

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 25, 2026

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:36 a.m. EST, Carl Blake, Vice Chair, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

CARL BLAKE, Vice Chair
BRITTNEY DRAKEFORD, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

ROBERT MILLER, Commissioner
GWEN WRIGHT, Commissioner
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 MAXINE BROWN-ROBERTS
5 MICHAEL JURKOVIC
6 JOSHUA MITCHUM
7 CRYSTAL MYERS
8 KAREN THOMAS

9 OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

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

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14 The transcript constitutes the minutes
15 from the Regular Public Meeting held on February 25,
16 2026.

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AGENDA

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

2 (9:36 a.m.)

3 VICE CHAIR BLAKE: My name is Carl Blake,
4 Vice Chair of the District of Columbia Board of
5 Zoning Adjustment. I'll be the presiding officer
6 for today's meeting and hearing sessions. Joining
7 me today are Board Members Brittney Drakeford,
8 representing National Capital Planning Commission,
9 and Zoning Commissioners Tammy Stidham, Gwen Wright,
10 and Bob Miller.

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

13 Please be advised that this proceeding is
14 being recorded by a court reporter and is also
15 webcast live via Webex and YouTube Live. The video
16 of the webcast will be available on the Office of
17 Zoning's website after today's hearing.

18 Accordingly, everyone who is listening on Webex or
19 by telephone will be muted during the hearing.

20 If you experience difficulty accessing
21 Webex with your telephone call-in, then please dial
22 our OZ hotline number at 202-727-5471 to receive
23 Webex login or call-in instructions.

24 Today, we'll begin with our decision
25 meeting session, then proceed with our public

1 hearing session. Please be advised that we cannot
2 take any public testimony at our decision meeting
3 session, but public testimony will be received
4 during our public hearing session. However, only
5 parties are allowed to testify the appeals.

6 At the conclusion of a decision meeting
7 session, the Chair will, in consultation with the
8 Office of Zoning, determine whether a full or
9 summary order may be issued. A full order is
10 required when the decision it contains is adverse to
11 a party, including an affected ANC. A full order
12 may also be needed if the Board's decision differs
13 from the Office of Planning's recommendation.

14 Although the Board favors the use of summary orders
15 whenever possible, an applicant may not request the
16 Board to issue such an order.

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

24 Oral presentations should be limited to a
25 summary of your most important points. When you're

1 finished speaking, please mute your audio so that
2 your microphone is no longer picking up sound or
3 background noise. Once again, if you experience
4 difficulty accessing Webex or with your telephone
5 call-in or if you've forgotten to sign up 24 hours
6 prior to this hearing, please call our OZ hotline
7 number at 202-727-5471 to sign up to testify, to
8 receive Webex login or call-in instructions.

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

15 Requests to enter evidence at the time of
16 an online virtual hearing, such as written testimony
17 or additional supporting documents, other than live
18 video, which may not be presented as any part of
19 testimony, may be allowed pursuant to Subtitle Y,
20 Section 103.13.

21 The allotted procedure for special
22 exceptions and variances are pursuant to Subtitle Y,
23 Section 409. The order of procedure for appeals are
24 pursuant to Subtitle Y, Section 507. The time
25 constraints shall be maintained pursuant to Subtitle

1 Y, Section 408.2 and 408.3.

2 At the conclusion of each case, an
3 individual who was unable to testify because of
4 technical issues may file a request to leave the
5 record open to file a written version of the planned
6 testimony to the record within 24 hours following
7 the conclusion of the public testimony in the
8 hearing.

9 If additional written testimony is
10 accepted, then the parties will be allowed a
11 reasonable time to respond as determined by the
12 Board. The Board will then make its decision at the
13 next meeting session, but no earlier than 48 hours
14 after the hearing. At the conclusion of the
15 hearing, the Board may request additional specific
16 information to complete the record.

17 The Board and staff will specify at the end
18 of the hearing exactly what is expected and the date
19 when the persons must submit the evidence to the
20 Office of Zoning. No other information will be
21 accepted by the Board. Once again, after the Board
22 adjourns the hearing, the Office of Zoning in
23 consultation with the Chair, will determine whether
24 a full or summary order may be issued. A full order
25 is required when the decision it contains is adverse

1 to a party, including an affected ANC. A full
2 order may also be needed if the Board's decision
3 differs from the Office of Planning's
4 recommendation. Although the Board favors the use
5 of summary orders whenever possible, the applicant
6 may not request the Board to issue an order.

