

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

TUESDAY, JUNE 27, 2006

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The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:52 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

GREGORY JEFFRIES	Commissioner
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OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY	Secretary
BEVERLY BAILEY	Sr. Zoning Specialist
JOHN NYARKU	Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LORI MONROE, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

JOHN MOORE
TRAVIS PARKER

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The transcript constitutes the minutes
from the Public Hearing held on June 27, 2006.

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

9:52 a.m.

CHAIRPERSON GRIFFIS: I'll call to order our Public Hearing of the 27th of June 2006. I am Geoff Griffis, Chairperson. Joining me today is Ms. Miller, the Vice Chair, Mr. Etherly representing the Board also. The National Capital Planning Commission is represented by Mr. Mann and our Zoning Commissioner may well join us this morning.

Our seats are still warm from their occupation from the Zoning Commission last night to well after midnight, so we'll give a little bit of time off to our Zoning Commission Member, as they will probably join us for the second or third case that is on the schedule.

And that schedule is available for you. It is located in the door where you entered into the hearing room. You can pick it up and see where you are in our chronology. Getting right to it, I'm going to ask several things of all of you. First of all, please, turn off your cell phones, beepers and blackberrys, if you have them, as they will disrupt the transmission.

All proceedings of the Board of Zoning Adjustment are going to be made in the open and in the

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1 public and are transmitted. There are several ways we
2 do this. The first and most important, of course, is
3 the Court Reporter sitting on the floor to my right,
4 who is creating the official record, the official
5 transcript of this proceeding. We are also being
6 broadcast live on the Office of Zoning's website.

7 Attendant to both of those, we ask several
8 things of you. First of all, when coming forward to
9 speak to the Board, please, have filled out two
10 witness cards. Witness cards are available for you at
11 the table where you will provide your testimony. They
12 are also available at the table where you entered into
13 the hearing room. Those go to the Court Reporter
14 prior to coming forward.

15 When you are ready to present testimony to
16 the Board, I'm going to ask that you have a seat and
17 make yourself comfortable. You're going to need to
18 state your name and address for the record. You only
19 need to do this once, obviously, that will put you on
20 the record and we'll know who it is that's speaking.
21 And those cards will make sure that we spell your name
22 right on the transcript.

23 The order of procedure for special
24 exceptions and variances is as follows: First, we
25 hear from the applicant, their case presentation.

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1 Second, we will hear any Government reports attendant
2 to the application. Third, we will hear from the ANC.
3 Fourth, we will hear persons or parties in support of
4 an application. Fifth would be persons and parties in
5 opposition to an application. Sixth, finally, we will
6 return to the applicant for any closing remarks, any
7 rebuttal testimony or summations that they have.

8 I'm going to run through very quickly to
9 make up some time here, because our morning schedule
10 probably won't consist of this, however, cross
11 examination of witnesses is permitted by the applicant
12 in each case and all the parties in a case. The ANC
13 within which the property is located is automatically
14 a party in the case, so they will be able to conduct
15 cross examination. This Board will give direction to
16 content and time of cross examination if we feel that
17 it is running off our jurisdictional balance or
18 outside of that which is appropriate for cross
19 examination.

20 The record will be closed at the
21 conclusion of our hearing today, so it's very
22 important that you fully submit all the information
23 that the Board will deliberate on. We are creating
24 the official record today in this room. Therefore,
25 anything that needs to be in the record needs to be

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1 stated into a microphone, so it's in the record, or it
2 needs to be submitted in writing.

3 The Board will on occasion keep the record
4 open to have additional information submitted into the
5 record and we will, if we do that, be very specific at
6 the end of the hearing that the record is going to be
7 kept open and we'll be specific on what is to be
8 submitted into the record and when that is to be
9 submitted into the Office of Zoning.

10 The Sunshine Act does require that we
11 conduct all our hearings in the open and before the
12 public. We do enter into Executive Session both
13 during and after hearings on cases and that is used
14 for the purpose of deliberating on cases and often
15 times just for reviewing the record. This is in
16 accordance with our rules, regulations and procedures.
17 It's also in accordance with the Sunshine Act.

18 With that, I'm going to go to again a very
19 good morning to our Office of Zoning persons with us,
20 Ms. Bailey, Mr. Nyarku and also Mr. Moy. Ms. Monroe
21 is representing the Office of Attorney General with us
22 this morning. I'm going to ask that all those persons
23 that are going to address the Board this morning if
24 you would, please, stand and give your attention to
25 Ms. Bailey, she is going to swear you in.

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1 MS. BAILEY: Would you, please, raise your
2 right hand?

3 (Whereupon, the witnesses were sworn.)

4 CHAIRPERSON GRIFFIS: Excellent. Thank
5 you all very much. With that then, we can proceed to
6 any preliminary matters. Preliminary matters are
7 those which relate to whether a case will or should be
8 heard today, requests for postponements, continuance,
9 withdrawals, whether proper and adequate notice has
10 been provided, these are elements of preliminary
11 matters.

12 If you have a preliminary matter, I'm
13 going to ask that you come forward, like Mr. Spalding
14 as just done, and have a seat at the table in front of
15 us. I'm first going to ask Ms. Bailey if she is aware
16 of any preliminary matters for the Board's attention.

17 MS. BAILEY: Mr. Chairman, good morning,
18 and to everyone good morning as well.

19 CHAIRPERSON GRIFFIS: Good morning.

20 MS. BAILEY: Staff does not have any
21 preliminary matters, at this time, sir.

22 CHAIRPERSON GRIFFIS: Excellent. Very
23 well then let's proceed. A very good morning.

24 MR. SPALDING: Good morning, Chairman,
25 Phil Spalding. I reside at 1929 13th Street and I

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1 represent ANC-1B. I notice on the agenda for this
2 morning Case 17492, which is in ANC-1B's territory.
3 It is my understanding that this has been rescheduled
4 for July 11th. The ANC is prepared to go forward this
5 morning, but I do believe this has been rescheduled
6 for July 11th.

7 CHAIRPERSON GRIFFIS: Yes, indeed.

8 MS. BAILEY: Mr. Chairman, there is an
9 action -- no case, just for --

10 CHAIRPERSON GRIFFIS: Right. And that's
11 the application of Jeff B. Speck.

12 MR. SPALDING: Yes.

13 CHAIRPERSON GRIFFIS: Is that correct?

14 MR. SPALDING: That is correct.

15 CHAIRPERSON GRIFFIS: Yes, my
16 understanding was that that was also postponed. Our
17 records and my notes were showing that it was a July,
18 I think that we just have to take that up when we call
19 the case though and have that continued on the record.

