

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

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WEDNESDAY

FEBRUARY 11, 2026

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Video/Teleconference, pursuant to notice at 9:30 a.m. EST, Carl Blake, Vice-Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

CARL BLAKE, Vice-Chairperson
BRITTNEY DRAKEFORD, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

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
MICHAEL SAKINEJAD, Zoning Data Coordinator

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.
CARISSA DEMARE, ESQ.

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The transcript constitutes the minutes from the
Regular Public Meeting held on February 11, 2026.

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

2 (9:38 a.m.)

3 VICE CHAIRPERSON BLAKE: Let's get started.

4 If the recording is going, then we'll begin. The
5 Board of Zoning Adjustment's February 11th, 2026
6 public hearing will please come to order. My name is
7 Carl Blake, Chair of the District of Columbia Board of
8 Zoning Adjustment. Joining me today are Board Members
9 Brittney Drakeford representing the National Capital
10 Planning Commission and Zoning Commissioners Tammy
11 Stidham, Gwen Wright, Rob Miller and Dr. Joe Imamura.

12 Today's meeting and hearing agenda are
13 available on the Office of Zoning's website.

14 Please be advised that this proceeding is
15 being recorded by a court reporter and is also webcast
16 live via Webex and YouTube Live. The video of the
17 webcast will be available on the Office of Zoning's
18 website after today's hearing. Accordingly, everyone
19 who is listening on Webex or by telephone will be
20 muted during the hearing. If you experience
21 difficulty accessing Webex or your telephone call-ins,
22 then please call our OZ hotline number at 202-727-
23 5471, to receive WebEx login or call-in instructions.

24 Today, we will begin with our decision
25 meeting session and then proceed with our public

1 hearing session. Please be advised that we do not
2 take any public testimony at our decision meeting
3 session. Public testimony will be received during the
4 public hearing session; however, in appeals, only
5 parties are allowed to testify.

6 At the conclusion of a decision meeting, I
7 will, in consultation with the Office of Zoning,
8 determine whether a full or summary order may be
9 issued. A full order is required when the decision it
10 contains is adverse to a party, including an affected
11 ANC. A full order may also be needed if the Board's
12 decision differs from the Office of Planning's
13 recommendation. Although the Board favors the use of
14 summary orders whenever possible, an Applicant may not
15 request the Board to issue such an order.

16 In today's hearing session, everybody who is
17 listening on Webex or by telephone will be muted
18 during the hearing, and only persons who have signed
19 up to participate or testify will be unmuted at the
20 appropriate time. Please state your name and home
21 address before providing oral testimony or your
22 presentation.

23 Oral presentations should be limited to a
24 summary of your most important points. When you're
25 finished speaking, please mute your audio so that your

1 microphone is no longer picking up sound or background
2 noise. Once again, if you experience difficulty
3 accessing WebEx or with your telephone call-in, or you
4 have forgotten to sign up 24 hours prior to this
5 meeting, then please dial our OZ hotline number at
6 202-727-5471 to sign up to testify and to receive
7 WebEx login or call-in instructions.

8 All persons planning to testify either in
9 favor or in opposition should have signed up in
10 advance, they will be called by name to testify. By
11 signing up to testify, all participants completed the
12 oath or affirmation as required by Subtitle Y Section
13 408.7.

14 Requests to enter evidence at the time of an
15 online virtual hearing, such as written testimony or
16 additional supporting documents, other than live
17 video, which may not be presented as part of the
18 testimony, may be allowed pursuant to Subtitle Y
19 Section 103.13. The order of procedure for special
20 exceptions and variances are pursuant to Subtitle Y
21 Section 409. The order of procedure for appeals are
22 pursuant to Subtitle Y Section 507. Time constraints
23 shall be maintained pursuant to Subtitle Y Section
24 408.2 and 408.3.

25 At the conclusion of each case, an individual

1 who was unable to testify because of technical issues
2 may file a request to leave the record open to file a
3 written version of their planned testimony to the
4 record within 24 hours following the conclusion of
5 public testimony in the hearing.

6 If additional written testimony is accepted,
7 then the parties will be allowed a reasonable time to
8 respond as determined by the Board. The Board will
9 then make a decision at its next meeting session, but
10 no earlier than 48 hours after the hearing. At the
11 conclusion of the hearing, the Board may request
12 additional specific information to complete the
13 record. The Board and the staff will specify at the
14 end of the hearing exactly what's expected and the
15 date when the person must submit the evidence to the
16 Office of Zoning. No other information will be
17 accepted by the Board.

18 Once again, after the Board adjourns the
19 hearing, the Office of Zoning in consultation with the
20 Chair, will determine whether a full or summary order
21 may be issued, a full order is required when the
22 decision obtained is adverse to a party, including
23 affected ANCs. A full order may be also be needed if
24 the Board's decision differs from the Office of
25 Planning's recommendation. Moreover, the Board may

1 request additional specific information to complete
2 the record.

3 Although the Board favors the use of summary
4 orders whenever possible, again, an Applicant may not
5 request the Board to issue such an order.

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

20 MS. MEHLERT: Good morning, Mr. Chairman,
21 Members of the Board. The preliminary matters for
22 today, since the February 4th hearing last week was
23 canceled, I wanted to announce just some schedule
24 changes for a few cases that were originally scheduled
25 for that day.