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

20 Madam Secretary, do we have any preliminary
21 matters?

22 MS. MEHLERT: Good morning, Mr. Chair and
23 Members of the Board. Regarding today's schedule,
24 Application 20900-A of 1140 Florida, NE, LLC, has
25 been withdrawn. Also there were a couple of late

1 filings that the Chairman has reviewed and granted
2 waivers to allow into the applicable case record
3 pursuant to Subtitle Y, Section 206.7 and Section
4 103.13. Any other late filings during the course of
5 today's live hearing should be presented before the
6 Board by the applicant parties or witnesses after
7 the case is called. Any specific preliminary
8 matters will be noted when that case is called.

9 VICE CHAIR BLAKE: Okay and, Madam
10 Secretary, if you could call our first meeting
11 session matter.

12 MS. MEHLERT: The first case in the Board's
13 meeting session is Application No. 21377 of Hampton
14 East Owner, LLC. This is a self-certified
15 application pursuant to Subtitle X Section 901.2 for
16 a special exception under Subtitle Section 421 to
17 allow a new residential development and pursuant to
18 Subtitle X Section 1002 for an area variance and
19 Subtitle C Section 303.4 to allow creation of a new
20 lot with street frontage less than 30 feet to be
21 used and occupied by an apartment house. This
22 project is the subdivision of two existing record
23 lots to create three new record lots and a new
24 apartment house on one lot with two existing
25 apartment houses on the other lots. It's located in

1 the RA-1 zone at 4750 and 4730 Benning Road, SE,
2 Square 5344, portion of Lots 1 & 2. This public
3 hearing was completed on February 11th and the
4 Board closed the record. Participating are Chairman
5 Blake, Board Member Drakeford and Commissioner
6 Stidham.

7 VICE CHAIR BLAKE: Thank you very much. We
8 heard this case as the Secretary pointed out on the
9 11th. It was a fairly reasonably sized
10 presentation. I'm going to kind of just go through,
11 do a little quick overview and then go through my
12 assessment of the relief requested and my opinion
13 and deliberations. I'll then go around the Board to
14 see what the others on the Board think.

15 In this case, the applicant, as the
16 Secretary pointed out, proposes to subdivide two
17 sizeable existing lots into three lots and construct
18 a new 28-unit apartment building on the new lot.
19 Because zoning doesn't permit two principal
20 buildings on a single lot, the new building must be
21 placed on a separately recorded lot, but the portion
22 of the property suitable for development is
23 effectively landlocked and only allows for five feet
24 of frontage, which is well below the 30-foot front
25 required for a record lot in the zone.

1 In this application, the applicant is
2 seeking two areas of relief; an area variance for
3 the relief from the lot frontage requirement and a
4 special exception for a new residential development
5 in the RA-1 zone.

6 I do believe that the applicant has met the
7 burden of proof for both the area of variance and
8 the special exception. I want to go over the area
9 variance first. To obtain an area variance, an
10 applicant must show that due to the specific
11 attributes of the property, that is an exception
12 condition, strict application of the zoning
13 regulations would make it unnecessarily burdensome
14 to use the property in a reasonable way. The
15 applicant must further demonstrate that the granting
16 of relief would not substantially harm the public or
17 undermine the intended integrity of the zoning
18 regulations.

19 I do believe that the applicant has
20 demonstrated an extraordinary condition caused by a
21 confluence of factors, namely the irregular
22 configuration of the lots, the location of the
23 vacant portion of lot two, the lack of street
24 frontage and the need to maintain confirming record
25 lots for the existing apartments. The applicant is

1 faced with a practical difficulty in providing the
2 required 30-foot wide lot frontage for the subject
3 lot. I do think that strict application of the 30-
4 foot frontage requirement would either preclude the
5 development entirely or create new non-conformities
6 on the existing lots.

7 Now, that covers the first two prongs, but
8 I want to be clear that the self-creation doctrine
9 does not apply here because the need for variance
10 relief stems from the inherent site conditions,
11 specifically the placement of the existing buildings
12 and the zoning limitations on multiple principal
13 structures on a single lot, not from any voluntary
14 act by the applicant.

15 As for the third prong, the purpose of the
16 lot frontage requirement is to ensure adequate
17 access to promote orderly development patterns and
18 protect public safety. Those purposes are fully
19 preserved here, access is provided through existing
20 internal circulation and shared driveways. The
21 front strip remains undeveloped and wooded, so in
22 that sense, I believe the applicant has met all
23 three prongs of the area's variance test.

24 Now, moving to the special exception under
25 Subtitle U, Section 421, under Subtitle U, Section

1 421 the Board evaluates any new residential project
2 other than attached or semi-detached houses. The
3 purpose of this review is to assure that new
4 residential developments are appropriately
5 integrated into the surrounding neighborhood. With
6 the advice of the appropriate government agency, the
7 Board evaluates whether schools and public services
8 can support the project's residents and with the
9 advice of the Office of Planning, the Board reviews
10 the project's design to ensure that it fits its
11 surroundings. The project is then evaluated against
12 the general review standards of the special
13 exception.

