

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

THURSDAY, JUNE 18, 2009

The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:32 p.m., Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	CHAIRPERSON
KONRAD SCHLATER	COMMISSIONER
MICHAEL TURNBULL, FAIA	COMMISSIONER (OAC)
PETER MAY	COMMISSIONER (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	SECRETARY
DONNA HANOUSEK	ZONING SPECIALIST

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
ARTHUR JACKSON

This transcript constitutes the minutes from the Public Hearing held on June 18, 2009.

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

2 6:32 p.m.

3 CHAIR HOOD: Good evening ladies
4 and gentlemen. This is a public hearing of
5 the Zoning Commission of the District of
6 Columbia for Thursday, June 18, 2009. I'm
7 Anthony Hood. Joining me are Commissioners
8 May, Turnbull and Commissioner Schlater.

9 Let's take a moment to welcome
10 Commissioner Schlater, and we're looking
11 forward to working with him. You want to turn
12 on your mic. I want them to record that
13 you're looking forward to working with us.

14 COMMISSIONER SCHLATER: I'm very
15 much looking forward to working with you.
16 Great to get started.

17 CHAIR HOOD: Okay, good. Okay.
18 Also, the Office of Zoning staff, Office of
19 Planning staff and all. These proceedings are
20 being court reported and it's webcast live.
21 Accordingly, we must ask you to refrain from
22 any disruptive noises or actions in the

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1 hearing room.

2 Case No. 09-07

3 CHAIR HOOD: This evening's first
4 hearing, and I think we're going to have to
5 take them separately, okay, is Zoning
6 Commission Case No. 09-07. This is request by
7 Petitioner for an amendment to the zoning map
8 to zone 2269 Cathedral Avenue, N.W., which is
9 currently unzoned to the R-4 zone district.

10 Notice of the first hearing was
11 published in the *D.C. Register* May 11th, 2009,
12 and copies of that announcement are on the
13 table to my left on the wall near the door.
14 The hearing will be conducted in accordance
15 with the provisions of 11 DCMR 3021, as
16 follows:

17 Preliminary Matters, Presentation
18 by Petitioner, Presentation by the Office of
19 Planning, Report of Other Government Agencies,
20 Report of the ANC 3C, organizations and
21 persons in support, organizations and persons
22 in opposition.

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1 The following time constraints will
2 be maintained in this hearing. Petitioner,
3 ten minutes; organizations, five minutes;
4 individuals, three minutes. The Commission
5 reserves the right to change the time limits
6 for presentations if necessary. No time shall
7 be ceded.

8 Upon coming forward to speak to the
9 Commission, please give both cards to the
10 reporter sitting to my right before taking a
11 seat at the table. When presenting
12 information to the Commission, please turn on
13 and speak into the microphone, first stating
14 your name and home address.

15 When you are finished speaking,
16 please turn your microphone off so that your
17 microphone is no longer picking up sound or
18 background noise. The decision of the
19 Commission in this case must be placed
20 exclusively on the public record. The staff
21 will be available throughout the hearing to
22 discuss procedural questions.

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1 Please turn off all beepers and
2 cell phones at this time, so not to disrupt
3 these proceedings. The Office of Zoning staff
4 is represented by Ms. Sharon Schellin and Ms.
5 Donna Hanousek.

6 Office of Planning staff is
7 represented by Ms. Steingasser and Mr.
8 Jackson. At this time, the Commission will
9 consider any preliminary matters. Does the
10 staff have any preliminary matters?

11 MS. SCHELLIN: Just a couple. One
12 to advise that we did receive the maintenance
13 affidavit and it's in order, and that's in
14 both cases. It's one combined document.

15 We did receive a party status
16 request, even though this is a rulemaking
17 case, at Exhibit 20, from a group of home
18 owners that's represented by Peter Coharis, I
19 believe it is, or Choharis, and let the
20 Commission take action on that.

21 CHAIR HOOD: okay, thank you Ms.
22 Schellin. The party status request is not

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1 properly before us, so I think that I would
2 move that we -- I don't want to say deny.