1 Application No. 21406 of Consys, Inc. has
2 been postponed from February 4th to March 4th.
3 Application No. 21405 of Azanach Haile has been
4 administratively rescheduled from February 4th to
5 March 18th. Application No. 21402 of 1724 H ST NE,
6 LLC was postponed from February 4th to April 1st.

7 Regarding late filings, the Chairman has
8 reviewed and granted waivers to allow late filings
9 into the applicable case records pursuant to Subtitle
10 Y Section 206.7 and Section 103.13, any of the late
11 filings during the course of today's hearing should be
12 presented for a report by the Applicant, parties or
13 witnesses after the case is called. Any other
14 preliminary matters will be noted when the case is
15 called.

16 VICE CHAIRPERSON BLAKE: Thank you, Madam
17 Secretary. Would you call our first meeting session
18 agenda item?

19 MS. MEHLERT: The first item in the Board's
20 meeting session is Application No. 21360 of M &
21 Potomac Streets Associates. As amended, this is a
22 self-certified application pursuant to Subtitle X
23 Section 1002 for area variances. The lot area
24 requirements of Subtitle D Section 202.1; lot
25 occupancy requirements of Subtitle D Section 210.1;

1 the rear yard requirements of Subtitle D Section
2 207.1; and, the side yard requirements of Subtitle D
3 Section 1104.1.

4 This is for a principal dwelling, a new
5 detached building located in the RW/GT zone at
6 Prospect Street NW, Square 1206, Lot 832. This
7 hearing began on October 29th and was completed on
8 January 21st. The Board is scheduled for decision
9 January 28th and postponed the decision to February
10 11th, which was then administratively rescheduled for
11 February 25th.

12 Participating are Chairman Blake, Board
13 Member Drakeford and Commissioner Wright and before
14 the Board today is the Applicant's request to reopen
15 the record in Exhibit 54.

16 VICE CHAIRPERSON BLAKE: Thank you, Madam
17 Secretary. As the Secretary stated, we have had two
18 lengthy hearings on this matter both in October and in
19 January and we did deliberate -- began deliberations,
20 at least, on January 28th at our meeting session, but
21 we weren't able to reach a consensus. I mean that's
22 basically just to get three votes in order to either
23 approve or deny the application.

24 As the Secretary pointed out, this decision
25 was ultimately continued until the February 25th

1 meeting to really allow the board members to consider
2 the merits of the case more fully. The record, at
3 this point, remains closed and the Board has not
4 requested any additional information. The Applicant
5 has subsequently filed a formal request to reopen the
6 record, which the Secretary pointed out is in Exhibit
7 54 to revise the application to eliminate the side
8 yard relief.

9 Now, I'm inclined to grant the request
10 because the supplemental materials may be helpful to
11 the Board. Obviously, we've gone back and forth with
12 this for a while and this may be actually a very
13 helpful piece of information. If we reopen the
14 record, we'll then have to notify all the parties --
15 that is the ANC as well as party in opposition of the
16 acceptance of the supplemental materials and we'll
17 have to allow at least seven days for these parties to
18 submit a response about the revised application and
19 any supplemental materials.

20 I'm going to just go around real quick with
21 the Board and just see if anyone has any objections to
22 me reopening the record. Let's see, Commissioner
23 Wright?

24 COMMISSIONER WRIGHT: No, I have no objection
25 to reopening the record.

1 VICE CHAIRPERSON BLAKE: Okay, Board Member
2 Drakeford?

3 MEMBER DRAKEFORD: I have no objections to
4 reopening the record.

5 VICE CHAIRPERSON BLAKE: Okay, great, Madam
6 Secretary, we'll then reopen the record for the
7 materials and
8 supplemental materials. Now, also we have currently
9 scheduled a decision meeting for this for February
10 25th. Now, since we've agreed to reopen the record, I
11 would propose moving the application from the meeting
12 session to the hearing session on the 25th and conduct
13 a limited scope hearing covering the relief requested
14 in the amended application. Also, look at the
15 supplemental materials received and any responses from
16 the parties about the amended application.

17 I'm going to look at my board members and see
18 if you would be comfortable with that.

19 COMMISSIONER WRIGHT: Yes, I agree.

20 VICE CHAIRPERSON BLAKE: Okay. Board Member
21 Drakeford?

22 MEMBER DRAKEFORD: Yes, I'm comfortable.

23 VICE CHAIRPERSON BLAKE: Great. Okay. Madam
24 Secretary, what would be the time line for responses
25 for the ANC, party in opposition, Office of Planning,

1 etc. to be back here on the 25th?

2 MS. MEHLERT: We will notify parties today
3 about the Board's decision to reopen the record. If
4 responses to the supplemental material that was sent
5 by the Applicant could be due by next Thursday,
6 February 19th, and then you'd be back for a public
7 hearing on the 25th.

8 VICE CHAIRPERSON BLAKE: Okay, that sounds
9 good. Based on that, I'm going to make a motion to
10 conduct a limited scope hearing addressing the
11 amendments proposed in the supplemental material and
12 ask for a second. Board Member Drakeford?

13 MEMBER DRAKEFORD: Second.

14 VICE CHAIRPERSON BLAKE: Okay. The motion is
15 made and seconded. Madam Secretary, would you please
16 conduct a roll call vote?

17 MS. MEHLERT: Respond to the Chair's motion
18 to reopen the hearing for a limited scope hearing,
19 February 25th. Chairman Blake?