14 In this case, I credit the appropriate
15 agencies and the Office of Planning's analysis of
16 how the proposal complies with Subtitle U, Section
17 421. OP found that the proposed apartment building
18 is appropriately sited on an undeveloped portion of
19 the existing apartment complex, the building's
20 massing and architecture are consistent with the
21 surrounding apartments and its design minimizes the
22 impacts to light, air, privacy and noise. I agree
23 with these findings.

24 OP also suggests the inclusion of a
25 playground facility and that was incorporated in the

1 proposed plans. All that said, the record does not
2 show any adverse effects on light, air, privacy,
3 noise or access. Based on this, I believe the
4 proposed 28-unit apartment building is consistent
5 with the surrounding multifamily developments and
6 the application meets the criteria for approval.

7 In this case, I would also great weight to
8 the Office of Planning's recommendation for
9 approval. Now, the Board is required to give great
10 weight to the issues and concerns raised by the
11 affected ANC. Great weight means that the Board
12 must explicitly consider, address and respond to the
13 ANC's recommendations in its deliberations and
14 decision. The Board must then explain why it agrees
15 or disagrees with the ANC on issues that fall within
16 the Board's jurisdiction.

17 Several concerns raised by ANC 7E fall
18 outside the Board's zoning jurisdiction including
19 community engagement, property management history,
20 construction practices and the cumulative impacts
21 from unrelated projects. The concerns raised by the
22 agency that are legally relevant to the application
23 are compatibility with the surrounding development,
24 potential impacts on light, air, privacy,
25 transportation and the proposed lot configurations.

1 Now, these issues are largely evaluated and
2 addressed under the special exception and area
3 variance criteria. I was not persuaded by the
4 advice of the ANC on these issues because the record
5 shows no adverse impacts on light, air, privacy,
6 noise or access. DDOT did not identify
7 transportation issues and the proposed lot
8 configuration meets all the development standards,
9 except the frontage requirement.

10 I will also note that the record contains
11 letters of support according to DDOT. DDOT is also
12 in support of the application, but they are subject
13 to condition requiring implementation of a TDM plan.

14 Now, I reviewed the TDM plan in DDOT's report and I
15 don't think that any of these conditions are
16 necessary to mitigate the adverse effects under
17 Subtitle U, Section 421 or the area variance, but
18 since the applicant has agreed to the TDM plan, I
19 will support referencing an agreement in the order.

20 I'd also note that the applicant included a
21 construction management agreement in Exhibit 43,
22 which I suggest would be best referenced as well in
23 the order.

24 I will be voting in favor for the
25 application. Commissioner Stidham, do you have

1 anything you'd like to add?

2 COMMISSIONER STIDHAM: First of all, I
3 agree with everything with that you had said. I
4 think due to the irregular configuration in the
5 lots, the location of the vacant lot, lack of public
6 street frontage and the need to maintain the
7 conformity of the record lots for the existing
8 apartments, I think that this applicant is faced
9 with an extraordinary situation resulting in a
10 practical difficulty in providing that 30-foot wide
11 frontage. And, in fact, what they have proposed
12 this property better and safer as, I think, if they
13 provided the 30-foot frontage, it would result in
14 another curb cut along the secluded street and cause
15 some intermingling of pedestrians and vehicles. I
16 agree that there is no indication of adverse effects
17 to light or air, and so I agree with you and the
18 Office of Planning's report that they wrote in
19 support of this order.

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

22 MEMBER DRAKEFORD: Yeah, I would also agree
23 with both of the comments by Commissioner Stidham
24 and also Chair Blake. I do think that irregular lot
25 configuration does present a very unique practical

1 difficulty for the applicant and it does present
2 some very unique challenges. I think also that what
3 has been presented does support and fulfill some of
4 the RA-1 zone requirements to provide moderate
5 density housing on the site. I think just because
6 of that irregular lot shape it does help to justify
7 the frontage. The practical difficulties help
8 justify the frontage variance. I have no opposition
9 and will also vote in support of the application.

10 VICE CHAIR BLAKE: Okay, thank you. With
11 that, I'd like to make a motion to approve
12 Application No. 21377 as written and captioned by
13 the Secretary, referencing the TDM and construction
14 management plans in the record and ask for a second.

15 Board Member Drakeford?

16 MEMBER DRAKEFORD: I second.

17 VICE CHAIR BLAKE: Okay, Madam Secretary,
18 the motion has been made and seconded. Would you
19 please conduct a roll call vote?

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

22 VICE CHAIR BLAKE: Yes.

23 MS. MEHLERT: Board Member Drakeford?

24 MEMBER DRAKEFORD: Yes.

25 MS. MEHLERT: Commissioner Stidham?

1 COMMISSIONER STIDHAM: Yes.

2 MS. MEHLERT: Staff will record the vote as
3 3 to 0 to 2 to approve Application No. 21377 on the
4 motion made by Chairman Blake and seconded by Board
5 Member Drakeford.