3 I guess we would have to deny. I
4 would move that we deny and send back his
5 party status application, letting him know
6 that that was not properly before the
7 Commission. This is a rulemaking and not a
8 contested case. I ask for a second.

9 COMMISSIONER MAY: Second.

10 CHAIR HOOD: Moved and properly
11 seconded. Any further discussion?

12 (No response.)

13 CHAIR HOOD: All those in favor,
14 aye?

15 (Chorus of ayes.)

16 CHAIR HOOD: Not hearing anyone
17 present in opposition, Ms. Schellin, could you
18 record the vote?

19 MS. SCHELLIN: Yes. Staff records
20 the vote 4 to 0 to 1 to deny party status to
21 the group of home owners represented by Peter
22 Choharis. Commissioner Hood moving,

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1 Commissioner May seconding. Commissioners
2 Turnbull and Slater in support of the denial.
3 Commissioner Keating not present and not
4 voting.

5 CHAIR HOOD: And as Mr. Sher comes,
6 I think the proffered expert witness, we won't
7 have to go through that. We've seen him
8 enough to know that we've already accepted his
9 resume.

10 COMMISSIONER MAY: I think he has a
11 tattoo. Somewhere it says that, right?

12 CHAIR HOOD: Okay. All right, Mr.
13 Sher. Good evening.

14 MR. SHER: Good evening Mr.
15 Chairman, members of the Commission. For the
16 record, my name is Steven E. Sher, the
17 Director of Zoning and Land Use Services with
18 the law firm of Holland and Knight.

19 I'm here this evening on behalf of
20 Scott and Kristin Franklin, who are the owners
21 of the property at 2269 Cathedral Avenue.
22 They purchased that property in March of 2009,

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1 and they're seated to my right, your left in
2 the front row there.

3 When they purchased the property,
4 they didn't know that the property was not
5 zoned. When they went down to discuss getting
6 permits to do the renovation and additions
7 that they want to do to the house, DCRA
8 informed them that lo and behold, the property
9 wasn't zoned.

10 So we looked at what were the
11 logical options to get it zoned. On the one
12 side, the property is zoned is R-5D. On the
13 other side, across Cathedral Avenue, the
14 property is zoned R-4.

15 We came in and asked for R-5D,
16 because the property already exceeds the
17 maximum permitted lot occupancy for R-4, and
18 we were concerned about the time it was going
19 to take to go to the BZA to get relief from
20 that.

21 When the Commission set the case
22 down --

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1 COMMISSIONER MAY: Mr. Sher, could
2 you push the microphone away just a little
3 bit? You're very loud here. Thanks.

4 MR. SHER: I'll speak a little more
5 softly, something I'm not usually known for.

6 CHAIR HOOD: We haven't got to
7 Commissioner Schlater yet, so --

8 MR. SHER: When the Commission set
9 the case down on April 27th, they set it down
10 in the alternative, the R-5D that we asked for
11 and the R-4 that was recommended by the Office
12 of Planning, and agreed to consider an
13 application for a special exception under
14 Section 223, to give us the relief necessary
15 because we exceeded the lot occupancy.

16 As a result of that, with an
17 accommodation by the Commission, we sent a
18 letter to the Commission dated May 13th, 2009,
19 that we would no longer be seeking the R-5D
20 zoning. So I believe that all that is before
21 the Commission this evening is a request to
22 zone the property R-4.

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1 That is the same zone that is
2 applicable to the property across Cathedral
3 Avenue. It's generally reflective of moderate
4 density residential designation on the future
5 land use map which is applicable to that area,
6 remembering, of course, that what the future
7 land use map shows for this site is parks,
8 recreation and open space, which was in all
9 likelihood an oversight.

10 As the Commission is aware, R-4 is
11 a three-story 40-foot height zone, allowing
12 one family dwellings as a matter of right.
13 The property was improved with a detached
14 dwelling originally built in 1910, which has
15 been in use as a single family dwelling since
16 that time.

