

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

DECEMBER 10, 2025

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice-Chairperson
GWEN WRIGHT, District Resident Appointee
JOSEPH S. IMAMURA, PhD, AOC Designee
TAMMY STIDHAM, NPS Designee

OFFICE OF ZONING STAFF PRESENT:

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

1 OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

2 SHEPARD BEAMON
3 PHILIP BRADFORD
4 MATTHEW JESICK
5 JOSHUA MITCHUM
6 CRYSTAL MYERS
7 KAREN THOMAS

8 OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

9 SARAH BAJAJ, ESQ.
10 CARISSA DEMARE, ESQ.
11 CHLOE SELLERS, ESQ.
12 JORDANE WONG, ESQ.

13
14 The transcript constitutes the minutes from
15 the Regular Public Hearing held on December 10, 2025.
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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:30 a.m.)

3 BZA CHAIR HILL: Okay. Who's the
4 commissioner on our next one, Madam Secretary?

5 MS. MEHLERT: Commissioner Wright.

6 BZA CHAIR HILL: Okay, great. Commissioner
7 Wright, can you join us, please? Thank you. We have
8 a new Commissioner, we're going to get everybody today.
9 Let's see. Commissioner Wright is also on the appeal,
10 is that correct? Okay, great. All right. Okay,
11 Commissioner, I'm sorry. Okay, Madam Secretary, if you
12 could please call our next order of business?

13 MS. MEHLERT: Next is in the board's hearing
14 session. It's Application Number 21361 of Moshood
15 Olayinka, as amended. This is self-certified
16 application pursuant to Subtitle X, Section 901.2, for
17 special exceptions under Subtitle E, Section 207.5, to
18 allow the rear wall of a row building to extend further
19 than ten feet beyond the farthest rear wall of any
20 adjoining principle residential building on any
21 adjacent property. And under Sub Title U, Section
22 320.2, to allow the conversion of an existing
23 residential building to afford unit apartment house.

24 This is for a new third-story and rear and side
25 additions to an existing two-story semi-detached

1 principal dwelling and conversion to a four unit
2 apartment house. It's located in the RF-1 zone at 1253
3 Moore Street NE, Square 4639, Lot 58.

4 This was previously heard on, from October
5 29th. And participating are Chairman Hill, Vice Chair
6 Blake, and Commissioner Wright. As preliminary matters
7 there is the Applicant's motion to waive filing deadline
8 to submit supplemental materials, which are in the
9 record. And then there's a motion from the party and
10 opposition to postpone the hearing.

11 BZA CHAIR HILL: Okay, great. Mr. Carballo,
12 can you hear me?

13 MR. CARBALLO: Yes, I can.

14 BZA CHAIR HILL: Thank you. Can you please
15 introduce yourself for the record?

16 MR. CARBALLO: Yes. My name is Adam Carballo
17 of Carballo Architecture. I'm representing the
18 property owner, Ms. Olayinka, who is a property owner.

19 I also have Shima Safinia from my team who's also, I
20 believe, elevated to a panelist as well.

21 BZA CHAIR HILL: Great, I see that. Thank
22 you. Could the parties in opposition please turn their
23 cameras on? Okay. Great, I see the commissioner.
24 Commissioner, can you introduce yourself for the record,
25 please? We can't hear you, Commissioner. Sorry.

1 MS. ROBLIN: Hi, I'm sorry. I'm Anna Roblin.
2 I'm the ANC Commissioner of the, with the SMD. My,
3 it's in my SMD. Sorry.

4 BZA CHAIR HILL: Okay, great. And I think
5 it's Ms. Boutelle? I'm sorry, I butchered that the last
6 time. Could you introduce yourself again?

7 MS. BOUTELLE: Hi, I'm Dawn Boutelle. I am
8 a neighbor located at 1247 Moore Street.

9 BZA CHAIR HILL: Okay, great. It's Mr.
10 Karay, is that right?

11 MR. KARAY: Yes. Hi, my name is Andrew Karay.
12 I'm the owner at 1257 Moore Street.

13 BZA CHAIR HILL: Okay and I see, is it Mr.
14 Keats? Could you introduce yourself --

15 MR. KEATS: Yes.

16 BZA CHAIR HILL: -- for the record?

17 MR. KEATS: I'm the with Ms. Roblin. I am
18 the ANC representative. I am co-chair of the ANC 5D
19 Zoning and Development Committee.

20 BZA CHAIR HILL: Okay and I'm, I'm sorry, who
21 was, who needed the interpreter?

22 MR. KEATS: It's Lisa, I believe. I don't
23 see her on here yet. Anna?

24 MS. MEHLERT: She's a public witness.

25 MS. ROBLIN: Yes, she --

1 MS. MEHLERT: Sorry. She signed up to be a
2 public witness.

3 BZA CHAIR HILL: Oh, as a public witness.
4 Oh, okay. All right. So we'll have to wait for the
5 public testimony portion of the hearing to hear from
6 the person who's on the phone. Okay. Mr. Carballo --

7 MR. CARBALLO: Carballo.

8 BZA CHAIR HILL: -- Carballo, thank you.

9 MR. CARBALLO: You're making it more
10 complicated. BZA CHAIR HILL: Thanks. I did the
11 last time. Mr. Carballo, you're trying to get something
12 else into the record, is that correct?

13 MR. CARBALLO: Right. I would like to
14 present today if that, if that's, that's your question.

15 BZA CHAIR HILL: Madam secretary, who was
16 trying to get something in the record?

17 MS. MEHLERT: So the Applicant had previously
18 submitted updated sun studies, plans, statement,
19 self-certification. This was back November 25th.

20 BZA CHAIR HILL: Oh, okay.

21 MS. MEHLERT: And so they've submitted a
22 motion to waive that filing deadline.

23 BZA CHAIR HILL: Got it, got it, got it.
24 Okay. So unless my Board has any issues with that, I
25 think those filings would be helpful for us. And so

1 I am happy adding those to the record. Does my Board
2 have any issues, and if so, please speak up? Okay.
3 All right. All right. Okay. Mr. Carballo, if you
4 want to go ahead and give us an update as to really what
5 happened since the last time you were here that would
6 be great.

7 MR. CARBALLO: Certainly. So since the last
8 time we met, which was, I believe in October, we have
9 since met with the ANC, I believe twice. We've also
10 adjusted our design. We've, we originally had three
11 special exceptions that we were pursuing. We've
12 actually dropped one of those exceptions. Now we're
13 only pursuing two special exceptions for this project.

14 In an effort to incorporate comments from the ANC, and
15 as well as some nearby property owners.

16 We are still pursuing the conversion to an
17 apartment house, you know, per Subtitle U, 320.2. We
18 are also requesting a special exception for the rear
19 edition, Subtitle E, Section 207.5, to expand, to extend
20 further than ten feet beyond the existing property.
21 The adjoining property.

22 In our discussions with the ANC we've not only
23 reduced the scale of our project, we've also reduced
24 the program of our project too. We've reduced, we had
25 three bedroom, three bath units. We've actually

1 reduced our program down to two bed, two bath units.

2 Nearly 50 percent reduction in, in programming.

3 We've also provided a extensive 26-page
4 sun-shade study that we have presented to the ANC as
5 well as, you know, nearby neighbors, to show, you know,
6 basically minimal impact of this development. We've
7 even gone as far as remote, as to remove all of the
8 existing mature trees from that sun-shade study, to show
9 a worst case scenario.

10 So I think that we've gone, sort of well above,
11 you know, expectation and made an attempt to address
12 comments in the last, you know, say almost month and
13 a half. Since we last met.

14 BZA CHAIR HILL: Okay. Thank you, Mr.
15 Carballo. I'm just trying to see, where are the new
16 plans do you know the record?

17 MR. CARBALLO: The --

18 MR. KEATS: They start at like Number 40, I
19 believe. Or thereabouts.

20 BZA CHAIR HILL: No, I'm, thank you. That's
21 now what I'm looking for.

22 MS. SAFINIA: I believe it's 43, actually.

23 BZA CHAIR HILL: Got it, okay. All right.
24 Actually, if you all can just give me one moment, okay?
25 I'll be right back. Thank you.

1 MR. CARBALLO: Sure.

2 MR. KEATS: It's actually, it's 41. That's
3 the first sun study. The existing. The existing
4 structures.

5 (Long pause.)

6 BZA CHAIR HILL: Okay. Just also, if
7 everybody could just mute themselves unless they're
8 speaking? I think, Commissioner Roblin, you have your,
9 thanks. Perfect.

10 (Long pause.)

11 BZA CHAIR HILL: Thank you. Thank you all
12 for indulging me, I needed to take care of something.
13 Okay, so I heard the testimony from Mr. Cabbalah --
14 Carbala -- Carballo. I'm sorry, Mr. Adam. I'm going
15 to go with Mr. Adam. And so, heard the testimony from
16 Mr. Adam. And then, let's see now.

17 MS. SAFINIA: Excuse me, Mr. Hill?

18 BZA CHAIR HILL: Sure.

19 MS. SAFINIA: Would we be able to share our
20 presentation files during this hearing?

21 BZA CHAIR HILL: I don't, I mean, currently
22 what I asked of the Applicant was what happened since
23 the last time, and so --

24 MS. SAFINIA: Okay.

25 BZA CHAIR HILL: -- let's see what happens,

1 okay?

2 MS. SAFINIA: Okay.

3 BZA CHAIR HILL: Because what really I
4 remember from this case was we heard everything. We
5 took the testimony and we were leaving the record open
6 for, I believe, information from the ANC. And then a
7 lot of stuff is coming to the record that wasn't
8 necessarily things we were particularly asking for.
9 And I'm trying to get through this portion of the
10 continued hearing.

11 And for the record, and I understand there's
12 someone that's going to testify here that is using the
13 interpreter, that that person is a public member. So
14 they will have three minutes during the public testimony
15 portion to give their testimony. And so there's a
16 PowerPoint in here, I believe, from that person, which
17 will end up taking more than three minutes. So just
18 letting the know person know, they only have three
19 minutes. Okay, so that's number one.

20 MS. SAFINIA: Thank you.

21 BZA CHAIR HILL: The other thing is that there
22 was, and miss, everybody is by first names today.
23 Perfect. Okay, there you go.

24 And then the other item was that there was
25 a postponement request. And I don't have any need to

1 postpone this. Everybody's here. We're going to go
2 ahead and have the hearing. We're going to get all the
3 information we need. And then if the Board decides they
4 need to postpone, we're going to postpone. So I'm now
5 looking at my Board Members. I'm going to deny the
6 postponement request unless my Board Members have any
7 issues with it. And if so, please speak up. Okay.
8 Hearing none, we're, oh, sorry. Go ahead,
9 Commissioner.

10 COMMISSIONER WRIGHT: I don't disagree that
11 we should hear this case. I don't think there should
12 be a postponement, but the application has changed very
13 significantly. And I think we need to hear how the
14 application has changed. It is in many ways a different
15 application that, than what we reviewed last time. So
16 I do think it's important to hear how the application
17 has changed. It's significant.

18 BZA CHAIR HILL: Okay. So now what
19 Commissioner Wright is asking is that we're going to
20 present the changes, Mr. Adam, and making your
21 presentation as to what happened.

22 Commissioner Wright, I was trying to get you
23 somewhere, okay? And so now we'll see whether that
24 happens or not. I'm just letting you know, okay?
25 Right.

1 So, okay, Mr. Adam, you can go ahead and
2 whatever you want to pull up that you can show us, how
3 the changes or what changes have taken place since your
4 discussions with the ANC, that would be helpful.

5 MS. SAFINIA: If you could pull up the
6 presentation that is an Exhibit 70A1 that would be great.
7 We have a three-part presentation.

8 BZA CHAIR HILL: Hold on, give me a second.
9 70A1.

10 MS. SAFINIA: Yes. It was submitted on
11 December the 8th.

12 MR. CARBALLO: I also have the presentation
13 handy if I'm able to --

14 BZA CHAIR HILL: I just need to know the
15 exhibit number.

16 MS. SAFINIA: The exhibit number I see is
17 70A1, 70A2 and 70A3.

18 COMMISSIONER WRIGHT: So I think it's the
19 plans were Exhibit 43. The building plans are Exhibit
20 43.

21 MS. SAFINIA: Yes. But we have some
22 supporting information in the presentation

23 BZA CHAIR HILL: Everybody just give me a
24 second. Give me a second. Right. So, Mr. Young, do
25 you know where the exhibit is that they're trying to

1 find?

2 MR. YOUNG: I do not. Mine only goes up to
3 69.

4 BZA CHAIR HILL: Okay did this get submitted,
5 Secretary?

6 MS. MEHLERT: Yes. So we were - staff just
7 informed. So there was like a technical issue in the
8 back end of IZIS. So it was submitted on December 8th
9 and we just found it. So it was just added to the record
10 now. The PowerPoint. So it should be, if you refresh
11 your exhibit list, it should be in Exhibit 70A1, A2,
12 A3.

13 BZA CHAIR HILL: Okay, everybody take a look.
14 Okay, great. Mr. Young, do you want to put, pull up
15 70A1? And then Ms. Shima, you can begin. I guess Mr.
16 Adam, Ms. Shima is going to present this portion of it?

17 MS. SAFINIA: I think Mr. Carballo is going
18 to present.

19 MR. CARBALLO: Yes. Shima, you can, you can
20 present the changes.

21 MS. SAFINIA: Okay sure. I don't believe
22 this is the presentation file though.

23 MR. CARBALLO: This is the updated site plan.

24 MS. SAFINIA: Yes.

25 MR. CARBALLO: From the changes from the last

1 time we added more detail to the context of the
2 surrounding buildings. As far as our presentation, we
3 are still proposing a rear addition that is ten feet
4 beyond our current footprint or 20 feet beyond the
5 adjoining properties rear footprint.

6 We've also, instead of requesting relief of
7 the side yard setback, which is actually five feet, we
8 have pulled our building back to be in compliance with
9 that rear, that side yard setback. I mentioned it at
10 the, at our, at our opening that we dropped one of our
11 special exception requests. That was the special
12 exception request that we, that we eliminated. By
13 reducing the size of the build, of the -- reducing the
14 size of the side addition, which you can see at the center
15 of the page, addition to existing footprint. And it's
16 indicated by the hatch mark that it's directing to.

17 There have been no other changes to our
18 proposed redevelopment. We still have proposed, we're
19 proposing four units. Everything else that we're
20 proposing is, is as a, as a matter of right. And the,
21 the footprint, the rear yard extension has not changed.

22 It's really just the side yard setback, which is now
23 in compliance with zoning as a matter of right. And,
24 Shima, if you can --

25 MS. SAFINIA: Yes. I can also add that

1 another change we made to our program. So previously
2 the units on the second and third floor were shown as
3 three bedroom, three bathroom units. We reduced the
4 program. So all the four units are now two units, sorry,
5 two bedroom, two bathroom units.

6 Also, like, we -- after our first meeting on
7 October 29th we went back onsite to verify some of the
8 existing conditions. We found out that they recently
9 developed building at 1251, would actually extend five
10 feet, two inches beyond what we are, what we are
11 proposing. And then has a three-tier balcony, which
12 extends another eight feet, two inches beyond what we
13 are proposing.

14 In our previous presentation, we were showing
15 our proposed additions to be aligned with what they have,
16 but we verified and feel that it would not be the case.

17 Our additions would be shorter than what they were
18 permitted to build. We also found out that the property
19 at 1257 has a two-story addition which extends 17 feet
20 beyond 1255, and seven feet beyond the existing
21 condition at 1253, our project. So with our proposed
22 additions, I propose the addition would extend 1257 by
23 only three feet.

24 Our client also had a conversation with the
25 owner at 1255. She stated that she plans to develop

1 her property in the near future, by way of adding a rear
2 addition --

3 BZA CHAIR HILL: Okay, Ms. Safinia --

4 MS. SAFINIA: -- to it.

5 BZA CHAIR HILL: -- let me, let me interrupt
6 you guys.

7 MS. SAFINIA: Sorry.

8 BZA CHAIR HILL: Mr. Carballo, I guess, yes,
9 Carballo, it's hard for me to take in this much
10 information, and I can't see my other Board Members right
11 now like this. Like, I'm looking through your
12 presentation. It's not so much a presentation it's just
13 a lot of different kinds of information. And so you
14 don't have like a concise presentation now, based upon
15 the new design, correct?

16 MS. SAFINIA: Now that, so if you could pull
17 out the, file 70A1, that's the presentation file.

18 BZA CHAIR HILL: That's --

19 MS. SAFINIA: The first part of our
20 presentation slides.

21 BZA CHAIR HILL: That's what's pulled up right
22 here.

23 MR. CARBALLO: Okay. This I, this I believe
24 is is one sheet of that presentation, but --

25 BZA CHAIR HILL: Yes, you can go onto the next

1 sheet. But, I mean, I guess I'm trying to understand,
2 I'm trying to easily understand what the difference is
3 between what you presented before and what you present
4 now.

5 And again as, Commissioner Wright is
6 mentioning that, you know, we have a lot of cases. In
7 the past six weeks there's been a lot of things that
8 we've been doing, right? And so, if there's a way you
9 concisely show what you're proposing, that would be
10 helpful.

11 MR. CARBALLO: The major changes, we've
12 changed the program to three bedroom, three bath down
13 to two bedroom, two bath. And the relief for the side
14 yard setback has been removed from our request. We are
15 in compliance with side yard setback. Those are the
16 two. Those are the those are the only two changes.
17 The major changes. Everything else was additional
18 information and in and supplemental documentation,
19 requested by the ANC that we provided.

20 BZA CHAIR HILL: Okay.

21 MR. CARBALLO: But concisely, those are the
22 only two changes to this.

23 BZA CHAIR HILL: I see Commissioner Wright
24 wants to say something. Commissioner Wright, can you
25 go ahead?

1 COMMISSIONER WRIGHT: Yes. Your, I, you
2 know, again, it's not my job to tell you how to present
3 your project, but you really are not being your own best
4 friend in how you're presenting things.

5 You made a significant change on the side.
6 You had, if some of you may remember, this very funky
7 thing with columns that hung over your, walkway down
8 to the ground floor. You've gotten rid of that. That's
9 a huge positive.

10 You hold the side addition back so that it
11 is quite minimal really. It really is much, much less
12 than what you had had. So that you don't need a side
13 yard, relief.