20 VICE CHAIRPERSON BLAKE: Yes.

21 MS. MEHLERT: Board Member Drakeford?

22 MEMBER DRAKEFORD: Yes.

23 MS. MEHLERT: Commissioner Wright?

24 COMMISSIONER WRIGHT: Yes.

25 MS. MEHLERT: Staff report the vote as 3 to 0

1 to 2 to hold a limited scope hearing in Application
2 No. 21360 on the motion made by Chairman Blake and
3 seconded by Board Member Drakeford.

4 VICE CHAIRPERSON BLAKE: Okay, thank you very
5 much. Just to be clear, a limited scope hearing is
6 scheduled for February 25th, the record is open for
7 comments and we will be taking public testimony from
8 all parties and the public at that time, but be clear,
9 the scope of the hearing will be limited to the issues
10 associated with the amendments proposed in the
11 supplement material. For efficiency, it's a very
12 thick record. We've had two full hearings on this.
13 We don't need to revisit all the other issues.

14 Okay, Madam Secretary, would you please call
15 our first decision case?

16 COMMISSIONER WRIGHT: Thank you, I'm ready to
17 exit. Have a good day.

18 VICE CHAIRPERSON BLAKE: Oh, okay, fine,
19 fine.

20 COMMISSIONER WRIGHT: Bye-bye.

21 VICE CHAIRPERSON BLAKE: I'm sorry.

22 MS. MEHLERT: Next, in the Board's meeting
23 session is Application No. 21381 of the Institute of
24 Caribbean Studies. This is a self-certified
25 application pursuant to Subtitle X Section 901.2 for a

1 special exception under Subtitle J Section 200,
2 transition setback requirements; of Subtitle J Section
3 210, and pursuant to Subtitle X Section 1002 for a new
4 variance from Subtitle U Section 801 to allow a new
5 residential use. This is for a third-story and three-
6 story rear addition to an existing two-story building
7 for use as an office on the first floor and two
8 dwelling units on the second and third floors.

9 It's located in the PDR-1 zone at 1106 3rd
10 Street NE, Square 0748, Lots 72 and 824. This was
11 heard on December 3rd and the Board requested
12 submissions from the Applicant about the impacts as
13 well as submitting a response from the adjacent owner.

14 Participating are Chairman Blake and Dr.
15 Imamura and I believe Board Member Drakeford has read
16 into the record.

17 VICE CHAIRPERSON BLAKE: Thank you very much,
18 Madam Secretary. I'm just going to kind of recap
19 where we are and then talk on to the deliberations.
20 The Applicant proposed to add a third story and a
21 three-story rear addition to an existing two-story
22 building located in the PRD-1 zone. The completed
23 building will include nonprofit office space on the
24 ground floor and two two-bedroom residential units
25 above, one on the second floor and one on the third

1 floor. The property has been vacant for nearly a
2 decade and was required by the District and the
3 Department of Housing Community Development Property
4 Acquisition and Disposition Program.

5 They essentially require the new development
6 and residential use including a provision of two
7 affordable units for a 40-year period. While the
8 office use is permitted in the matter of right in the
9 PDR-1 zone, residential use is not permitted. So, the
10 Applicant is seeking a use variance to allow the two
11 dwellings. Also, because the adjacent property is a
12 residential building, the Applicant is seeking relief
13 from the transition setback requirement of Subtitle J
14 Section 210.

15 I viewed this as a fairly straightforward
16 application, but some concerns were raised in the
17 hearing regarding the potential impacts of an adjacent
18 solar installation in a residential zone, which lead
19 the Board to postpone its decision. Based on the
20 current record, it appears that the issues that were
21 raised have been now resolved. I think we'll move on.

22 I believe the Applicant has met the burden of
23 proof for both areas of requested relief. With
24 respect to the use variance, the evidence in record
25 clearly demonstrates an exception situation or

1 condition driven by a confluence of three factors:
2 The building's historical residential form dating back
3 to 1896. The physical constraints of a very narrow
4 PDR zone lot. Most importantly, the binding
5 Department of Housing and Community Development
6 covenant requiring the delivery of a nonprofit office
7 space and two afford home ownership units.

8 I want to be clear, I do not view the loss of
9 residential rights resulting from the prolonged
10 vacancy as an exceptional condition as the Applicant
11 argued. That's because the rights lapsed during the
12 owner's discontinuance of a disfavored non-conforming
13 use, not because of any inherent or unusual condition
14 of the property.

15 Coming to the second prong, undue hardship.
16 The record shows that the strict application of PDR-1
17 zone regulations would make it impossible for the
18 Applicant to meet these requirements under its legal
19 obligation and the DHC imposed restraints. No matter
20 of use would allow the required program to be
21 delivered and failure to so would trigger default and
22 potential reversion of the property. I believe that
23 satisfies the use variance hardship test particularly
24 in the light of the more flexible standards applied to
25 non-profit organizations serving the public need or

1 public interest.

2 The third prong, with respect to the third
3 prong, I found allowing the requested residential and
4 non-profit office use will not create substantial
5 detriment to the public good. The massing is
6 compatible with the residential context and the
7 project will replace a long vacant structure with two
8 deeply affordable for sale units. I also agree with
9 the Office of Planning that, in fact, a by-right PDR
10 use would pose greater impacts on the neighboring
11 residential properties.