6 VICE CHAIR BLAKE: Okay, Madam Secretary,
7 would you please call our next meeting session item?

8 MS. MEHLERT: Next is Application No. 21392
9 of William Michael Ellis, Jr., Trustee, and Jeanne
10 Van Voorhees Ellis, Trustee. This is a self-
11 certified application pursuant to Subtitle X Section
12 901.2 for special exceptions under Subtitle D
13 Section 52.01 from the rear yard requirements of
14 Subtitle D Section 207.1 and from the from the lot
15 occupancy requirements of Subtitle D Section 210.1.

16 This is for a one-story rear addition above an
17 existing one-story rear extension and a rear deck
18 addition on the second floor of an existing, three
19 story attached principal dwelling. It's located in
20 the R-3/GT zone at 1610 32nd Street, NW, Square
21 1280, Lot 1017. This was heard on February 11th and
22 the Board closed the record. Participating are
23 Chairman Blake, Board Member Drakeford, and
24 Commissioner Stidham.

25 VICE CHAIR BLAKE: Thank you. In this

1 application, the applicant is seeking special
2 exception relief because the rear addition and deck
3 would increase lower level lot occupancy above the
4 60 percent limit due to the overhang and would
5 reduce the existing rear yard to approximately 16
6 feet, where 20 feet is required. The Board is
7 authorized to grant this relief pursuant to Subtitle
8 D, Section 52.01, pursuant to X 91.2.

9 Special exceptions though are anticipated
10 and authorized in the zone if the requirements are
11 met and the BZA determines that there is no undue
12 adverse impact on neighboring properties. Under
13 this special exception standard, the applicant must
14 show that the proposed addition will not have a
15 substantially adverse effect on neighboring
16 properties with respect to light and air, privacy or
17 the character scale and homes view from the street,
18 alley or other public spaces.

19 The question is not whether there is any
20 adverse effect, but whether the effect is undue,
21 that is, excessive in degree, unreasonable in
22 context or incompatible with the zone. This was an
23 interesting case and arguably one of the best
24 debated, I believe. The arguments presented by both
25 sides focused on the legally relevant issues and I

1 found that the renderings and shadow studies
2 presented by both parties were very helpful. That
3 said, I'm in support of this application. I do
4 believe that the applicant has met the burden of
5 proof to be granted the requested relief.

6 Going through the specifics with the
7 addition, the rear yard -- first with regard to light
8 and air, with the addition the rear yard remains
9 partially open and the proposal did not introduce
10 new mass or height that would block light or air
11 beyond that which is anticipated in the R-3/GT zone.

12 Both shadow studies show some added shadowing,
13 especially in the fall and winter, but they simply
14 look at it differently; one focuses on overall site
15 conditions, the other on site specific interior
16 spaces. When they are weighed together, the record
17 shows that the effects are limited and consistent
18 with what is expected for attached dwellings.

19 On that basis, the shadow evidence does not
20 demonstrate an undue adverse impact. As for
21 privacy, the addition has no new windows facing the
22 northern adjacent property. The existing fencing,
23 separation, distances, the seasonal vegetation
24 remain in place to screen views. The modest size
25 and placement of the deck and stair do not

1 meaningfully alter the rear privacy conditions,
2 typical of attached row houses.

3 The addition is located entirely in the
4 rear of the building and is not visible from the
5 public street. The materials and design are
6 consistent with the existing structure and
7 surrounding row dwellings. Both sets of renderings
8 depict the same proposed addition, but from a very
9 different perspective. The opposition rendering has
10 emphasized closed in and interior viewpoints to
11 highlight the perceived enclosures while the
12 applicant's rendering is the plans placed to the
13 addition in measured context with existing
14 building's lot lines and rear extension.

15 For zoning purposes, I do not believe the
16 renderings demonstrate an undue visual impact.
17 Again, the question is not whether there is any
18 adverse effect, but rather the effect is undue, that
19 is, again, excessive in degree, unreasonable in
20 context or incompatible with the zone. I do not
21 believe that there is any evidence in the record
22 that demonstrates impact is greater than those
23 ordinarily associated with row house development in
24 the R-3 zone.

25 In that sense, I give great weight to the

1 Office of Planning's recommendation for approval.
2 ANC 2E did not take a position on this application,
3 but I do give great weight to the concerns raised by
4 ANC 2E regarding the potential impacts on light,
5 privacy and dimensional accuracy. I find that those
6 concerns are resolved by the underlying record
7 evidence and the findings in the special exception
8 evaluation.