14 You are still extending out to the back. But
15 the whole project has been greatly simplified and made
16 less, it felt like the new addition was overwhelming
17 the existing building. I think you had success in
18 trying to avoid that and allow the new building to work
19 with the old building, but again, it's not up to me to
20 make your presentation for you. I just don't think
21 you're presenting what you've done very clearly.

22 You've made a lot of positive changes. I know
23 that it's still a very big addition. You've also moved
24 the IZ out from the basement where you had had it into
25 the main part of the building, which is very important.

1 You can't put IZ in the basement. And so you've made
2 a number of positive changes, but you just aren't
3 articulating.

4 MR. CARBALLO: A, fair enough. And I think
5 we've had extensive conversation with ANC, and maybe
6 we're kind of trapped in the weeds a little bit, just
7 over the last six weeks. So I appreciate the, the, the
8 sort of concise, you know, concise sort of synopsis.

9 But, you are correct in that we have
10 significantly simplified this project. And, you know,
11 simplified the program, simplified the side edition,
12 which is, which is fairly, which is very minimal at this
13 point, and is consistent through the building. There
14 is no overhang, there are no columns. There is no relief
15 for side yard setback, which, I know was a major point
16 of contention under our first presentation.

17 BZA CHAIR HILL: Okay. I'm looking at my
18 Board Members now. Mr. Blake had, now I'm, yes, go
19 ahead, Mr. Blake.

20 VICE CHAIRPERSON BLAKE: (Inaudible.)

21 BZA CHAIR HILL: You're on mute, Mr. Blake.

22 VICE CHAIRPERSON BLAKE: This is this is just
23 a quick question on clarification. Why did you reduce
24 the unit size again and reconfigure that? What was the,
25 is that, was that to -- what did you accomplish by doing

1 it, and why did you do it specifically?

2 Was it to address the ANC's concerns, was it
3 to, did that necessitate changing the design for the
4 side yard? What happened there? What was the reason
5 for that?

6 MR. CARBALLO: It was, it was a, it was --
7 it was primarily due to feedback from the ANC. By
8 reducing the side yard setback we could no longer fit
9 the program that our client initially wanted, which was
10 three bedrooms, three baths. The bedrooms were just
11 simply too small. The ANC also had concerns that the
12 bedrooms were too small. I mean, which is, we shared
13 that same concern.

14 So we decide, we spoke with our client and
15 he agreed to allow a reduction to two bedroom, two bath.
16 And now with the reduced footprint, we have, you know,
17 adequate sizes for our bedrooms. You know, for a two
18 bedroom, two bath.

19 Certainly we do not want to go through this
20 development and then end up with bedrooms that are far
21 too small that that are, that are not marketable, that
22 no one wants to live in. So I think that was a win,
23 win for everyone involved. So and luckily our client
24 agreed with that assessment so we --

25 VICE CHAIRPERSON BLAKE: Now the

1 redevelopment, the redesign with the columns and
2 overhang, what was that? What necessitated that?

3 MR. CARBALLO: That was just trying to
4 maximize, maximize the footprint. But again, we've
5 departed from that. We've simplified the overall
6 designs, so --

7 VICE CHAIRPERSON BLAKE: And did you share
8 --

9 (Simultaneous speaking.)

10 VICE CHAIRPERSON BLAKE: Did you share this
11 with the ANC, this exact the, the rationale behind it
12 and how you change that, did you share that with the
13 ANC?

14 MR. CARBALLO: Yes sir. Yes, we have.

15 VICE CHAIRPERSON BLAKE: Is that what they're
16 unable to digest? They said they didn't have enough
17 time to look at it. Is that, is this what they haven't
18 had time to look at yet?

19 MR. CARBALLO: I think they can, they can
20 answer that question better than I can.

21 VICE CHAIRPERSON BLAKE: Okay, thank you.
22 Got you.

23 BZA CHAIR HILL: Give me a second.
24 Commissioner. So I'm still looking at my Board Members.
25 Mr. Carballo, the, your original presentation, do you

1 know which exhibit that's in? I want to make sure I'm
2 looking at the correct original presentation.

3 MR. CARBALLO: Shima, can you find that?

4 MS. SAFINIA: Yes. I'm taking a look into
5 it now.

6 BZA CHAIR HILL: I mean, I see one in 27.

7 (Long pause.)

8 BZA CHAIR HILL: Madam Secretary --

9 MS. SAFINIA: So I believe it's Exhibit 27.
10 Yes.

11 BZA CHAIR HILL: Okay great. So that's what
12 I thought. So I can go either way with this. And I'm
13 looking at my Board Members again. There's a lot of
14 information that has come into the record, and I think
15 some of it is just back and forth with the ANC and the
16 Applicant.

17 If the Board thinks they have enough
18 information to digest this in the record, we can go
19 through this process and then the Board can figure out
20 what it wants to do in terms of a decision, and then
21 come back and make a decision. I'm looking at my two
22 Board Members. Or if you think it would be better that
23 the Applicant comes back with a more concise PowerPoint
24 again, that's similar to the one in Exhibit 27 concerning
25 the new design, we're basically going to have a new

1 hearing again. Kind of. So do you all have an opinion
2 on which way you'd like to go today, Commissioner Wright?

3 COMMISSIONER WRIGHT: Well I'm curious as to,
4 did the ANC request a postponement? I'm not clear on
5 that. Did they request a postponement?

6 BZA CHAIR HILL: It wasn't the ANC. It was,
7 I believe, Ms. Martinez. One of the people in
8 opposition.

9 COMMISSIONER WRIGHT: One of the neighbors?

10 BZA CHAIR HILL: Yes.

11 COMMISSIONER WRIGHT: Yes. I mean, okay,
12 I'll be very direct. I thought the original proposal
13 was something I absolutely could not support. They have
14 made a series of very positive changes.

15 I'm still on the fence, though, and I would
16 like to hear from the community about their reactions
17 to the revised changes. The revised changes are
18 absolutely a step in the right direction, but I really
19 want to hear from the ANC after, and the neighbors, after
20 they have had time to really review these revised
21 changes.

22 And what I'm not clear on is whether the ANC
23 and the neighbors have had sufficient time to look at
24 the revised changes. If they have not, then I think
25 we should postpone and give them that opportunity

1 because it is a very different proposal. That's my,
2 that's my thought.

3 BZA CHAIR HILL: Okay. Well, I think now,
4 what I think I would like to do then, and Mr. Blake,
5 you can tell me what you think. And, Mr. Carballo, I
6 know that, Mr. Carballo, I know that your client made
7 it very clear what his thoughts were the last time.
8 And so I'm trying to, before I get around this I'm trying
9 to make this as efficient as possible for all of us
10 insofar as the Commissioner has made a statement that
11 she believes this is going in the right direction. That
12 you probably didn't have the votes for the last design.

13 And what I think might be helpful is if you
14 come back with a more concise presentation, again, that
15 you can take us through so that it will be, you know,
16 this is now what the design is, right? Instead of having
17 us now try to go back and forth between what you had
18 planned and what you are planning. And I think that
19 will be the most efficient way for you to get to a yes
20 or a no.

21 And in that case also then the people like
22 I, I don't need to go through people in opposition now
23 because they'll now have a chance to look at all this
24 a little bit more. And then if they have any questions,
25 when we come back with a more concise presentation, we

1 can have the hearing. And I'm looking at Mr. Blake as
2 to what your thoughts are and what I just said.

3 VICE CHAIRPERSON BLAKE: Yes. Mr. Chair, I
4 agree with your thoughts there. There is a fair amount
5 of additional information in the documents. And I did
6 start, as we were chatting, to kind of try to piece it
7 together. And it was, it was, it was actually very
8 helpful for me to see that.

9 It would be nice to have the ANC input. And
10 a bit more, you know, sooner rather than later. I mean,
11 I don't want to postpone this for a very long time.
12 And we obviously got through the entire recess, but I
13 don't want to push this out too far, having for them
14 to look at it. We've been this has been going back and
15 forth for a while, and it does seem that the Applicant
16 has attempted to do that. And I understand some of the
17 issues have been, you know, timing issues on both sides.
18 But, it would be the sooner we could do it, the better.

19 I am comfortable with getting the input from
20 them. And I would be more comfortable digesting the
21 material, not on the fly, but, you know, with more stuff.

22 Because as we said, when the new exhibits came in I
23 was like, I didn't see any of those. So I too would
24 like to have the opportunity to look through everything.

25 That said, if we're going to have new

1 submissions after that, we need to have time to digest
2 those too. I mean, I want to I want to have it all there
3 so I can see it. I don't want to have any more new
4 information at the last minute that's totally different.

5 I just want to get it together and let's have all the
6 information. Good week ahead and let's figure it out.

7 You know, with all the cross, you know,
8 responses and everything. I just want to, if it's
9 there, let's do it and make the decision. That's what
10 I'd like to do, but. And if we need some additional
11 testimony to support it, fine. But I don't want to put
12 it off for too too long. That's my comment.

13 BZA CHAIR HILL: Okay.

14 MR. CARBALLO: When could we return?

15 BZA CHAIR HILL: I'm trying to figure that
16 out right now. Madam Secretary, hold on. I'll let
17 everybody. I'll let people that have their hands up
18 talk, just give me a second. Who's just -- Madam
19 Secretary, when can we come back?

20 MS. MEHLERT: So, as you know, the Board
21 returns on January 21st. And those first two hearings
22 in January are pretty busy. January 21st and 28th.
23 February 4th is getting a little full. So, I mean,
24 February 11th could work. It's up to the Board for
25 scheduling.

1 BZA CHAIR HILL: Definitely. Okay. All
2 right, so. Go ahead, Mr. Blake.

3 VICE CHAIRPERSON BLAKE: Yes, but is the ANC
4 capable of getting through the documentation by that
5 date? Do they have meetings scheduled to allow for
6 that?

7 BZA CHAIR HILL: I mean, I can ask the ANC.
8 Either Commissioners, is when is your next ANC meeting?

9 MS. ROBLIN: It's in January. January, the
10 second Tuesday in January.

11 BZA CHAIR HILL: Okay. The 14th. Oh, I'm
12 sorry --

13 MR. CARBALLO: 13th.

14 BZA CHAIR HILL: -- the 13th. Okay. So what
15 I propose is we come back then on February 4th. And
16 Mr. Carballo, if you can, Mr. Adam, I'm so sorry, if
17 you can --

18 MR. CARBALLO: Just call me Adam.

19 BZA CHAIR HILL: Adam, if you could come back
20 with a presentation that is a little bit more concise
21 for us to digest, that would be helpful. Okay?

22 MR. CARBALLO: Okay.

23 BZA CHAIR HILL: I -- Ms. Shima, what are you
24 trying to say?

25 MS. SAFINIA: Yes, I was just trying to say

1 the presentation file that you pulled up, it's a 12-page
2 presentation file, but the one we submitted is actually
3 an 18-page. And then there is a Part 2 and Part 3, which
4 is the sun-shade study. So, just wanted to bring that
5 up.

6 MR. CARBALLO: Not to interrupt, but we will
7 come back with a concise presentation that shows what
8 we had originally, what we're proposing, and the
9 difference between the two. So that way it's crystal
10 clear for everyone.

11 BZA CHAIR HILL: Perfect. Perfect. I mean,
12 we're getting this, and to even speak to my Board Member,
13 Blake, you know, we're just getting these three right
14 now. Right? And so there is a lot of big things, you
15 know.

16 Whether or not you, there was a mistake with
17 IZIS, we didn't get it in there. And now there's just
18 a lot of information to digest in a way that's not easily
19 digestible.

20 MR. CARBALLO: Yes, sir.

21 BZA CHAIR HILL: And so, Mr. Adam, if you got,
22 you get what I'm saying? So make it a concise
23 presentation that we can go through on the 4th. And
24 to your client, I mean, this is again going in the
25 direction that actually was, is maybe going to work,

1 right, for the Board.

2 MR. CARBALLO: Right.

3 BZA CHAIR HILL: And so --

4 MR. CARBALLO: Okay.

5 BZA CHAIR HILL: -- that's that. So now I'm
6 going to look to the Commissioners. If they have
7 anything, you know, okay. Do you Commissioners have
8 anything you like to add? We're coming back on the 4th
9 of February. No, okay. Ms. Dawn, can you hear me?

10 MS. BOUTELLE: I can.

11 BZA CHAIR HILL: Okay, we're coming back on
12 the 4th of February.

13 MS. BOUTELLE: I do have one question. Just
14 procedurally. Eliza, who was the other neighbor who
15 recently moved in the 1251 is in the public speaking
16 area currently. Will she next time have the option to
17 sign in like Natalie and I or she will still just be
18 public? Okay.

19 BZA CHAIR HILL: Yes.

20 MS. BOUTELLE: Okay.

21 BZA CHAIR HILL: The opportunity to have
22 signed up as a party in opposition has passed. And so
23 --

24 MS. BOUTELLE: Okay, just checking.

25 BZA CHAIR HILL: Yes, no problem. Okay, so,

1 Mr. Adam, we're going to come back on February 4th.
2 And obviously I suggest, I don't need anything else in
3 the record. Like the record is completely full, the
4 record is closed.

5 Hold on, before we say respectfully -- I
6 don't need any, of course I'll see what Mr. Blake needs,
7 but I don't need anything. I'm going to see the
8 presentation on the 4th and that's all I'm going to need.
9 Mr. Blake, you had your hand up?

10 VICE CHAIRPERSON BLAKE: Yes, I'm just
11 trying, I think, and I wasn't clear as to whether we
12 wanted additional commentary from the ANC. I mean, that
13 was the other thing, too. I don't think it was, I think
14 that we would wanted some ANC comments. Commissioner,
15 can you speak to that? Are you okay? Are you okay with
16 that? That additional input from the ANC, I mean.

17 BZA CHAIR HILL: Are you talking to me? Are
18 you talking to me?

19 VICE CHAIRPERSON BLAKE: No, I was talking
20 to Commission Wright.

21 BZA CHAIR HILL: Oh, got it. Oh,
22 Commissioner Wright?. Oh, yes, Commissioner Wright.

23 COMMISSIONER WRIGHT: Yes, I would like to
24 understand very clearly the ANC's perspective. I saw
25 the most recent information from the ANC that's based

1 on a meeting that was held in the middle of November,
2 I believe. What I'm not clear on is, was that
3 mid-November meeting looking at the revised plans that
4 have been developed. And maybe the ANC could respond
5 to that.

6 BZA CHAIR HILL: Go ahead, Commissioner
7 Keats.

8 MR. KEATS: I can answer a couple of those
9 questions. What the ANC voted on, the problem was that,
10 and we tried to explain this to Shima, the ANC, the
11 committee, the ZDC doesn't have any way to transfer
12 anything to the committee, to the Commissioners if they
13 receive it. You don't have drives. So that's why
14 things need to be in the BZA repository.

15 Unfortunately, they submitted their plans and
16 everything for the, the architectural plans and the sun
17 studies that was submitted to day of the ANC meeting,
18 which meant none of the Commissioners could see it.
19 I was actually looked at the burden of proof. No, not
20 the burden of proof.

21 So I forgot, I was looking at one of the
22 documents at the meeting, but I'm not, I'm not -- I'm
23 the co-chair of the committee, not the commissioners.

24 None of the commissioners had the opportunity to look
25 at that. So some of the --

1 COMMISSIONER WRIGHT: So that --

2 MR. KEATS: -- perceptions were based on what
3 had been previously presented of that uncertainty.

4 COMMISSIONER WRIGHT: Right.

5 MR. KEATS: And the other thing is, is that
6 some of the items were still coming in. Like several
7 came in on the 25th of November, after the ANC --

8 COMMISSIONER WRIGHT: Yes.

9 MR. KEATS: So --

10 COMMISSIONER WRIGHT: No, it's clear to me
11 --

12 MR. KEATS: -- the burden of proof wasn't
13 seen. It wasn't even there.

14 COMMISSIONER WRIGHT: Yes. It's clear to me
15 that the ANC has not had an opportunity to look closely
16 and carefully at the new revised submission. And I
17 think that given that you should be able to have an
18 opportunity to submit revised comments in writing in
19 preparation for our February 4th meeting. And I do
20 think that having the information and looking at it and
21 having the time to look at it is very important for the
22 ANC. So I absolutely would support allowing additional
23 comment from the ANC in preparation for the February
24 4th meeting.

25 MR. KEATS: So I do have one question for Mr.

1 Carballo, because I just noticed there's yet another
2 burden of proof has been submitted. A day or so back
3 that looked like, I -- well, the one you submitted in
4 November, has that been superseded again?

5 MS. SAFINIA: No. No new burden of proof has
6 been submitted.

7 MR. KEATS: Because there is a new one in the
8 record, and this may be from the glitch.

9 MS. SAFINIA: Maybe. But the last version
10 is the one that we submitted on November the 18th.
11 That's the last one we submitted.

12 MR. KEATS: Okay, I don't think, I think --

13 BZA CHAIR HILL: Let me let me make a point
14 here. Now all give me a second. So again, we're coming
15 back on February 4th. And Mr. Adam you're going to have
16 a concise, give me one second, Commissioner. And we're
17 going to have a concise presentation to look at.

18 My suggestion is if the ANC would allow you
19 to come back and present in their January meeting, you
20 can come and present to them the new design and try to
21 get, you know, their feedback in a way that they can
22 then submit something to us that says, hey, we've looked
23 at this, we're in favor again, and we're not in favor
24 again, whatever. Okay? And the people that are in
25 opposition, they can also attend that ANC meeting. And

1 they can also determine what they'd like to do.

2 So Mr. Adam, you're the person helping with
3 this so if you can work with the ANC. And I'm going
4 to ask the Commissioners, would that be something, well,
5 Mr. Adam is that first something that you're interested
6 in doing?

7 MR. CARBALLO: I believe so. We will, we will
8 make --

9 BZA CHAIR HILL: Okay.

10 MR. CARBALLO: -- we will make that effort
11 and we'll go for it.

12 BZA CHAIR HILL: Commissioner Roblin, I was
13 just told now that your next meeting is on January 13th.
14 Can they --

15 MS. ROBLIN: That's what I want to --

16 BZA CHAIR HILL: Can they present in January
17 13th?

18 MS. ROBLIN: That's what I was going to
19 mention. I'm not totally sure because it's a very, very
20 tight meeting because we have to do all our voting for
21 the new year for officers and et cetera. And it's going
22 to take most of our meeting. I'm not 100 percent sure
23 we'll be able to do it in January.