20 MR. SPALDING: Okay.

21 CHAIRPERSON GRIFFIS: You're right.

22 VICE CHAIR MILLER: Mr. Chairman, as you
23 know, it is also on the schedule for July 11th. I
24 think that is just an oversight. We can look on the
25 schedule. It's on both dates.

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1 CHAIRPERSON GRIFFIS: Yes. Hopefully that
2 didn't bring you all the way down here for that, did
3 it?

4 MR. SPALDING: No, I have lots of business
5 this morning.

6 CHAIRPERSON GRIFFIS: Okay. Excellent.
7 Thank you for that and we will make note of that this
8 afternoon. Anything else then? Are there any other
9 preliminary matters? Anyone else in attendance today
10 have any preliminary matters for the Board's
11 attention? Not noting any other preliminary matters,
12 let's call the first case of the morning.

13 MS. BAILEY: Application 17491 of David
14 Getson and Craig Collins, pursuant to 11 DCMR 3104.1,
15 for a special exception to construct a two story rear
16 addition to an existing single-family row dwelling
17 under section 223, not meeting the lot occupancy
18 requirements under section 402, and open court
19 requirements, that's section 406. The property is
20 Zoned R-4. It's located at 1303 T Street, N.W.,
21 Square 237, Lot 2.

22 CHAIRPERSON GRIFFIS: All right.

23 MS. BAILEY: And if I'm not mistaken,
24 there are two requests for party status with this
25 application.

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1 CHAIRPERSON GRIFFIS: Excellent. Thank
2 you very much. Is Mr. Burton present today, 1314 T
3 Street? Is Ms. Green, 1316 Wallach Place, present?
4 Very well. Let's have the applicant introduce
5 themselves for the record and then I have a couple of
6 quick questions.

7 MR. COLLINS: Good morning, Craig Collins.

8 CHAIRPERSON GRIFFIS: Actually, I'm just
9 going to have you turn on your microphone. If you
10 touch it right at the base? Perfect.

11 MR. COLLINS: Okay. Good morning. My
12 name is Craig Collins. I reside at 1303 T Street,
13 N.W., Washington, D.C.

14 CHAIRPERSON GRIFFIS: Thank you, Mr.
15 Collins.

16 MR. GETSON: And I'm David Getson. I also
17 reside at 1303 T Street, N.W.

18 CHAIRPERSON GRIFFIS: And you are
19 represented today by?

20 MS. FOWLER: I'm Jennifer Fowler. I'm
21 their architect. I'm at 1742 D Street, S.E.

22 CHAIRPERSON GRIFFIS: Excellent. Thank
23 you very much. Mr. Collins, Mr. Getson, Ms. Fowler,
24 are you aware of the party status request?

25 MS. FOWLER: No, sir.

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1 CHAIRPERSON GRIFFIS: Mr. Spalding?

2 MR. SPALDING: Phil Spalding, ANC-1B. I
3 have not heard anything on this request.

4 CHAIRPERSON GRIFFIS: Okay. Well, these
5 were timely is my understanding. Exhibit 23 and
6 Exhibit 24, they are both requests for party status in
7 this case in opposition to it. Board Members, let's
8 take them up at this time. As we have often said and
9 will state again for the record on this case, there
10 are two critical points that I look at in each
11 application.

12 The last question that we ask of each
13 person requesting party status is how would they be
14 differently impacted if this was approved? And we ask
15 that because, obviously, well, not obviously, party
16 status is a higher form of participation in our
17 proceedings. These are open to the public. Any
18 person can come and provide testimony, but to
19 participate as a party raises to a level that you are
20 equal to the applicant. You are required to put on a
21 case presentation. You are also afforded the
22 opportunity to cross examine witnesses. With those
23 responsibilities comes great ability also in party
24 status.

25 The critical aspects, as I say, are

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1 twofold trying to reach that threshold of how one
2 distinctly or uniquely is impacted or affected and the
3 second is to be present, because part of being present
4 is the participation and that's in integral part of
5 party status. I would not support the establishment
6 of party status in opposition for either of these for
7 the lack of both of those.

8 First of all, Exhibit 23, Mr. Burton, has
9 not indicated in any way that he would be
10 significantly or distinctly or uniquely affected. I
11 would ask him if he was here, but he is not, and in
12 addition, he will not be able to participate as a
13 party in this case, which I find integral. I would
14 support taking into the record Exhibit 23 as a
15 person's testimony in writing in opposition to this
16 application.

17 And I would note that there are two points
18 that he brings up as critical. One, he finds that if
19 this was approved every other household will request
20 a zoning variance for this kind of structure and also
21 that T Street is a low density block with very few
22 multi-unit structures. That is its greatest asset.

23 Moving on to Ms. Green, I would also
24 indicate that having she is not present, I would note
25 that she has indicated that she would be distinctly or

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1 uniquely affected, because a zoning change will serve
2 the interest of only the one property, while the
3 attractiveness and value of nearby homes will be
4 reduced. I'll get to that one in a minute.

5 I would also have some questions of that
6 whether that would be uniquely or how that was
7 actually established and wouldn't support the party
8 status in that case.

9 VICE CHAIR MILLER: I just want to say
10 that I think she says of all nearby homes.

11 CHAIRPERSON GRIFFIS: What did I say?

12 VICE CHAIR MILLER: Just nearby homes, but
13 I think that makes it even less unique.

14 CHAIRPERSON GRIFFIS: Oh. Well, all
15 nearby.

16 VICE CHAIR MILLER: In that she is talking
17 about all nearby homes.

18 CHAIRPERSON GRIFFIS: Right. The impact
19 would be overall. And I think the important part to
20 that is I would just note that it looks like Brian
21 Greenberg of the same residence as Margaret Green,
22 maybe I'm not reading these correctly --

23 VICE CHAIR MILLER: No, that's right.

24 CHAIRPERSON GRIFFIS: -- was attached to
25 this, it's Exhibit No. 24, also taking about a zoning

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1 change. Of course, that's not what we are looking at.
2 And also the aspect of impact if it was, as Ms. Miller
3 has indicated, all the nearby homes. That's obviously
4 what we will be engaged in in finding out whether
5 there would be any additional pieces. So I would also
6 not support granting a party status in that case.