9 Finally, for concerns raised by the party
10 in opposition as well as the ANC was dimensional
11 accuracy. I believe that the revised dimensional
12 materials provided by the applicant clarify the rear
13 yard and lot occupancy calculations relied on by the
14 Board, largely resolving the ANC's question
15 regarding accuracy; however, if the measurements end
16 up being inaccurate and it triggers the need for
17 relief, the applicant may well end up back here
18 again before us. For now, it's in the hands of DOP
19 and the permitting process. That said, I'll be
20 voting in support of the application.

21 Commissioner Stidham, do you have anything
22 you would like to add?

23 COMMISSIONER STIDHAM: No, I think you
24 covered everything beautifully including the debate
25 between the opposition and the applicant. It was

1 extremely helpful in understanding everybody's point
2 of view and position. With that being said, I agree
3 there's no undue effects here and I'm prepared to
4 support.

5 VICE CHAIR BLAKE: Thank you very much.
6 Board Member Drakeford?

7 MEMBER DRAKEFORD: Yeah, I would definitely
8 agree and align myself with the comments that you
9 provided, Chair Blake. I do just have a question on
10 this application pertaining to the statements around
11 the staircase. Do we want to perhaps, for the
12 statement around the staircase and whether or not
13 that it was permitted or not? I believe that was in
14 the comments by both the ANC 2E as well and just
15 wanted to see if we wanted to maybe provide or add
16 any kind of condition of approval to just get that
17 staircase rectified as well.

18 VICE CHAIR BLAKE: Okay. I want to make
19 sure I understand what you're saying. You're saying
20 that it's included in the calculation or not? A
21 staircase is generally not included in the
22 calculation. A staircase and landing would not be,
23 so if that is the part you're talking about, that
24 would be the case.

25 MEMBER DRAKEFORD: No, I -

1 VICE CHAIR BLAKE: If there's an issue, go
2 ahead.

3 MEMBER DRAKEFORD: Sorry, no, in the record
4 there was a note that there was an unpermitted
5 staircase that was constructed on the property and
6 just wanted to see if you want to add that as a
7 potential condition of approval, that that just be
8 resolved.

9 VICE CHAIR BLAKE: Okay. I would not be
10 comfortable doing that because I think if the plans
11 suggest that there is something that is not there,
12 it will not be there and DOP will have to take
13 enforcement actions to address that.

14 MEMBER DRAKEFORD: Okay, all right. Thank
15 you. With that, I'm in support of the application.

16 VICE CHAIR BLAKE: Okay. All right, then
17 I'll make a motion to approve the application as
18 written and captioned by the Secretary and ask for a
19 second. Board Member Drakeford?

20 MEMBER DRAKEFORD: I second.

21 VICE CHAIR BLAKE: Madam Secretary, the
22 motion has been and seconded. Would you please take
23 a roll call vote?

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

1 VICE CHAIR BLAKE: Yes.

2 MS. MEHLERT: Board Member Drakeford?

3 MEMBER DRAKEFORD: Yes.

4 MS. MEHLERT: Commissioner Stidham?

5 COMMISSIONER STIDHAM: Yes.

6 MS. MEHLERT: Staff would record the vote
7 as 3 to 0 to 2 to approve Application No. 21392 on
8 the motion made by Chairman Blake and seconded Board
9 Member Drakeford.

10 VICE CHAIR BLAKE: Okay, thank you, Madam
11 Secretary. Thank you, Commissioner Stidham, I think
12 that's it for you.

13 COMMISSIONER STIDHAM: It is, thank you.
14 Have a great weekend.

15 VICE CHAIR BLAKE: All right, have a great
16 day. Commissioner Wright, are you there? There you
17 go. Hey, welcome. Madam Secretary, would you
18 please call our next meeting session case?

19 MS. MEHLERT: Next is Board action on
20 Application No. 20314 of George Thanos. As
21 amended, this is a self-certified application
22 pursuant to Subtitle X, Chapter 9 for special
23 exceptions under Subtitle C, Section 703.2 from the
24 minimum vehicle parking requirements of Subtitle C,
25 Section 701.5 and under Subtitle G Section 409.1,

1 the lot occupancy requirements of Subtitle G Section
2 404.1 and pursuant to Subtitle X Chapter 10 for an
3 area variance from the floor area ratio, FAR
4 requirements of Subtitle G Section 402.1. This is
5 for a new row building for use as a principal
6 dwelling located in the MU-3A zone at 4331 14th
7 Street, NW, Square 2819-S, Lot 1.

8 The Board voted to deny the application in
9 2021 and today before the Board is a decision on
10 issuing the final order.

11 VICE CHAIR BLAKE: Okay, thank you. It's a
12 mouthful. Let's see, the Board decided to vote to
13 deny this application in March of '21. A majority
14 of the board members participating in the issuance
15 of the order did not personally hear the evidence in
16 the application, so a proposed order was approved by
17 the Board and sent to the parties for exceptions on
18 January 9th, 2006 to afford them the opportunity to
19 present written exceptions in accordance with D.C.
20 Official Code, Section 2-509D. No exceptions were
21 received from the parties.