24 BZA CHAIR HILL: That's okay. I got I got
25 mister, I'm not going to push this off anymore. I'm

1 just letting you that, right? So, Commissioner Keats,
2 you had your hand up.

3 MR. KEATS: That was --that was the burden
4 of proof stuff and whatnot because they, I know the
5 Commissioners hadn't seen any of that. So I was just
6 trying to verify what is the most recent, get the most
7 recent burden of proof that came, showed, came in a
8 couple days ago, it looks like, in the file. Was
9 revised, but that is apparently not true. The most
10 recent one came in --

11 MS. MEHLERT: Can I just jump in here --

12 MR. KEATS: -- the 4th of --

13 MS. MEHLERT: -- Mr. Chairman?

14 BZA CHAIR HILL: Yes, sure. Hold on a second.

15 MR. KEATS: -- 4th of December.

16 BZA CHAIR HILL: Hold on one second,
17 Commissioner Keats. Go ahead, Madam Secretary.

18 MS. MEHLERT: So there was, there was --
19 basically I think the Applicant submitted things
20 directly into IZIS, but then they also emailed them to
21 serve the parties to the BZA submissions. And so that
22 kind of got, and this was several days later. So I think
23 there was a little confusion on Staff's part as well,
24 as like were these duplicates, were these new. And so
25 I think it would be really helpful from the Applicant

1 to clarify what are the most updated exhibit numbers
2 for the things that they want to submit, because it was
3 it was not clear if these were new documents or, and
4 so I think the burden of proof that's in there might
5 be a duplicate, but it just wasn't clear based on when
6 it was sent.

7 MR. KEATS: I'm asking because the remarks
8 I had prepared for this meeting related to the first
9 two burdens of proof, and the third one that came in,
10 in November. And then this morning I discovered yet
11 another burden of proof. And it's like, oh, God.

12 BZA CHAIR HILL: Okay, I think that might be
13 a repetitive burden of proof as well is what the
14 Secretary is saying.

15 MR. KEATS: That's what it's sounding like,
16 but I think it needs to be confirmed one way or another.

17 BZA CHAIR HILL: Yes.

18 MR. KEATS: Because we need to be working off
19 all the same documents.

20 BZA CHAIR HILL: Right. So, okay. Mr. Adam,
21 okay?

22 MR. CARBALLO: Yes, sir.

23 BZA CHAIR HILL: So I'm going to work
24 backwards. Again, you're coming back on February 4th,
25 okay?

1 MR. CARBALLO: Correct.

2 BZA CHAIR HILL: And you're going to give us
3 a concise presentation, full stop. Right? And then
4 if you can get before the BZA, I'm sorry if you can't
5 get before the ANC on January 13th, that's up to them,
6 right? But I would get them whatever information you
7 think you need to get to them. You have plenty of time
8 now. It's all done. It's just packaged in a weird way,
9 right? Get whatever you need to get to the ANC for them
10 to review, right? And then come back to us. And I'm
11 going to leave the record open for the ANC to give us
12 any submissions by the 28th. I'm sorry, the 27th of
13 January, okay?.

14 MR. CARBALLO: Okay.

15 BZA CHAIR HILL: So now I'm just looking at
16 the Commissioners. So, you guys, if you can give us
17 whatever you want to give us by the 27th of January,
18 okay? That's when I'm leaving the record open to the
19 ANC, okay? Then the ANC, the 27th of January, so wait,
20 hold on.

21 Yes. And you're also going to be sending
22 information, I would imagine, because you have to now
23 do the parties in opposition. Right? Whatever you
24 submit to the ANC, submit to the parties in opposition,
25 okay? And then we'll also leave the record open for

1 any information from the parties of opposition also by
2 January 27th.

3 MR. CARBALLO: Okay.

4 BZA CHAIR HILL: Then the Board will have a
5 whole week to be able to figure out what's going on before
6 we come back.

7 MR. CARBALLO: Okay. And I'm more than happy
8 to try to make time between now and the end of January
9 to meet with the ANC. I know that we had a special
10 session with immediately adjoining neighbors. I think
11 that was a productive conversation that we had back in
12 November. I'm happy to do that again if for some reason
13 you are not able to accommodate us on your January 13th
14 meeting.

15 BZA CHAIR HILL: Okay. I'm raising my hand.

16 I appreciate you guys are all trying to communicate
17 right here, right now, but I'm going to let you guys
18 go, okay? So you guys got to figure it out. And again
19 working backwards February 4th, we're going to be here.

20 Commissioner Wright, you're available, I assume?

21 Okay.

22 February 4th, we'll come back here for a clear
23 presentation. We're going to leave the record open for
24 any comments from the ANC or the parties in opposition
25 for January 27th. Okay?

1 MR. CARBALLO: Okay.

2 BZA CHAIR HILL: And the comments, really,
3 we're looking for from people in opposition or the ANC
4 is this new information that has been put forward. But
5 we're going to leave it open on that date. And then
6 after the 27th we're not letting anything in, okay?
7 Go ahead, Commissioner Keats.

8 MR. KEATS: I have a real quick question and
9 it's more of an administrative. The paperwork that ANC
10 submitted that allows Commissioner Roblin and me as
11 co-chair to speak on behalf of the ANC, does that carry
12 over or do we have to submit paperwork again?

13 BZA CHAIR HILL: I don't think so. Madam
14 Secretary, they don't have to submit anything again,
15 correct?

16 MS. MEHLERT: No. If you've been authorized
17 by a vote then you don't need to do another one.

18 MR. KEATS: Thank you.

19 BZA CHAIR HILL: Okay, great. And at that
20 day also we'll take public testimony. And also the
21 people in opposition. I mean, hope -- I mean, I don't
22 know. It sounds like they've changed the thing a lot.
23 So, you know, you guys can figure out. So okay, we'll
24 see you on February 4th. Madam Secretary, do we need
25 to you repeat anything?

1 MS. MEHLERT: No. Just, did you want to give
2 it a date for the Applicant's presentation or just, at
3 some point?

4 BZA CHAIR HILL: Yes. If you, if you -- for
5 the Applicant's presentation, meaning for the
6 PowerPoint?

7 MS. MEHLERT: Correct.

8 BZA CHAIR HILL: Yes. If you can get us a
9 presentation also, Mr. Adam, by the 27th of January,
10 which is the last day we're going to take anything, then
11 the record will be done, right, and we can look at it
12 --

13 MR. CARBALLO: Okay.

14 BZA CHAIR HILL: -- everything, okay?

15 MR. CARBALLO: Agreed. We can do that.

16 COMMISSIONER WRIGHT: Or even earlier if
17 possible.

18 MR. CARBALLO: We will, we will --

19 COMMISSIONER WRIGHT: You know.

20 MR. CARBALLO: We will beat the deadline.

21 The you know, the -- also depending on when we can meet
22 with the ANC in case there's --

23 BZA CHAIR HILL: Okay. Great. Okay,
24 everybody have a nice holiday. Okay?

25 MR. CARBALLO: All right. Thank you.

1 BZA CHAIR HILL: Thank you. Bye-bye.

2 MR. CARBALLO: All right.

3 BZA CHAIR HILL: Okay.

4 MR. KEATS: Thank you.

5 BZA CHAIR HILL: One more item with
6 Commissioner Wright, I believe. And we're going to do
7 that now. And then we're going to take a break. Yes.

8 MS. MEHLERT: Okay. Next, in the Board's
9 hearing session is Appeal Number 21314 of Burleith
10 Citizens Association. This is an appeal pursuant to
11 Subtitle X, Section 1100 from the decision made on
12 February 14th, 2025, by the Department of Building and
13 Zoning Administrator to issue Building Permit Number
14 B2308807.

15 This permit approved four new lighting poles
16 80 feet in high installed at a public recreation facility
17 that's located in the R3/GT zone at 1700 38th Street
18 NW, Square 1307, Lot 859. This hearing was originally
19 set for September 17th and postpone first at DOB's
20 request, and then again by the Board.

21 As a preliminary matter, there are two or --
22 or there are two preliminary matters. One is DGS's
23 Motion to Strike from the record matters that are not
24 relevant to the appeal. And then DGS is also filed a
25 Motion to Postpone the hearing.

1 BZA CHAIR HILL: Okay. Can the Appellant
2 please introduce themselves, if they can hear me?

3 MR. MCDUFFIE: May it please the board, my
4 name is Michael McDuffie, and I represent the Burleith
5 Citizens Association.

6 BZA CHAIR HILL: Hello, Mr. McDuffie. So,
7 oh my gosh, everybody is wearing a tie, I love it. I'm
8 going to wear a tie next time. Okay. Can the
9 Department of Buildings please introduce themselves for
10 the record?

11 MR. HARESIGN: Hey, good morning. Chris
12 Harrison, Assistant General Counsel, Department of
13 Buildings. I'm also joined by the Zoning
14 Administrator, Kathleen Beeton.

15 BZA CHAIR HILL: Got it. Zoning
16 Administrator, can you please introduce yourself for
17 the record?

18 MS. BEETON: Sure. Kathleen Beeton, Zoning
19 Administrator. Great to see everyone.

20 BZA CHAIR HILL: I still haven't met you in
21 real life. It'll be interesting.

22 MS. BEETON: Someday, Chairman Hill.
23 Someday we'll meet each other in real life.

24 BZA CHAIR HILL: Maybe not. I might not be
25 here when you, you know.

1 MS. BEETON: I think you'll still be around
2 at least, Chairman Hill.

3 BZA CHAIR HILL: Yes. Oh, yes, that's right,
4 alive is good.

5 MS. BEETON: Yes.

6 BZA CHAIR HILL: Okay. So you all, so there's
7 a Motion to Strike, okay? And who put the Motion to
8 Strike in? Can you raise your hand again? It was DOB,
9 right?

10 MR. HARESIGN: No, we have an intervener, DGS,
11 the permit holder.

12 BZA CHAIR HILL: That's right. Who's your
13 intervener?

14 MS. MEHLERT: Yes, DGS should be on here as
15 well. If Mr. Young could bring them up.

16 MR. YOUNG: Then do you have the names?

17 BZA CHAIR HILL: I think it's Ms. Moldenhauer,
18 right?

19 MR. HARESIGN: Meridith Moldenhauer.

20 BZA CHAIR HILL: Got it. Okay. Could DGS
21 representative please introduce themselves for the
22 record?

23 MS. MOLDENHAUER: Good morning, Chairman
24 Hill, Members of the Board. Meridith Moldenhauer, Land
25 Use Council for the Department of General Services.

1 BZA CHAIR HILL: Got it. Ms. Moldenhauer,
2 where is your Motion to Strike in the record?

3 MS. MOLDENHAUER: That is --

4 BZA CHAIR HILL: Nineteen.

5 MS. MOLDENHAUER: Nineteen.

6 BZA CHAIR HILL: All right, give me a second.

7 (Long pause.)

8 BZA CHAIR HILL: Okay. Okay. All right.

9 I see your app, I'm sorry. I see a Motion to Strike
10 motion, and I'm looking at my Board Members. I don't
11 want to try to parse this out right now. I would go
12 ahead and just leave whatever's in there, and the Board
13 is going to be able to figure out what is relevant and
14 not relevant to this particular case. Is I -- does that
15 sound good to you, Mr. Blake?

16 VICE CHAIRPERSON BLAKE: Yes, it does, Mr.
17 Chair.

18 BZA CHAIR HILL: Commissioner Wright?

19 COMMISSIONER WRIGHT: Yes.

20 BZA CHAIR HILL: Okay. I'm going to deny the
21 Motion to Strike. So, Madam Secretary, there you go.

22 Let's see. The next is a Motion to Postpone.

23 And I've read why we want to postpone. And I understand
24 why they want to postpone. Like the whole thing that
25 we thought maybe or may not happen with the Zoning

1 Commission, is something that has made this a little
2 bit more convoluted. And I think that also, if they
3 have a chance to maybe work with the party in opposition,
4 I'm sorry, the Appellant, it might be a little useful.

5 So I, I'm in favor of the postponement. However, I
6 know that the party in opposition, I'm sorry, the
7 Appellant is not in favor of postponement. So I'm going
8 to let the Appellant tell us, Mr. McDuffie, why you would
9 like the postponement to happen?

10 MR. MCDUFFIE: What, the -- the Burleith
11 Citizens Association opposes the postponement primarily
12 because there aren't grounds for postponement.
13 Postponement here. You know, this case was filed in
14 April. We had a hearing in September.

15 The Burleith Citizens Association consented
16 to a Motion to Postpone made by DOB, that pushed the
17 hearing to October. And then unfortunately the BZA had
18 a busy day on October 29th and wasn't able to hear the
19 case. Everyone was ready to present.

20 In the interim, without commenting directly
21 on the settlement negotiations, as is referenced by both
22 DOB and DGS's motions, there have been settlement
23 negotiations. At this time there's been multiple
24 months of that without a result. And so the Appellant
25 is concerned that we're just going to get into an endless

1 cycle of delay, or that some new events is going to pop
2 up that DGS or DOB feels is another reason to postpone
3 the hearing. Some new amendment that's being proposed
4 by the Office of Planning now, you know, coming on nine
5 months after this appeal was filed. So I'm, I'm, I'm
6 concerned that another delay is simply just going to
7 be used as a, as a means to further delay this proceeding.

8 BZA CHAIR HILL: Okay. Thank you, Mr.
9 McDuffie. Mr. McDuffie? Mr. McDuffie. Right. So I
10 think --

11 MR. MCDUFFIE: McDuffie.

12 BZA CHAIR HILL: I think that and Commissioner
13 Wright, I'll give you a second. So I still think that
14 I -- the next time we do this, we're going to do this,
15 okay? Like whatever text amendment might be happening,
16 whatever witch's brew might be getting concocted, we
17 will come and hear this thing, okay.

18 So I think since I know the Commission is
19 coming back on February 4th, right, we will come back
20 again on February 4th, okay? And therefore, you know,
21 Ms. Moldenhauer, whatever DGS can do. And we've, just
22 to let you know, the Board has read this, right? And
23 so we know what the argument is that you're trying to
24 make. And we know what the definition is of a structure
25 and whether this is a structure. And so I thought it

1 was going to be a pretty fast appeal just to let everybody
2 know. Right? And so I'm not, yes. So we'll come back
3 on the 4th if everybody is available. And I think who,
4 do we, we don't know who's with us on the 4th now, Madam
5 Secretary, correct? In terms of a Commissioner.

6 MS. MEHLERT: Not yet. No.

7 BZA CHAIR HILL: Okay. Well, I would vote
8 for Commissioner Wright to be with us the whole day,
9 okay? That would be my vote, right? So, does anybody
10 have anything they'd like to say, and if so, raise your
11 hand? Okay, great.

12 COMMISSIONER WRIGHT: I am going to say, I
13 am available February 4th the whole day. So if you need
14 to assign that day to me for the two cases we've just
15 discussed, plus any other case that comes up, I'm glad
16 to be here for the whole day.

17 BZA CHAIR HILL: Okay, great. All right.
18 So let's see. Yes. So good luck with the negotiations
19 because I most certainly would not like to do this.
20 And have a Happy New Year. I'm sorry, go ahead, Mr.
21 McDuffie.

22 MR. MCDUFFIE: Is there any warrant to close
23 the record, given that all the parties have submitted?

24 BZA CHAIR HILL: No, I'm sorry, we're just
25 going to leave the record --

1 MR. MCDUFFIE: Okay.

2 BZA CHAIR HILL: -- because I don't know
3 what's going to happen now, right? And so -- and don't
4 worry, we're not going to, you know, the Board's pretty
5 good at understanding what it needs to do, even though
6 it doesn't look like it this morning. So, we'll see
7 you all next year. Okay? Thank you. Bye-bye.

8 MS. MOLDENHAUER: Thank you.

9 MR. MCDUFFIE: Thank you.

10 MR. HARESIGN: Thank you.

11 BZA CHAIR HILL: Okay, now we're going to take
12 a break. And Commissioner Wright is excused. Have a
13 happy Holiday and New Year, Commissioner Wright.

14 COMMISSIONER WRIGHT: Thank you. Happy
15 holidays to you as well.

16 BZA CHAIR HILL: Let's take a 15 minute break,
17 if that's okay?

18 (Whereupon, the above entitled matter went
19 off the record at 11:34 a.m. and resumed at 12:08 p.m.)

20 BZA CHAIR HILL: Okay. What's the next item
21 of business, please, Madam Secretary?

22 MS. MEHLERT: Next is the Board's hearing
23 session. It's application number 21391 of Smita Rawoot
24 as amended. This is a self-certified application
25 pursuant to Subtitle X, Section 901.2 for special

1 exceptions under Subtitle E, Section 5201, from the
2 maximum building area requirements for an accessory
3 building of Subtitle E, Section 5003.1 and under
4 Subtitle U, Section 301.1(c), (e) and (f) to allow
5 expansion of an existing accessory building for use as
6 a principal dwelling.

7 This is for an addition for residential use
8 and the existing accessory building in the rear yard
9 of an existing two-story attached residential building.

10 It's located in the RF-1 zone at 1231 F Street NE, Square
11 1007, Lot 113.

12 And there are two preliminary matters. First
13 is a request for party status in opposition from Eleanor
14 Garretson and Daniel Kocovski. And then the Applicant
15 is also submitted a request for postponement.

16 BZA CHAIR HILL: Okay great. Before I move
17 forward, I'm sorry, Madam Secretary, what do you say
18 that that's that previous case, when was it getting done
19 again? That 21392.

20 MS. MEHLERT: That is scheduled for the
21 February 11th hearing.

22 BZA CHAIR HILL: Okay. All right. Again,
23 as a preliminary matter, I'm looking to my Board Members.

24 I believe that the party that is requesting party status
25 in opposition meets the criteria for us to grant the

1 party status in opposition. So unless my fellow Board
2 Members have any issues with that, I'm going to go ahead
3 and grant the party status in opposition. Unless I hear
4 something different from my Board Members. Okay great.

5 Madam Secretary, we're going to go ahead and
6 grant the party status. So that's number one. Number
7 two, if the Applicant could hear me, if they could
8 please, introduce themselves to the record.