7 I'll open it up to others. Any other
8 comments?

9 VICE CHAIR MILLER: I totally concur with
10 your comments.

11 CHAIRPERSON GRIFFIS: Very well. Is there
12 any opposition to those positions? Not noting any
13 opposition, we'll take it as a consensus of the Board
14 then to deny the requests for party status and take
15 into the record Exhibit 23 and 24 as written testimony
16 in opposition to the application and move ahead then
17 with the case presentation. We'll turn it over to
18 you.

19 MS. FOWLER: I would like to stand on the
20 record.

21 CHAIRPERSON GRIFFIS: You would like to
22 stand on the record?

23 MS. FOWLER: Yes.

24 CHAIRPERSON GRIFFIS: Excellent.

25 MS. FOWLER: I don't know if --

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1 COURT REPORTER: Sir, she needs to turn
2 her mike on.

3 MS. FOWLER: It is on.

4 CHAIRPERSON GRIFFIS: All right. We'll
5 get it a little bit closer to you. Ms. Fowler has
6 just stated that she would like to stand on the
7 record.

8 MS. FOWLER: I also wanted to add that we
9 have support from both adjacent neighbors, 1301 T and
10 1305 T, and we have letters that are in the
11 application, as well as support from the ANC and HPRB.
12 We feel that this addition will enhance the block, the
13 alley there and it is in keeping with the scale of the
14 block.

15 CHAIRPERSON GRIFFIS: Excellent. Okay.
16 We'll note Exhibit 22, Exhibit 8. And Exhibit 8, 1301
17 T Street, I'm not sure how we got two exhibits on
18 that, perhaps they came in together, 1305 T Street,
19 Thurlock, Shelton and Davis letters of support as you
20 have indicated and we can get to that obviously as we
21 continue on with this. But I have some quick
22 questions on the calculations.

23 There is a projection of a small balcony
24 off the rear. Did that calculate into the lot
25 occupancy in this?

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1 MS. FOWLER: Yes, sir.

2 CHAIRPERSON GRIFFIS: It did?

3 MS. FOWLER: Um-hum.

4 CHAIRPERSON GRIFFIS: Okay. Is there any
5 other preliminary questions from the Board, at this
6 time? Let me just doubly verify that. So the
7 proposed as indicated on your C5, I think it is --

8 MS. FOWLER: Um-hum.

9 CHAIRPERSON GRIFFIS: -- it's a proposed
10 52 square foot balcony?

11 MS. FOWLER: Yes.

12 CHAIRPERSON GRIFFIS: Okay.

13 MS. FOWLER: Yes.

14 CHAIRPERSON GRIFFIS: Excellent. Anything
15 else? Forgive me if this is in the record. Do you
16 know when this was built?

17 MR. COLLINS: The house? I believe it was
18 1904.

19 CHAIRPERSON GRIFFIS: That's fascinating.

20 MR. GETSON: 1904 or 1901.

21 CHAIRPERSON GRIFFIS: Sure, sure, sure,
22 yes. That must have been one of the early buildings.

23 MR. COLLINS: Yes.

24 CHAIRPERSON GRIFFIS: On the block.

25 MR. COLLINS: It's the smallest.

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1 CHAIRPERSON GRIFFIS: Yes.

2 MR. COLLINS: The thing that's interesting
3 is listening to the people that wanted to be a party.
4 What I think is interesting is listening to the people
5 that wanted to be a party to the -- what the thing is,
6 I don't even know. The house is the smallest one, so
7 like it's not going to be used for multi-family.

8 CHAIRPERSON GRIFFIS: Right.

9 MR. COLLINS: Because it couldn't be
10 anyway. And it's actually -- if you see the line of
11 houses on the block, it's the smallest one, so it's a
12 two story as opposed to all of the other houses on the
13 block which are three story.

14 CHAIRPERSON GRIFFIS: Right.

15 MR. COLLINS: So and because the house is
16 set so far back, and it has the porch on the front,
17 that is all calculated into the lot coverage. And so
18 the house actually is probably the small -- like one
19 of the smallest houses on that side of the street.

20 CHAIRPERSON GRIFFIS: Yes.

21 MR. COLLINS: And so that's the reason
22 that we're trying to do the addition.

23 CHAIRPERSON GRIFFIS: Fascinating. It
24 actually shows very well in terms of C2 the pictures
25 and you see the row dwelling right next to it. It

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1 kind of towers over it, appropriately, as, you know,
2 the three story structure. Fascinating. Okay.
3 Anything else? Any other quick clarifications for the
4 applicant?

5 If there's nothing, then let's move ahead
6 to the Office of Planning. A very good morning, Mr.
7 Rice.

8 MR. RICE: Good morning, Mr. Chair, Board
9 Members. I'm Stephen Rice. OP also stands on the
10 record. We do, however, note that we did receive
11 comments in support from both abutting neighbors. But
12 at the time of drafting the report, we did not have
13 the ANC report. I think it has been submitted since.
14 OP didn't have that at the time of drafting our
15 report.

16 CHAIRPERSON GRIFFIS: Excellent.
17 Appreciate that. And I would just take note of Mr.
18 Rice's excellent report and it goes through a full
19 analysis of 223. Of course, 223 is very specific in
20 terms of what we have to look at and the threshold of
21 the special exception. And I will highlight a couple
22 of things that Mr. Rice indicates in his report. The
23 back wall of proposed addition will extend 2 feet
24 beyond the existing wall by the 1301 property. The
25 subject balcony will extend only 1 foot beyond the two

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1 existing neighboring balconies. That made a lot of
2 sense to me. I read it fast.

3 However, it is obvious in terms that there
4 is no detrimental impact that's being shown. And what
5 we're looking at under 223 is whether there would be
6 light and air available to the adjacent properties or
7 whether use and enjoyment of the adjacent properties
8 would be negatively impacted beyond a level of which
9 we could approve this.

10 And I would also note that Mr. Rice
11 indicates that the existing windows of the neighboring
12 addition would be somewhat affected, but both the
13 abutting property owners have provided comments
14 supporting the proposed project. So it's obvious that
15 the actual abutting neighbors don't find that it would
16 create an undue burden or some sort of detrimental
17 impact and then he proceeds to go through fully the
18 rest of the criteria of 223.