17 The property is in the old Woodley
18 Park Historic District and because of its
19 adjacency to the zoo, is also subject to the
20 provisions of the Shipstead-Luce Act (ph).
21 Any exterior changes to the drawing are
22 therefore subject to design review by the

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1 Commission of Fine Arts and the Historic
2 Preservation Review Board.

3 It is our judgment that at this
4 point, R-4 is the most appropriate zone for
5 the property, and it's acceptable to the
6 Franklins, assuming that the Commission finds,
7 in the case to be heard immediately following,
8 that we've met the standards for the grant of
9 the special exception under Section 223.

10 So with that, I will conclude and
11 say we would otherwise stand on the record on
12 the basis of all the other information we've
13 submitted.

14 CHAIR HOOD: All right. Thank you,
15 Mr. Sher. Let me open it up for my colleagues
16 here. Any questions? Any questions,
17 Commissioner May?

18 COMMISSIONER MAY: Believe it or
19 not, I don't have any questions.

20 CHAIR HOOD: Okay, well let's hurry
21 up and get on by that then. Let's go to the
22 Office of Planning. No, I'm just playing.

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1 Anybody else?

2 (No response.)

3 CHAIR HOOD: All right. Let's go
4 to the Office of Planning. Mr. Jackson.

5 MR. JACKSON: Good evening Mr.
6 Chairman and members of the Commission. My
7 name is Arthur Jackson. I'm a development
8 review specialist for the D.C. Office of
9 Planning. You have before you a report from
10 the Office of Planning both on this
11 application. Well, we're dealing with the
12 rezoning at this point, so on the rezoning.

13 Since you have that before you, we
14 stand on the record and are available to
15 answer any questions you may have regarding
16 our report and our findings.

17 CHAIR HOOD: Okay, thank you. Any
18 questions of the Office of Planning, Mr.
19 Jackson? On the report. Mr. Sher, do you
20 have any questions of the Office of Planning?

21 MR. SHER: I don't.

22 CHAIR HOOD: Okay. Is there anyone

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1 here to testify in this first case, the
2 rulemaking?

3 (No response.)

4 CHAIR HOOD: Any opposition?

5 (No response.)

6 CHAIR HOOD: Any support?

7 (No response.)

8 CHAIR HOOD: Okay, thank you.

9 Okay, that's it. Colleagues, how do we --
10 okay, that's the end of that then. Is anybody
11 ready to move tonight?

12 COMMISSIONER MAY: Mr. Chairman,
13 I'll make a motion. I found my right piece of
14 paper.

15 CHAIR HOOD: Okay.

16 COMMISSIONER MAY: I would move
17 approval of Zoning Commission Case No. 09-07,
18 proposed zoning map amendment to establish R-4
19 zoning on a property located at 2269 Cathedral
20 Avenue, N.W., and ask for a second.

21 COMMISSIONER TURNBULL: Second.

22 CHAIR HOOD: It's been moved and

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1 properly seconded. Let me just mention for
2 the record, we have a letter, Exhibit No. 19
3 for further discussion.

4 "Therefore, the Smithsonian
5 Institution hereby endorses the recommendation
6 of the Office of Planning, as contained in the
7 notice of the public hearing scheduled June
8 18, 2009, to consider R-4 zoning for the
9 property."

10 But they also mentioned they
11 opposed the R-5D, which is off the table at
12 this point. Let me see, who else?

13 COMMISSIONER MAY: Mr. Chairman, I
14 would note that in the party status
15 application, there was also a statement from
16 the neighbors that they would support the R-4
17 zoning, but would not support R-5D.

18 CHAIR HOOD: Okay. Thank you very
19 much. Okay, any further discussion? All
20 those in favor?

21 (Chorus of ayes.)

22 CHAIR HOOD: Not hearing any

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1 opposition, Ms. Schellin, would you record the
2 vote?

3 MS. SCHELLIN: Yes. Staff records
4 the vote 4 to 0 to 1 to approve Zoning
5 Commission Case No. 09-07, excuse me, to
6 approve proposed action in Case No. 09-07,
7 Commissioner May moving, Commissioner Turnbull
8 seconding, Commissioners Hood and Schlater in
9 support. Commissioner Keating not present,
10 not voting.

