

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY,  
FEBRUARY 15, 2005

+ + + + +

The Public Meeting convened in Room 220 South, 441 4th Street, NW Washington, D.C. 20001, pursuant to notice at 9:43 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
RUTHANNE G. MILLER	Vice-Chair
CURTIS L. ETHERLY, JR.	Member
JOHN A. MANN, II	(NCPC)

ZONING COMMISSION MEMBER PRESENT:

GREGORY JEFFRIES	Commissioner
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COMMISSION STAFF PRESENT:

CLIFFORD MOY	Deputy Secretary, BZA
JOHN NYARKU	Zoning Specialist
BEVERLEY BAILEY	Zoning Specialist

OFFICE OF THE ATTORNEY-GENERAL STAFF PRESENT:

SHERRY GLAZER, ESQ.

This transcript constitutes the minutes from the Board of Zoning Adjustment Public Meeting on February 15, 2005.

A G E N D A

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CALL TO ORDER:  
Geoffrey Griffis. . . . .3

APPLICATION NO. 17270:  
Thomas and Kathryn Toppas . . . . .4

VOTE TO APPROVE APPLICATION:.. . . . 25

ADJOURN:  
Geoffrey Griffis. . . . . 26

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

9:43 a.m.

CHAIRPERSON GRIFFIS: Good morning, ladies and gentlemen.

Let me call to order the Special Public Meeting on the 15th of February 2005. This is, of course, the Board of Zoning Adjustment in the District of Columbia. I am Geoff Griffis, Chairperson.

Joining me today is Vice Chair, Ms. Miller and also Mr. Etherly. Mr. Mann, representing the National Capital Planning Commission. And representing the Zoning Commission with us for most of the morning is Mr. Jeffries.

Copies of today's hearing agenda are available for you. I am going to cut my opening remarks short on the Special Public Meeting as we're going to get into this decision. Then I will open up our hearing, which we will then take on the three cases that we have scheduled for this morning's agenda.

With that then let me just very good morning to Ms. Bailey with the Office of Zoning. And if you wouldn't mind giving us direction on where we should go at this immediate moment.

MS. BAILEY: Mr. Chairman, good morning.

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1           As you indicated this is a Special Public  
2 Meeting and this is an Application Number 17270 of  
3 Thomas and Kathryn Toggas, and it's pursuant to 11  
4 DCMR 3104.1 for a Special Exception to allow an  
5 addition to an existing single family detached  
6 dwelling under Section 223, not meeting the side yard  
7 requirements in the RB1 District at premises 3112  
8 Legation Street, NW.

9           The property is zoned R1B and it's located  
10 in Square 2293, Lot 835.

11           The Board has held previous discussions on  
12 this case, Mr. Chairman, as you know. And that was on  
13 February 1st. The decision was also postponed until  
14 today as well.

15           The Board requested submission from the  
16 Applicant, which was due February 3rd. That  
17 submission was timely filed.

18           We have in our record a response from Mr.  
19 Joyce Keys on behalf of Joseph and Cynthia Dempsey.  
20 We also have response -- I shouldn't say a response,  
21 but correspondence from ANC3/4G.

22           Lastly, we have Mr. Toggas' or the  
23 Applicant's response, which needs to be waived into  
24 the record and that's the response to Mr. Joyce Keys'  
25 submission. And I indicated, that needs to be waived

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1 in the record.

2 That's my brief submission.

3 CHAIRPERSON GRIFFIS: Good. Thank you  
4 very much, Ms. Bailey.

5 And the Exhibit Number on the last  
6 submission that needs to be waived in is?

7 MS. BAILEY: 47, sir.

8 CHAIRPERSON GRIFFIS: 47?

9 MS. BAILEY: Yes.

10 CHAIRPERSON GRIFFIS: Yes. Indeed.  
11 Okay.

12 Board Members, any comments on waiving  
13 timeliness and accepting it into the record?

14 MEMBER ETHERLY: MR. Chair, I'd just like  
15 to indicate that as I had to leave due to a  
16 professional commitment at our first hearing of this  
17 case, I did not participate in the discussion on our  
18 last session with this case, but have read the  
19 transcript and am now prepared, of course, to  
20 participate fully in the case. And I have no  
21 objection to moving it into the record.

22 CHAIRPERSON GRIFFIS: Excellent. Thank  
23 you.

24 Any others? Any objection to waiving our  
25 timeliness in accepting into the record Exhibit Number

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1 47?