12 Finally, the relief will not impair the zone
13 plan particularly given that this square already
14 functions primarily as residential and that the future
15 lane use map contemplates a mix of moderate density
16 uses in this location. As for the special exception,
17 the Board considers whether the proposal creates
18 objectionable impacts and is in harming with the
19 regulations. In this case, the ground floor non-
20 profit office is modest in scale. The two dwelling
21 units are consistent with the residential block face
22 and the record shows that some shading already exists
23 from permitted development in the area. Any
24 additional impact from the proposed third story is
25 incremental and anticipated within the zone.

1 I think it's important to note that the
2 Applicant has voluntarily addressed the only
3 identifiable effect by compensating both the
4 neighboring homeowner and the solar provider for the
5 full term of the solar project, even though the solar
6 installation are not protected by the PDR-1 zone. So,
7 I want to say genuinely I appreciate the Applicant's
8 effort to make these things right with the property
9 owner next door and the solar provider. That's
10 reflected in Exhibit 35.

11 The project does not introduce any compatible
12 use or intensity that compromises purpose or intent of
13 the regulations. I give great weight to the Office of
14 Planning's recommendation for approval. I'd also give
15 great weight to the written report of the ANC 6C,
16 which is in support and states no issues or concerns.

17 I'll be voting in support of the application. Dr.
18 Imamura?

19 COMMISSIONER IMAMURA: Thank you, Mr.
20 Chairman. I'm in agreement with your summary and
21 position on this and also want to commend the
22 Applicant for making both the neighbor whole as well
23 as the solar provider. I think that was pretty
24 generous and I think, as you stated before, this is
25 pretty straightforward given all the conditions and

1 constraints and so I think this is going to lead to a
2 much better outcome. I'm prepared to vote in support.

3 VICE CHAIRPERSON BLAKE: Thank you. Board
4 Member Drakeford?

5 MEMBER DRAKEFORD: Yes, I would just also
6 like to reiterate that I am in support of, and align
7 myself with the comments that you've provided and I'm
8 also in support of this application.

9 VICE CHAIRPERSON BLAKE: Okay, thank you very
10 much. With that, I'd like to make a motion to approve
11 Application No. 21381 as read and captioned by the
12 Secretary and ask for a second. Board Member
13 Drakeford?

14 MEMBER DRAKEFORD: I second.

15 VICE CHAIRPERSON BLAKE: Okay, the motion is
16 made and seconded. Madam Secretary, would you please
17 conduct a roll call vote?

18 MS. MEHLERT: Please respond to the Chair's
19 motion to approve the application. Chairman Blake?

20 VICE CHAIRPERSON BLAKE: Yes.

21 MS. MEHLERT: Board Member Drakeford?

22 MEMBER DRAKEFORD: Yes.

23 MS. MEHLERT: Dr. Imamura?

24 COMMISSIONER IMAMURA: Yes.

25 MS. MEHLERT: Staff will record the vote as 3

1 to 0 to 2 to approve Application No. 21381 on the
2 motion made by Chairman Blake and seconded by Board
3 Member Drakeford.

4 VICE CHAIRPERSON BLAKE: Thank you very much.
5 Let's see, Dr. Imamura, are you done now or do you
6 have another case with us?

7 COMMISSIONER IMAMURA: Yes, sir, that's
8 concludes my time. Thank you, Mr. Chairman.

9 VICE CHAIRPERSON BLAKE: Okay, thank you very
10 much. Have a great day.

11 COMMISSIONER IMAMURA: You too.

12 VICE CHAIRPERSON BLAKE: Welcome, Vice Chair
13 Miller.

14 COMMISSIONER MILLER: Good morning, Mr.
15 Chairman and Board Member Drakeford and Keara. Good
16 to see you.

17 VICE CHAIRPERSON BLAKE: Okay. Madam
18 Secretary, could you call our next meeting session
19 agenda item?

20 MS. MEHLERT: Next is Application No. 21384
21 of Adetokunbo Harrison. This is an application
22 pursuant to Subtitle X Section 901.2 for a special
23 exception under Subtitle E Section 207.5 to allow the
24 rear wall of a semi-detached building to extend
25 further than 10 feet beyond the furthest rear wall of

1 an adjoining principal residential building on an
2 adjacent property.

3 This is for a two-story rear addition to an
4 existing two-story semi-detached residential dwelling.

5 It's located in the RF-1 zone at 630 Randolph Street
6 NW, Square 3233, Lot 77. This hearing was completed
7 on January 21st and the Board requested additional
8 information from the Applicant.

9 Participating are Chairman Blake, Board
10 Member Drakeford and Commissioner Miller.

11 VICE CHAIRPERSON BLAKE: Thank you, Madam
12 Secretary. As the Secretary pointed out, we have
13 revisited this case and postponed it because we had
14 some concerns raised by adjacent neighbors about some
15 of the potential adverse impacts, so we asked for some
16 additional information. I think that's in the record
17 now. We've reviewed it.

18 Just to point out the Board is authorized to
19 grant the requested relief under Subtitle E Section
20 207.5 and pursuant to Subtitle X and Subtitle E, 5201,
21 if applicable. Now, we spoke about this in the
22 hearing, but I want to just reiterate it and state it
23 one more time. Because the project meets all the RF-1
24 dimensional standards other than the rear extension
25 provision and seeks no relief from lot occupancy,

1 porch, yards or pervious surface, it's the Board's
2 interpretation that Subtitle E, 5201 is not
3 independently applicable. So, the Board's approval is
4 subject to the general standards of X 91.2 which also
5 allows the Board to grant special relief, if in its
6 judgment, the proposal is in harmony with the zoning
7 regulations and does not intend to adversely affect
8 the use of neighboring properties.