11 CHAIR HOOD: Is there anything else
12 pertaining to this case? If not, this case --

13 MR. SHER: Mr. Chairman, if I may?
14 I'd like to ask the Commission to consider
15 putting that designation into effect on an
16 emergency basis by taking that vote this
17 evening, and if I can, I'll explain why I'd
18 like to do that, or I'd like you to do that.

19 The Franklins, as I said before,
20 did not know that the property was not zoned
21 when they purchased the house. They went down
22 to DCRA to try and get permits and discovered

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1 that was the case. You all confirmed that
2 with a certification.

3 The house will be the Franklins'
4 primary residence. They're moving into the
5 District from Maryland. Their house in
6 Maryland is up for sale and they hope to move
7 into the property in September.

8 The District has agreed to issue
9 permits for alterations to the house within
10 the existing laws and so forth, but will not
11 approve permits for the additions, which they
12 can't build, unless and until you grant the
13 special exception, which we're about to get
14 to.

15 But they won't do anything on
16 additions until the zoning designation is
17 done. At this point, you have a process that
18 will take a while, hopefully as short as a
19 month or six weeks, based on some discussions
20 I've had with Mr. Bergstein and Ms. Schellin.

21 But we would really like to be able
22 to keep the construction process moving and

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1 get the zoning designated and in effect
2 tonight, so that you can consider the special
3 exception application and grant it, and if you
4 grant it, we can get an order and they can
5 keep going.

6 That's the basis for our request,
7 and that's what we would ask you to consider
8 this evening.

9 CHAIR HOOD: Mr. Sher, I will tell
10 you, I may have missed something and I usually
11 do sometimes. But I really don't see, because
12 if we -- we did the bench decision. It still
13 has to go through NCPC review, right? So
14 we're still looking at probably about 30 days.

15 MR. SHER: Yes.

16 CHAIR HOOD: So from what we just
17 did, why would we need to do an emergency? I
18 just don't understand.

19 MR. SHER: Okay. They would want
20 to move into the house in September. In order
21 to do that, they've got the construction on
22 the inside, the construction of the additions.

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1 What we're trying to do is just keep that
2 whole process moving, so that they can meet
3 the construction schedule and move into the
4 house.

5 If the Commission determines not to
6 do it, we'll do the best we can under those
7 circumstances. But we think it would be a
8 reasonable thing to do, given the process
9 we've been through so far.

10 CHAIR HOOD: And I understand that,
11 and I sympathize to a point. But I think that
12 you get the same result. I just don't see the
13 difference. I think you're getting the same
14 result.

15 MR. SHER: It's six weeks roughly,
16 is about what the difference will be.

17 CHAIR HOOD: So the difference,
18 your testimony is the difference is six weeks.

19 It will be six weeks --

20 MR. SHER: We cannot get permits
21 for the additions until after the zoning
22 designation is final and in effect, and that

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1 will be, at best estimate, about six weeks
2 from today.

3 CHAIR HOOD: Okay, and you're ready
4 to do that now.

5 MR. SHER: They're ready to move
6 forward as soon as they can.

7 CHAIR HOOD: Okay.

8 COMMISSIONER MAY: How long ago did
9 they purchase the house?

10 MR. SHER: March 20th.

11 COMMISSIONER MAY: March 20th.

12 MR. SHER: Of this year.

13 COMMISSIONER MAY: And how long
14 have they had somebody working on designs or
15 construction of it? I mean how quickly was it
16 discovered that there was no zoning, I guess
17 is the question?

18 MR. SHER: Early April.

19 COMMISSIONER MAY: Early April. So
20 they bought it late March and then it was
21 early April.

22 MR. SHER: We filed and got a set

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1 down on April 27th. So I mean it was -- we
2 moved very quickly once we found out there was
3 no zoning. We had asked the Commission to
4 consider emergency action in the first place,
5 and we were persuaded by Mr. Bergstein not to
6 do that until we got through the hearing
7 process.

