.

18 CHAIRPERSON HILL: Okay, great. Are the
19 parties in the room, Mr. Young, and if you can admit
20 them?

21 Ms. Perkowska, can you hear me? Ms.
22 Perkowska?

23 MS. PERKOWSKA: I'm here, members of the
24 Board, yes.

25 CHAIRPERSON HILL: Okay, good, great. Could

1 you introduce yourself for the record?

2 MS. PERKOWSKA: Absolutely. So my name is
3 Joanna Perkowska. My property at 1220 Potomac Street
4 shows the direct boundary with lot 832. There is zero
5 foot separation between our parcels.

6 CHAIRPERSON HILL: Okay. I got it, Ms.
7 Perkowska. I'm sorry, I read your submission. So Ms.
8 Perkowska, what I think and I will see if my Board agrees
9 with me, but I do think that you meet the criteria for
10 us to grant you party status and so what I wanted to
11 do was first go through that process. Then I wanted
12 to tell you what actually happens, and then we're going
13 to put you at the end of the day before the appeal, so
14 that you can have a chance to kind of like think this
15 through a little bit.

16 So first, I'm going to turn to my Board. Does
17 the Board agree with me that Ms. Perkowska should be
18 getting party status?

19 Vice Chair Blake?

20 VICE CHAIRPERSON BLAKE: Yes, I do, Mr. Chair,
21 given her proximity to the property, I do think she'll
22 be a little more significantly affected than the general
23 public and I would be in favor of granting party status.

24 CHAIRPERSON HILL: Okay. Thank you.

25 Commissioner Wright?

1 COMMISSIONER WRIGHT: We should grant party
2 status.

3 CHAIRPERSON HILL: Okay, great. Thank you.

4 So Ms. Perkowska, can you hear me?

5 MS. PERKOWSKA: Yes. Thank you.

6 CHAIRPERSON HILL: Does your camera work?

7 MS. PERKOWSKA: So it looks like I have a
8 little technical difficulty.

9 CHAIRPERSON HILL: So Ms. Perkowska, if you
10 can try to fix it by the end of the day, maybe test it
11 with a friend or something. It would be helpful for
12 the hearing to be able to see you. But if not, then
13 that's also fine as long as we can all hear each other.

14 So what is going to happen now is you'll be
15 granted party status and then what that means is that
16 you are a party to the case, so therefore, what's going
17 to happen is the applicant will come forward. The
18 applicant will give its testimony as to why they believe
19 they're meeting the criteria to grant this particular
20 relief as per the zoning codes and criteria.

21 Then, you will have an opportunity to give
22 your testimony as to why you believe that they are not
23 meeting that criteria and I know that you're not a zoning
24 attorney, excuse me, not a zoning attorney, but
25 basically, you're going to tell us what are your

1 concerns, right, and why you think that this shouldn't
2 be granted.

3 And then, we'll hear from the Office of
4 Planning. We'll hear from anyone else who might be a
5 witness to the case and then you will also have a chance
6 to ask questions of the applicant, based on their
7 testimony.

8 (Audio interference)

9 -- anyone else who might be a witness to the
10 case, and then you will

11
12 (Audio interference)

13 CHAIRPERSON HILL: The Office of Zoning will
14 reach out to you prior to the case. Do you have any
15 questions on anything I just said?

16 MS. PERKOWSKA: No, this sounds like a plan.
17 Thank you so much.

18 CHAIRPERSON HILL: Okay, perfect. All
19 right, so then with that, I'm going to go ahead and make
20 a motion to grant the motion to grant party status to
21 Ms. Joanna Perkowska.

22 Is that how you say your name, Perkowska?

23 MS. PERKOWSKA: Yes, that's close. I so much
24 appreciate the effort.

25 CHAIRPERSON HILL: That's okay. How do you

1 say your name?

2 MS. PERKOWSKA: Perkowska.

3 CHAIRPERSON HILL: Perkowska. Okay, I'll
4 try to do that next time.

5 MS. PERKOWSKA: Excellent. Thank you so
6 much.

7 CHAIRPERSON HILL: Thank you, Ms. Perkowska.
8 I'll make a motion -- I don't know, Mr. Blake, do you
9 want to second that?

