

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

OCTOBER 29, 2025

+ + + + +

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.

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

2 (9:36 a.m.)

3 CHAIRPERSON HILL: Good morning, ladies and  
4 gentlemen. The Board of Zoning Adjustment's  
5 10/292/2025 public hearing will please come to order.

6 My name is Fred Hill, Chairman of the District of  
7 Columbia Board of Zoning Adjustment. Joining me today  
8 are Board Members Carl Blake, Chair Anthony Hood, and  
9 Commissioner Gwen Wright. Today's meeting and hearing  
10 agenda are available on the Office of Zoning's website.

11 Please be advised that the proceeding is being  
12 recorded by a court reporter and is also webcast live  
13 via Webex and YouTube Live. The video of the webcast  
14 will be available on the Office of Zoning's website after  
15 today's hearing. Accordingly, everyone who is  
16 listening on Webex or by telephone will be muted during  
17 the hearing.

18 Also, please be advised that we do not take  
19 public testimony at our decision meeting sessions. If  
20 you're experiencing difficulty accessing Webex or with  
21 your telephone call-in, then please call OZ hotline  
22 number at 202-727-5471. Once again, 202-727-5471.  
23 It's also listed on the screen to receive Webex login  
24 or call-in instructions.

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

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## 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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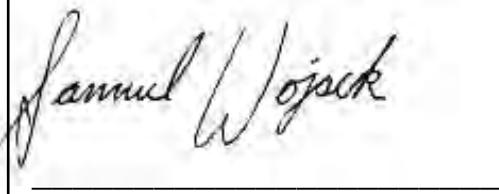
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A handwritten signature in cursive ink, appearing to read "Samuel Wojack". It is positioned above a solid horizontal line.

18     Sam Wojack