19 I'll open it up to other Board Members for
20 comments or questions of the Office of Planning. Not
21 noting any, does the applicant have any cross
22 examination of the Office of Planning? ANC?

23 MR. RICE: I would just note, Mr. Rice,
24 that the ANC is not sure which personnel will be
25 handling the specific case at OP. I will forward a

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1 copy of my letter to you and most of our letters do go
2 to our Ward 1 planner at Office of Planning, so she
3 should be able to find a copy.

4 CHAIRPERSON GRIFFIS: Good. Then we will
5 investigate a little bit further of how that should be
6 transmitted, so that that gets to the right people at
7 the right time. Very well. Anything else then? Not
8 noting any other Government reports, you are going to
9 be going through HPRB or have you already?

10 MS. FOWLER: We already went to HPRB.

11 CHAIRPERSON GRIFFIS: Okay. Is that
12 noted? Well, there it is.

13 MS. FOWLER: I believe it's staff level
14 approved.

15 CHAIRPERSON GRIFFIS: Okay. Excellent.
16 Anything else then? Not noting any other Government
17 reports, let's move right ahead to ANC-1B.

18 MR. SPALDING: ANC-1B, Phil Spalding. We
19 had a unanimous vote of support for this project and
20 we'll we'll stand on the letter submitted.

21 CHAIRPERSON GRIFFIS: Excellent. And I
22 take note that it's Exhibit 21 in our record. And I
23 had it at one point, but I don't have it in front of
24 me now. However, it's there. Anything further? Any
25 other questions? Excellent. Thank you very much.

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1 At this time then, I have exhausted all of
2 our Government reports and the ANC and associations.
3 I would ask for any persons present to provide
4 testimony in Application 17491, persons in support of
5 the application to come forward, at this time, in
6 opposition of the application? Very well.

7 Ms. Fowler, closing remarks?

8 MS. FOWLER: I would just like to thank
9 the Board for your time and Mr. Rice for your support.

10 CHAIRPERSON GRIFFIS: Excellent. Any
11 other follow-up questions or conclusions from the
12 Board?

13 VICE CHAIR MILLER: Just one comment on
14 the ANC letter that it does meet the great weight
15 requirements.

16 CHAIRPERSON GRIFFIS: Good housekeeping
17 seal approval, we will move on then. I believe the
18 application is full on this and I think it was
19 appropriate to actually stand on the record, both the
20 applicant and the Office of Planning as its fullness
21 was shown. Obviously, 223 lays out very specific
22 requirements for us to look at in special exception.
23 I have stepped into a few of those, the last one I
24 didn't mention in this case, refers to the fact that
25 it would and did require being graphically represented

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1 for the Board's understanding of that. And we noted
2 a couple of the pages of the photographs, but also I
3 would note the drawings were sufficient to meet that
4 threshold requirement.

5 I would move approval of Application 17491
6 for the 223 special exception as this property does
7 not meet the lot occupancy as noted in section 403 and
8 the open court requirements in 406 at 1303 T Street,
9 N.W., which would, of course, allow the rear addition
10 to this existing single-family row dwelling, and ask
11 for a second.

12 VICE CHAIR MILLER: Second.

13 CHAIRPERSON GRIFFIS: Excellent. Thank
14 you very much, Ms. Miller. I think that the diversion
15 does not need to lengthy on this, as we can, in fact,
16 rely substantially on the analysis of the Office of
17 Planning, which I share in their outcome of
18 recommendation and support. And I will let it at that
19 and open it up to others if they have comments.

20 Very well. Not noting any other comments
21 for the motion, we do have a motion before us. It has
22 been seconded. I would ask for all those in favor to
23 signify by saying aye.

24 ALL: Aye.

25 CHAIRPERSON GRIFFIS: And opposed?

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1 Abstaining? Very well. Ms. Bailey, if you wouldn't
2 mind recording the vote?

3 MS. BAILEY: Mr. Chairman, the vote is
4 recorded as 4-0-1 to approve the application. Mr.
5 Griffis made the motion, Mrs. Miller seconded, Mr.
6 Mann and Mr. Etherly support the motion. Mr. Jeffries
7 did not sit on this case.

8 CHAIRPERSON GRIFFIS: Excellent. If
9 there's no objection from the Board Members, I believe
10 we could waive our rules and regulations and issue a
11 summary order on this.

12 MS. BAILEY: Yes.

13 CHAIRPERSON GRIFFIS: Excellent. Thank
14 you very much. Thank you all very much. Have a great
15 day. Get back up to T Street before it rains. Why
16 don't we move ahead and call the next case of the
17 morning?

18 MS. BAILEY: Application No. 17496 of
19 Malcolm Nelson, pursuant to 11 DCMR 3104.1, for a
20 special exception to allow a rear addition to an
21 existing single-family semi-detached dwelling under
22 section 223, not meeting the side yard requirements
23 for section 405. The property is Zoned R-1-B and it
24 is located at 4824 Piney Branch Road, N.W., Square
25 2708, Lot 45.

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1 CHAIRPERSON GRIFFIS: Excellent. Thank
2 you. Good. A very good morning. I'm going to have
3 you just introduce yourselves for the record.

4 MS. JORDAN-NELSON: Good morning, Victoria
5 Jordan-Nelson. I'm a resident at 4824 Piney Branch
6 Road and wife of Malcolm Nelson.

7 MR. LANGDON: Good morning, Shane Langdon.
8 I represent the contractor, 3734 Angelton Court,
9 Burtonsville, Maryland 20866.

10 CHAIRPERSON GRIFFIS: Okay. Proceed.

11 MR. LANGDON: First and foremost, I would
12 like to thank the Board for its time and note that in
13 SCS's report, I want to note some corrections, namely
14 in the nature of the relief sought. I believe there
15 was some confusion in the first sentence. I just want
16 to clarify what we're asking for.

17 In the first paragraph, it should read
18 "This is an application by SCS Contracting Group, LP,
19 the applicant, for a special exception pursuant to
20 DCMR 3104, section 223, to construct a rear addition
21 to an existing nonconforming single-family semi-
22 detached structure at 4824 Piney Branch Road. The
23 subject is Zoned R-1-B."