2 Not noting any objection, and with the  
3 consensus of the Board, let's move on then.

4 As Ms. Bailey has aptly said, we have had  
5 hearings on this. It is a 233, which is before us to  
6 allow an addition to the existing single family  
7 dwelling. It is not meeting the side yard of that  
8 which is abutting the alley.

9 We did have some issues, several issues,  
10 involved in this case of particular which led us to  
11 ask for additional submissions. The one was the other  
12 side, not the alley side. And whether that was, in  
13 fact, needing relief and what type of relief we had  
14 requested that there be a drawing submitted that would  
15 indicate where an existing porch placement was and how  
16 the proposed additional line to it. And we have  
17 received that.

18 Let me open it up for discussion as we  
19 have the new information. We have the whole basis of  
20 the past hearing. And I'll take any comments.

21 MR. MANN: I'd like to say that I thought  
22 the information that was submitted actually answered  
23 the questions that I had regarding the -- where the  
24 previous foundation wall was for the den and versus  
25 the proposed addition. And as I see it, they are one

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1 in the same.

2 So, that kind of clarified that question  
3 for me.

4 There were a couple of other issues that  
5 were raised in these recent submissions that I think  
6 are actually of no consequence to us, including the  
7 potential construction in the building restriction  
8 line, which there may be other laws that have to  
9 apply, but it doesn't have anything to do necessarily  
10 with this Special Exception case.

11 So, although I was a little bit uncertain  
12 at first what that was about, I don't think that it  
13 really has anything to do with this case.

14 So, anyway, I was satisfied that we got  
15 what we asked for as far as being able to clarify  
16 where the existing -- where the previous existing  
17 structure was.

18 CHAIRPERSON GRIFFIS: Good. Thank you.

19 And bringing up the point of the building  
20 restriction, of course, that is an aspect that would  
21 have jurisdiction under other agencies. Clearly what  
22 we do in the Zoning in the aspects of all the  
23 calculations we're taking, we're within the property  
24 line and that's what we're looking at.

25 It is a point of which, if you build over

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1 the building restriction line at some point, you may  
2 be asked or forced to remove that aspect, which is  
3 built over it. But, I agree with you, Mr. Mann, that  
4 that, in fact, does not fall into the purview or  
5 jurisdiction of the Board in looking at this Special  
6 Exception.

7 I believe there was another comment based  
8 on the fact of whether the designer or company that  
9 was working on this was a registered engineers, agents  
10 and architects and all that. I didn't see anything  
11 rising in this application of which our regulation  
12 would require certification of that. Certainly the  
13 wall checks and any sort of different official  
14 documents would need to be registered. It certainly  
15 doesn't go into the requirements for submission or,  
16 frankly, I didn't see it rise to a level of a test for  
17 us under the 223.

18 So, I think we can dispense of that and  
19 move on.

20 Mr. Mann, did you want to pick up any  
21 other discussion on that or should we open it up to  
22 others?

23 MR. MANN: We can open it up to other.

24 CHAIRPERSON GRIFFIS: Good. Any other  
25 comments?

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1           We got the easy stuff. We might as well  
2 get into the substance of it.

3           This is, of course, 223. I think, I'm in  
4 agreement with Mr. Mann, if everyone is in agreement,  
5 I believe it's a side yard under Section 4050 which is  
6 the relief of the 223 as required as that which abuts  
7 the alley. The alley setback was roughly 1.7 feet or  
8 that. And it is fairly clear that the existing  
9 structure set that line and the addition would follow  
10 directly back.

11           Several things, of course, that 223 and  
12 the Special Exception criterion go to is impact and  
13 there's several levels of impact. And we've been able  
14 to assess from both of the adjacent neighbors, that  
15 being across the public alley of 15 feet and then, I  
16 believe, it's 2114, which is the other adjacent  
17 neighbor, but I probably shouldn't say that without it  
18 right in front of me.

19           One of the most dramatic helps and  
20 assistance in this application, I think, was when the  
21 Board member requested that some sort of three  
22 dimensional drawings be produced for the review of the  
23 Board. And I think that really sets into the context  
24 as often times elevations are a little difficult to  
25 read as they are flat and you don't really get the

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1 setting and the -- well, the perspective of adjacent  
2 structures and then of the proposed.