9 MS. SCHINDER: I can hear you. I am Ileana
10 Schinder that the architect for this project. We
11 requested a postponement because there is a significant
12 change in scope related to the interior use of the
13 building that will reduce the application from three
14 units to two, which will make it comply with RF-1 zone.

15 So as we work with their documentation we want to make
16 sure to have time to update all the forms and drawings
17 that will give us a better chance at approval.

18 BZA CHAIR HILL: Okay, Ms. Schinder, I
19 appreciate it. I was just looking for the introduction
20 real quick first, but like now I kind of, I have some
21 things I need to tell you anyway. Could the party status
22 member please introduce themselves for the record?

23 MS. GARRETSON: Hi, I'm Eleanor Garretson.
24 I live at 1233 F Street NE, Unit A. And I'm married
25 to Daniel Kocovski, but he's actually in a meeting right

1 now, so he's on, but he's not able to speak.

2 BZA CHAIR HILL: That's okay, Ms. Garretson.

3 MS. GARRETSON: Okay.

4 BZA CHAIR HILL: Thank you.

5 MS. GARRETSON: Thanks.

6 BZA CHAIR HILL: Okay, if you can mute your
7 line, please. If everybody can mute their line, if
8 they're not seeking that would be helpful. Ms.
9 Schinder, I think, and I'm looking at my fellow Board
10 Members as well, but I, I think that, well, first of
11 all, we don't have a report from the Office of Planning,
12 right? So it would be very unlikely that we would move
13 forward anyway.

14 And so before we move forward, however, and
15 I just want to have some things that I'd like to point
16 out. I know that you're saying that this application
17 will probably change so that there's a better chance
18 that it might fit within the criteria, and also maybe
19 even the party status in opposition would think that
20 it would be more favorable.

21 But what I wanted to point out was that the
22 application states that the existing property is an
23 owner occupied townhouse with a rented basement
24 apartment, and the Applicant proposes an additional
25 dwelling unit above the existing garage. If the

1 proposal is to create a third principal dwelling at the
2 subject property, the requested relief is probably
3 insufficient. Two units are present. Two units are
4 permitted by matter of right, but a creation of a third
5 unit would require approval of a conversion as a special
6 exception, under U3 20.2, and with the variance probably
7 from the 900 square foot unit requirements. I know
8 you're already kind of speaking to some of this, Ms.
9 Schindler, I'm just telling you everything I know. And
10 there's no need for feedback I'm just sharing
11 information.

12 MS. SCHINDER: Correct. Yes.

13 BZA CHAIR HILL: Right. Okay. Then the
14 other is that from the previous application on the same
15 property, and, Ms. Garretson, you might want to write
16 this number down, there was a case 18243, once again
17 18243, that already allowed some exceptions to the
18 property. And if you guys built what that, if you built
19 that proposal, then you might be going up to even higher
20 than you think you are going up based upon the building
21 height measurement point. And you might be actually
22 trying to get a third story.

23 And so what you need to do is make sure that
24 you're measuring from the proper building height
25 measuring point. And in this case, if you did build

1 what you were supposed to build, it would have been from
2 the rear yard. And so if I can refer you, Ms. Schinder,
3 to B, as in boy, 308.10. B, as in boy, 308.10. That's
4 the rules of measurement for building height in the
5 residential zones. And you might have to have a third
6 story. And so you, you'd be coming for like a variance
7 for the 900 square feet, and a variance for the third
8 story. So I'm just pointing those things out to you.

9 And that being the case, Madam Secretary, when can we
10 come back if we were to postpone?

11 MS. MEHLERT: I would recommend the February
12 11th or March 4th.

13 BZA CHAIR HILL: Okay. So March 4th.
14 February 11th. Yes. I mean, March 4th, I think this,
15 this -- I think Ms. Schinder needs more time.

16 MS. SCHINDER: We need more time.

17 BZA CHAIR HILL: Right. So I don't even know
18 if March 4th is going to be enough time for you. Is
19 it going to be enough time, Ms. Schinder?

20 MS. SCHINDER: I work with a client and with
21 the people of Office and Planning. If we need more time
22 we will request a postponement. But, you know, we'll
23 stay in touch with the office to make sure everything
24 moves smoothly.

25 BZA CHAIR HILL: Okay. We'll go ahead and

1 put you down for March 4th for now. And you know now
2 that you have to include Ms. Garretson in anything that
3 you do moving forward as a party status member, okay?

4 Ms. Garretson, do you have any questions for me?

5 MS. GARRETSON: Just one question. So if
6 they do need to request more special exemptions, does
7 that go back through the ANC process again?

8 BZA CHAIR HILL: Yes. Depending upon what
9 they're asking for. Right. If they would probably
10 have to go back to the ANC, right? Because they don't,
11 their design will changed, right? And so they will
12 probably have to go back before the ANC. I mean, I think
13 they're going to need more time than even March 4th.

14 But yes, you can keep an eye out, for when they might
15 go back to the ANC. And I'm sure, Ms. Schinder, you'll
16 let Ms. Garretson know if you go to the ANC? And she
17 is saying yes. Okay.

18 MS. GARRETSON: All right. Thank you.

19 BZA CHAIR HILL: Sure. So we may or may not
20 see you on March 4th, Ms. Schinder.

21 MS. SCHINDER: I'm hope to see you, Mr. Hill.

22 BZA CHAIR HILL: Okay. Great. Wonderful.
23 You have a happy holiday.

24 MS. SCHINDER: You too.

25 BZA CHAIR HILL: Bye-bye. Bye-bye.

1 Bye-bye, Ms. Garretson.

2 MS. GARRETSON: Bye.

3 BZA CHAIR HILL: Bye. Okay. 11. 11, 4.

4 11, 4. 11, no. What date, Madam Secretary?

5 MS. MEHLERT: The 4th.

6 BZA CHAIR HILL: Of March? What did you say?

7 MS. MEHLERT: March 4th. Sorry.

8 BZA CHAIR HILL: All right.

9 MS. MEHLERT: Yes.

10 BZA CHAIR HILL: That's all right. You can
11 let Ms. Schinder go now, Mr. Young.

12 MS. SCHINDER: Thank you.

13 BZA CHAIR HILL: Thank you. And Ms.
14 Garretson. Great, thank you. Well, Commissioner
15 Stidham, you're like good luck for me. Like you can
16 come any day, you know, I mean, nothing's happened.
17 Nothing's happened yet.

18 BZA CHAIR HILL: Okay, great. All right,
19 Madam Secretary, you can call our next one.

20 MS. MEHLERT: Okay, the next is Application
21 No. 21385, 1415 Tuckerman Street NW, LLC. This is a
22 self-certified application pursuant to Subtitle X,
23 Section 901.2 for a special exception under Subtitle
24 U, Section 421 to allow a new residential development.
25 This is for 7 new dwelling units in the basement of

1 an existing 3 story detached building containing 66
2 apartments. It's located in the RA1R1B zones of 1415
3 Tuckerman Street NW, Parcel 88, Block 334. There is
4 a preliminary matter. The applicants put in a motion
5 to waive the filing deadlines in an updated letter of
6 authorization and Exhibit 25 and then also note that
7 ANC 4A submitted a letter in support in Exhibit 27.

8 BZA CHAIR HILL: Okay, great. Thank you.
9 Unless the board has any issues, I'd like to see that
10 letter that clarifies the ownership issue. Does the
11 board have any issues? And if so, please speak up.

12 Okay. If the applicant can hear me, if they
13 can please introduce themselves for the record?

14 MR. KEARLEY: Yes, hi. I'm Gregory Kearley.
15 I'm the agent for the applicant and also here is Eric
16 Gronning, the architect, and the owner's
17 representative, Cameron Webb.

18 BZA CHAIR HILL: Okay, great. Thank you.
19 Mr. Kearley, are you going to be presenting?

20 MR. KEARLEY: Yes.

21 BZA CHAIR HILL: Okay, so if we get to other
22 people, we'll introduce themselves at that time.

23 Mr. Kearley, why don't you walk us through
24 your client's application and why you believe they're
25 meeting criteria for us to grant the relief requested?

1 I'm going to put 15 minutes on the clock so I know where
2 we are and you can begin whenever you like.

3 MR. KEARLEY: Okay, I think I'll make it
4 quicker than 15 minutes. This is a special exception
5 which is required for additional units in an RA1 zone
6 district. One thing to note is that this is an interior
7 renovation, so we are not changing the character of the
8 building. We are solely doing an interior renovation
9 and we're meeting all the parking requirements per
10 zoning.

11 We've had a meeting with DDOT. I had also
12 a brief meeting with Office of Planning and when we're
13 looking at the criteria to meet the special exception,
14 I think it's again important to note that this is not
15 an addition to, but an interior renovation, so granting
16 the special exception will be in harmony with the general
17 purpose and intent of the zoning regulations and zoning
18 maps. This is a bit of a unique area because it's made
19 up of larger scale, four stories residential,
20 multi-family, so it is consistent with the neighboring
21 properties.

22 If the board grants the special exception,
23 it will not tend to affect adversely the use of the
24 neighboring properties. Again, it's an interior
25 renovation only and we are meeting all the parking

1 requirements, whether that's vehicular or whether it's
2 the bicycle parking. So based on all these issues, we
3 feel that the conversations with the ANC which is in
4 full support, with Office of Planning and DDOT, that
5 we meet the criteria for a special exception.

6 Eric can talk about the architecture, if
7 necessary, but since it's an interior renovation, I'm
8 not sure that matters to you so much, but we are meeting
9 the parking requirements and all the criteria for a
10 special exception to be granted.

11 BZA CHAIR HILL: Okay, thank you, Mr. Kearley.
12 I'm pulling up your architectural plans. Before I turn
13 to the board that may or may not want some clarifying
14 -- have some clarifying questions, may I have from the
15 Office of Planning?

16 MR. JESICK: Thank you, Mr. Chairman, and
17 members of the board. My name is Matt Jesick presenting
18 OP's testimony in this case. And we concluded that this
19 application meets the criteria under U421 and we can
20 therefore recommend approval of the application. I'll
21 rest on the written report for my testimony, but I'm
22 happy to take any questions. Thank you.

23 BZA CHAIR HILL: Thank you. Let's see, does
24 the board have any questions of the applicant and/or
25 the Office of Planning?

1 Okay, Mr. Young, is there anyone here wishing
2 to speak?

3 MR. YOUNG: Yes, we do.

4 BZA CHAIR HILL: Okay, great. Who is that?

5 MR. YOUNG: A couple of people. One we're
6 still trying to get on.

7 BZA CHAIR HILL: Okay, the Commissioner is
8 here also, the ANC Commissioner?

9 MR. YOUNG: Yes, yes.

10 MS. EDWARDS: I'm here.

11 BZA CHAIR HILL: Who is the ANC Commissioner?

12 MS. EDWARDS: I'm Paula Edwards. I'm the
13 Chair of ANC 4A.

14 BZA CHAIR HILL: Hi, Commissioner Edwards.
15 How are you?

16 MS. EDWARDS: Hi, how are you?

17 BZA CHAIR HILL: Good, good, thank you.
18 Thank you for joining us.

19 MS. EDWARDS: Sure.

20 BZA CHAIR HILL: Let's see. Commissioner,
21 do you want to go ahead and give the testimony of the
22 ANC?

23 MS. EDWARDS: I did not really do the actual
24 inspection. That was left to Commissioner Singleton
25 from 4A05, but the applicant presented to us twice and

1 we circulated notice of the changes to the community.

2 We didn't receive any comments adverse or in support,
3 but the applicant also gave us certain assurances about
4 trash and parking and other issues that concerned the
5 neighborhood, so we voted to approve it unanimously.

6 BZA CHAIR HILL: Okay, great. Thank you,
7 Commissioner.

8 MS. EDWARDS: Sure.

9 BZA CHAIR HILL: Let's see, Mr. Young, who
10 is here wishing to speak?

11 MR. YOUNG: So we have Diana Chapman, Richelle
12 Chapman. Renee Barrett is calling in by phone.

13 BZA CHAIR HILL: Is that it?

14 MR. YOUNG: And I believe that's it.

15 BZA CHAIR HILL: Okay, great. Ms. Barrett,
16 can you hear me?

17 To unmute the line, Mr. Young, what is it
18 again?

19 MR. YOUNG: Star six.

20 BZA CHAIR HILL: I think it's star six, Ms.
21 Barrett, if you're trying to unmute your phone.

22 MS. BARRETT: Okay. Can you hear me now?

23 BZA CHAIR HILL: Yes, yes.

24 MS. BARRETT: Okay, great. Thank you.

25 BZA CHAIR HILL: Ms. Barrett, could you

1 introduce yourself for the record and then as a member
2 of the public, you have three minutes to give your
3 testimony and then you can begin whenever you like.

4 MS. BARRETT: Okay. Thank you. My name is
5 Renee Barrett, and I am a resident at 1415 Tuckerman
6 Street NW. I am also the vice president on the Tenants
7 Association here, so I'm speaking today on behalf of
8 the tenants and, you know, some of the concerns that
9 we have. We're not totally against him doing additional
10 units. We're totally against him doing it now. He's
11 had the building for about maybe six months. He
12 purchased it and the building needs a lot of work. And
13 when he first came wanting to present to us to purchase
14 the building, he gave us a list of things that he was
15 going to do. That list hasn't been done.

16 He's only upgraded all of the vacant units,
17 and he's trying to rent those out, and now he wants to
18 take away the parking. That's where the issue comes
19 in. This building houses tenants who are between 50
20 and 100 years old. So a lot of them have been here
21 anywhere from 15 to 75 years. The ones that are parking
22 are in between, say, 65 and 95.

23 So to take the parking away from us when there
24 are so many other household concerns that need to be
25 addressed first to make the building healthy and more

1 comfortable to live in, I think needs to be addressed
2 first. I think taking away parking in an area that's
3 already challenged with parking, will actually make it
4 that much worse.

5 Prior to paying for parking, I actually used
6 to park on the street and I would probably get a ticket
7 two or three times a week, and some nights I would just
8 have to sit and wait in my car two, three and four hours
9 for a parking space to become available. One experience
10 I had was a police officer stopped at my car one night
11 and said, miss, you've been sitting here for about two
12 and a half hours. This is my route and I've come to
13 this street. What are you waiting on? I said, sir,
14 I'm waiting on a parking space. And he said, well, it's
15 dangerous for you, you know, be sitting out here like
16 this by yourself because of the crime rate in the area.

17 So I actually pulled a crime report to support what
18 he said to me and it is.

19 So and as the vice president of the Tenants
20 Association, I have a right to speak up for what tenants
21 share with me. There's one person that parks who is
22 health challenged and takes treatments and her son
23 actually submitted, a statement. It would be
24 devastating if she lost her parking space. That would
25 kill her quicker than her health challenge.

1 We have another one who's 88. It's virtually
2 impossible for her to be able to walk two and three blocks
3 with groceries. Because I'm telling you, if you don't
4 get home by five or six o'clock in the evening, you're
5 going to have to park two and three blocks away. We
6 have another one who is a single parent of two young
7 kids that, you know, she has to be in and out. And so
8 just taking away the parking should not be at the top
9 of his list. He needs to address the concerns that we
10 have, like simple stuff, like paying the water bill.

11 You know, we were challenged with coming home
12 one day and having a notice saying the water is going
13 to be cut off because the bill hadn't been paid. And
14 I mean, he'd only had it like three months. I mean
15 really? You're new to the game. That's a basic
16 household need.

17 I learned that the intercom system was taken
18 out because when the building was sold, the previous
19 owner turned off their contract. He didn't turn one
20 on. And then when we found out about it, two or three
21 months later, we were like, wait a minute. You have
22 these seniors living up in here, and somebody had to
23 call for an ambulatory service, and someone had to go
24 down and let him in. So now he's putting it in now.

25 We shouldn't have to ask for these things. So I think

1 he needs to look at what needs to be done first. But
2 it sounds like to me he's trying to run this building
3 like he has 30- to 50-year-olds in here.

4 The building's not wired for technology and
5 it's very difficult to get maintenance services because
6 he wants to do everything through a computer. Most of
7 these seniors don't even have a computer. So you mean
8 they can't get any services done? So we think we have
9 lost some resources, and all we want to do is develop
10 a better relationship with him, give him an opportunity
11 to fix the things he said he would fix that the previous
12 owners didn't because they were up in age, which is why
13 they really sold the building. And then he came in and
14 he did, well, he said he didn't want to do renovations,
15 but in my opinion, this, building is concrete and brick,
16 so, you know, you're cutting down concrete walls while
17 we're living here and contaminants going through the
18 hallways.

19 It's just -- it's a number of reasons as to
20 why he should not be allowed to take away parking spaces
21 right now, because if he creates more units, that's just
22 going to provide an even more challenged environment
23 for us to have parking or find parking.

24 BZA CHAIR HILL: Okay, give us a sec. Ms.
25 Edwards, just to let you know, I gave you over five

1 minutes because you're a member of an association.

2 MS. EDWARDS: Thank you.

3 BZA CHAIR HILL: You're welcome. Mr.
4 Kearley, do you know if the owner is in touch with this
5 association?

6 MR. KEARLEY: I don't, but he is here, and
7 he would be glad to answer that question, Cameron Webb.

8 BZA CHAIR HILL: Mr. Webb, can you hear me?
9 Cameron Webb. Oh, gotcha. There you go.

10 MR. WEBB: Hey, can you guys hear me?

11 BZA CHAIR HILL: Yes. Can you introduce
12 yourself for the record?

13 MR. WEBB: Yes, I'm Cameron Webb.

14 BZA CHAIR HILL: Mr. Webb, I just have a quick
15 question for you. So do you have the information of
16 Ms. Barrett, contact information?

17 MR. WEBB: Yes.

18 BZA CHAIR HILL: Okay. All right. Okay.
19 Let's see, Mr. Webb, can you turn on your camera also,
20 if you get a chance? Great. Perfect. Thank you.
21 Let's see.

22 So Mr. Webb, if you can reach out to Ms. Barrett
23 and just see what kind of information you may or may
24 not be able to share with her, that would be helpful.

25 Okay?

1 MR. WEBB: For sure.

2 BZA CHAIR HILL: Okay, great. Thank you.

3 All right, Ms. Barrett, you can see how the rest of this
4 may or may not go, but Mr. Webb is going to reach out
5 to you. Okay?