9 Now, having said that, the potential impacts
10 typically evaluated under 5201, particularly light,
11 air and privacy are appropriately considered in X
12 901.2B given the requested relief. So, it's not
13 totally inapplicable, it's just not independently
14 applicable.

15 Having said that, as I pointed out earlier,
16 the nearby residents raised a range of concerns, some
17 related to non-zoning issues, such as construction
18 quality, permitting history and structural conditions
19 which are primarily outside of the Board's
20 jurisdiction. Other issues related to site specific
21 zoning raised considerations including rear yard
22 intrusion, light, air, privacy and visual
23 compatibility, which are all duly relevant. So, while
24 a 27-foot rear addition is a fairly substantial
25 addition, this is a deep lot and the project complies

1 with all the applicable matter of right, development
2 standards of the zone, except the rear extension
3 limit.

4 Based on the record and the evidence in the
5 record, including the architectural plans, the
6 photographs, the shadow studies and the testimony and
7 analysis provided by the Office of Planning; and,
8 given again that the project complies with all the
9 development standards of the zone, which in itself
10 does suggest the absence of undue impacts, I do
11 believe that the proposed addition will be in harmony
12 with the general purpose and intent of the zoning
13 regulations and will not tend to adversely affect the
14 use of neighboring properties.

15 Now, I'm not suggesting that there will be no
16 impacts on the abutting property to the east because
17 there will be. However, the record shows that those
18 impacts will not be unduly adverse or materially
19 greater or more intrusive than that which would result
20 from a matter of right addition extending 10 feet
21 beyond the adjoining rear wall. I think this
22 conclusion is certainly supported by the analysis
23 provided by the Office of Planning, which I found both
24 informative and helpful.

25 I would also give great weight to the Office

1 of Planning's recommendation for approval and I'd also
2 give great weight to the written report of ANC 4C,
3 which supports the application and states no issues or
4 concerns. So, I'll be voting in support of the
5 application. Commissioner Miller?

6 COMMISSIONER MILLER: Thank you, Mr.
7 Chairman. I appreciate all of your analysis which is,
8 as always, very comprehensive and I appreciate the
9 Applicant having provided since our last meeting or
10 hearing on this providing the photographs showing the
11 other extensions on the block and the shadow study
12 that was also provided. I also was hoping that there
13 would be an illustrative rendering that would show the
14 relationship between the Applicant's property and the
15 adjacent property owned by Chavis Williams and I also
16 was hoping that there would be something submitted in
17 the record showing some attempt at dialogue between
18 the neighbors and maybe some accommodation being able
19 to be reached.

20 It is a very substantial addition. We did
21 not get an illustrative rendering. I think it
22 probably is the case that most of those extensions
23 were done on that block before the 10 foot rule. It
24 is a deep lot as you said, but I know we're only three
25 people and we have to decide. We three, at least,

1 have to agree and we're down a couple of BZA members,
2 so I'm hesitant to delay this further but I really
3 would appreciate an illustrative rendering showing the
4 relationship of the proposed addition and what it
5 might look like compared to the adjacent properties
6 also shown in that rendering. I would like to hear if
7 there have been any attempts to communicate and have
8 dialogue with their next door neighbor. So, at this
9 point, I still have some concerns, so I'm sorry to
10 report that to you, but that's where I am right now.

11 VICE CHAIRPERSON BLAKE: Okay, thank you, Mr.
12 Vice Chair. Board Member Drakeford?

13 MEMBER DRAKEFORD: Thank you and I have
14 reviewed some of the additional materials that the
15 Applicant provided and I believe as Vice Chair Miller
16 indicated, in our previous meeting or hearing with the
17 Applicant, one of the main things that we did request
18 or did suggest was that there was some type of
19 additional outreach done with the adjacent property
20 owner as part of this conversation. So, while I also
21 would not like to delay this matter, I do think that
22 seeing some additional evidence that demonstrates ways
23 in which the Applicant may have discussed or explored
24 with the adjacent property owner would also be helpful
25 in seeing that.

1 I did have some questions about some of the
2 precedent images that were submitted and just ensuring
3 that they are consistent with some of the proposals or
4 with the proposed addition that the Applicant is
5 proposing for the site.

6 VICE CHAIRPERSON BLAKE: Okay. Is there any
7 additional information that you would need to make
8 your decision or are you a yes? I want to make sure I
9 understand exactly where you are.

10 MEMBER DRAKEFORD: Yes, sorry, I think as
11 Vice Chair Miller indicated, I would also be
12 interested in seeing that there was at least some
13 attempt to communicate with the adjacent property
14 owner as we expressed in our previous hearing with the
15 Applicant.

16 VICE CHAIRPERSON BLAKE: Okay, all right.
17 So, again, we look like we do not have three votes in
18 either direction, so I think what we can do is I'd
19 like to open the record to allow the Applicant to
20 submit some additional rendering, is that exactly what
21 you want, board members?

22 COMMISSIONER MILLER: Yes, Mr. Chairman, an
23 illustrative rendering that shows the proposed
24 addition and the relationship with the adjacent
25 property owner that opposes it.

1 VICE CHAIRPERSON BLAKE: Okay, well that's
2 what we'd like to have. Madam Secretary, I'm going to
3 need your help with this.

4 COMMISSIONER MILLER: And I agree with Board
5 Member Drakeford that just some evidence that there
6 had been an attempt at communication between the two
7 neighbors, who have been living next to each other for
8 a long time and may continue to for a long time.