3 I found, although there was opposition to  
4 the application from the neighbor across the alley as  
5 this would be a visual impediment, I did not find that  
6 persuasive at all. There's upwards of over 70 feet  
7 separation. Certainly, there's ample room to screen  
8 if they found it offensive to look at a building.

9 The other aspect of it was is that there's  
10 an existing structure, a garage, that seems to  
11 somewhat visually align if you can estimate from 5442  
12 31st Street the impact of the addition as it  
13 diminishes towards the back and becomes one story, I  
14 think is mitigated substantially just by the distance  
15 and the separation -- the physical distance, but also  
16 the visual disruption of the garage structure on 5442  
17 or maybe it's adjacent, but it's fairly aligned. And I  
18 think the line of that down the 15 foot alley is not  
19 in anyway creating any sort of objectionable aspects  
20 as the criterion is for the 223 for our review.

21 Looking at 3114 and the impacts of that  
22 which is the other adjacent neighbor, I think the  
23 Board was decidedly concerned about what it would be.

24 And I think, again, the graphic representation that  
25 was put in really puts it in a better context, if the

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1 elevations were more difficult to read. And you look  
2 at the addition itself and the severe, I can only say  
3 the severe slope that steps away off the first floor,  
4 really, I think, opens up the whole rear of that  
5 building and diminishes any sort of impact.

6 We did have in the case presentation also  
7 the setting of fenestration and windows and how it  
8 would not be placed so that they would create direct  
9 entrance into the adjacent house or into the rear  
10 yard.

11 There was a point of relief and I have it  
12 right in front of me. One window that was in  
13 question. I didn't see a real impact on that.  
14 However, it was already discussed that it would be  
15 removed, if I recall correctly. I'll get that before  
16 a final decision on that.

17 And, lastly, from my comment. We're  
18 looking -- if you take it orthogonally the dimension  
19 of the lot itself, it's 124 feet deep. Right? That's  
20 just to the edge which seems to be a ration I think  
21 for the zone district that it's in would give a  
22 compliant rear yard.

23 But beyond 124, it continues to go back  
24 upwards of 80 feet. And my point is, we have on the  
25 -- all of the buildings on Legation Street, they have

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1 very deep rear yards. An awful lot of open area. And  
2 I think any sort of impact from the light and air and  
3 certainly the sun is mitigated, if not -- if not  
4 affected at all based on the large lot and the lot  
5 sizes.

6 So, I will leave it at that and let others  
7 speak.

8 Ms. Miller.

9 VICE CHAIR MILLER: Okay. First of all, I  
10 want to clarify that the two side yard issues that  
11 we're addressing, because my impression is that the  
12 one on the southwest side in which was at issue  
13 whether or not the structure was going to be replacing  
14 a den, whether or not that edition allows as a matter  
15 of right, because the new structure was replacing a  
16 den which had been destroyed as a result of Hurricane  
17 Isabel. And we had evidence on that. And my  
18 understanding, I think, is that we found that it did  
19 fall within 405.8, that the den did -- that the new  
20 structure did replace that den.

21 And 405.8 allows for an extension of the  
22 side yard that was non-conforming before May 12th,  
23 1958. And in this case, hurricane damage, they were  
24 allowed to replace it and still get the protection of  
25 405.8. And that side yard doesn't -- at a minimum of

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1 five feet.

2 So, the way I'm reading this regulation is  
3 that they don't need special exception relief on that  
4 side.

5 Would that be your -- I think I just want  
6 to deal with these individually and not with the other  
7 side.

8 Would my colleagues agree with that  
9 reading?

10 CHAIRPERSON GRIFFIS: Yes. I think so.

11 Mr. Mann, is that essentially what you  
12 said?

13 MR. MANN: Well, yes. I mean using  
14 the regulations, you've kind of gone through what it  
15 was that I was implying earlier as I felt satisfied  
16 that the information that they submitted came to that  
17 same conclusion.

18 VICE CHAIR MILLER: Okay. Then we get --  
19 you just address the other side.

20 CHAIRPERSON GRIFFIS: Good. Let's  
21 continue.

22 VICE CHAIR MILLER: Okay. I have a  
23 different view on the alley side.

24 I found it compelling that the neighbor,  
25 Ms. Kelly, did or will have her privacy and use unduly  
affected in my opinion. This extension is more than

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1 double, I believe, the length of the existing house.