6 MS. BARRETT: Okay. I know Mr. Webb. I've
7 met with him prior to him actually signing the document
8 to purchase the building, but it's just kind of hard
9 to get meetings with him because I've sent him a couple
10 of emails and I have not been able to get a meeting set
11 up, because I wanted to share some of this with him prior
12 to the meeting today, so he would understand what I'm
13 saying is not personal, it's business, you know. And
14 the tenants are coming to me, so I have to speak up for
15 them.

16 BZA CHAIR HILL: Okay. I understand what
17 you're asking.

18 MS. EDWARDS: Mr. Hill, could you ask the Ms.
19 Barrett to contact the ANC also? I haven't heard any
20 of this before.

21 BZA CHAIR HILL: Oh, sure.

22 MS. EDWARDS: Thank you.

23 BZA CHAIR HILL: Ms. Barrett, do you know,
24 Commissioner Edwards or do you know your SMD, your Single
25 Member District person on the ANC?

1 MS. BARRETT: No, no, I do not.

2 BZA CHAIR HILL: Okay.

3 MS. EDWARDS: I'll try to get her in touch.

4 BZA CHAIR HILL: Okay. Great. Madam

5 Secretary, can you make sure that Ms. Barrett has

6 Commissioner Edwards' information as well as Mr. Webb?

7 Okay.

8 MS. BARRETT: What's Mr. Webb's information?

9 BZA CHAIR HILL: Okay, well, I'm just trying
10 to help facilitate a little bit, Ms. Barrett. Okay.

11 MS. BARRETT: Sure.

12 BZA CHAIR HILL: So Mr. Webb, could you please
13 reach out to Ms. Barrett and see if you can have some
14 conversation?

15 MR. WEBB: Yes, I can.

16 BZA CHAIR HILL: Okay great. Yes?

17 MS. BARRETT: I need one more thing before
18 you go. Now, so to park here you have to have a lease.

19 And so, therefore, you know, if you want to break a
20 lease, then you have to make some accommodations for
21 that.

22 BZA CHAIR HILL: Ms. Barrett, I've got to
23 interrupt you just one second. A lot of the things that
24 you are talking about are outside the Board's purview.

25 So if you guys can try to get together, that would be

1 great.

2 Mr. Blake, you had your hand up?

3 VICE CHAIRPERSON BLAKE: I just want to make
4 one -- clarify one thing. I think you have 19 current
5 spaces, I believe. And is it the new dwellings that
6 will remove those extra spaces? Is that what, is taking
7 place? I just want to clarify that.

8 BZA CHAIR HILL: The architect, Mr. Gronning
9 has his hand up.

10 MR. GRONNING: Yes, good afternoon. My name
11 is Eric Gronning. Thanks for letting us present today.
12 There are currently 23 parking spots on the surface
13 and the garages. And when we remove the garages, we
14 will maintain 23 spots on the surface parking. And the
15 reason for that is since all these garages require a
16 drive aisle to get in, it's just a very inefficient use
17 of the surface parking. So we are not going to lose
18 any parking spaces, when we make this switch.

19 VICE CHAIRPERSON BLAKE: Are the ones under
20 the building currently used?

21 MR. GRONNING: Some of them are, and some of
22 them are not. They are not all legal spots as well.

23 Some of them contain electrical appointments or are
24 being used for storage. So I don't have an exact count
25 of that, but I can offhand can tell you there are four

1 that are not being used.

2 VICE CHAIRPERSON BLAKE: Okay. Second
3 question for you, the scope of work on page one of the
4 plans you refer to, create 6 new units for a total of
5 72. But the plans show 7 units, 70 units. There are
6 two different units that are designated as unit two.

7 And then on the application form now you have an
8 addition of six, seven units for a total. And then in
9 some places an additional six. So there's a little bit
10 of confusion back and forth. Just to clarify the
11 record, we're talking about 6 units for a total of 73,
12 correct?

13 MR. GRONNING: We're talking about adding
14 seven units. I think there was an error in the original
15 mockup that were sent. Yes, there were 7 units for a
16 total of 73.

17 VICE CHAIRPERSON BLAKE: Okay. Thank you.
18 I just want to make sure we clarify that for the record.

19 MR. GRONNING: I'm sorry about that.

20 VICE CHAIRPERSON BLAKE: Okay. Thank you.

21 BZA CHAIR HILL: Okay, thank you. All right,
22 Ms. Barrett, thank you so much for your testimony.
23 And Mr. Webb is going to reach out to you, and then you
24 also reach out to your ANC commissioners. All right?

25 MS. BARRETT: What's her name?

1 BZA CHAIR HILL: Paula Edwards.

2 MR. WEBB: And I can I can also send you her
3 contact information as well, Ms. Barrett. I'll text
4 you right now.

5 MS. BARRETT: You said Paula Edwards?

6 BZA CHAIR HILL: Paula Edwards, and Mr. Webb
7 said he'll send you her contact information now.

8 MS. BARRETT: Okay.

9 BZA CHAIR HILL: Okay. Great. Thank you,
10 Ms. Edwards.

11 Let's see, is Mr. Chapman or Richelle Chapman?
12 Oh, Ms. Chapman, can you hear me?

13 MS. R. CHAPMAN: Which one, Diana or Richelle?

14 BZA CHAIR HILL: Well, Richelle, I guess,
15 since you just spoke, that would be great.

16 MS. R. CHAPMAN: Okay awesome.

17 BZA CHAIR HILL: Could you introduce yourself
18 for the record?

19 MS. R. CHAPMAN: Yes, I can. Can I just get
20 one minute to start? Sorry. Okay, I'm starting my
21 video. All right.

22 Hello, everyone. I'm Richelle Chapman.

23 BZA CHAIR HILL: Ms. Chapman, just give me
24 second. Just to let you know again, as a member of the
25 public, you'll have three minutes to give your testimony

1 and you can begin whenever you like.

2 MS. R. CHAPMAN: Yes, got it. Okay, so, I'm
3 Richelle Chapman. I'm the daughter of Diana Chapman,
4 who is a resident at 1415 Tuckerman Street and also I
5 previously lived at 1415 Tuckerman Street. So I want
6 to say, good morning or good afternoon and thank you
7 to the Chairman and members of the board and Commissioner
8 Edwards as well.

9 While I recognize the importance of adding
10 housing in the District, I would like to raise concerns
11 regarding privacy, parking, transportation, and overall
12 quality of life for the current residents.

13 Can everyone hear me okay?

14 BZA CHAIR HILL: Yes.

15 MS. R. CHAPMAN: Okay. Awesome. The
16 proposed additional units will require windows facing
17 the current parking area. If the applicant intends to
18 use the space to meet all street parking requirements,
19 this creates a direct conflict. Residents of the new
20 units would have their privacy compromised by cars and
21 activity in the parking lot. Additionally, adding
22 seven units raises questions about whether the property
23 can meet the off street parking requirements, which I've
24 now been informed from being here that you all will still
25 meet the requirements, but I think that still further

1 compromises the privacy of the people who will have their
2 windows facing those parking spaces, when those units
3 are -- if those units are put in.

4 We already face, as Ms. Barrett said, parking
5 scarcity with residents often forced to park in alleys,
6 at street corners, in crosswalks, and on private
7 property. Approving this exception while attempting
8 to offset parking impacts with common conditions is also
9 not an acceptable solution to me or other residents.

10 Typical conditions, such as restricting tenant parking
11 by preventing new tenants from obtaining their RPPs,
12 or requiring transit-oriented measures like bicycle
13 parking, transit subsidies, car-share memberships,
14 anything that they might think of, would benefit the
15 owners, but not the tenants, and would further
16 exacerbate parking challenges for current residents,
17 including seniors and families with small children who
18 rely on safe, accessible parking.

19 The property's current trash management and
20 inability to provide consistent, reliable services
21 raises concerns about its ability to maintain a safe
22 and clean environment with additional units. Large
23 trash receptacles have been removed from the trash room,
24 the size of the outside dumpster has been reduced, and
25 trash pickup has been decreased from daily service.

1 These changes have coincided with increased pest
2 activity in the building. Mice have infested -- entered
3 residents apartments from the hallway. There have been
4 rat sightings inside the building, and I personally
5 recently cleaned rat feces from inside the building.

6 These issue have never occurred during the 21 plus years
7 that I and my mother have lived here. It is unclear
8 how the applicant plans to ensure regular trash
9 collection and proper pest control with the new units,
10 raising serious concerns about maintaining a safe,
11 sanitary and habitable environment for current and
12 future residents.

13 While the addition of seven units may have
14 a small impact on overall housing availability in the
15 District, it will have a significant impact on the
16 quality of life for existing residents. The
17 intersection of limited parking, potential privacy
18 intrusions, and reduced trash management creates a
19 cumulative effect that extends beyond the property to
20 surrounding streets in the neighborhood as a whole.
21 Many residents here are aging in place or have families
22 with small children, and they rely on safe, reliable
23 parking in a clean, well-maintained environment.

24 The board's careful consideration of these
25 impacts ensures that decisions support both housing

1 quality and quantity, because that's your job, not just
2 the financial interest of property owners. I urge the
3 Board to carefully weigh this application, considering
4 how the proposed addition may adversely affect the
5 safety, privacy, and daily quality of life of current
6 residents, and how parking and trash management concerns
7 may spill over into the broader neighborhood.

8 Supporting residents who are already living in these
9 buildings and ensuring safe, functional, and well
10 maintained housing is just as important as increasing
11 housing supply.

12 I really appreciate your time and your
13 consideration.

14 BZA CHAIR HILL: Thanks, Ms. Chapman. Ms.
15 Chapman, does your mom want to speak also?

16 MS. R. CHAPMAN: Yes.

17 BZA CHAIR HILL: Okay. Ms. Diane Chapman,
18 can you hear me? Oh, Diana. Yes. You have to unmute
19 your line. I think you have a button on your screen.

20 Ms. Richelle Chapman, you want to call your
21 mom?

22 MS. R. CHAPMAN: Could I read the statement?
23 Oh, yes, absolutely. I can give her a call.

24 BZA CHAIR HILL: And just see if she can figure
25 out how to unmute, that would be better. But if you

1 have a statement from her, I guess you can read that,
2 too.

3 MS. R. CHAPMAN: Okay. That's very kind.
4 Thank you. Let me try to give her a call. And then
5 if I can't, you know, reach her or anything, then I'll
6 read her statement.

7 BZA CHAIR HILL: Okay.

8 MS. D. CHAPMAN: I'm unmuted now.

9 BZA CHAIR HILL: Oh, great. All right, Ms.
10 Chapman. Okay, Ms. Chapman, if you could introduce
11 yourself for the record. And then you'll also have
12 three minutes to give your testimony, and you can begin
13 whatever you like.

14 MS. D. CHAPMAN: Thank you. Good morning.
15 My name is Diana Chapman and I reside at 1415 Tuckerman
16 Street NW. I'm here to oppose converting our parking
17 garages into apartment units. The garages provide
18 secure and reliable parking for families and seniors.
19 Losing it forces residents to compete for scarce street
20 parking. There are four other multi-family units on
21 Tuckerman Street. Only one other building has limited
22 parking off street. I, myself, have limited mobility
23 and I'm unable to walk blocks away from my apartment
24 building to park my car on the street.

25 Safe, well-lit garage parking also reduces

1 theft and vandalism. There are drainpipes and
2 electrical meters in some of the garages. I want to
3 know will residents be without water and power by their
4 converting the garages into apartment units? And also
5 will this additional parking on the lot be first come,
6 first served? Will this be reserved parking for us
7 seniors and handicapped people who really need spaces?

8 And they said there will be 23 surface spaces now.
9 That doesn't even include the number of spaces that are
10 already there. So we'll have less parking on the
11 surface than we have with the garages.

12 And to me, converting the garages into
13 apartments sacrifices the needs of the current
14 residents. Protecting our parking garages means
15 protecting our quality of life and safety, and
16 therefore, I definitely do not approve this project,
17 not now, nor in the future. I don't see any reason for
18 taking away our parking garages just so you can add 7
19 more units when there's already 66 units. To me, it's
20 just all a matter of greed and you have no concern for
21 the tenants here at the building.

22 Thank you so very much for this time to speak.

23 BZA CHAIR HILL: Thank you, Ms. Chapman.

24 Okay. Great. Thanks. Mr. Webb?

25 MR. WEBB: Yes.

1 BZA CHAIR HILL: Yes, I'm just curious. So
2 how are you guys actually taking care of that, the
3 parking that is existing?

4 MR. WEBB: The existing --

5 BZA CHAIR HILL: I'm saying the new, the new
6 -- if this were to be approved, how are you handling
7 the other parking spaces? Is it first come, first
8 served? How are you doing that?

9 MR. WEBB: We don't have a policy in place
10 right now. Currently for the garage spaces, those are
11 paid for by tenants that are renting them. But we are
12 open to definitely putting a policy in place, especially
13 for handicapped and for tenants that want to have
14 parking.

15 BZA CHAIR HILL: Maybe you can reach out to
16 Ms. Barrett, if I'm saying, pronouncing that correctly.
17 He's a tenant association --

18 MR. WEBB: I'm texting her right -- I'm in
19 a text with her right now.

20 BZA CHAIR HILL: You all can maybe try to
21 figure out how the parking issue will be resolved from
22 the ones that we're paying downstairs -- I mean, the
23 garage. So if this were approved, you know, the
24 remaining ones that you have. Just for the record, just
25 so you guys know, they're not here requesting parking

1 relief. So we're just trying to help facilitate this.

2 And Mr. Webb is going to do his best to understand the,
3 the needs of the tenant, correct, Mr. Webb?

4 MR. WEBB: That's correct.

5 BZA CHAIR HILL: Okay. Does the board have
6 any questions for the witnesses? Okay.

7 Mr. Webb, do you have the contact information
8 for the Chapmans?

9 MR. WEBB: I have Diana's number, yes. I've
10 got her number.

11 BZA CHAIR HILL: Okay, great. If you could
12 also let Ms. Chapman and the other Ms. Chapman know about
13 Ms. Barrett, since you're working with Ms. Barrett and
14 the Chapmans, you know, that Ms. Barrett was here. So
15 she's the person in the Tenant Association that can help
16 facilitate things. Okay?

17 MR. WEBB: That's perfect.

18 BZA CHAIR HILL: Okay, great. Mr. Blake, you
19 had your hand up.

20 VICE CHAIRPERSON BLAKE: Yes. I think we're
21 good. I just want to clarify the one thing here. How
22 many parking spaces are actually in the garage currently
23 that are being used? I'm just wanting to just get that
24 number in my head.

25 MR. WEBB: I want to get the exact number,

1 but I want to see it's like nine units that are actually
2 being formally rented right now.

3 MR. GRONNING: We can go to the drawings and
4 count, but you have to keep in mind that, that some of
5 these are not legal spots as well. You know, there's
6 they're just cramming cars in there. But if we look
7 at the drawings, we can count.

8 VICE CHAIRPERSON BLAKE: Oh, look, I'm just
9 -- I don't want to --

10 MS. D. CHAPMAN: He's lying. There are no
11 no illegal cars parked in the garage.

12 MR. GRONNING: You're out of line. There's
13 a code for parking space -

14 MS. D. CHAPMAN: I'm sorry.

15 BZA CHAIR HILL: Hey, hey, hey, both of you
16 guys, Ms. Chapman and Mr. Gronning.

17 MS. D. CHAPMAN: I'm sorry.

18 BZA CHAIR HILL: It's okay, Ms. Chapman.
19 Just to let you know, like they're here for a different
20 kind of request. So parking relief does not something
21 that they're here requesting. However, we're trying
22 to understand what might be taking place to Mr. Blake's
23 point as to whether or not we think it's meeting the
24 criteria.

25 So, you know, it might not get approved because

1 the parking is being taken away, but it's not because
2 of the parking. It's because that may be adversely
3 affecting neighboring property. But so let me just go
4 ahead and --

5 VICE CHAIRPERSON BLAKE: Let me finish the
6 question, Mr. Chairman.

7 BZA CHAIR HILL: I'm sorry.

8 VICE CHAIRPERSON BLAKE: Mr. Chairman, real
9 quick, it's along the same line. And it's exactly to
10 your point. I just was curious how are you going to
11 accommodate the 23 spaces on the surface? And one
12 person who made some comments from the public indicated
13 that it would probably have some adverse impact on the
14 screening for the new tenants in the lower level. I
15 just want to just kind of understand how you're just
16 reconfiguring the upper level to accommodate the
17 additional space so you maintain the 23?

18 MR. GRONNING: If I could respond to that,
19 currently, so there's an internal courtyard and these
20 garages that are accessed from the surface parking on
21 the internal courtyard. Every single one of those
22 garages require a drive aisle to get up to. So the
23 result of that is the surface parking currently is not
24 efficient because it's mostly drive aisle to get into
25 the garage. So if we remove those garages, we can move

1 those parking spaces directly outside of where the
2 garage was and reduce the amount of drive aisle, which
3 yields 23 spots. And that's in the drawings and, you
4 know, can easily be counted.

5 VICE CHAIRPERSON BLAKE: Okay, thank you very
6 much.

7 BZA CHAIR HILL: Okay.

8 MR. GRONNING: You're welcome.

9 BZA CHAIR HILL: Anyway, I would like to thank
10 the witnesses for coming for their testimony. If you
11 could please excuse the witnesses.

12 And again, Mr. Webb, please reach out to those
13 that came here to testify.

14 Now, the question that Mr. Blake has that I'm
15 also trying to figure out here, all right, can you repeat
16 your question, Mr. Blake?

17 VICE CHAIRPERSON BLAKE: My question was how
18 are they going to accommodate that additional parking
19 and so forth with the reconfiguration?

20 The only other thing I mentioned was the
21 privacy issue that one of the people mentioned might
22 be an issue. I just wanted to make sure of screening
23 if there's any issues with that, that need to be
24 addressed.

25 BZA CHAIR HILL: So the first, so I'm just

1 trying to get an answer that I understand. So there
2 are a number of parking spaces in the garage, right?

3 And so you guys are moving those outdoors, is that
4 correct?

5 MR. GRONNING: That's correct.

6 BZA CHAIR HILL: Right. So you're not you're
7 having the same 23 parking spaces.

8 MR. GRONNING: That's correct.

9 BZA CHAIR HILL: Okay. And then you started
10 to say something about the drive aisle, Mr. Gronning.
11 What is that about?