8 So I'm just going to renew that
9 request. If the Commission sees fit not to do
10 that, we'll proceed as best we can.

11 CHAIR HOOD: Any other questions?

12 COMMISSIONER MAY: Well, you know,
13 I don't know. Ordinarily I'm not sympathetic
14 to the idea that we have to be bound by
15 somebody else's deadlines for when they want
16 to get certain work done, you know.

17 Because often what happens is that
18 somebody under the line, under either the
19 owner or somebody hired by the owner, has you
20 know, made an oversight in the process, didn't
21 realize that the property was unzoned or not
22 zoned properly for what they wanted to do.

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1 So I'm usually not very
2 sympathetic. It sounds like they, it was
3 pretty quickly after the property was
4 purchased. I don't know. It's 50-50 for me
5 at the best. I don't know. I'd be interested
6 in hearing what other commissioners have to
7 say.

8 COMMISSIONER TURNBULL: Well, I
9 know we've gone through these emergency
10 actions with the city, and we've never -- we
11 don't always give in on that either. We've
12 been fairly rigid about what we consider a
13 real emergency.

14 COMMISSIONER MAY: Well, I know I
15 voted against the last emergency.

16 COMMISSIONER TURNBULL: I know. So
17 you know, I guess I'm with you. It's 50-50, I
18 guess. I really -- got a quarter?

19 CHAIR HOOD: Commissioner Schlater?

20 COMMISSIONER SCHLATER: I'm
21 inclined, because they've already purchased
22 the home and they want to move into their

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1 home, to support the emergency action, so that
2 we can just get this done.

3 CHAIR HOOD: I move that we grant
4 the request of the emergency and ask for a
5 second?

6 COMMISSIONER SCHLATER: Second.

7 CHAIR HOOD: All those in favor?
8 I'm sorry. Any further discussion?

9 (No response.)

10 CHAIR HOOD: All those in favor,
11 aye?

12 (Chorus of ayes.)

13 CHAIR HOOD: Any opposition?

14 (No response.)

15 CHAIR HOOD: So ordered. Staff
16 will record the vote.

17 MS. SCHELLIN: Staff records the
18 vote 4 to 0 to 1 to grant the emergency action
19 in Zoning Commission Case No. 09-07,
20 Commissioner Hood moving, Commissioner
21 Schlater seconding, Commissioners May and
22 Turnbull in support. Commissioner Keating not

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1 present, not voting.

2 CHAIR HOOD: I'm scared to ask
3 this. I asked it before. Do we have anything
4 else in this case?

5 MS. SCHELLIN: Yes, we are truly
6 finished this time.

7 Case No. 09-07A

8 CHAIR HOOD: This case is
9 adjourned. Our second case for tonight. Good
10 evening ladies and gentlemen. I think we all
11 are here, those who I've said in the first
12 case. So I will skip that part for the sake
13 of time.

14 The subject of the second hearing
15 is Zoning Commission Case No. 09-07A. This is
16 a request by the Applicant for approval of a
17 special exception under the 223 for a property
18 located at 2269 Cathedral Avenue, N.W.

19 Notice of this hearing was
20 published, the second hearing was published in
21 the *D.C. Register* on May 1st, 2009, and copies
22 of that announcement are available to my left

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1 on the wall near the door.

2 The hearing will be conducted in
3 accordance with the provisions of 11 DCMR 30.2
4 as follows: Preliminary matters, the
5 Applicant's case, Report of the Office of
6 Planning, Report of Other Government Agencies,
7 Report of the ANC 3C, organizations and
8 persons in support, organizations and persons
9 in opposition, rebuttal and closing by the
10 Applicant.

11 The following time constraints will
12 be maintained in this meeting: the Applicant,
13 ten minutes; organizations, five minutes;
14 individuals, three minutes.

15 All persons appearing before the
16 Commission are to fill out two witness cards.

17 Please turn off all beepers and cell phones
18 at this time so as to not disrupt these
19 proceeding. Would all individuals wishing to
20 testify please rise to take the oath? Ms.
21 Schellin, would you please administer the
22 oath?