2 While Office of Planning says that since  
3 they have this public alley in between and 15 feet  
4 there plus the 1.77 side yard, plus all the distance  
5 to the house, that OP didn't find that, and I can see  
6 that some of my colleagues don't feel that the  
7 neighbor's property is unduly affected. I think that  
8 having a view of a very long wall like that does  
9 affect the enjoyment of the property.

10 And, in particular, the fact that the  
11 existing side yard is only 1.77 feet, it doesn't allow  
12 for landscaping which would soften the look of that  
13 wall. And if they have a side yard which there is  
14 room on the property to do, they could have the  
15 landscaping there. And I know that there has been  
16 testimony that the Kelly's can have landscaping. But  
17 that obviously hasn't been successful with the house  
18 that's there and I don't think it's necessarily their  
19 responsibility.

20 And, further, just based on the pictures  
21 that we have, it looks to me that such a long wall  
22 along an alley is not in character with the rest of  
23 the neighborhood, given just the small pictures though  
24 that we do have.

25 I think it is too massive. I think a

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1 setback would break what she describes as a warehouse  
2 effect. So, that's my assessment of the adverse  
3 impacts in this case.

4 CHAIRPERSON GRIFFIS: Fascinating.

5 And it's an interesting opinion. One  
6 would rather look at shrubbery than a building. But  
7 I'm not sure I'm aligned with that.

8 I think in terms of the character,  
9 certainly the design and elevations that we've seen  
10 keep within the material amassing the roof lines. I  
11 think there are three different room lines in this  
12 addition to call it a warehouse. Seems to be really  
13 stretching the imagination in terms of what this  
14 actually is.

15 The other aspect of it is, you know, from  
16 the documentation that we have, 5442 is closer to 3101  
17 Legation, the house across the street, than it is to  
18 that at the rear across the alley. Seventy-three feet  
19 is a heck of a distance between a single family. But  
20 I understand your point.

21 I would just ask you to look at, not to  
22 try and persuade you. I've heard your point. But if  
23 you look at the submission that's noted 1 on the three  
24 dimensional plan, do you not see that 5442's garage  
25 actually is in line with the addition itself? That

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1 the visual impact is of the existing house and not  
2 necessarily the addition?

3 VICE CHAIR MILLER: I am looking at that.  
4 I think that that diagram is extremely helpful.

5 It looked to me like the garage certainly  
6 is in front of some of the addition. I don't know if  
7 it's in front of all of the addition. And I  
8 understand what you're saying about roof lines, but  
9 when I talked about the warehouse effect, I'm talking  
10 about the long wall. I'm not really talking about  
11 what the roof is doing.

12 CHAIRPERSON GRIFFIS: Okay.

13 Others?

14 VICE CHAIR MILLER: And not to belabor  
15 this too much, but certainly when you're talking about  
16 the house across the street, Legation, I mean, what's  
17 there is allowed as matter of right as far as I can  
18 tell. And we're talking about something that's not  
19 allowed as a matter of right that we're going to  
20 consider for Special Exception.

21 CHAIRPERSON GRIFFIS: But the question  
22 still arises when you're looking at -- I'm trying to  
23 figure out where you're getting this detrimental  
24 impact. Do you find that the one across Legation  
25 creates a detrimental impact on 5442?

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1                   VICE CHAIR MILLER: I don't think I can  
2 make that assessment just by looking at this diagram.

3                   We haven't had any evidence in the record on that  
4 one. We did have evidence by Ms. Kelly about how  
5 she's already experienced a detrimental impact from  
6 what's already there, because it's so close to the  
7 alley.

8                   CHAIRPERSON GRIFFIS: Very well.

9                   Anything else? Very well.

10                   If there's nothing else, we would make  
11 note and perhaps we can get any further deliberation  
12 under a motion. We did have the ANC come in and  
13 present their letter. They had, of course, voted six  
14 to one to send a letter to the BZA recommending denial  
15 of the Special Exception. And I think we can get into  
16 some of that detail if need be of their objectionable  
17 concerns.

18                   I think we ought to expedite this further  
19 and move ahead with further deliberation under a  
20 motion. And I move approval of Application 17270 for  
21 Toggas, Special Exception of 223 which would enable  
22 the construction of an addition to the existing  
23 one-family detached dwelling at 3112 Litigation  
24 Street, NW.

25                   I would ask for a second.

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1 MR. MANN: Second.