12 MR. GRONNING: I was trying to explain why
13 the surface parking is so efficient, right --
14 inefficient currently, and when we change the
15 configuration, it becomes more efficient on the surface
16 parking, because we're reducing the amount of drive
17 aisle to get to the garages. And that enabled us to
18 keep that same number, which was our goal to do.

19 BZA CHAIR HILL: Got it. And then, Mr. Webb,
20 what Mr. Blake is asking about, have you guys thought
21 about, you know, frosting, drapery, screening for
22 anything concerning these windows that are going to be
23 facing the parking lot?

24 MR. WEBB: Yes. Well, I mean they'll have
25 blinds and whatever drapes necessary. The units are

1 going to I mean, we're going to be renting them out,
2 market-rate units. So you know, I mean I think we're
3 going to have we're going to have blinds in there, as
4 we typically would with any unit that we're renting.

5 We can do frosted glass, if needed. But we're
6 definitely open to that.

7 BZA CHAIR HILL: Right. I think that the
8 blinds makes sense to me. Let's see.

9 Yes, Mr. Blake, did you have another question?

10 VICE CHAIRPERSON BLAKE: No, Mr. Chairman.
11 I'll all set. I just wanted to clarify the parking
12 issue. I'm good.

13 BZA CHAIR HILL: Okay, great. Commissioner
14 Stidham, do you have any questions?

15 COMMISSIONER STIDHAM: No. I'm just really
16 trying to understand the parking situation as well.

17 BZA CHAIR HILL: Okay. Let's see. I mean,
18 if you pull up, I'm on slide four. I think it's four
19 here.

20 COMMISSIONER STIDHAM: The architectural
21 drawings set in the elevations?

22 BZA CHAIR HILL: Yes.

23 COMMISSIONER STIDHAM: Yes, that's where I
24 am as well. So if I'm understanding it correctly, there
25 are a number within the courtyard area, and then the

1 rest are adjacent to what is up the alley drive coming
2 in or the driveway coming in?

3 MR. GRONNING: That's correct. We have some
4 parallel spots along that drive aisle, which currently
5 don't exist. Nothing's striped out there, so we're
6 adding some --we're able to get some parking there as
7 well.

8 COMMISSIONER STIDHAM: So the 23 parking
9 spaces that you say you already have, those are counting
10 the spaces within the garages that are rented and not
11 available for just general use? They're additional?

12 MR. GRONNING: It's a total of the parking
13 at the building currently. So it is within the garage
14 and on the surface parking for a total of 23.

15 MR. KEARLEY: One thing to note from the
16 discussion is some of those parking spaces are not in
17 use because they're being used for other uses. So
18 inherently, it's actually less even though they're being
19 counted.

20 COMMISSIONER STIDHAM: What are those other
21 uses that they're currently being used for?

22 MR. GRONNING: One area is being used for
23 storage, for maintenance. It's like a maintenance
24 shed. The other one is electrical meters. So there's
25 a bank of electrical meters which is taking up two spots.

1 And really, no one should be parking there at all.
2 I don't know if there are cars there now or not, but
3 those are the ones that I can think of.

4 COMMISSIONER STIDHAM: So currently, what is
5 the total usable parking spaces for residents?

6 MR. GRONNING: I use the number 23. But I'd
7 just like to add that those are not legal spots. Some
8 of them are not legal spots. Okay? Just when you get
9 into these garages they're very, very tight. But
10 they're being used, so I counted that number, so that
11 number is 23.

12 COMMISSIONER STIDHAM: But you just said --

13 MR. WEBB: But the illegal ones down are like
14 three. So there's the garage where -- that has the
15 maintenance shop in it. And then there's two others
16 that are by the electrical meters and then there's
17 actually two other spaces that actually aren't leased
18 and rented. So really there's five units, I mean, five
19 spaces that aren't even in use right now.

20 COMMISSIONER STIDHAM: And those five spaces
21 account for what are being used for other things, so
22 the electrical spaces, the storage spaces?

23 MR. WEBB: Yes. The maintenance shop,
24 storage, and then the two, the two ones that aren't
25 actually leased anyway, and then the two that are

1 technically illegal spots.

2 COMMISSIONER STIDHAM: Okay. So you have 18
3 spaces that are usable currently for tenants of the
4 building?

5 MR. WEBB: Yes.

6 COMMISSIONER STIDHAM: Accurate?

7 MR. WEBB: Yes.

8 COMMISSIONER STIDHAM: And none of those are
9 assigned, is that correct?

10 MR. WEBB: There are there are a few. There's
11 a few of them assigned. I actually can probably say
12 more than 50 percent are assigned.

13 COMMISSIONER STIDHAM: But the plan moving
14 forward is that these would not be assigned spaces?

15 MR. WEBB: They can be assigned as well, if
16 the tenants want to continue paying the same, I mean,
17 paying rent to rent the spaces, so they can have assigned
18 spaces. It would be the same. No change to their
19 current set up, besides the parking spot being outside
20 on the surface as opposed to inside the garage.

21 COMMISSIONER STIDHAM: Okay.

22 BZA CHAIR HILL: Okay, great. Okay. Let's
23 see, I think Mr. Webb, is this your first apartment
24 building?

25 MR. WEBB: So this is my first one, it's the

1 first of decent size. But I'm just part of the ownership
2 group. So I'm just one of the few owners.

3 BZA CHAIR HILL: Okay. Well, you drew the
4 short straw. Is that why you're with us today?

5 MR. WEBB: I guess so.

6 BZA CHAIR HILL: Okay, so let's see. I think,
7 Mr. Webb, you need you need to try to do a better job
8 on communication with your tenants. Like, at least,
9 you know, so you can at least kind of, resolve some of
10 these issues. And so, you know, if you would be willing
11 to, just to commit to working with the tenant association
12 to try to resolve some of these issues, that would make
13 me feel a little bit better. Would you be committing
14 to that?

15 MR. WEBB: I do. I actually already texted
16 Ms. Barrett asking her when she can meet.

17 BZA CHAIR HILL: Okay, because I think that,
18 like, you know, it sounds like if you have the same amount
19 of spaces and some, you know, they don't want to be out
20 of the garage, but if they have to be out of the garage,
21 at least they'll have a spot, right, that they had
22 before. And so, you know, that sounds like some of these
23 people, I mean, I really I wanted to ask Ms. Barrett,
24 who's the 100-year-old person, but if you got some
25 100-year old people, that's something amazing to me.

1 So let's see. And then also Commissioner
2 Edwards is there, can also work with the commissioner
3 to try to help resolve some of these issues. Because
4 as I mentioned at the outset, some of these issues are
5 really outside the Board's purview. But whatever you
6 can do to be, you know, a good owner and citizen would
7 be helpful, as well as like just making sure that there's
8 drapes on those windows that people might be concerned
9 about, seems like a pretty straightforward thing to me.

10 MR. WEBB: Yes, for sure. And of what I've
11 kind of seen throughout just previous into property
12 ownership, I was on the brokerage side. And what I
13 always saw is the best properties ran the best when there
14 was a good relationship between ownership and tenant
15 association and the tenants. So that's definitely a
16 goal of mine to, you know, have a good relationship and
17 maintain a good relationship. So I'm hoping that I can
18 sit down with Ms. Barrett in the coming days and, you
19 know, kind of sort all their concerns out.

20 MS. EDWARDS: And I do want to say that the
21 ANC did raise some of these issues with Mr. Webb and
22 he did give us assurances on how the parking was
23 configured. And we looked at the design and looked at
24 DDOT's report. And so we are aware of these issues.

25 But, I would like to speak to the tenants about them.

1 BZA CHAIR HILL: Okay, great. Well, Ms.
2 Edwards, it sounds like you have somebody willing to
3 work with you. And so, you know, and if it turns out
4 that they are not helpful, they tend to usually come
5 back around to us at some point time and we and we tend
6 to hear it. So hopefully you can, work with Mr. Webb.
7 So. All right.

8 Let's see. Does the board have any further
9 questions of anyone? Okay. All right. You all have
10 a nice, afternoon. Happy holidays. And good luck to
11 you all.

12 MR. KEARLEY: Thank you.

13 MR. WEBB: Thank you.

14 MS. EDWARDS: Thank you.

15 BZA CHAIR HILL: Okay. I thought this was
16 going to be straightforward. It was a little bit more
17 testimony than I had anticipated. I mean, there was
18 I had some questions, I guess, about how the split zoning
19 was taking place, but I think I'm comfortable with, after
20 hearing from the Applicant, some of those issues in my
21 mind have been resolved.

22 There was some question about the ownership
23 that's been resolved. And then, you know, they're
24 trying to add seven units, going from seven to 73. I
25 didn't realize that the garage parking was something

1 that they were taking away. I didn't understand that
2 exactly.

3 But they have, and they are trying to make
4 sure that they at least have the same amount of parking
5 spaces. They're not here for parking relief. So, you
6 know, based upon what they are here for, which is X 901,
7 I feel that they're meeting the criteria for us to grant
8 this relief.

9 I will also, agree with the analysis the Office
10 of Planning has put forward. And it sounds like the
11 ANC got more information. And I appreciate the
12 Commissioner for coming to us today. However, they did
13 vote in favor.

14 And so I will take that under consideration
15 as we're supposed to as well, given that great weight.

16 And I will be voting in favor of this application.

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

19 VICE CHAIRPERSON BLAKE: I do, Mr. Chair.
20 Thank you very much. I'll be brief. This request, to
21 me, meets the conditions of U 421 and the general
22 standards of 901.2. The building pretty much remains
23 the same height, footprint, massing and appearance.
24 So there's no exterior additions aside from, you know,
25 some egress windows and things like that, and some window

1 wells which will be screened by landscaping.

2 And I do agree with the Office of Planning's
3 analysis that the project is consistent with the RA-1
4 Zone and in harmony with the intent of the zone.

5 I think OP's conclusion about there being no
6 impact on light, air, privacy, and neighborhood
7 character is accurate. And it doesn't appear that it
8 would be given, in fact, there's no changes in the
9 building's form. And the submission meets all the
10 requirements of U 424(d).

11 The interior conversion really doesn't
12 intensify, or any of the non-uniformities. The thing
13 that was interesting to me was this conversation we had
14 with the tenants and so forth, and the tenants
15 association ANC. And I was pretty pleased to see that
16 the applicant really had addressed a lot of the concerns

17 Reviewing the ANC written report, there were
18 a number of issues that they did address. One of them
19 was, you know, resident health and safety. They looked
20 at construction problems, issues, trash removal,
21 proposed construction issues, rodent control. They
22 also dealt with issues of affordability, resident
23 responsibility, and things of that sort.

24 And as the Commissioner pointed out, they also
25 talked a little bit about the parking issue. And on

1 that part, obviously, as we talked about, that's not
2 what they -- well, it is and it isn't. It is one of
3 the criterias in U 421. But when we look at, you know,
4 DDOT is the agency to which we kind of look to for
5 guidance as the expert agency, and the requirement is
6 for 12 spaces. They have a 23 supply today. They'll
7 have a 23 supply tomorrow, when this project is done.

8 And it is a more efficient operation on the
9 external -- I understand the safety issues that the
10 Applicant, I mean, that the tenants association
11 mentioned, but I'm sure the Applicant will work very
12 diligently to try to make sure that everyone is
13 accommodated, as they can. But I will tell you that
14 DDOT was in support and comfortable with that. So I
15 really have no objection with regard to that part of
16 it.

17 And the other matters were also addressed well
18 in terms of the other agencies, DPR and so forth. So
19 again, I'm in favor of the application. I think the
20 Applicant met the criteria to be granted relief. And
21 I'm glad to see that the ANC is working closely with
22 them. And now the ANC will too be working closely with
23 the tenants association.

24 And I think I've also acknowledged the
25 commitment on the part of the ownership group to make

1 sure that everybody's happy. So I appreciate that.
2 And I'll be voting for the application, Mr. Chair.

3 BZA CHAIR HILL: Thank you, Mr. Blake.

4 Commissioner Stidham?

5 COMMISSIONER STIDHAM: Well, I'd have to go
6 after Board Member Blake. I think he hit everything
7 that I was going to indicate. I did go over the OP report
8 and the DDOT report. And I think, you know, originally
9 this was considered very straightforward. And I do
10 appreciate the Applicant's response to the ANC and their
11 report related to all of the items of the tenant
12 association.

13 So while I will be in support of the
14 application, I do want to flag, for the applicant, what
15 you just said about related to a good relationship with
16 your tenants and your tenant associations, which does
17 not sound like you have in place today. So I highly
18 encourage you to build that relationship and start to
19 work with them to address the many issues that were
20 brought up today.

21 BZA CHAIR HILL: Thank you. Commissioner
22 Stidham.

23 All right. I'm going to make a motion to
24 approve Application Number 21385 as captioned and read
25 by the secretary, and ask for a second. Mr. Blake?

1 VICE CHAIRPERSON BLAKE: Second.

2 BZA CHAIR HILL: The motion has been made and
3 seconded. If you can take a roll call, please, Madam
4 Secretary?

5 MS. MEHLERT: Please respond to the Chair's
6 motion to approve the application. Chairman Hill.

7 BZA CHAIR HILL: Yes.

8 MS. MEHLERT: Vice Chair Blake.

9 VICE CHAIRPERSON BLAKE: Yes.

10 MS. MEHLERT: Commissioner Stidham.

11 COMMISSIONER STIDHAM: Yes.

12 MS. MEHLERT: Staff would record the vote as
13 three to zero to two to approve Application Number 21385
14 on the motion made by Chairman Hill and seconded by Vice
15 Chair Blake.

16 BZA CHAIR HILL: Thank you. All right, I'm
17 looking for my commissioner, I'm sorry, my board
18 members. So I think we can finish in an hour. Do you
19 all want to have a break, or do you want to finish?

20 COMMISSIONER STIDHAM: I leave it to you guys.
21 I had the morning off. So, I can go or --

22 BZA CHAIR HILL: It's up to you --
23 (Simultaneous speaking.)

24 BZA CHAIR HILL: I don't really care. I mean,
25 I can power through if you want to power through, or

1 we can take a lunch break. You, Mr. Blake, are deciding.

2 VICE CHAIRPERSON BLAKE: Oh, I'm deciding.

3 Oh, I'm going to take a break then.

4 BZA CHAIR HILL: Oh, there you go. All right.

5 We will go ahead and take lunch. We'll come back at
6 1:30 or 1:40. Okay, thank you.

7 (Whereupon, the above entitled matter went
8 off the record at 1:07 p.m. and resumed at 1:44 p.m.)

9 BZA CHAIR HILL: Go ahead, Madam secretary,
10 if you'd call us back, please. And then call our first
11 case.

12 MS. MEHLERT: The Board is back from its lunch
13 break and returning to its hearing session. The next
14 case, is Application Number 21388 of Theresa Sullivan.

15 This is a self certified application pursuant
16 to Subtitle X, Section 932, for special exceptions under
17 Subtitle E, Section 207.5, to allow the rear wall of
18 a row of semi- detached buildings to extend further than
19 10 feet beyond the farthest rear wall of any adjoining
20 principal residential building on any adjacent
21 property, and under Subtitle E, Section 5201, for the
22 lot occupancy requirements of subtitle E, Section
23 210.16.

24 This is for a two-story plus basement rear
25 addition to an existing semi-detached principal

1 dwelling. It is located in the RF 1 Zone at 617
2 Massachusetts Avenue NE, square 866, lot 810.

3 As a preliminary matter, the Applicant has
4 filed a motion to waive the filing deadline for a revised
5 self certification form, which is in the record at
6 Exhibit 21a. And I will also note that ANC 6C filed
7 a letter in support in Exhibit 26.

8 BZA CHAIR HILL: Okay, great. Thank you.
9 If the Applicant can hear me, if they could please
10 introduce themselves for the record.

11 MR. ROUSE: Yes, this is Michael Rouse from
12 MPR Architecture. Hi, hello, Chairman and
13 Commissioners. I am representing Theresa Sullivan in
14 this special exception.

15 BZA CHAIR HILL: Okay, great. Thank you.
16 If you can just pull your file up, please.

17 Okay, great. Unless the board has any issues,
18 I'd like to see the revised self cert, so I'm going to
19 go ahead and allow that into the record.

20 Mr. Rouse, if you want to go ahead and walk
21 us through your client's application and why you believe
22 they're meeting the criteria for us to grant the relief.

23 I've got about 15 minutes on the clock, so I know where
24 we are, and you
25 can begin whenever like.

1 MR. ROUSE: Thank you if we could pull up the
2 presentation that was submitted, and I'll go through
3 it pretty quickly.

4 Thank you. This sheet basically does show
5 the location of the house on the block. Our apologies,
6 the attached area is not correct. It's actually Lot
7 B10 to the left there. But this block obviously is
8 triangular shaped with multiple lot sizes and different
9 sized homes along the lot.

10 The photos there, you can see from the rear,
11 we are planning on taking down an existing stucco
12 addition and replacing that with a brick addition on
13 the back. The bottom photos on the bottom left do show
14 that this is a two-story semi-detached house amongst
15 two and a half and three-story row homes.

16 The site plans to the right do show the
17 proposal of -- the proposed brick and frame addition
18 on the back, which is roughly 9.1 feet in depth. And
19 we did apply for the rear setback due to the dogleg wall
20 that can be seen on Lot 61, which I believe is 619 Mass
21 Avenue. So we are currently at about 15.5 feet, I
22 believe, for that setback from that dogleg wall.

23 In addition, we are also asking for the lot
24 coverage special exception between 60 and 70 percent.

25 With this 9.1 foot addition being the whole width of

1 the brick mass, we're at 62.29 percent.

2 If you could go to the next slide, please.

3 Thank you. Basement plans, just showing that we are
4 going to include a basement on the project for this
5 addition. The house currently has a small, sort of,
6 mechanical basement.

7 Next slide. The house was originally
8 gut-renovated in probably 2005 or so, and this client
9 is wishing to bring back some of the historic character
10 of the building. So the floor plan reflects that with
11 discrete rooms, living room, dining room, new staircase
12 up, and a modern kitchen. So due to that modern kitchen
13 and just, kind of, a powder room, we're meeting that
14 required space.

15 Next slide please. And upstairs we are doing
16 additional bedrooms and bathrooms. I do note here that
17 the second floor does not come out as far as the first
18 floor addition on the west portion of the building.
19 So you do see that little jog there with the guest bedroom
20 and a study.

