

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

TUESDAY

OCTOBER 29, 2002

+ + + + +

The Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:00 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
ANNE RENSHAW	Vice Chairperson
CURTIS ETHERLY, JR.	Board Member
DAVID ZAIDAIN	Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

JOHN G. PARSONS	Commissioner
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COMMISSION STAFF PRESENT:

Beverly Bailey, Office of Zoning
Clifford Moy, Office of Zoning
John Nyarku, Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL:

Lori Monroe, Esq.

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AGENDA ITEM

PAGE

APPLICATION OF CELIA BERG AND JACK BENSON:

16921 ANC-3E 4

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

9:25 a.m.

CHAIRPERSON GRIFFIS: Good morning, ladies and gentlemen. Let me call to order the Special Public Meeting of the Board of Zoning Adjustments in the District of Columbia. My name is Geoff Griffis. With me today is Vice Chair Anne Renshaw.

Also representing the National Capital Planning Commission Mr. Zaidain. I will introduce everybody else as we call the hearing for this morning, but I want to get into the public meeting. Today is the 25th of October, 2002.

If we could announce the case for the meeting this morning, that would be appreciated, Ms. Bailey, or Mr. Moy, whoever is handling that.

MR. MOY: Good morning, Mr. Chairman and members of the Board. The application No. 16921 of Celia Berg and Jack Benson is before the Board pursuant to 11 DCMR 3104.1 for a special exception to allow a rear addition to a single-family dwelling under Section 223, not meeting the lot occupancy (Section 403), rear yard (Section 404), and nonconforming structure (Subsection 2001.3) requirements in the R-2 District at premises 4432

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1 Faraday Place, N.W. (Square 1582, Lot 190).

2 Again, this application is before the
3 Board for a decision. Also, the Board should consider
4 the waiver of the deadline for the requested
5 information from the applicant because their
6 submission was received after the October 15th
7 deadline. That's my report, Mr. Chairman.

8 CHAIRPERSON GRIFFIS: Good. Thank you
9 very much, Mr. Moy.

10 Indeed, Board members, we did get some
11 information late. It was asked just to be submitted
12 to the Board in terms of Board clarification. The
13 responses were not required and, therefore, I would be
14 amenable to waiving and accepting the submission.

15 Now, there are two if I'm not mistaken.
16 The second that came in, in fact, yesterday was by
17 direction of the Board for clarification of the first
18 submission. I think there was not new information
19 contained in that but rather clarification of some of
20 the numbers and calculations of the previous.

21 Is there any objection to waiving in this
22 submission? Very well. Not seeing any objection, we
23 take it as the Board waived the submission in.

24 As you recall, we had some question about

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1 lot occupants and it was specifically related to the
2 side yard and the dimension of the side yard. It
3 appears to have been documented.

4 It doesn't appear, it was documented for
5 this Board that the side yard was sufficient,
6 compliant and, therefore, led the lot occupancy to be
7 calculated out at approximately 33.7 percent which is
8 under the 40 percent with the underlying zoning and
9 clearly under the 222 provision for lot occupancy.
10 Therefore, I think we are able to proceed with this.

11 We did have photographs submitted by the
12 party, the adjacent property owner. There were
13 several issues that were brought up in regards to this
14 in terms of the potential for negative impact of the
15 adjoining property. I think most of it goes to the
16 light and how the sun would be impacted.

17 What I would like to do is propose a
18 motion, members, and have full discussion on this
19 under the motion. I would move approval of
20 Application 16921 for special exception to allow the
21 rear addition to the single-family dwelling.

22 That is under Section 223 as the property
23 does not meet the lot occupancy rear yard and is a
24 nonconforming structure under Subsection 2001.3. This

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1 is for the premises of 4432 Faraday Place N.W. I
2 would look for a second.