24 And furthermore, later in the report it
25 states that we are asking for a matter-of-right.

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1 However, it is not a matter-of-right we're asking for.
2 It's simply a nonconforming structure within R-1-B and
3 we are asking that the side yard setback be avoided,
4 since it is a semi-detached structure.

5 The house was built between the years of
6 1926 and 1958. It is the only semi-detached structure
7 on Piney Branch. We do have a letter of acceptance
8 from the one neighbor abutting that the addition would
9 be abutting their party wall. It would be under the
10 lot occupancy requirement. As you see, it would take
11 it to 38 percent, which is under the 40 percent
12 requirement.

13 The only actual view of the new addition
14 from Piney Branch Road will be through an alleyway
15 just to the side of the residence and there is plenty
16 of foliage kind of disguising the new addition. So it
17 will not, you know, be sore -- it won't be a bad view
18 from the street.

19 The addition meets the 25 yard or I'm
20 sorry, 25 yard rear yard requirement and, furthermore,
21 there is an existing garage structure, as well as
22 abutting neighbor garage structure that will more or
23 less hide the view from most of the surrounding
24 neighbors from the rear.

25 And one more note that siding was used to

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1 the outside of the addition, mainly because the brick
2 and mortar would be very, very difficult to match with
3 the existing and felt that siding would be more
4 compatible with the neighborhood. Thank you very
5 much.

6 CHAIRPERSON GRIFFIS: Excellent. Thank
7 you very much. Taking that up, what kind of siding
8 were you proposing?

9 MR. LANGDON: Insulated vinyl siding,
10 white.

11 CHAIRPERSON GRIFFIS: Okay. How did you
12 calculate your lot occupancy? And to that directly,
13 you indicated on page 1, as you just stated, that the
14 existing lot occupancy is 31 percent, and that the
15 addition would occupy -- it would move it up to 38
16 percent lot occupancy?

17 MR. LANGDON: Yes, sir.

18 CHAIRPERSON GRIFFIS: Is that right?

19 MR. LANGDON: Yes, sir. I took that
20 directly from the notes and computations that should
21 be, as well, in the report from the city.

22 CHAIRPERSON GRIFFIS: So from the referral
23 of Ms. Ogunneye?

24 MR. LANGDON: Yes, in doing the simple
25 additions as far as the existing square footage,

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1 adding on the addition square footage and calculating
2 the percentage of lot occupancy.

3 CHAIRPERSON GRIFFIS: Okay. Okay. Any
4 other questions?

5 VICE CHAIR MILLER: Good morning.

6 MR. LANGDON: Morning.

7 VICE CHAIR MILLER: I know we will be
8 hearing from Office of Planning, but since you brought
9 up the issue about the vinyl siding, in the Office of
10 Planning's report where they said that brick might be
11 preferable and you addressed why that wasn't chosen,
12 they also suggested wood. Do you want to address
13 that?

14 MS. JORDAN-NELSON: Could I speak to that?
15 There are currently additions within the neighborhood
16 that are vinyl siding that are similar in the type of
17 structure we are trying to build. We are simply going
18 through the correct procedure to apply for permits,
19 which I believe, you know, is the proper way to do
20 things. But the other additions in the neighborhood
21 are vinyl sided, so they would be consistent.

22 The homes are semi-detached. It's the
23 same model of home, so it would just be another
24 addition that would match the existing addition. It
25 is a rear addition. As Shane mentioned, you would

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1 only see this from a side alley and partially from a
2 back alley. It really is not anything visible from a
3 street.

4 VICE CHAIR MILLER: Thank you.

5 CHAIRPERSON GRIFFIS: And this is being
6 built around an existing deck. Is that correct?

7 MR. LANGDON: Yes. Yes, more or less on
8 top of it, if you will.

9 MS. JORDAN-NELSON: Actually, partially
10 taken down.

11 MR. LANGDON: Well, yes.

12 MS. JORDAN-NELSON: Yes. The deck was at
13 the home when we purchased it.

14 CHAIRPERSON GRIFFIS: Sure, sure.

15 MS. JORDAN-NELSON: Yes.

16 CHAIRPERSON GRIFFIS: I'm looking at A4
17 and I'm really understanding. There is note of a
18 structure and it's labeled existing deck. Then there
19 is existing roof, but then it looks like there is a
20 new addition below it.

21 MS. JORDAN-NELSON: Right. Well, the
22 other thing that's interesting about the house is that
23 there is currently a second story rear porch with a
24 roof on it and we are proposing to enclose that and
25 extend the addition down. And all of the homes within

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1 the neighborhood either have that condition with the
2 open porch or else they are already enclosed.

3 CHAIRPERSON GRIFFIS: Okay. Any other
4 questions?

5 VICE CHAIR MILLER: I'm not sure if the
6 ANC is here.

7 MS. JORDAN-NELSON: I do not see the ANC.
8 ANC failed to schedule an actual hearing, so I
9 requested a hearing, went to the last meeting which
10 would have been, I think, about two Tuesdays ago,
11 presented the case and received a unanimous verbal
12 approval. I am not sure if they have submitted a
13 report or not, but I did speak verbally, I believe,
14 with Mr. Moore and passed that information on to him.
15 So there were no objections from the ANC. And again,
16 it's really the repeat of similar structures that
17 already exist in the neighborhood.

18 CHAIRPERSON GRIFFIS: And in the footprint
19 in terms of the side yard on the property line, there
20 is structure there now? Is that correct?

21 MR. LANGDON: Yes, there is a porch, which
22 is only serving off of the second level, which is
23 covered currently. Now, that will be removed.
24 However, it is currently abutting the party wall.

25 MS. JORDAN-NELSON: Right. And it would

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1 be rebuilt.

2 CHAIRPERSON GRIFFIS: Right. It's
3 enclosed essentially.

4 MS. JORDAN-NELSON: It is not enclosed,
5 but the neighbor next door, her's is enclosed.

6 MR. LANGDON: Yes, her second story is
7 enclosed porch.

8 MS. JORDAN-NELSON: Yes.

9 CHAIRPERSON GRIFFIS: So that 8 foot
10 extension on the property line where if you look at
11 the plat plan or the site plan, as it abuts the
12 property line, that is actually under cover now?

13 MR. LANGDON: Correct. Correct.
14 Actually, I believe it's about 7 feet and change.
15 It's a little under 8 feet existing structure.