22 Now, the Board must decide whether to issue
23 the final order as drafted or proposed any
24 revisions. I have reviewed the drafted order and I
25 don't have any issues and I'm prepared to vote to

1 issue the final order as it is drafted, but I want
2 to go around and check with the Board and see if
3 they have any other issues or concerns or proposed
4 revisions or if they're prepared to vote.

5 Commissioner Wright?

6 COMMISSIONER WRIGHT: Thank you. I have
7 reviewed the order and I am prepared to vote to
8 release it.

9 VICE CHAIR BLAKE: Okay. Board Member
10 Drakeford?

11 MEMBER DRAKEFORD: Yes, I've also reviewed
12 the order and I also am prepared to vote in support
13 to finalize the order.

14 VICE CHAIR BLAKE: Okay, great. I'll make
15 a motion to issue the final order in Application No.
16 20314 as drafted and ask for a second. Board Member
17 Drakeford?

18 MEMBER DRAKEFORD: I second.

19 VICE CHAIR BLAKE: Okay. The motion has
20 been made and seconded. Madam Secretary, would you
21 please conduct a roll call vote?

22 MS. MEHLERT: Please respond to the Chair's
23 motion to approve the issuance of the final order.
24 Chairman Blake?

25 VICE CHAIR BLAKE: Yes.

1 MS. MEHLERT: Board Member Drakeford?

2 MEMBER DRAKEFORD: Yes.

3 MS. MEHLERT: Commissioner Wright?

4 COMMISSIONER WRIGHT: Yes.

5 MS. MEHLERT: Staff will record the vote as
6 3 to 0 to 2 to approve the issuance of Order No.
7 20314 on the motion made by Chair Blake and seconded
8 by Board Member Drakeford.

9 VICE CHAIR BLAKE: Okay, Madam Secretary,
10 please call our next meeting session case.

11 MS. MEHLERT: Next is an expedited review
12 Application No. 21417 of Kim Sheinall. This is a
13 self-certified application pursuant to Subtitle X,
14 Section 901.2 for a special exception under Subtitle
15 D, Section 5201 from the lot occupancy requirements
16 of Subtitle D Section 210.1. This is for a two-
17 story rear addition with first-floor deck to an
18 existing, detached, two-story plus cellar, principal
19 dwelling. It is located in the R-1B zone at 5104
20 13th Street, NW, Square 2805, Lot 0053. There is a
21 motion from the applicant to waive the filing
22 deadline to submit supplemental materials. This was
23 a clarification on the property owner name and
24 Exhibit 19-A.

25 VICE CHAIR BLAKE: Okay. Thank you very

1 much, Madam Secretary. I'm comfortable simply
2 allowing that additional information into the
3 record. I guess we can pursue continuing with the
4 review of the expedited application.

5 Here, the applicant proposes a two-story
6 rear addition and a rear deck on an existing
7 detached single family dwelling on roughly a 4,000
8 square foot lot in the R1-B zone. The addition
9 essentially expands the kitchen and breakfast area
10 on the main level and enlarges the primary bedroom
11 suite above. The relief is requested from the lot
12 occupancy requirement because the proposed addition
13 would increase lot coverage slightly above 40
14 percent which is the matter of right limit.

15 I do believe the record is complete, but I
16 want to note that record contains some internal
17 inconsistencies. The applicant's statements are
18 cited for proposed lot occupancy of both 42.5
19 percent and 43.3 percent, while the self-certified
20 form lists 42.5 percent. The application is also
21 inconsistent in its description of the side yards
22 and the building form. Just to simplify for
23 purposes of this review, I'm going to rely on the
24 self-certified form in Exhibit 8, which seeks
25 special exception approval from the 40 percent

1 matter of right lot occupancy limit based on 42.5
2 percent. The other matters are not really relevant
3 to this.

4 As for the standard, the Board is
5 authorized to grant this relief pursuant to X 9.102
6 and Subtitle D 52.01, under this standard, the
7 Board should show that the proposed action will not
8 have a substantially adverse impact on neighboring
9 properties with respect to light and air, privacy,
10 character, scale and pattern of the homes viewed
11 from the street, alley or other public spaces.

12 Having reviewed the record, I do believe
13 that the applicant has met the burden of proof to be
14 granted the requested relief. This is a fairly
15 straightforward application. The addition is
16 limited to the rear of a detached single-family
17 home. All the other development standards of the
18 zone are maintained. This is a modest increase in
19 lot occupancy and will not materially alter the
20 building's bulk or footprint in any way that would
21 impair light, air or privacy. The addition is not
22 visible from the street and is consistent with the
23 scale and patterns of surrounding detached
24 dwellings.