10 VICE CHAIRPERSON BLAKE: Second.

11 CHAIRPERSON HILL: Okay, Madam Secretary, do
12 you want to take a roll call?

13 MS. MEHLERT: Please respond to the chair's
14 motion to grant party status in opposition to Joanna
15 Perkowska.

16 Chairman Hill?

17 CHAIRPERSON HILL: Yes.

18 MS. MEHLERT: Vice Chair Blake?

19 VICE CHAIRPERSON BLAKE: Yes.

20 MS. MEHLERT: And Commissioner Wright?

21 COMMISSIONER WRIGHT: Yes.

22 MS. MEHLERT: Staff will record the vote as
23 3 to 0 to 2 to grant party status in opposition in Case
24 21360.

25 CHAIRPERSON HILL: Okay, thanks. And so

1 we'll put that just for the appeal, okay?

2 All right, Ms. Mehlert, you can call our next
3 order of business?

4 MS. MEHLERT: Is an expedited review,
5 Application No. 21374 of Laura Williams and Kevin
6 Donohue. This is a self-certified application pursuant
7 to Subtitle X, Section 901.2 for a special exception
8 under Subtitle D Section 5201 from the rear yard
9 requirements of Subtitle D Section 207.1. This is for
10 a one-story covered rear deck addition to an existing
11 two-story detached principal dwelling. It's located
12 in the R-2 zone at 4401 Garrison Street, Northwest,
13 Square 1581, Lot 80. As a preliminary matter, this is
14 a request from the applicant to allow an untimely filing
15 to submit supplemental photos into the record in Exhibit
16 18A.

17 CHAIRPERSON HILL: Great. Thank you. All
18 right, so I have seen the materials that are trying to
19 be submitted and I don't have any issues with that
20 because I thought it was helpful for this particular
21 case. I did have an opportunity to take a look at what
22 they're requesting and I didn't have any issues with
23 it to be quite honest. I thought it was understandable.

24 I understand how they're meeting the regulations. I
25 would agree with the analysis of the Office of Planning

1 has put forward. I do appreciate also that the ANC
2 looked at this and they are in support.

3 However, in this particular case in terms of
4 the rain barrel, I don't think I would be able to what's
5 it called, put that in as a condition because it's not
6 really tied to the relief that's being requested. For
7 example, this has nothing to do with the green area
8 ratio. However, I do think that since the applicant
9 has spoken to the ANC and it seems as though they seem
10 to be in agreement, they can go ahead and put the rain
11 barrel in there if they want to, but again, the other
12 thing about those rain barrels is it's really hard to
13 decide whether or not they're being used or not.
14 There's no way to police them necessarily. But in any
15 case, I think that they're meeting the criteria to grant
16 this as an expedited review and I'll be voting in favor
17 of this application.

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

20 VICE CHAIRPERSON BLAKE: Mr. Chair, I agree
21 with your assessment. I also give great weight to the
22 Office of Planning's recommendation and approval and
23 their analysis with which I agree. I'll be voting in
24 favor of the application.

25 CHAIRPERSON HILL: Thank you. Commissioner

1 Wright?

2 COMMISSIONER WRIGHT: Yes, I'm in favor. I
3 also note that the adjacent owners have sent in letters
4 of support so the neighbors also are aware of the project
5 and are in support.

6 I think that the recommendation by the ANC
7 for either a rain barrel or a rain garden is a great
8 idea and although we might not be able to include it
9 in our motion, I definitely hope that the applicant will
10 take the ANC's recommendations seriously. I think from
11 the information from the ANC --

12 (Simultaneous speaking)

13 -- are open to the idea and so I hope that
14 they will take the ANC's recommendations very seriously.
15 But I will vote in favor.

16 CHAIRPERSON HILL: Okay. Thank you. Thank
17 you, Commissioner.

18 All right, I'm going to make then to approve
19 Application No. 21374 as captioned and ready by the
20 Secretary and ask for a second.

21 Mr. Blake?

22 VICE CHAIRPERSON BLAKE: Second.

23 CHAIRPERSON HILL: The motion has been made
24 and seconded.

25 Madame Secretary, will you take a roll call,

1 please?

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

4 Chairman Hill?

5 CHAIRPERSON HILL: Yes.

6 MS. MEHLERT: Vice Chair Blake?

7 VICE CHAIRPERSON BLAKE: Yes.

8 MS. MEHLERT: And Commissioner Wright?

9 COMMISSIONER WRIGHT: Yes.

10 MS. MEHLERT: Staff will report the vote as
11 3 to 0 to 2 to approve Application No. 21374 on the motion
12 made by Chairman Hill and seconded by Vice Chair Blake.

13 CHAIRPERSON HILL: Okay, great. Thank you.

14 (Whereupon, the above-entitled matter went
15 off the record at 10:16 a.m.)

1 C E R T I F I C A T E

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

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