16 CHAIRPERSON GRIFFIS: Right.

17 MR. LANGDON: But it's just about the same
18 thing.

19 MS. JORDAN-NELSON: And I believe, and I'm
20 not sure, it appears that the house was incorrectly
21 zoned, that it was zoned as a single-family dwelling
22 when it actually is a semi-detached dwelling, because
23 when you go down Piney Branch, I believe the surveyor
24 -- is that correct?

25 MR. LANGDON: Well, I think more or less

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1 it's nonconforming.

2 CHAIRPERSON GRIFFIS: Right.

3 MR. LANGDON: I believe. Correct me if
4 I'm wrong.

5 CHAIRPERSON GRIFFIS: Yes, and somebody
6 wouldn't go --

7 MR. LANGDON: But the Board is already
8 under that impression.

9 CHAIRPERSON GRIFFIS: Yes.

10 MS. JORDAN-NELSON: Okay. I'm sorry.

11 CHAIRPERSON GRIFFIS: The zoning wouldn't
12 go to the specific property. It would go to an area.
13 And we found, obviously, all across the city when our
14 zoning was adopted in 1958 there was a substantial
15 amount of existing nonconforming structures.

16 MS. JORDAN-NELSON: Okay.

17 CHAIRPERSON GRIFFIS: For goodness sakes,
18 we have in R-2, we have, apartment buildings, which
19 are, obviously, not allowed. But that's why for that
20 reason and others, that's why you are here. So we
21 will try not to make it even more painful than it
22 already is. However, we do have to, obviously, get
23 through what we have to ask.

24 MS. JORDAN-NELSON: I understand.

25 CHAIRPERSON GRIFFIS: And I think more of

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1 these questions are more trying to find clarity of
2 what is being proposed, rather than questioning what
3 it is.

4 MS. JORDAN-NELSON: Understood.

5 CHAIRPERSON GRIFFIS: So I know that for
6 me it was very difficult to understand what was
7 existing and what was proposed to be new. So I think
8 there is some clarity on that now. Is there any other
9 questions then from the Board? Outside of the air
10 conditioning not working in the room. Very well. If
11 there's nothing further, at this point, why don't we
12 just move ahead. The Office of Planning is with us
13 this morning. We can take their case. A very good
14 morning to you, Mr. Moore.

15 MR. MOORE: Good morning, Mr. Chair and
16 Members of the Board. I'm John Moore, Office of
17 Planning, and we stand in support for this
18 application, even though we did congregate with the
19 committee to send this up, we believe it was approved
20 by the ANC. And as the applicant stated the structure
21 is put on the square. There are several other
22 conditions on the rear property. It will match
23 theirs, notwithstanding the brick. I will entertain
24 any questions you have.

25 CHAIRPERSON GRIFFIS: Any questions from

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1 the Board? Does the applicant have any questions of
2 the Office of Planning?

3 MR. LANGDON: No.

4 CHAIRPERSON GRIFFIS: Excellent. One
5 aspect of great interest to me anyway, but perhaps
6 other Board Members, is under 223 we do have design
7 jurisdictions. The Board doesn't always have design
8 jurisdiction and we use that with great caution just
9 directly to say whether it would, in fact, create some
10 sort of detrimental impact. So to be frank, vinyl
11 siding isn't my favorite material used to enclose a
12 building. I would certainly hope that you would
13 investigate perhaps cost similar materials, but fully
14 understand the realities, noting the fact that the
15 visual impact on this is limited, it will always be
16 visible to you, however.

17 So I would take a moment and give
18 direction just to have you take a look at that. There
19 are other materials perhaps available. That being
20 said though, Mr. Moore, we do appreciate it and thank
21 you for your report. And if there's nothing further
22 then from the Board, we can move ahead and go to any
23 other Government reports attendant to this
24 application, of which I don't have any note of others,
25 unless the applicant is aware.

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1 We just made reference to ANC-4C, which
2 I'll ask again if the ANC is represented today. Not
3 noting a representative of the ANC that is here and
4 not a report on file as indicated, let me ask if there
5 is any persons present in Application 17496 in support
6 of the application that would like to provide
7 testimony? In opposition to the application? Is
8 there anyone here present, persons to 17496 to provide
9 testimony?

10 Not noting any other persons present, we
11 will turn it over to the applicant for any closing
12 remarks you might have.

13 MR. LANGDON: I would just like to thank
14 the Board for its time and would also like to request,
15 at this time, for a Bench decision.

16 MS. JORDAN-NELSON: The same.

17 CHAIRPERSON GRIFFIS: And interesting
18 point. Excellent. Thank you both very much. We do
19 appreciate it. As you have sat through the last case,
20 this is similar in terms of its special exception
21 relief that is requested. I would note that 223
22 covers -- well, 223 was written for existing
23 nonconforming single-family residence and it is to
24 allow the additions and the conversions for, what one
25 might say, contemporary living or needs and

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1 requirements.

2 It was brought up by the applicant and
3 also the Office of Planning this side yard element and
4 223 actually covers side yards. It's not as if it is
5 needed for additional relief for that. It is
6 obviously all encumbered in 223 as to a nonconformity.
7 I would note that this doesn't extend any of that
8 nonconformity that is already built on that side. But
9 the consistent, the massing of that is changing which
10 would not impact any other area requirements for this
11 zoned district.

12 With that, I believe that it is
13 appropriate to move ahead today and I would move
14 approval of Application 17496 for a special exception
15 to allow the rear addition to the existing single-
16 family semi-detached dwelling under section 223, that
17 is at 4824 Piney Branch Road, N.W., and would ask for
18 a second.

19 BOARD MEMBER ETHERLY: Second, Mr. Chair.

20 CHAIRPERSON GRIFFIS: Excellent. Thank
21 you very much, Mr. Etherly. I do appreciate it. I
22 think the Office of Planning and, in fact, the
23 applicant has, in a written submission, addressed all
24 of the aspects of the 223 requirements and light and
25 air availability and the neighboring property's

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1 privacy and use of the adjoining property, also
2 submitting graphic representation. And then the
3 visual impact of that taken together with the original
4 existing structure from the view or public way, all of
5 which have been addressed by the submissions and Board
6 questions.

7 I think it has met the threshold
8 requirements for support and I would open it up to any
9 others for their deliberation and comments. Not
10 noting any further comments, I think it's appropriate
11 to move ahead. We do have a motion before us. It has
12 been seconded. I would ask for all those in favor to
13 signify by saying aye.