3 MR. ZAIDAIN: I'll second.

4 CHAIRPERSON GRIFFIS: Thank you. I think
5 the case is fairly straightforward. I think I
6 personally have taken great time to look at the impact
7 of the light coming across. Although the height was
8 not in question on this, clearly if the pitch roof
9 which was testified to be matching the existing
10 architecture of the building which does come under
11 some of the provisions of 223 of making this tie into
12 materials were also the same, I do think there is an
13 opportunity, however, to drop the height.

14 However, not being directly under -- I
15 don't think that is substantial enough not to move
16 ahead with this. I find that the diminished light is
17 not of a level that would move me to deny the
18 application.

19 I think the setbacks on the side and also
20 the rear are substantial enough so that there is light
21 and air that will continue through. I also think the
22 important piece of the location of the fenestration on
23 the addition was to minimize the impact of the
24 adjacent views from neighbors into other neighbor's

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1 houses. I think that was done fairly successfully.

2 I believe -- oh, the last piece was, of
3 course, the Dogwood which in the pictures that were
4 submitted were even more impressive than in the
5 hearing itself in terms of the images that were
6 represented.

7 It was testified, and I think it's an
8 absolute important piece to the application and, more
9 importantly, to the construction of this, that all
10 means to preserve that Dogwood would be fulfilled.

11 That would mean surveying the area for the
12 roots and marking them and then designing the
13 foundation and any sort of excavation around the
14 existing tree. I think that is an incredibly valuable
15 asset on both properties. I think that can, in fact,
16 be facilitated. The applicant did testify, in fact,
17 they were going to pursue that. I think it would be
18 well done if they did.

19 I would hear from others on this.

20 MR. ZAIDAIN: I don't have much to add,
21 Mr. Chair. I agree with what you're saying. I think
22 we put the burden on the applicant to clarify a lot of
23 occupancy and side yard issue which. I think he did
24 it successfully.

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1 I think the photographs that we saw
2 supplied by the party show some good points but I'm
3 not sure I necessarily agree with how the addition
4 will fully block the light and air.

5 I do agree with your encouragement to
6 reduce -- to explore some sort of reduction in height
7 solution but I don't think I'm to the point of denying
8 the application like you reiterated.

9 VICE CHAIR RENSHAW: Mr. Chairman, there
10 is also the opportunity in addition to taking another
11 look at the roof in order to drop the height, there is
12 the opportunity to downsize that back end that is
13 being proposed, the very large family room, because
14 where you say that the rear yard is substantial
15 enough, I don't see it as being very substantial.

16 It leaves a minimal amount of property in
17 the back that slopes down. I just don't feel that the
18 backyard can sustain so large an addition. I'm not
19 saying that the addition isn't warranted. I'm just
20 saying that it is a very large addition for that
21 backyard.

22 CHAIRPERSON GRIFFIS: Good. Others? It
23 should also be noted that the Office of Planning was
24 recommending approval of it and I think they had some

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1 excellent points that came out in the hearing. I
2 would reiterate, in fact, that if this goes ahead, it
3 is as shown and that does deal with the materials.

4 You bring up an interesting point. If I'm
5 not mistaken, there's no reason why they couldn't do
6 less than what was proposed. With that --

7
8 VICE CHAIR RENSHAW: Mr. Chairman, I
9 wonder under 223.21 which talks about, "The privacy
10 and use and enjoyment of neighboring property shall
11 not be unduly compromised."

12 If this goes ahead and the addition is as
13 what has been proposed, because we can only suggest
14 that there are opportunities to reconfigure, that the
15 applicant would also see the need of providing some
16 kind of a screening, some way to break the long wall,
17 16 feet, down into the property, into the backyard so
18 that the neighbor, which has, of course, come before
19 the Board to complain about this application, can have
20 a better view from her backyard not just looking at
21 the blank side of a house with some fenestration but
22 can have some greenery to look at.