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1 [WITNESSES SWORN.]

2 CHAIR HOOD: Okay, Mr. Sher, you
3 may begin.

4 MR. SHER: Mr. Chairman, again good
5 evening, members of the Commission. We are
6 prepared to rest on the record, on the basis
7 of the information contained in our
8 application and our prehearing statement.
9 We've given you what we think is sufficient
10 documentation and evidence as to how we meet
11 the requirements of Section 223.

12 We're prepared to answer any
13 questions the Commission may have. We can
14 make the full presentation, which would take
15 the nine minutes and 37 seconds that are left.

16
17 We can make the short form
18 presentation, in which case that will take
19 about two minutes, or we'll proceed in
20 whatever direction the Commission desires.

21 CHAIR HOOD: I think your two
22 minute presentation will be fine, and then

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1 we'll ask our questions, unless my colleagues
2 see otherwise. Okay, two minutes.

3 MR. SHER: The property is improved
4 with a single family dwelling. It has a
5 detached garage and the two together slightly
6 exceed the maximum permitted lot occupancy for
7 the R-4 zone, which is now applicable to the
8 property.

9 The house and the garage total
10 2,456 square feet. The maximum permitted is
11 2,329 square feet. So we're over by 127
12 square feet right now.

13 What the Applicants are proposing
14 to do is to expand the bedroom on the
15 second floor, add a bay window on the first
16 floor, and connect the house to the garage at
17 the lower level on the first floor.

18 The total square footage added is
19 509 square feet. The increase in lot
20 occupancy is 227 square feet. So the lot
21 occupancy goes from 42 percent now to 46
22 percent as proposed.

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1 Under Section 223, we're required
2 to demonstrate that the light and air of the
3 neighboring properties is not unduly affected,
4 that the privacy of use and enjoyment of
5 neighboring properties is not unduly
6 compromised; that the addition shall not
7 visually intrude upon the character scale and
8 pattern of houses along the subject street
9 frontage; that the lot occupancy doesn't
10 exceed 70 percent, and that if there's any
11 special treatment, the Commission is
12 authorized to require that.

13 The addition is set towards the
14 rear of the house, but it doesn't extend any
15 further towards the rear of the house than the
16 existing house and garage. We are, as I said,
17 at 47 percent lot occupancy, well below the 70
18 percent authorized by Section 223.

19 We have been to the Commission of
20 Fine Arts, which has review authority, and
21 they have approved what we have submitted to
22 them. The staff of the Historic Preservation

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1 Review Board determined that no further review
2 by HPRB would be necessary, in light of the
3 CFA approval.

4 We figure all of that together
5 suggests that we have met the standards of
6 Section 223, and that the application should
7 be granted. I have the architect, Ms.
8 Margaret Upton is here, as well as Mr. and
9 Mrs. Franklin, and we're all available to
10 answer any questions that the Commission may
11 have.

12 CHAIR HOOD: Okay, thank you very
13 much, Mr. Sher. Colleagues, any questions of
14 any of the witnesses, either Mr. Sher or those
15 that he named?

16 COMMISSIONER TURNBULL: Let me say
17 Mr. Chair, I just have a couple of questions.
18 The rear yard setback is now two and a half
19 feet? This is just to clarify for the record?

20 MR. SHER: Yes. The property is an
21 unusually-shaped lot. It's very long and not
22 very deep, and it's, as Mr. Jackson described

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1 it, I think it's a Pentagon, five-sided. But
2 it's just -- we're close to the rear lot line
3 as it is, but we're not getting any closer.

4 COMMISSIONER TURNBULL: And the
5 eastern yard setback, going to zero. What is
6 it now?

7 MR. SHER: Okay. Between the house
8 and the garage, there's seven and a half feet.
9 So right now, the house has a seven and half
10 foot side yard. There's four inches between
11 the garage and the side lot line.