14 ALL: Aye.

15 CHAIRPERSON GRIFFIS: And opposed?
16 Abstaining? Very well. Ms. Bailey?

17 MS. BAILEY: Thank you, Mr. Chairman. The
18 vote is recorded as 5-0-0 to approve the application.
19 Mr. Griffis made the motion. Mr. Etherly seconded,
20 Mr. Mann, Mrs. Miller and Mr. Jeffries in support.

21 CHAIRPERSON GRIFFIS: Excellent. I don't
22 see reason why we wouldn't waive our rules and
23 regulations and issue a summary order on this, unless
24 the applicant had any objection or the Board Members
25 have any objection. Not noting -- Ms. Bailey?

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1 MS. BAILEY: Thank you.

2 CHAIRPERSON GRIFFIS: Thank you very much.

3 MS. JORDAN-NELSON: Thank you very much.

4 CHAIRPERSON GRIFFIS: Thank you. Enjoy.

5 Let's move ahead then.

6 MS. BAILEY: Application No. 17497 of
7 Gretchen Hesbacher, pursuant to 11 DCMR 3103.2, for a
8 variance from the lot occupancy requirements under
9 section 403, a variance from the side yard
10 requirements under section 405, and a variance from
11 the nonconforming structure provisions under
12 subsection 2001.3, all of this is to allow an addition
13 to a single-family semi-detached dwelling in the
14 CAP/R-4 District. The property is located at 516 5th
15 Street, S.E., Square 846, Lot 57.

16 CHAIRPERSON GRIFFIS: Good morning. Could
17 you just state your name and address for the record?

18 MS. HESBACHER: My name is Gretchen
19 Hesbacher. I live at 516 5th Street, S.E.

20 MS. ACKERMAN: My name is Ester E.
21 Ackerman and I am the neighbor of Gretchen Hesbacher
22 at 514 5th Street, S.E.

23 CHAIRPERSON GRIFFIS: You said you're the
24 neighbor?

25 MS. ACKERMAN: Yes.

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1 CHAIRPERSON GRIFFIS: Here in moral
2 support?

3 MS. ACKERMAN: Yes.

4 CHAIRPERSON GRIFFIS: Excellent. Let's
5 move ahead. I'll turn it over to you.

6 MS. HESBACHER: The house I own is located
7 in the Capitol Hill Historic District. It was built
8 in or around the year 1890, prior to today's zoning
9 laws. The house is a single-family semi-detached
10 dwelling located in the Capitol Hill CAP-R-4
11 Residential Zone District within the Capitol Interest
12 District Overlay. A garage is also on the property,
13 which appears to have been built on or about the same
14 time.

15 The house is an existing nonconforming
16 structure. It currently exceeds the maximum lot
17 occupancy allowed. It also does not meet the minimum
18 side yard setback required. I would like to renovate
19 and widen the existing kitchen addition adding a
20 second floor addition above it as well as renovate the
21 existing garage.

22 I'm here today to request a variance on
23 three points under subsection 3103.2: Section
24 2001.3(a) and (b) to allow an addition to an existing
25 nonconforming single-family dwelling semi-detached

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1 structure in the CAP/R-4 Residential Zone District;
2 section 403.2 to allow maximum lot occupancy for
3 addition to an existing single-family dwelling; and
4 section 405.9 to allow the minimum side yard setbacks
5 for a single-family dwelling.

6 I understand the Board is charged with
7 looking at the Zoning Regulations and testing for
8 subsection 3103.2 for reasons of exceptional
9 narrowness, shallowness or shape of a specific
10 property, at the time of the original adoption of the
11 regulations.

12 Point 1, the physical characteristics of
13 the property makes it difficult for the owner to use
14 the property in compliance. The physical
15 characteristics of the property make it difficult for
16 me to put the property into compliance with the Zoning
17 Regulations. The house was built prior to the
18 existing regulations. Under the regulations, a semi-
19 detached single-family dwelling isn't supposed to
20 exceed 40 percent of the lot. My house is almost
21 twice that.

22 The width of my property is 15 feet 8
23 inches wide. The front of the house currently is 2
24 feet away from my next door neighbor on one side and
25 then, of course, on the other side it's attached. The

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1 rear addition is set further away, but the current
2 kitchen addition is less than 9 feet wide. Based on
3 the existing structure and the current Zoning
4 Regulations, it would be impractical to make this
5 nonconforming house compliant.

6 My understanding is the side yard setback
7 is supposed to be 8 feet, which would make the house
8 even more narrow. And the addition -- I have lived
9 there for 8.5 years. It's in desperate need of major
10 work. It's the only part of the house that has not
11 been renovated. And right now with all of the rain,
12 I just have torrential leaks in my roof and
13 everything. So the foundation is awful.

14 So the second point, granting the
15 application will not be of substantial detriment to
16 the public good. The proposed second floor addition
17 will not be seen from the front of the house. The
18 height of the addition is equal or lower than adjacent
19 properties. I think there is a photograph that kind
20 of shows where my house is in relation to my
21 neighbors.

22 Once built, the addition will not affect
23 the noise levels, traffic or lighting. It won't be
24 seen from the front and from the back I also have the
25 garage, so it's really not noticeable. We also have

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1 several properties that actually project further back
2 than my direct next door neighbor, so from the back
3 you see an apartment building and several deeper
4 houses from the alley.

5 And then point 3 asks whether granting the
6 application will not be inconsistent with the general
7 intent and purpose of the Zoning Regulations and Map.
8 The structure will remain a single -- detached single
9 -- excuse me, a semi-detached single-family residence
10 in a residential neighborhood. With the second floor
11 addition, it will be more consistent with surrounding
12 properties in size and number of bedrooms.

13 Currently, it's 13 x 26 from the main
14 property and it used to have the two bedrooms up top
15 before they put in plumbing, but when they added the
16 plumbing with the stairway and the plumbing in the
17 back room, it's really not large enough for a bedroom.
18 I have no wall to divide it. It's more like a guest
19 nook with the bathroom. So I would like to have a
20 second bedroom, especially with the cost of taxes and
21 to move I would not be able to find something
22 equivalent in the city.