23 Take note of the photograph that has been
24 provided. I think it is -- oh, it's Exhibit No. 32

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1 and it's No. 8. It shows the expanse of the addition
2 via the tape measure. You see some greenery but I'm
3 not sure whether all of that is going to stay. One is
4 for tree. If there is some way to make that line, the
5 expanse of the addition look better from the
6 neighbor's yard, that would be a benefit to both the
7 applicant and the neighbor.

8 MR. ZAIDAIN: I appreciate kind of where
9 you're going in terms of trying to provide some sort
10 of mitigation to the neighbor, but I think the
11 neighbor's main argument was the blocking of light.
12 If we put a condition to add more screening --

13 VICE CHAIR RENSHAW: However, you can add
14 some low-lying. I mean, you don't have to have tall
15 trees but some kind of interesting landscaping that
16 would look better and would enhance the wall that's
17 going to be between the properties. In other words,
18 the side of the house that will now be such an
19 prominent view from the neighbor's property.

20 CHAIRPERSON GRIFFIS: I think in terms of
21 mitigating that impact, Ms. Renshaw, and I think it's
22 an excellent point, you wouldn't want to have, you
23 know, a concrete block wall up against your house. I
24 think what's shown in terms of the elevations and

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1 plans is not -- in fact, I didn't hear the party in
2 opposition bring up the aesthetic of the elevation.

3 I think it's actually broken down fairly
4 well in terms of its mass, and the materials which I
5 think is of utmost importance in terms of the cedar
6 siding on it and then the high kind of clerestory
7 windows, and the stairs that you've reoriented so that
8 they exit out toward the driveway which should be
9 noted.

10 I think that is fairly successfully done.

11 I think, in fact, the record shows in the pictures,
12 Office of Planning's report and also the recent
13 submission by the party, this is a fairly landscaped
14 area.

15 I'm not sure I want to get into trying to
16 put a landscape plan together. Perhaps it is a
17 direction and certainly our comments can be heard that
18 it may be important to buffer. It would appear to me
19 on the face of the record that already happens and,
20 therefore, it would seem that each of the owners would
21 want to pursue that and probably will.

22 I think the visual impact of the addition
23 is done, frankly, and the architecture and the
24 materials chosen, in my opinion, is sufficient for

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1 this special exception.

2 Others? Anything further then?

3 VICE CHAIR RENSHAW: So in regard to the
4 roof line, we are just making the suggestion to drop
5 the height of that roof line?

6 CHAIRPERSON GRIFFIS: Indeed.

7 VICE CHAIR RENSHAW: Okay. And also the
8 suggestion to downsize.

9 CHAIRPERSON GRIFFIS: Yes. Very well. If
10 there is nothing further, I would ask for all those in
11 favor signify by saying "aye."

12 ALL: Aye.

13 CHAIRPERSON GRIFFIS: And opposed? Thank
14 you all very much.

15 MR. MOY: Mr. Chair, the staff would
16 record the vote as three, zero -- we would record the
17 vote as four, zero, zero in favor of the motion to
18 approve the application under Section 223 with the
19 provision that the applicants -- if the Board would
20 help me out -- if the applicants would consider the
21 suggestion that in the redesign they drop the height
22 of the roof line, No. 1, and, No. 2, that they
23 downsize the size of their proposed addition.

24 CHAIRPERSON GRIFFIS: Clear up those

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1 conditions on the order. We will clarify the height
2 for you if needed. It is approved as submitted.

3 I do believe the vote was five, however.
4 We may have an absentee vote from a member.

5 MR. MOY: Thank you. Yes, it will be
6 five, zero, zero with Carol Mitten as the proxy vote.
7 Thank you.

8 CHAIRPERSON GRIFFIS: Thank you very much.

9 Okay. With that we can adjourn the public
10 meeting and move quickly into calling the 25th of
11 October, 2002, Public Hearing of the Board of Zoning
12 Adjustments.

13 (Whereupon, at 9:42 a.m. the special
14 public hearing was adjourned.)

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