25 I agree with the Office of Planning's

1 analysis and give great weight to its recommendation
2 for approval. I also give great weight to the
3 written report of ANC 4E which is in support and
4 states no issues or concerns. I will also note the
5 record does not contain any opposition. I will be
6 voting in favor of the application. Commissioner
7 Wright?

8 COMMISSIONER WRIGHT: Yes, I agree that
9 this is a pretty straightforward application and I
10 will be voting in favor.

11 VICE CHAIR BLAKE: Board Member Drakeford?

12 MEMBER DRAKEFORD: Yes, I also agree and I
13 do believe that the materials provided in the record
14 help to demonstrate that there are no substantially
15 adverse effects to light and air on neighboring
16 properties and I am also prepared to support.

17 VICE CHAIR BLAKE: Excellent. With that,
18 I'll make a motion to approve Application No. 21417
19 as written and captioned and ask for a second.
20 Board Member Drakeford?

21 MEMBER DRAKEFORD: I second.

22 VICE CHAIR BLAKE: Okay the motion has been
23 made and seconded. Madam Secretary, would you
24 please conduct a roll call vote?

25 MS. MEHLERT: Please respond to the Chair's

1 motion to approve the application. Chairman Blake?

2 VICE CHAIR BLAKE: Yes.

3 MS. MEHLERT: Board Member Drakeford?

4 MEMBER DRAKEFORD: Yes.

5 MS. MEHLERT: Commissioner Wright?

6 COMMISSIONER WRIGHT: Yes.

7 MS. MEHLERT: Staff will record the vote as
8 3 to 0 to 2 to approve Application No. 21417 on the
9 motion made by Chairman Blake and seconded by Board
10 Member Drakeford.

11 VICE CHAIR BLAKE: Excellent. Madam
12 Secretary, would you please call our next meeting
13 session item?

14 MS. MEHLERT: Next, is a time extension
15 request, No. 20970-A at The Washington Ballet. This
16 is a request pursuant to Subtitle Y Section 705.2
17 for a two-year time extension of the validity of the
18 order in Application No. 20970 issued on December
19 20th, 2023. This is for the enlargement of an
20 existing building for a private school use. Located
21 in the RA-1 zone at 3515 Wisconsin Avenue, NW,
22 Square 1911, Lot 20.

23 VICE CHAIR BLAKE: Thank you. As the
24 Secretary said, order 20970, the Board approved this
25 special exception under U 203.1M to permit the

1 enlargement and renovation of an existing school
2 building operating a private school in the RA-1
3 zone. That order also included granting an area of
4 access for (audio interference) and lot occupancy.

5 The final date of that order was December
6 20th, 2023. So, the period of validity would have
7 expired on December 20th, 2025. The applicant filed
8 for its time extension on December 8th, 2025 which
9 is timely before the expiration date.

10 In this case, the Board is authorized to
11 extend the validity of the order for up to two years
12 so long as the applicant demonstrates good cause and
13 there have been no substantial changes in any of the
14 material facts upon which the Board based its
15 original approval. While the filing, as I pointed
16 out, was timely the appropriate notification was
17 made to ANC 3A, which I will note is in support of
18 the extension.

19 I will also rely on the Office of
20 Planning's findings that there have been no
21 substantial changes in the zoning regulations,
22 surrounding developments or proposed projects and as
23 for good cause, the project has been delayed on
24 account of economic and market conditions beyond its
25 reasonable control which has led to funding and

1 financing delays. The reality of it is that this
2 project costs exceed 23 million dollars and given
3 the current economic environment, it's tough to
4 raise that kind of money, so I understand.

5 I will be voting to approve the request for
6 a two-year time extension and I want to see what the
7 rest of my Board thinks. Commissioner Wright?

8 COMMISSIONER WRIGHT: Yes, I think the
9 extension is reasonable and I will be voting to
10 support.

11 VICE CHAIR BLAKE: Okay, let's see, Board
12 Member Drakeford?

13 MEMBER DRAKEFORD: Yes, I also agree. The
14 request was filed timely. The ANC 3A is in support
15 and the Office of Planning has verified that the
16 material facts haven't changed, so I am also in
17 support and believe that this application has met
18 good cause standards for hardship.

19 VICE CHAIR BLAKE: Okay. With that, I'll
20 make a motion to approve to the two-year time
21 extension Order No. 20970. The new period of
22 validity would end December 20th, 2027 and ask for a
23 second. Board Member Drakeford?

24 MEMBER DRAKEFORD: I second.

25 VICE CHAIR BLAKE: Madam Secretary, a

1 motion has been made and seconded. Would you please
2 conduct a roll call vote?