2 CHAIRPERSON GRIFFIS: Thank you, Mr.  
3 Mann.

4 Again, I would go through, if you look  
5 through, obviously, the direct test that need to  
6 provide and I also would look at the persuasive, an  
7 excellent report from the Office of Planning that goes  
8 through a full analysis of this, and also provides a  
9 very succinctly elevations involved.

10 And looking at both sides, the one actual  
11 aspect that I find compelling to Ms. Miller's argument  
12 is, although she didn't use the description of it, but  
13 was a blank wall. There's a portion of the addition  
14 which has no fenestration and it was actually removed,  
15 if I recall absolutely correctly, in the presentation  
16 of this hearing was removed so that there would not be  
17 windows or fenestration that would look over the  
18 adjacent --

19 I found that one of the most distressing  
20 aspects of the design when you started to remove that,  
21 because that's actually when it starts to break down  
22 and makes things a little bit more animated and, quite  
23 frankly, hopefully much more neighborly.

24 I get, you know, you kind of get the  
25 feeling when you have a lot of these submissions that

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1 don't get into a lot of the detail substance, that  
2 there's more going on here than we know about.

3 Well, you know, I'm somewhat grateful that  
4 we don't know about it, because we probably don't have  
5 any control over it. But, you know, looking at the  
6 base facts is what we're supposed to and obviously do.

7 Looking at this, I just don't -- I am not persuaded  
8 at all that this would tend to adversely affect the  
9 light and air use or enjoyment of privacy of the  
10 adjacent properties.

11 Going to -- Ms. Miller brings up an  
12 interesting point of whether it was in character based  
13 on its massing, its scale in the pattern of houses.  
14 And there was some talk about that. There was all  
15 this throwing around of square footage, you know.

16 The first hearing we had this. This was  
17 an addition of, you know, whatever it was, 10 million  
18 square feet to a house that was only 2 square feet.  
19 Obviously, it was totally out of scale in the square  
20 footage in my mind.

21 It seems to be -- I'm not sure we know  
22 exactly what the total square footage of the house is,  
23 but it certainly has come into better perspective of  
24 the range of square footage in the addition.

25 And I think there's no question that the

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1 addition is adding a substantial amount of square foot  
2 to the existing house. But it's exactly the point of  
3 223 in looking at that that sets the limits, the  
4 thresholds of which you can come for a special  
5 exception and not be in for a variance.

6 This obviously has met all those aspects  
7 and, therefore, can proceed.

8 But, again, back to the character and the  
9 scale. (1) having an alley run upwards of 200 feet on  
10 one property, although there is that small little  
11 section that is off the front. But according to that  
12 detail we don't even get into.

13 Having a portion, a front portion of that  
14 define that alley edge, I don't find out of character  
15 in the R1 zone or in the immediate surrounding site of  
16 this application.

17 More importantly, going to the character  
18 in terms of the architectural material, the roof  
19 lines. I think there's been a substantial amount of  
20 thought put into this to make something work but also  
21 not overwhelm the existing house.

22 Demonstrating the compliance, which is of  
23 course is one of the entries in 223 in the regulations  
24 and I think they really -- the Applicant has now come  
25 to comply with that based on the additional

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1 submissions that we had required.

2 And then, lastly, let me introduce, of  
3 course, we had the discussion and OP actually had the  
4 proposed conditions. They have two.

5 One was the site fence or the site type  
6 fence I think they called it, at the rear and the  
7 southwest side yard in the subject property.

8 We didn't discuss or I didn't bring that  
9 up much because I thought it was actually agreed upon  
10 by the Applicant. But in total assurity, Mr. Mann, if  
11 it's agreeable and amenable to you as seconder of the  
12 motion, I would add the condition that a plus or minus  
13 seven-foot high site fence be provided around those  
14 areas.

15 There is a second condition. I'll let you  
16 respond.

17 MR. MANN: I was just going to say think  
18 that's appropriate.

19 CHAIRPERSON GRIFFIS: Okay. And is there  
20 any objection?

21 MR. MANN: I agree.

22 CHAIRPERSON GRIFFIS: Okay. Let's  
23 continue.

24 The last is that the proposed removal of  
25 the windows on the third floor. I didn't see anything

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1 rising to the level that would really condition this  
2 and I'm not persuaded by any of the arguments. So, I  
3 would just leave it at that condition.

4 But let me open it up to others.

5 Mr. Mann?

6 MR. MANN: I agree. I also don't see the  
7 reason to take that window out, particularly, since  
8 it's in, if I recall, in the attic section, storage  
9 space.