12 COMMISSIONER TURNBULL: That's what
13 I -- okay.

14 MR. SHER: The four inches is going
15 to remain. We're not doing anything on the
16 southeast side of the garage.

17 COMMISSIONER TURNBULL: Right.

18 MR. SHER: Everything is being
19 built between the house and the garage, and on
20 the house itself. So there's no change in the
21 side yard or the garage, and the side yard of
22 the house becomes an open court when we

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1 connect the two, and the open court complies.

2 COMMISSIONER TURNBULL: Okay, thank
3 you.

4 CHAIR HOOD: Any other questions?
5 Commissioner May?

6 COMMISSIONER MAY: I was just
7 curious. The photograph that I see of the
8 existing building seems to show like a roof
9 deck and a fence around it. Is that going
10 away?

11 MR. SHER: It is.

12 COMMISSIONER MAY: Good move.
13 That's about all. Thanks.

14 CHAIR HOOD: All right. Let's go
15 to the Office of Planning report. Mr.
16 Jackson?

17 MR. JACKSON: Hello again. I'm
18 Arthur Jackson of the D.C. Office of Planning.
19 The report you have before you also includes
20 some analysis for the special exception.

21 In light of that, we are going to
22 stand on the record and we're available to

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1 answer questions. I would note that we do
2 recommend approval of the special exception
3 for the proposed addition.

4 CHAIR HOOD: Okay. Thank you very
5 much, Mr. Jackson. I will tell you that your
6 report, I think, was very well done, and I
7 appreciate it.

8 It definitely outlined the -- you
9 hit the hot spots, so thank you. Any
10 questions for Mr. Jackson? Mr. Sher, do you
11 have any questions of Mr. Jackson?

12 MR. SHER: I do not.

13 CHAIR HOOD: Okay. Let me just cut
14 to the chase. Did we have anybody sign in?
15 Is there anyone here, the ANC 3C?

16 (No response.)

17 CHAIR HOOD: Okay. Did we get a
18 report from ANC 3C?

19 MS. SCHELLIN: No.

20 CHAIR HOOD: Not seeing a report
21 from ANC 3C, is there anyone here,
22 organizations or persons in support?

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1 (No response.)

2 CHAIR HOOD: Well, I would hope --
3 you know what? I really would hope you were
4 here in support. That would be a very -- I've
5 been here for a while. That would be a very
6 interesting case. Any organizations or
7 persons in opposition?

8 (No response.)

9 CHAIR HOOD: Okay, Mr. Sher.
10 Closing remarks.

11 MR. SHER: Mr. Chairman, we believe
12 that we've demonstrated compliance with the
13 regulations, and that the Commission should
14 grant the special exception. We'd ask for the
15 Commission's consideration of a decision this
16 evening and the issuance of a summary order.

17 CHAIR HOOD: Okay, thank you.
18 Colleagues, unless someone has any objection,
19 I would move that we approve Zoning Commission
20 Case 09-07A, as for a special exception coming
21 under compliance with our Section 223 of the
22 zoning regulations, and I ask for a second.

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1 COMMISSIONER MAY: Second.

2 CHAIR HOOD: And I think it's very
3 identifiable, as was stated earlier, in the
4 Office of Planning report. It's been moved
5 and properly seconded. Any further
6 discussion?

7 (No response.)

8 CHAIR HOOD: All those in favor?

9 (Chorus of ayes.)

10 CHAIR HOOD: Not hearing any
11 opposition of those who are present, Ms.
12 Schellin, would you record the vote?

13 MS. SCHELLIN: Staff records the
14 vote 4 to 0 to 1 to approve final action in
15 Zoning Commission Case No. 09-07A,
16 Commissioner Hood moving, Commissioner May
17 seconding. Commissioners Schlater and
18 Turnbull in support; Commissioner Keating not
19 present, not voting.

20 CHAIR HOOD: Okay, thank you. Ms.
21 Schellin, do we have anything else before us
22 tonight?

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MS. SCHELLIN: No.

CHAIR HOOD: Okay. I want to thank everyone for their participation, and these hearings are adjourned.

(Whereupon, at 6:59 p.m., the hearing was concluded.)

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