21 Next slide please. This is the roof plan
22 showing that we are putting the AC units up on the roof,
23 as well as some solar panels. We do realize that if
24 we did solar studies on this, and we are going to get
25 partial solar for the array, but it is an important

1 aspect of the project.

2 Next slide, please. Existing elevations, not
3 planning on doing anything on the front. But we are
4 ripping off the rear addition that's in stucco, and we'll
5 be replacing that with brick.

6 Next slide, please. This shows the rear
7 addition in the bottom right there with some classical
8 wood trim, some wood siding, and then some brick material
9 as well. We feel that the massing is historically
10 appropriate for the building and for the neighborhood.

11 Next slide please. And this is just a show
12 of kind of a 3D massing before and after. We have
13 received community support from ANC 6C, the Capitol Hill
14 Restoration Society, and the three abutting neighbors
15 at 611 and 619 Massachusetts Avenue, so to the east and
16 the west, and then finally 209 6th Street, which is sort
17 of southwest of us and across the four-foot alley.

18 We feel that the project, the way it's massed,
19 and
20 with the small footprint that it has, is not going to
21 block any neighboring light or air to the project to
22 -- excuse me, the house to the east already has a current
23 light well of about six or seven feet wide. So we're
24 really not affecting the air there. And on the west
25 side we're detached, so we do have a three-foot alleyway

1 all the way through.

2 Any windows that -- there are no windows
3 proposed on the east side. The windows that are
4 proposed on the west are set back or behind a privacy
5 fence. So we feel that there's no issues with privacy.

6 We also received a letter of support, or a
7 report, I should say, from the Office of Planning to
8 approve the project.

9 At this point, I know you guys are busy, so
10 I'm happy to take any questions to finish up my
11 presentation.

12 BZA CHAIR HILL: Okay, great. Thank you, Mr.
13 Rouse.

14 Let's see, before I turn to the board, can
15 I hear from the Office of Planning?

16 MS. THOMAS: Sure. Thank you, Mr. Chair,
17 members of the board, Karen Thomas for the Office of
18 Planning. And we are recommending approval of this
19 application with the request for light occupancy.

20 And I'd just like to note the Applicant also
21 asked for rare addition relief, but in consultation with
22 the zoning administrator's office. The 10-foot limit
23 is not measured from the back of the dogleg, but rather
24 from the furthest rear wall of the adjacent home. And
25 therefore the proposed addition would not extend beyond

1 the rear wall of that adjacent home, and so that relief
2 would not be required.

3 However, if you guys at the board determined
4 that it is required, we would recommend approval of it.

5 So we have no issues with it. We do believe that the
6 application has met the requirements. And we will rest
7 on the record of our report. Thank you.

8 BZA CHAIR HILL: Does the board have any
9 questions for the Office of Planning or the Applicant?

10 Okay.

11 I'm in favor of just kind of erring on the
12 side of caution concerning the 10 foot rule and, kind
13 of, evaluating it in that regard.

14 Mr. Young, is there anyone here wishing to
15 speak?

16 MR. YOUNG: No.

17 BZA CHAIR HILL: Okay, great thank you. All
18 right, Mr. Rouse, do you have anything to add at the
19 end?

20 MR. ROUSE: No. I appreciate the nature of
21 caution on the 10 foot rule. The zoning actually
22 doesn't clarify what the furthest wall is from the rear
23 lot line or from the front lot line. I'm glad to hear
24 that the Zoning Administrator says it's from the front
25 lot line, but I appreciate the board's discretion and

1 encouraging that as a safety measure for us.

2 BZA CHAIR HILL: Okay, great, thank you.

3 All right. I'm going to go ahead and close
4 the hearing and the record. Please excuse the
5 applicant, Mr. Young. Okay, thank you.

6 With regard to the 10-foot rule, I don't think
7 that there's any issues concerning light, air, or
8 privacy for the proposed addition. I also think that,
9 since there's nothing facing the -- there's no windows
10 on the side facing anybody, it doesn't seem to be of
11 any significance to, I think, the project. And then
12 also the neighbors on either side were in support. And
13 so I would be comfortable with the 10-foot rule being
14 approved.

15 And then with lot of occupancy, I mean, I think
16 it's a pretty small lot. I think it's a pretty minor
17 addition in terms of the lot occupancy. And so I am
18 comfortable also with that.

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

21 VICE CHAIRPERSON BLAKE: Mr. Chair, I'm in
22 support of the application. I think from a lot
23 occupancy standpoint, it's a relatively, actually
24 modest request. It's only about 3 percent, less than
25 3 percentage point more than the 60 percent requirement.

1 The applicant has met the burden of proof
2 meeting the criteria of E5201, as well as the X901.2.

3 You know, the light -- the studies have shown that it's
4 not going to be a material impact. There's no issue
5 on privacy. You know, you've got first floor windows,
6 opaque fencing. Second floor windows are set back from
7 the lot line. And it's a modest addition in scale.

8 So I think overall it meets the criteria.
9 I agree with you with the issue on the matter, you know,
10 of utmost caution to go ahead and approve that. So
11 all that said, I'll be voting in favor of the
12 application.

13 BZA CHAIR HILL: Thank you. Commissioner
14 Stidham?

15 COMMISSIONER STIDHAM: I agree as well. I
16 think they have met the burden of proof for all of the
17 elements that we need to evaluate for applications of
18 this nature. And I agree also with the rear yard piece
19 as well. So, I'm prepared to support.

20 BZA CHAIR HILL: Thank you. I'm going to make
21 a motion to approve Application Number 21388 as
22 captioned by the secretary and ask for a second. Mr.
23 Blake?

24 We may have lost Mr. Blake.

25 COMMISSIONER STIDHAM: I can give you a second

1 Chair Hill, if that would help.

2 BZA CHAIR HILL: Sure, go ahead. I'm still
3 waiting for Mr. Blake, but thanks. Commissioner
4 Stidham has seconded. And I'll wait for the vote.

5 COMMISSIONER STIDHAM: There he is.

6 BZA CHAIR HILL: Mr. Blake. Can you hear us,
7 Mr. Blake?

8 VICE CHAIRPERSON BLAKE: Yes, I can.

9 BZA CHAIR HILL: Okay, great. Madam
10 Secretary, can you take a vote, please?

11 MS. MEHLERT: Please respond to the chair's
12 motion to approve the application.

13 Chairman Hill?

14 BZA CHAIR HILL: Yes.

15 MS. MEHLERT: Vice Chair Blake?

16 VICE CHAIRPERSON BLAKE: Yes.

17 MS. MEHLERT: Commissioner Stidham?

18 COMMISSIONER STIDHAM: Yes.

19 MS. MEHLERT: Staff would record the vote as
20 three to zero to two to approve Application Number 21388
21 on the motion made by Chairman Hill and seconded by
22 Commissioner Stidham.

23 BZA CHAIR HILL: Great. Thank you. You can
24 call our next one when you get a chance.

25 MS. MEHLERT: Next is Application Number

1 21390 of Christina Ferreri as amended. This is a
2 self-certified application pursuant to Subtitle X,
3 Section 901.2 for special exceptions under Subtitle E,
4 Section 204.4 in the rooftop architectural element
5 requirements of Subtitle E, Section 24.1 to allow
6 removal for significant alteration of a rooftop
7 architectural element original to a principal building,
8 and under Subtitle E, Section 5201, the lot occupancy
9 requirements of Subtitle E, Section 210.1, and from the
10 rear yard requirements of Subtitle E, Section 207.1

11 This is for a new third-story and three-story
12 rear addition and removal of a portion of the existing
13 back porch original to an existing two-story road
14 building for use as a two-unit flat. It's located in
15 the RF-1 Zone at 3125 Warder Street, NW, Square 3049,
16 Lot 35.

17 As a preliminary matter, the Applicant's have
18 a motion to waive the filing deadline to submit updated
19 self-certification form and print elevation plan.
20 These are exhibits 33 and 34.

21 BZA CHAIR HILL: Okay, give me a second here.

22 Okay, if the applicant can hear me, if they could please
23 introduce themselves for the record.

24 MR. DELGADO: Yes, my name is David Delgado.

25 I'm the agent for the Applicant.

1 BZA CHAIR HILL: Okay. Mr. Delgado, what is
2 it that you're trying to get into the record?

3 MR. DELGADO: Can we wait for Ms. Christina?
4 I don't know if she's here yet.

5 BZA CHAIR HILL: Sure. Christina Ferreri?

6 MR. DELGADO: Ferreri, yes.

7 MS. FERRERI: Hi, good afternoon. Can you
8 hear me?

9 BZA CHAIR HILL: Yes. Could you introduce
10 yourself for the record?

11 MS. FERRERI: Hi, my name is Christina
12 Ferreri. I'm at 3125 Warder Street, NW. I'm the
13 resident there, homeowner.

14 BZA CHAIR HILL: Okay, who's going to be
15 presenting?

16 MS. FERRERI: I'm good.

17 MR. DELGADO: Yes, is your dad?

18 MS. FERRERI: I'm not sure if he's available
19 or not. Samuel Ferrari's also on the line. We
20 submitted a presentation as well.

21 BZA CHAIR HILL: Right. But, well, two
22 things, I guess. Miss Ferreri, did you or -- I guess
23 is it Mr. Ferreri, did you guys both sign up to
24 participate in the hearing?

25 MS. FERRERI: I believe so.

1 BZA CHAIR HILL: Because I'm getting
2 information that you didn't. I mean, we'll figure out
3 how to sort that out.

4 But, Madam Secretary, did they sign up?

5 MS. MEHLERT: We don't have them in the
6 system, but I'm happy to give the oath verbally.

7 BZA CHAIR HILL: Okay, great. So then, Mr.
8 Ferreri, can you hear me? And if so, can you turn on
9 your camera?

10 MR. FERRERI: Good afternoon. Can you hear
11 me?

12 BZA CHAIR HILL: Yes. So you guys didn't sign
13 up, so that means you didn't take the oath. So now we're
14 going to have to administer the oath by the secretary.
15 So if you could just follow her instructions, please.

16 MR. FERRERI: Thank you.

17 MS. MEHLERT: Please raise your right hand.
18 Do you swear or affirm that the testimony that you would
19 give today is the truth?

20 MS. FERRERI: I do.

21 MR. FERRERI: I do.

22 MS. MEHLERT: Okay, thanks --

23 BZA CHAIR HILL: Okay, thank you. So now back
24 to the first question. Who's presenting to us?

25 MR. FERRERI: This is Sam Ferreri. I'll

1 present, and we submitted a short PowerPoint to just
2 go over the three or four points of the request.

3 BZA CHAIR HILL: Right, but you also, you had
4 a revised self cert, is that correct?

5 MR. FERRERI: David, you're going to have to
6 help me with that, because I don't know the terminology.

7 MR. DELGADO: Yeah, I believe so, because we
8 didn't submit the Section 2 of 7.1. We didn't add it
9 to the 135 form. So we had to do a re-submission on
10 that, if that's what you asking.

11 BZA CHAIR HILL: Yes, it is what I'm asking.
12 Hold on. Okay, did you back -- so the recommendations
13 from the Office of Planning is remaining the same. Is
14 that correct?

15 MR. DELGADO: Correct.

16 BZA CHAIR HILL: Okay. So let me ask a
17 question. Otherwise you're welcome to present, right.
18 But it sounds as though the Office of Planning needs
19 a little bit more information from you in order to give
20 a recommendation concerning the front porch. Are you
21 --

22 MR. MITCHUM: Oh I'm sorry, Mr. Chairman, if
23 I can interject, I was I was going to wait until you
24 had called on the Office of Planning to maybe give, like,
25 an updated analysis of the proposal if that's okay.

1 BZA CHAIR HILL: Yes, go ahead. You can tell
2 us now.

3 MR. MITCHUM: Oh, sure. Okay. Well, we were
4 just -- Office of Planning, this is Josh Mitchum from
5 the Office Of Planning. After seeing the new
6 information, we can revise, actually, the
7 recommendation of Subtitle E 204.1 to approval based
8 on the new plans that were submitted. That was the
9 updated analysis that we'd like to provide at this time.

10 BZA CHAIR HILL: Okay. Thanks. And those
11 are the items that are trying to get into the record,
12 right?

13 MR. MITCHUM: Yes, sir. That's my
14 understanding, yes, sir.

15 BZA CHAIR HILL: Exhibit 34, okay. So if the
16 board doesn't mind, I'm going to go accept the items
17 that they're trying to get into the record so we know
18 what exactly we're looking at. And if the board minds,
19 please speak up.

20 Okay. So now that being the case, right, Mr.
21 Delgado, are you doing the PowerPoint presentation?

22 MR. DELGADO: No. Mr. Sam, the architect.

23 BZA CHAIR HILL: Oh, Mr. Ferreri.

24 MR. FERRERI: Yes.

25 BZA CHAIR HILL: Okay. All right, we'll go

1 ahead and pull up the PowerPoint. Can you see the
2 PowerPoint?

3 MR. FERRERI: Yes, I can. So just roughly,
4 this is the front and rear elevations existing of the
5 house. You can see it's on a raised plinth on Water
6 street on the front and the back, the alley's on grade.

7 If you go to the next slide, these are just
8 the items that we were going to touch real quick, but
9 basically it's the nonconforming lot occupancy. This
10 is one of those lots that the alley turns. And so the
11 lot is only 1,400 square feet, and the code revised
12 requires 1,800, which has kind of created the rear
13 setback issue.

14 And, we're modifying, we're tearing off part
15 of the rear of the house. There is an undocumented
16 garage that we cannot find permits, built back before
17 the late 50s. And then the rear porch on the house we're
18 tearing off and replacing with a three story addition.

19 Two stories of that are new bathrooms. So the house
20 has one full bathroom and a partial bathroom in the
21 basement. We're going to go so we have three and a half
22 baths in the house.

23 And we're tearing off the garage and just
24 replacing it with uncovered parking in the rear yard.

25 So those are basically the requests.

1 The next slide will show the, I believe, the
2 survey or the lot location. It's in the middle of the
3 block. You can see, Lois Mailou Jones Alley turns right
4 behind the house. So, the houses north, the row houses
5 north of this site are all nonconforming lots, as well
6 as those on Kenyon.

7 And then, the other request is to tear off
8 four feet of the front porch to allow for a front entry
9 access to the basement so we can have a legal apartment
10 there. Those are the requests. That's the only change
11 to the front elevation is taking off four feet of the
12 front porch.

13 And we've also, later in the presentation we
14 can go through if you'd like, but we showed
15 documentation. There's at least six other houses in
16 the 3100 block that have either removed their total porch
17 or modified their porch. And we're just really copying
18 what's been done just to the house to the south. This
19 has allowed the basement access.

20 If you go to the next slide you can see the
21 existing survey, and you can see the garage that we're
22 tearing off. Go one more and it's a blow up of the
23 survey. And you can clearly see the garage that we're
24 tearing off.

25 One more slide, there we go. So the upper

1 right- hand corner is that roughly 200 square foot
2 accessory garage. We're taking that away. And right
3 now you can see there is really no rear yard to this
4 lot.

5 We're going to create a rear yard and we're
6 going to basically -- the required setback requirement
7 is 10 feet. None of the houses have the 10 feet. We're
8 going to go to about seven and a half. We're now at
9 three and a half. So we're reducing the lot coverage
10 from 80 percent to 64.7 with the exception that's allowed
11 for the 70 percent lot coverage. We're within that, and
12 we're improving the setback. We're not getting ten,
13 but we're getting to just over 7.5 feet. So that's our
14 request. I can go further, but I think it's pretty
15 straightforward.

16 BZA CHAIR HILL: Okay, Mr. Young, if you want
17 to drop the slide deck. I mean, I'm flipping through
18 all the rest of your slides.

19 Let me see. Could I hear from the Office of
20 Planning again? Please introduce yourself. I'm
21 sorry.

22 MR. MITCHUM: Hi, again. This is Joshua
23 Mitchum with the Office of Planning.

24 The initial recommendation for denial of 204.1
25 was predicated on the idea that we did not have enough

1 information about what is being proposed for the front
2 yard. But now that we have the updated plans per the
3 Applicant, we are willing to switch our recommendation
4 to approval for the subject application. And the other
5 aspects of relief remain the same for our recommendation
6 of approval. And I'm happy to answer any questions.

7 Thank you.

8 BZA CHAIR HILL: Okay, great. Thank you.
9 Go ahead, Mr. Blake.

10 VICE CHAIRPERSON BLAKE: Yes. This question
11 is the Office of Planning. Could you walk through the
12 slides that you reviewed that shaped your opinion on
13 the visual intrusion?

14 MR. MITCHUM: Yes, that would be the latest,
15 I think it was Exhibit 34.

16 VICE CHAIRPERSON BLAKE: My main question had
17 to do --

18 BZA CHAIR HILL: Sorry, Mr. Mitchum.

19 Mr. Young, can you pull up that exhibit,
20 please, Exhibit 34? Great, thank you.

21 Okay, Mr. Mitchum, go ahead.

22 MR. MITCHUM: Sure. So one of the questions
23 the Office of Planning had was what exactly was going
24 to be changing with the existing porch roof. And with
25 this latest information, we're seeing that the length

1 of the roof is what's proposed to be changed, not the
2 depth of the existing porch roof, nor the design of the
3 roof isn't changing.

4 And we can see the existing upper elevation
5 elements. And the existing dormers and the mansard roof
6 are remaining. And so that was the main basis of the
7 change in the recommendation of approval. Because this
8 information was not presented in this way with the
9 initial filings. And so I felt at the time that I can
10 I did not have enough information to actually make a
11 recommendation of Subtitle E 204.1.

12 VICE CHAIRPERSON BLAKE: Did you look at it
13 in the context of the neighborhood environment,
14 surrounding environment?

15 MR. MITCHUM: So that was one of the aspects
16 I had brought up to the Applicant, for the existing homes
17 in the area, how some do have a portion of their roof
18 kind of chopped off a little bit. And so I was saying
19 that there is precedence for some of your neighbors doing
20 that. But again, in the initial filing, I did not have
21 enough information to kind of make that distinction.

22 VICE CHAIRPERSON BLAKE: Slide 11 of the
23 Applicant's presentation has the frontage of several
24 houses in the block. Could you kind of give me a sense
25 of what you observed there?