10 CHAIRPERSON GRIFFIS: Attic space.  
11 Right.

12 MR. MANN: And just for the reasons that  
13 you discussed a moment ago about removing the windows  
14 on the opposite side, I think that removing the window  
15 would actually have a detrimental effect to the  
16 appearance of the building on that side.

17 CHAIRPERSON GRIFFIS: I would agree.

18 It kind of irks me that they don't align,  
19 but we won't get into that. Okay.

20 Anything else? Ms. Miller?

21 VICE CHAIR MILLER: I'm just wondering.  
22 The condition for the fence goes to the southwest side  
23 and that's the side that we said they didn't need a  
24 special exception for, though we're getting a special  
25 -- we may be giving a special exception for the

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1 property in general?

2 I'm wondering if that seven-foot high  
3 fence is going to decide this matter of right, do we  
4 still -- can we still condition it?

5 CHAIRPERSON GRIFFIS: Of course. When we  
6 look at a special exception in any --

7 VICE CHAIR MILLER: For the whole  
8 property.

9 CHAIRPERSON GRIFFIS: I mean, I don't  
10 think just because -- to be absolutely clear, just  
11 that we found that the addition was going in line with  
12 where there was an existing structure, doesn't mean  
13 that we don't measure a detrimental impact on the  
14 total addition to 3114.

15 VICE CHAIR MILLER: Okay.

16 CHAIRPERSON GRIFFIS: Or for that matter,  
17 the people across the street, Legation, or you know,  
18 anybody else. Obviously, they arise to a level of  
19 substance for the iteration but, no, I don't see any  
20 reason why we couldn't do that.

21 Okay. Others? Comments? Dissenting  
22 opinions?

23 VICE CHAIR MILLER: I just want to clarify  
24 that I understand when you're talking about the scale  
25 and character of the house, that it often goes to lot

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1 occupancy and this property is certainly within the  
2 lot occupancy and my finding of adverse impact only  
3 goes to the length of interrupted wall. It doesn't go  
4 to the lot occupancy.

5 CHAIRPERSON GRIFFIS: What would  
6 interrupt a wall?

7 VICE CHAIR MILLER: It would be  
8 interrupted if it were indented it would interrupt the  
9 flow.

10 CHAIRPERSON GRIFFIS: I see.

11 VICE CHAIR MILLER: Just like that.

12 CHAIRPERSON GRIFFIS: I see.

13 As I see as proposed, this interrupts four  
14 times. You have a front porch which is a different  
15 scale. You have the main portion of the existing  
16 structure. The second portion of the addition and  
17 then the third portion of the single story.

18 It seems to unguilate quite substantially.

19 I understand your interruption is to set it back off  
20 the alley for shrubbery, but I want to be clear.

21 Okay. Others? Anything else?

22 Very well. We have a motion before us  
23 that's been seconded and conditioned. And seconded, I  
24 would ask for all in favor by saying aye.

25 (AYES)

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1 CHAIRPERSON GRIFFIS: And opposed?

2 VICE CHAIR MILLER: Opposed.

3 CHAIRPERSON GRIFFIS: And abstaining?

4 Very well. Thank you all very much.

5 Ms. Bailey, if you wouldn't mind recording  
6 the vote. And is there any objection on -- do we have  
7 a party in opposition. Is that correct? Very well.

8 Ms. Bailey?

9 MS. BAILEY: The vote is four, one, zero  
10 to approve the application. Mr. Griffis made the  
11 motion. Mr. Mann seconded. Mr. Etherly and Mr.  
12 Jeffries are in agreement. Mrs. Miller is opposed to  
13 the motion. And we're doing a full order on this one,  
14 Mr. Chairman.

15 CHAIRPERSON GRIFFIS: Indeed. Good.

16 Thank you all very much.

17 Is there any other business for this  
18 Special Public Meeting this morning for the Board, Ms.  
19 Bailey?

20 MS. BAILEY: No, Mr. Chairman.

21 CHAIRPERSON GRIFFIS: Very well. Not  
22 knowing any other additional business for the Board in  
23 our Special Public Meeting, let me adjourn this  
24 Special Public Meeting. At this time, I will pass the  
25 call to order our Public Hearing of February 15th,

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1 2005, and wish everyone again a very good morning.

2 (Whereupon, the above matter was concluded  
3 at 10:11 a.m.)

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