3 MS. MEHLERT: Please respond to the Chair's
4 motion to approve the time extension. Chairman
5 Blake?

6 VICE CHAIR BLAKE: Yes.

7 MS. MEHLERT: Board Member Drakeford?

8 MEMBER DRAKEFORD: Yes.

9 MS. MEHLERT: Commissioner Wright?

10 COMMISSIONER WRIGHT: Yes.

11 MS. MEHLERT: Staff will record the vote as
12 3 to 0 to 2 to approve the time extension request
13 No. 20970-A on the motion made by Chairman Blake and
14 seconded by Board Member Drakeford.

15 VICE CHAIR BLAKE: Okay, Madam Secretary,
16 would you call our next meeting session case?

17 MS. MEHLERT: Yes, this another time
18 extension request. No. 20990-A of Rock Creek 650 H,
19 LLC. This is a request pursuant to Subtitle Y
20 Section 705.2 for a two-year time extension of the
21 validity of the order in Application No. 20990
22 issued on December 12th, 2023. This approved a
23 financial services use on the ground floor of an
24 existing, six-story, mixed use building. It's
25 located in the NMU-5A/H-H zone at 650 H Street, NE,

1 Square 858, Lots 868, 867, 871.

2 VICE CHAIR BLAKE: Okay, thank you. The
3 final date on this order was December 12th, 2023.
4 The applicant's time extension was timely filed on
5 December 4th, 2025, which was before the period of
6 validity would have expired which was December 12th,
7 2025. Since this request was filed before the
8 expiration date and it was timely filed, proper
9 notifications went to ANC 6C and 6A.

10 Again, we rely on the Office of Planning's
11 findings that there have been no substantial changes
12 in the zoning regulations, surrounding development
13 or the approved project since the original order and
14 as for good cause, the applicant stated that project
15 has been delayed due to economic and retail market
16 conditions beyond the applicant's reasonable
17 control. The applicant stated that the potential
18 financial services tenant that they had slated
19 withdrew and despite continuing market efforts, the
20 applicant has been unable to secure a tenant. The
21 extension would essentially allow continued
22 marketing at the ground floor space with financial
23 services use, which would be consistent with the
24 original approval.

25 In that sense, I do believe the applicant

1 has met their requirements and I'll be voting to
2 approve the request for the two-year time extension.

3 Commissioner Wright?

4 COMMISSIONER WRIGHT: Yes, I think that
5 this extension will give the applicant flexibility I
6 their efforts to fill this space and I think that
7 that is important. I will be voting to support this
8 extension.

9 VICE CHAIR BLAKE: Okay. Board Member
10 Drakeford?

11 MEMBER DRAKEFORD: Yes, I align myself with
12 you all's comments for this application.

13 VICE CHAIR BLAKE: Great. Okay, then I'll
14 make a motion to approve a two-year time extension
15 on Order 20990. The new period of validity would
16 extend to December 12th, 2027 and ask for a second.
17 Board Member Drakeford?

18 MEMBER DRAKEFORD: I second.

19 VICE CHAIR BLAKE: Excellent. Madam
20 Secretary, a motion has been made and seconded.
21 Would you please conduct a roll call vote?

22 MS. MEHLERT: Please respond to the Chair's
23 motion to approve the time extension. Chairman
24 Blake?

25 VICE CHAIR BLAKE: Yes.

1 MS. MEHLERT: Board Member Drakeford?

2 MEMBER DRAKEFORD: Yes.

3 MS. MEHLERT: Commissioner Wright?

4 COMMISSIONER WRIGHT: Yes.

5 MS. MEHLERT: Staff will record the vote as
6 3 to 0 to 2 to approve the time extension request
7 No. 20990-A on the motion made by Chairman Blake and
8 seconded by Board Member Drakeford.

9 VICE CHAIR BLAKE: Okay, I think we have
10 one more meeting session case, but I think we'll
11 hold off on that for now and move to the hearing
12 portion of today's meeting. Madam Secretary, would
13 you please call our first hearing session case?

14 MS. MEHLERT: Yes, can we take just a two-
15 minute break? We're just trying to confirm
16 something with one of the witnesses.

17 VICE CHAIR BLAKE: Let's take a five-minute
18 break. My doorbell is ringing that's perfect.
19 Thank you.

20 (Whereupon, the above-entitled matter went
21 off the record at 10:18 a.m.)

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25

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
5 and accurate record of the proceedings; and that I
6 am neither counsel for, related to, nor employed by
7 any of the parties to this action in which this
8 matter was taken; and further that I am not a
9 relative nor an employee of any of the parties nor
10 counsel employed by the parties, and I am not
11 financially or otherwise interested in the outcome
12 of the action.

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A handwritten signature in cursive script, reading "Neal R. Gross", is written over a horizontal line.

19 Court Reporter

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