9 VICE CHAIRPERSON BLAKE: Okay. Well, it's
10 going to be -- I agree with you there. I think we can
11 definitely get the renderings and if you'd like to
12 have some commentary about that then we can get some
13 commentary about how they may have reached out to each
14 other, but we certainly cannot now meddle in those
15 personal affairs, although we do have a good neighbor
16 policy which would encourage communication between
17 neighbors, so I would again stress that I agree with
18 you on that.

19 Madam Secretary, can you give us a sense of
20 the time frame that you have available for us to do
21 this?

22 MS. MEHLERT: Would you like to move that for
23 a postponed decision on the 25th?

24 VICE CHAIRPERSON BLAKE: Yes, I'd like to
25 come back for a postponed decision on the 25th and I

1 would like to have the record reopened only for the
2 renderings that were requested by the board and that's
3 all. We'll make a decision at that time.

4 MS. MEHLERT: Okay, if the Applicant could
5 submit by next Wednesday, February 18th and then if
6 there's any response from the ANC to get the seven
7 days by the 25th you could do that, unless you want to
8 waive that seven-day response period and give them
9 until the 20th for the Applicant.

10 VICE CHAIRPERSON BLAKE: Let's waive that
11 seven-day. I want to make sure we get it back here on
12 the 25th.

13 MS. MEHLERT: Okay, so we can have any
14 filings from the Applicant due by next Friday,
15 February 20th.

16 VICE CHAIRPERSON BLAKE: Perfect.

17 MS. MEHLERT: Okay.

18 VICE CHAIRPERSON BLAKE: Thank you very much.
19 All right, want to call our next meeting agenda item
20 and thank you very much, Vice Chair.

21 COMMISSIONER MILLER: Thank you, have a great
22 day. Have a good rest of your day. Thank you.

23 VICE CHAIRPERSON BLAKE: Thank you. It's
24 going to be a long one.

25 COMMISSIONER MILLER: Good luck.

1 VICE CHAIRPERSON BLAKE: Okay, would you call
2 our next meeting session item?

3 MS. MEHLERT: Yes, next in the Board's
4 meeting agenda is an expedited review. Application
5 No. 21421 of
6 Martin A. Price, Trustee and Sandra L. Velvel,
7 Trustee. This is a self-certified application
8 pursuant to Subtitle X Section 901.2 for a special
9 exception under Subtitle D Section 5201, and on the
10 rear yard requirements Subtitle D Section 207.1.

11 This is for a one-story rear addition, to an
12 existing, detached, three-story plus cellar, principal
13 dwelling. It's located in the R-1A zone at 4928
14 Indian Lane NW, Square 1512, Lot 13.

15 VICE CHAIRPERSON BLAKE: Okay, thank you very
16 much, Madam Secretary. This Applicant proposes to
17 construct a one-story rear dwelling in the western
18 portion of a detached three-story dwelling. That
19 addition will reduce the depth of a portion of the
20 rear yard to 11.6 feet, but because the RA-1 zone
21 requires a minimum of a 25-foot rear yard, the
22 Applicant is seeking a special exception relief from
23 the rear yard requirements of Subtitle D Section 207
24 pursuant to Subtitle D, 5201 and Subtitle X, 901.2.

25 This special exception standard is fairly

1 straightforward and the Applicant has to prove that
2 the addition will not have a substantial adverse
3 effect on neighboring properties, particularly with
4 regard to light and air, privacy and visual
5 compatibility.

6 The Applicant must also demonstrate that the
7 proposal is consistent with the purpose and intent of
8 the zoning regulations. So, I reviewed the
9 application and I believe that the Applicant has met
10 the burden of proof. The subject property is a large
11 interior lot of approximately 14,000 plus square feet.

12 This is a one-story rear addition that complies with
13 all the applicable matter of right development
14 standards, except for the requested rear yard relief
15 including lot area, lot width, height, no more
16 stories, side yards, lot occupancy and parking. I
17 believe that the plans, photographs, shadow studies
18 are in the record and demonstrate that the addition
19 will not unduly affect the light, air, privacy of
20 neighboring properties, especially when you take into
21 consideration the additions limited height, it's
22 location in the rear of the building and the screening
23 provided by the existing fencing and mature
24 landscaping. Of course, the addition is designed to
25 match the materials and architectural character of the

1 existing house so the addition should not
2 substantially visually intrude upon the character,
3 scale and pattern of development along Indian Lane.

4 Taking these factors into consideration, I
5 believe the granting of the request for relief will
6 not tend to adversely affect neighboring properties
7 and it is in harmony with the general purpose and
8 intent of the zoning regulations. I agree with the
9 Office of Planning's analysis and give great weight to
10 its recommendation for approval. I also give great
11 weight to the written report of ANC 3D which is in
12 support and states no issues or concerns. I'd also
13 note that DDOT has no objection to the project. I'll
14 be voting in support. Commission Stidham?

15 COMMISSIONER STIDHAM: Thank you, I think I
16 agree. This is fairly straightforward and I really
17 don't have anything to add to what you already
18 mentioned. I think you've covered it all and I'm
19 prepared to support as well.

20 VICE CHAIRPERSON BLAKE: Thank you. Board
21 Member Drakeford?

22 MEMBER DRAKEFORD: Yes, Chair Blake, I also
23 appreciate your thorough analysis of the application
24 and also I am prepared to support, I have no
25 objection.