1 MR. MITCHUM: Slide 11.

2 VICE CHAIRPERSON BLAKE: Yes.

3 MR. MITCHUM: So actually, the PowerPoint
4 presentation, this is actually not what was shown to
5 the Office of Planning. Initially it was it was
6 specifically Exhibit 34 with the new exterior
7 elevations. That's what I did specifically ask the
8 Applicant for.

9 VICE CHAIRPERSON BLAKE: Okay, okay, I see
10 what you're saying. Could you take a look quickly, just
11 from the document, if you would, for a second, Mr. Chair?
12 Could you just take a quick look at the last -- the
13 picture in the slide deck?

14 BZA CHAIR HILL: Mr. Young, could you pull
15 that up, please? Yes, there you go, thank you.

16 MR. YOUNG: Sure.

17 VICE CHAIRPERSON BLAKE: Okay. So if we look
18 at the row, could you kind of, in the context of that,
19 help me appreciate this a little better?

20 MR. MITCHUM: Yes. There's a house. I'm
21 trying to get the exact address because I did speak to
22 the Applicant about what I was facing, a lot of this
23 information. And I believe it was 3123 Warder Street
24 Northwest. I believe it's the beige looking building
25 --

1 VICE CHAIRPERSON BLAKE: Yes.

2 MR. MITCHUM: -- the beige looking building
3 in there. They did have a modified porch with a basement
4 access. And you can see that the front porch is kind
5 of deviated off to the right, which is pretty similar
6 to what the Applicant is proposing with their
7 modifications to the front porch. So in that regard,
8 there was precedence for having that kind of design.

9 It's not super typical along the block face, but there
10 is precedence right next door.

11 VICE CHAIRPERSON BLAKE: Okay. Thank you
12 very much.

13 BZA CHAIR HILL: Thank you. Let's see, Mr.
14 Young, is anyone here wishing to speak?

15 MR. YOUNG: We do not.

16 BZA CHAIR HILL: Okay. All right, that's it.
17 You all have a nice day.

18 MS. FERRERI: Thank you.

19 BZA CHAIR HILL: And we'll let you go.

20 MS. FERRERI: Thank you, happy holidays.

21 BZA CHAIR HILL: Happy holidays to you too.

22 Okay, great. I'm happy to start, but I'm
23 tired of talking. Mr. Blake, would you like to start?

24 VICE CHAIRPERSON BLAKE: Sure. Mr. Chair,
25 I do believe the applicant has met the burden of proof

1 to be granted the request, really. When you look at
2 the approval from the rear yard, you know, when you look
3 at the rear yard lot occupancy, I believe the Applicant
4 has met full burden of proof to be granted relief in
5 terms of light, air, privacy, and visual intrusion.

6 As we look at it from the question which
7 actually would be, it was kind of -- I'm glad that they
8 did finally update this information. Because I think
9 that that was unfortunately something that was going
10 to hold this up a little bit.

11 But since they did look at it, and you go
12 through the criteria for approval for the front porch,
13 I do believe that the Applicant has also met the burden
14 of proof there, in that it does not visually really take
15 away from the environment. It fits in just as the as
16 the Office of Planning described with regard to its
17 design, and then with regard the way it fits in with
18 the street frontage, which is what we see here on that
19 final exhibit that we went through.

20 So I do believe the Applicant has met the
21 burden of proof for both levels of all requests for
22 relief. And I'll be voting in favor of the application.

23 BZA CHAIR HILL: Thank you.

24 Commissioner Stidham.

25 COMMISSIONER STIDHAM: I agree with board

1 member Blake. I think they have met all of the
2 requirements and appreciate the additional review by
3 OP, and the Applicant's work to show the consistency
4 with the neighborhood and providing that additional
5 information. So, I am prepared to support.

6 BZA CHAIR HILL: Great, thank you. All
7 right, I have nothing to add. I will follow along with
8 the comments that are made and make a motion to approve
9 Application Number 21390 as captioned by the Secretary
10 and ask for a second. Mr. Blake?

11 VICE CHAIRPERSON BLAKE: Second.

12 BZA CHAIR HILL: Motion made and seconded.
13 Would you take a roll call, please.

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

16 BZA CHAIR HILL: Yes.

17 COMMISSIONER STIDHAM: Vice Chair Blake?

18 VICE CHAIRPERSON BLAKE: Yes.

19 MS. MEHLERT: And Commissioner Stidham?

20 COMMISSIONER STIDHAM: Yes.

21 MS. MEHLERT: Staff would record the vote as
22 three to zero to two to approve Application Number 21390
23 on the motion made by Chairman Hill and seconded by Vice
24 Chair Blake.

25 BZA CHAIR HILL: Okay, great. Thank you.

1 Could you call our last case of the year, please?

2 MS. MEHLERT: Next is Application Number
3 21393 of Ulysses Glee as amended. This is a
4 self-certified application pursuant to Subtitle X,
5 Section 901.2 for a special exception under Subtitle
6 E, Section 5201 from the rear yard requirements of
7 Subtitle E, Section 207.1, and pursuant to Subtitle X
8 Section 1002, for an area variance rule on occupancy
9 requirements of Subtitle E, Section 210.1.

10 This is for a two-story rear addition to an
11 existing two-story attached building used as two-unit
12 flat. It's located in the RF 1 Zone at 655 South
13 Carolina Avenue, SE, Square 876, Lot 30.

14 And there is a preliminary matter. The
15 Applicant has filed a motion to waive the filing deadline
16 to provide documents and Exhibits 25, 27, 28.

17 BZA CHAIR HILL: Great. If the applicant can
18 hear me, if they could please introduce themselves.
19 For the record.

20 MR. GLEE: My name is Ulysses Glee, owner of
21 665 South Carolina Avenue, SE.

22 BZA CHAIR HILL: All right. Thank you, Mr.
23 Glee.

24 Mr. Heisey, are you presenting?

25 MR. HEISEY: Yes, I'm acting as Mr. Glee's

1 agent.

2 BZA CHAIR HILL: Could you please introduce
3 yourself for the record?

4 MR. HEISEY: This is Joel Heisey, architect,
5 1516 12th Street, NW.

6 BZA CHAIR HILL: Great. Mr. Heisey, there's
7 something in the record making you the Applicant's
8 person, right?

9 MR. HEISEY: Yes.

10 BZA CHAIR HILL: Okay, great.

11 MR. HEISEY: There should be one of the
12 initial --

13 BZA CHAIR HILL: I believe the staff would
14 have told me otherwise, but I just wanted to clarify.
15 And I'm comfortable allowing what you're trying to get
16 into the record, because then we'll know exactly what
17 we're kind of looking at.

18 MR. HEISEY: Yes.

19 BZA CHAIR HILL: I'm going to go ahead --

20 MR. HEISEY: It's no substantial changes.
21 It's just getting all the numbers, that they match across
22 documents.

23 BZA CHAIR HILL: Sure. No, that's great.
24 Thank you. So, Mr. Heisey, first of all, nice to see
25 you. And then, second, why don't you go ahead and walk

1 us through your client's application, why you believe
2 they're meeting the criteria for us to grant this relief.

3 And you can begin whenever you like.

4 MR. HEISEY: Okay. The owner was going to
5 say a bit about the history of the property if you'd
6 like, or we could go -- this is fairly --

7 BZA CHAIR HILL: No, just go ahead. If the
8 owner wants to go ahead and tell us about the property,
9 that's fine.

10 MR. GLEE: Yes. I'm going to have to be brief
11 because my charge is down to 4 percent. I've been here
12 -- it was 100 percent this morning, so I'm going to have
13 to be very brief.

14 I'm owned this property for over 34 years.
15 And each property that I own, I've been in real estate.

16 After my career of 20 some years at University of
17 Maryland, I decided to go into real estate. And each
18 property that I've owned, I've always wanted to see what
19 I can do to make it, better for the next person.

20 And fortunately, I'm still in the group home
21 business, and I have five properties, and I had some
22 other friends to adopt the same philosophy that I had
23 in order of improving properties. So as a result, we
24 got ten group homes that are active. And, it helps with
25 our values of helping other folks.

1 So with this particular property, I wanted
2 to see what I could do in order to improve for the next
3 person. I'm not ready to sell it. And I lived in it
4 once upon a time, for a year. And I'm a single person,
5 and it was small for myself. So in the end, I decided
6 that I'd reach out to Joel to see what we can do with
7 the dogleg. And that's why we're here today, to see
8 if we can and add some square footage to this property.

9 And it would affect the basement, the first
10 level, and the top level. So I'm going to stop there
11 because I don't want to -- my time is very short on this,
12 on the charge here.

13 BZA CHAIR HILL: Okay. Thank you, Mr. Glee.
14 My charge is also down to 4 percent, I gotta tell you.

15 MR. HEISEY: This happens when you put us at
16 the end of the year.

17 (Simultaneous speaking.)

18 MR. HEISEY: This is simple, straightforward,
19 with no objection. So I'll try to keep my portion short
20 as well.

21 BZA CHAIR HILL: Okay, Mr. Heisey, why don't
22 you go ahead and tell us how you think you're meeting
23 this criteria, okay?

24 MR. HEISEY: Yes, okay. I'll just deal with
25 that. I was going to go through, kind of, the exhibits.

1 But you guys are always pretty good about looking at
2 them.

3 Just a summary, it's what the proposal is,
4 it's basically enlarging the bedrooms on the first,
5 second and third floor in the basement unit. We're just
6 filling in the dogleg, not going higher than the existing
7 building, not going any further back than the existing
8 building, and extending the current deck the width of
9 the building now, rather than just the portion that
10 excludes the dogleg.

11 The entire building sits back behind the two
12 buildings adjacent to it. So there's really no
13 interference or disruption, with those properties.

14 We meet the criteria, because this is a very
15 small lot with a very small house on it. It's only a
16 660 square foot lot, I believe. So by filling in the
17 dogleg, we do push up the lot occupancy to 84 percent.

18 But if this was a regulation size 1,500 square foot
19 lot, that would still only be 40 percent of the lot.

20 If you look at exhibit, well, the plans show
21 it probably the best. If you go to Page 4, that shows
22 kind of the whole square of the three.

23 BZA CHAIR HILL: Which exhibit are you -- I'm
24 sorry, Mr. Heisey.

25 MR. HEISEY: The plans are exhibit, it's the

1 new one, 25. And Page four of that, I believe, should
2 be like a layout of the square with all the different
3 lots. And you can see the location --

4 BZA CHAIR HILL: One second, I'm trying to
5 figure out which exhibit you're in. It's not 25.

6 COMMISSIONER STIDHAM: I think it might be
7 13.

8 MR. HEISEY: You know. Well, yes. Those are
9 the plans. Yes, 13 was it.

10 BZA CHAIR HILL: Okay, great. Mr. Young,
11 could you pull up thirteen.

12 MR. HEISEY: And then Page 4 is the one that
13 shows -- it's the whole square and the size of this lot
14 relative to all the others in the square. This one,
15 and then there's some down on the southeast corner that
16 are also very small, dating from the L'Enfant Plan.

17 BZA CHAIR HILL: This is Page 4, Mr. Heisey,
18 Slide 4.

19 MR. HEISEY: Okay let's move up the page.
20 Oh, it's Page 2 in this document, sorry.

21 BZA CHAIR HILL: Right there you go. Slide
22 2.

23 MR. HEISEY: Yeah, there we go.

24 BZA CHAIR HILL: Okay.

25 MR. HEISEY: Yes. So that's just to show --

1 the real driving force is the practical hardship of
2 trying to do anything on such a small lot. That's why
3 the lot occupancy jumps. It's currently 74 percent.

4 Filling in the dogleg gets to 84 percent. So a
5 non-conforming on a nonconforming lot kind of filling
6 in but not materially altering the essence of the use
7 of the structure.

8 As far as this special exception for the rear
9 yard setback, they're not altering it. It's just that
10 it is non- conforming now. So we need to request again
11 to allow that, to allow the expanded deck through it.

12 It's 7 feet 9, we're going keep it at 7 feet
13 9. And it was still, even with that small deck, it will
14 still be behind the rear property walls of those
15 adjoining property owners. So I think we do need to
16 be in harmony with the general planning code. It's not
17 atypical of the character of the neighborhood.

18 The other houses on these blocks, if you do
19 look at Exhibit 4, the photos, Page 4 there shows exactly
20 the dogleg and where they're proposing to fill in. But
21 it also shows other houses on that stretch of the street
22 from this property out to Seventh Street. They also
23 have rear additions that extend further back than this
24 proposal does as well.

25 The neighbors on both sides have provided

1 letters of support. The Office of Planning is in favor.
2 The ANC has also voted in favor of this application.

3 I'll keep it short of that. And if you have
4 any other questions you want answered, but otherwise,
5 I think we have met the burden of proof for approving
6 this special exemption and variances requested.

7 BZA CHAIR HILL: Okay. Thank you, Mr.
8 Heisey. I'm going to, before I turn to the Board, turn
9 to the Office of Planning.

10 MR. BEAMON: So good afternoon. For the
11 record, I'm with the Office of Planning. OP has
12 reviewed the application for the special exception and
13 the area variance relief from the required rear yard
14 and maximum lot occupancy. And we find that request
15 has met the criteria for Subtitles E and X.

16 Although this is not the smallest lot in the
17 square, the subject property has a significantly smaller
18 lot area measuring less than 50 percent of the minimum
19 lot size in the RF 1 Zone, resulting in a smaller
20 building. Without the variance, the Applicant cannot
21 expand the house, as the existing lot occupancy exceeds
22 the maximum allowed by special exception.

23 The proposed infill addition and deck would
24 not change the use of the building, and should not have
25 adverse impact on adjacent properties. Therefore, we

1 recommend approval and I can take any questions.

2 BZA CHAIR HILL: Okay, great. Thank you.

3 Does the board have any questions for the Applicant or
4 the Office of Planning?

5 Okay. Mr. Young, is there anyone here wishing
6 to speak.

7 MR. YOUNG: We do not.

8 BZA CHAIR HILL: Okay. All right, Mr.
9 Heisey. You can go ahead. Have a nice holiday.

10 MR. HEISEY: You too, thank you

11 BZA CHAIR HILL: Thank you.

12 MR. HEISEY: Glad you ended on a fairly short
13 presentation.

14 BZA CHAIR HILL: Thank you, Mr. Heisey.

15 MR. HEISEY: You're welcome.

16 BZA CHAIR HILL: Okay. I'm going to agree
17 with the analysis the Office of Planning has provided.

18 I'm also going to agree with the recommendation that
19 the ANC has given, and that we are to give the ANC great
20 weight.

21 I also am happy, thankful, that both adjoining
22 neighbors are comfortable with the project. As far as
23 the special exception criteria for the rear yard, I
24 understand the need in terms of how small the lot is.

25 And the area variance, I guess the exceptional

1 condition that I will tie onto is, again, how tiny this
2 lot is. And the acceptable condition is that the house
3 is still very small and it's not even getting to the
4 40 percent lot occupancy if it were a regular lot, and
5 vote approval of the application.

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

8 VICE CHAIRPERSON BLAKE: Yes, Mr. Chair, I
9 would I would acknowledge that I agree with the analysis
10 you put forth. And I would say, the one thing with
11 regard to the lot -- and I would definitely agree with
12 the Office of Planning analysis. This is not the
13 smallest lot on the square, but it is a very small lot.

14 The smallest lot on the square is 623 square feet, which
15 is incredibly small. It's in the far corner.

16 But this lot is the smallest of this particular
17 row of houses directly on that particular side of the
18 street. And it's so small -- and it's much smaller than
19 the other houses. They progressively get larger as you
20 go towards the corner.

21 So given that context of that narrow block,
22 I would focus there as opposed to the -- try to single
23 it out as the smallest or not, because it's not. But
24 I do think it does qualify, as you pointed out, because
25 of its particularly small size. And the building on top

1 of it, and the type of addition that they're talking
2 about, I feel comfortable that the Applicant has met
3 the burden for the area variance. And I do believe the
4 Applicant has also met the criteria for the special
5 exception. So I'll be voting in favor.

6 BZA CHAIR HILL: Thank you.

7 Commissioner Stidham?

8 COMMISSIONER STIDHAM: I have nothing to add
9 to what you guys have already said. I agree with the
10 Office of Planning and their analysis and with the ANC.
11 And I'm glad to see the support of the adjacent
12 neighbors. This is a very small lot, and I'm prepared
13 to support.

14 BZA CHAIR HILL: Okay, great. Thank you.
15 All right, with that, I'm going to make a motion to
16 approve Application Number 21393 as captioned and read
17 by the Secretary, and ask for a second. Mr. Blake?

18 VICE CHAIRPERSON BLAKE: Second.

19 BZA CHAIR HILL: Motion has been made and
20 seconded, Madam Secretary. Take a roll call, please.

21 MS. MEHLERT: Please respond to the chair's
22 motion to approve the application. Chairman Hill?

23 BZA CHAIR HILL: Yes.

24 MS. MEHLERT: Vice Chair Blake.

25 VICE CHAIRPERSON BLAKE: Yes.

1 MS. MEHLERT: Commissioner Stidham.

2 COMMISSIONER STIDHAM: Yes.

3 MS. MEHLERT: Staff would record the vote as
4 three to zero to two to approve Application Number 21393
5 on the motion made by Chairman Hill and seconded by Vice
6 Chair Blake.

7 BZA CHAIR HILL: Okay, great. If you all will
8 indulge me for 30 seconds, I'd like to thank the Office
9 of Zoning staff, as well as the Office of Zoning legal
10 department, the Office of Planning, and everybody who
11 has to listen to us every week for all of the help you
12 have given this board over the year. And I hope
13 everybody has a happy holiday and a happy new Year.

14 In particular, also in this, Madam Secretary,
15 thank you so much, Mr. Blake, and Commissioner Stidham,
16 for joining us on this very latest thing.

17 Does anyone have anything they'd like to add?

18 COMMISSIONER STIDHAM: No, just echoing your
19 thank you to everyone for the support and for surely
20 helping, as everyone does, to get us to where we need
21 to be every week.

22 BZA CHAIR HILL: Vice Chair Blake.

23 VICE CHAIRPERSON BLAKE: Thank you everybody.
24 Happy, holidays. And I'll see you in January.

25 BZA CHAIR HILL: Bye bye, everybody, we're

1 adjourned.

2 (Whereupon, the above entitled matter went
3 off the record at 2:30 p.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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18 Eric Mollen
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