1 VICE CHAIRPERSON BLAKE: Okay. I'll make a
2 motion to approve Application No. 21421 as read and
3 captioned by the Secretary and ask for a second.
4 Board Member Drakeford?

5 MEMBER DRAKEFORD: I second.

6 VICE CHAIRPERSON BLAKE: Okay. The motion
7 has been made and seconded. Madam Secretary, would
8 you please conduct the roll call vote?

9 MS. MEHLERT: Please respond to the Chair's
10 motion to approve the application. Chairman Blake?

11 VICE CHAIRPERSON BLAKE: Yes.

12 MS. MEHLERT: Board Member Drakeford?

13 MEMBER DRAKEFORD: Yes.

14 MS. MEHLERT: Commissioner Stidham?

15 COMMISSIONER STIDHAM: Yes.

16 MS. MEHLERT: The staff will record the vote
17 as 3 to 0 to 2 to approve Application No. 21421 on the
18 motion made by Chairman Blake and seconded by Board
19 Member Drakeford.

20 VICE CHAIRPERSON BLAKE: Thank you, Madam
21 Secretary. Would you call our next meeting session
22 matter?

23 MS. MEHLERT: Next is expedited review
24 Application No. 21422 of Christine Cheu and Brian
25 Rowe. This is a self-certification application

1 pursuant to Subtitle X Section 901.2 for a special
2 exception, under Subtitle E Section 5201 from the lot
3 occupancy requirements, of Subtitle E Section 210.1.

4 This for a one story rear addition to an
5 existing attached two-story with basement principal
6 dwelling. It's located in the RF-1 zone at 1529 A
7 Street NE, Square 1070, Lot 54.

8 VICE CHAIRPERSON BLAKE: Thank you, Madam
9 Secretary. As the Secretary pointed out, in this
10 project the Applicant proposes to demolish an existing
11 rear deck and enclose storage area and construct a
12 smaller, uncovered deck with a cellar-level rear
13 addition on an existing attached single family row
14 house in the RF-1 zone.

15 The project requires special exemption relief
16 from the lot occupancy standard. It would actually
17 result in a reduction in lot occupancy from 71 percent
18 to 66 percent, bringing the property within the
19 maximum permitted by special exception. All the other
20 adjoining requirements are met.

21 The application can be approved pursuant to E
22 5201 and the general standards. Again, this is
23 basically a special exception standard which again the
24 Applicant must prove that this does not substantially
25 adversely affect the neighboring properties with

1 regard to light and air, privacy and visual intrusion
2 and also demonstrate compliance with the -- that the
3 project is consistent with the appropriate zoning
4 regulations.

5 I have reviewed the case record including the
6 Applicant's statement and the Office of Planning's
7 report, the report of ANC 7D and the letter from the
8 Capitol Hill Restoration Society. I've looked over
9 the plans and I believe that the Applicant has met the
10 burden of proof to be granted the request for relief.

11 The proposed deck is uncovered and unenclosed which
12 minimizes shadow and air flow impacts and the site of
13 the level enclosure does not affect light or air. The
14 deck is flush with the rear wall of the property to
15 the east and does not introduce any site lines. The
16 deck is visible from the alley, but there are decks
17 and other additions that are very common there. It
18 should not result in any substantial adverse impact on
19 neighboring properties with regard to light, air,
20 privacy or visual character. I believe that the
21 project is in harmony with the zoning regulations as
22 it reduces a non-conforming condition and is
23 consistent with the RF-1 and neighborhood development
24 patterns.

25 I do agree with the Office of Planning's

1 analysis and give great weight to its recommendation
2 for approval. I also would give great weigh to the
3 written report of ANC 7D which is in support and
4 states no issues or concerns. I will also note that
5 there is no community opposition and that the Capitol
6 Hill Restoration Society is in support, so I'll be
7 voting in support of the application. Commission
8 Stidham?

9 COMMISSIONER STIDHAM: Well, you're making
10 this very easy for me coming after you for sure,
11 because you're covering really all of the high points.

12 I too went over the record and gave great weight to
13 OP and the ANC. I really have nothing to add to your
14 analysis. I think it's spot on and will also be
15 voting in support.

16 VICE CHAIRPERSON BLAKE: Thank you. Fighting
17 words will be appreciated. Board Member Drakeford?

18 MEMBER DRAKEFORD: Yes, I also align myself
19 with the comments that you've provided and will just
20 note that I appreciate that this particular project
21 will also help the property become more in conformance
22 or at least more closely aligned with the regulations
23 in the zoning code. I also am in support and will be
24 voting in support of this application.

25 VICE CHAIRPERSON BLAKE: Okay, thank you.

1 With that, I'd like to make a motion to approve
2 Application No. 21422 as read and captioned by the
3 Secretary and ask for a second. Board Member
4 Drakeford?

5 MEMBER DRAKEFORD: I second.

6 VICE CHAIRPERSON BLAKE: Okay, the motion is
7 made and seconded. Madam Secretary, would you please
8 conduct a roll call vote?

9 MS. MEHLERT: Please respond to the Chair's
10 motion to approve the application. Chairman Blake?

11 VICE CHAIRPERSON BLAKE: Yes.

12 MS. MEHLERT: Board Member Drakeford?

13 MEMBER DRAKEFORD: Yes.

14 MS. MEHLERT: Commissioner Stidham?

15 COMMISSIONER STIDHAM: Yes.

16 MS. MEHLERT: The staff would record the vote
17 as 3 to 0 to 2 to approve Application No. 21422 on the
18 motion made by Chairman Blake and seconded by Board
19 Member Drakeford.

20 VICE CHAIRPERSON BLAKE: Thank you, Madam
21 Secretary. Let's see is there anything else? Would
22 you call the next item on our agenda? Is this the end
23 for the hearing session or meeting session? Where are
24 we?

25 MS. MEHLERT: Yes, there is one more

1 application in the meeting session.

2 VICE CHAIRPERSON BLAKE: Okay, would you call
3 that, please?

4 MS. MEHLERT: Yes, next is another expedited
5 review, Application No. 21407 of Michael and Nicole
6 Murali.
7 This is an application pursuant to Subtitle X Section
8 901.2 for a special exception under Subtitle D Section
9 5201 from the rear yard requirements of Subtitle D
10 Section 207.1. This is for a rear deck
11 addition with grade on the first floor of an existing,
12 attached principal dwelling. It's located in the R-3
13 zone at 1325 Sheridan Street NW, Square 2788, Lot 91.

14 VICE CHAIRPERSON BLAKE: In this application,
15 the Applicant proposes to construct an open, uncovered
16 rear deck with stairs to an existing two-story row
17 house in the R-3 zone. The deck would extend 16 feet
18 into the rear yard leaving a 14-foot rear yard where
19 20 feet is required and therefore requires a special
20 exemption relief under Subtitle D Section 207,
21 pursuant to Subtitle D, 5201 and Subtitle X, 901.2.

22 As we talked about before, under this special
23 exception standard, the Applicant must show that the
24 proposed addition will not have a substantially
25 adverse effect on the neighboring properties,

1 particularly with regard to light, air, privacy and
2 visual compatibility with the character, scale and
3 pattern of development in the area and the Applicant
4 must also demonstrate that the proposal is consistent
5 with the purpose and intent of the zoning regulations.

6 I believe the Applicant has met the burden of
7 proof. The subject property is located in an interior
8 lot that is substandard in lot area and width. The
9 Applicant proposes to construct an open, uncovered
10 rear deck with stairs measuring approximately 16 x 16
11 located on the first floor level.

12 Except for the requested rear yard relief,
13 the proposed project complies with all the applicable
14 matter of right development standards including
15 height, number of stories, lot occupancy, use and
16 parking and given the deck's open design, lack of
17 walls or roof, modest height combined and factoring in
18 the shadowing caused by existing buildings and
19 fencing, the light and air available to the
20 neighboring properties should not be unduly affected.

21 The existing fencing and spatial separation
22 limit direct views and so the privacy of neighboring
23 properties should not be unduly compromised and
24 because there are rear decks of similar size, height
25 and design along the alley, the proposed deck should

1 not substantially visually intrude upon the character,
2 scale or pattern of development along the alley.

3 Considering these factors, I believe the
4 granting of relief will not tend to adversely affect
5 the use of neighboring property and would be in
6 harmony with the general purpose and intent of zoning
7 regulations. I agree with the analysis provided by
8 the Office of Planning and give great weight to its
9 recommendations for approval.

10 I'd also give great weight to the written
11 report of ANC 4A which is in support and states no
12 issues or concerns.

13 I will also note that DDOT has no objection
14 to the application. I will be voting in favor of this
15 application as well. Commissioner Stidham?

16 COMMISSIONER STIDHAM: Thank you. Again,
17 this one is very straightforward. I also give great
18 weight to the Office of Planning's analysis and the
19 ANC's support. I really don't have anything to add to
20 what you've already said and am prepared to support.

21 VICE CHAIRPERSON BLAKE: Thank you. Board
22 Member Drakeford?

23 MEMBER DRAKEFORD: Yes, I have no objections
24 to this particular matter and will also be prepared
25 to vote in support.

1 VICE CHAIRPERSON BLAKE: Okay. I'll make a
2 motion to approve Application No. 21407 as read and
3 captioned by the Secretary and ask for a second.
4 Board Member Drakeford?

5 MEMBER DRAKEFORD: I second.

6 VICE CHAIRPERSON BLAKE: Okay. The motion is
7 made and seconded. Madam Secretary, would you please
8 conduct a roll call vote?

9 MS. MEHLERT: Please respond to the Chair's
10 motion to approve the application. Chairman Blake?

11 VICE CHAIRPERSON BLAKE: Yes.

12 MS. MEHLERT: Board Member Drakeford?

13 MEMBER DRAKEFORD: Yes.

14 MS. MEHLERT: Commissioner Stidham?

15 COMMISSIONER STIDHAM: Yes.

16 MS. MEHLERT: The staff would record the vote
17 as 3 to 0 to 2 to approve Application No. 21407 on the
18 motion made by Chairman Blake and seconded by Board
19 Member Drakeford.

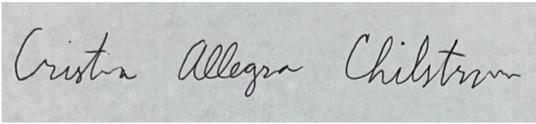
20 VICE CHAIRPERSON BLAKE: Excellent, thank
21 you, Madam Secretary. I guess that's the easy part.
22 I guess we can proceed now to the hearing session.
23 Would you please call our first hearing?

24 (Whereupon, the above-entitled matter went
25 off the record at 10:26 a.m.)

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

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

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Christina Allegra Chilstrom