23 So I guess my neighbors on both side,
24 Ester and my other neighbor, Jim Goff, have both
25 submitted letters in support of the project. Ester

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1 will speak to that. The ANC-6B submitted a letter of
2 support and the Office of Planning report recommended
3 approval. And I ask the Board to, please, consider my
4 request and vote in support of granting me a variance.
5 So thank you.

6 CHAIRPERSON GRIFFIS: Excellent. Thank
7 you very much. That's excellent. It was very
8 apparent, but it's even more so with your testimony
9 this morning that this is an existing nonconforming
10 structure that, in fact, you're proposing about 106
11 square foot addition that, in fact, my look at this,
12 doesn't impact any of those areas that are
13 nonconforming. Meaning, it doesn't increase the lot
14 occupancy, because your side yard or court, which we
15 will get into a brief discussion on, already counts
16 toward your lot occupancy and its size and dimension.

17 And there is no other element that is
18 being asked for relief that is, in fact, impacted. It
19 is a nonconforming side yard or court, whichever it is
20 existing and with this addition, doesn't change that.
21 I think, obviously, what we would then fall into is
22 looking at if there was any sort of detriment or
23 negative impact, would it somehow not meet or destroy
24 the Zone Plan or Map or be in opposition to the public
25 good, which might be evidenced by the adjacent

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1 neighbors.

2 I think you have done an excellent job in
3 addressing those elements. I don't have any direct
4 questions then, unless others do of the applicant, at
5 this time. Let me ask though actually one direct
6 question. Who did your drawings?

7 MS. HESBACHER: I have a friend who is an
8 architect.

9 CHAIRPERSON GRIFFIS: Excellent.
10 Excellent. Okay. There it is. If there's nothing
11 from the Board, at this time, let's move right ahead
12 to Mr. Parker. Oh, last question. Historic
13 preservation. I seem to remember reading something
14 about it in this application and I can't put my finger
15 on it. Where are you in that process?

16 MS. HESBACHER: I submitted to present to
17 them. I'm hoping to be on the July 27th, which I
18 think is now the August 3rd hearing date.

19 CHAIRPERSON GRIFFIS: Okay.

20 MS. HESBACHER: But because there is no
21 point in going in front of Historic Preservation, if
22 I can't get a variance --

23 CHAIRPERSON GRIFFIS: Sure.

24 MS. HESBACHER: -- we kind of did, what
25 they called a 10EZ in the permitting office thing.

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1 They let me switch it around.

2 CHAIRPERSON GRIFFIS: Sure, sure. Okay.
3 I think in this case it makes an awful lot of sense to
4 do that to get an understanding. Okay. Very well.
5 If there's nothing further then, Mr. Parker, a very
6 good morning to you.

7 MR. PARKER: Good morning, Chairman
8 Griffis, Members of the Board. My name is Travis
9 Parker with the Office of Planning. I believe the
10 applicant has made the case as well or better than I
11 ever could. I'm happy to stand on the record. One
12 correction that I would make, not to make it harder to
13 make the case, but the existing court is 6 feet wide
14 and is conforming now and it would become 3 feet side,
15 so the lot occupancy is affected, but we believe that
16 the existing situation is exceptional and does
17 represent a practical difficulty. And we are
18 recommending in favor of the variance.

19 CHAIRPERSON GRIFFIS: Excellent. And I
20 appreciate that. It's an excellent correct point.
21 Okay. Any questions from the Board? Yes, Ms. Miller?

22 VICE CHAIR MILLER: Mr. Parker, were you
23 suggesting that one variance be -- that the
24 application be amended for a court variance, width
25 variance instead of a side yard variance or something

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1 to that effect?

2 MR. PARKER: Yes, it's just a technicality
3 whether this is still considered a court or a side
4 yard. The existing side yard is 2 feet and so this
5 won't be encroaching into that, so it didn't seem to
6 be a side yard variance. It seems to be a smaller
7 court than was there before. But whatever the Board
8 or however the Board chooses to look at it, it
9 wouldn't change our recommendation.

10 VICE CHAIR MILLER: Variance though is
11 still the same?

12 MR. PARKER: Yes, correct.

13 CHAIRPERSON GRIFFIS: I'm not sure. It's
14 an excellent point to come up. Let me just have an
15 understanding of how you looked at this as a court.
16 I think when we looked -- certainly, as a row dwelling
17 we often have those area ways, those are, obviously,
18 courts.

19 MR. PARKER: Yes.

20 CHAIRPERSON GRIFFIS: This court would be
21 closed court bounded by three property lines and the
22 building?

23 MR. PARKER: Well, I looked at this the
24 same as if this was a row dwelling. As if that side
25 of the house touched the other property line

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1 regardless if it extends further than the rear of the
2 house. Therefore, I looked at that as a court. But
3 if the Board sees it differently, I just wanted to
4 call attention to that.

5 CHAIRPERSON GRIFFIS: Yes. Frankly, I
6 don't think there is right or wrong here. I mean,
7 it's an interesting piece to it. I don't know that we
8 have ever -- I don't recall a situation as I perhaps
9 misspoke earlier in our Executive Session, I don't
10 recall a situation where we were faced with this in
11 having to choose one or the other. Certainly, in a
12 row dwelling that was attached on the property line in
13 that area way, that has always been a court and never
14 looked at as a side yard.

15 In this particular situation, I don't know
16 what would be good. Obviously, we have as stated by
17 Office of Planning, I think I absolutely agree that
18 the variance test is the same, the elements and the
19 facts are the same. So I think we could move ahead
20 without amending, just as advertised. But let me hear
21 from others.

22 VICE CHAIR MILLER: I would agree, since
23 the variance analysis is the same in this case.

24 CHAIRPERSON GRIFFIS: Okay. Okay.
25 Anything else then? Any other questions from the

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1 Board for Mr. Parker? Does the applicant have any
2 cross examination of Mr. Parker? Any hard hitting
3 questions?

4 MS. HESBACHER: No.

5 CHAIRPERSON GRIFFIS: Ask him how many
6 times he has visited this site, get a little rough
7 with him?

8 MS. HESBACHER: No. Mr. Parker has a
9 difficult job, excellent report.

10 CHAIRPERSON GRIFFIS: Indeed, indeed. And
11 I think that's a very true statement. We appreciate
12 it. It's an excellent report and let us move ahead
13 then. I don't have any other attendant Government
14 reports. We can move to the ANC-6B. Is the ANC
15 present? Not noting any members of the ANC present
16 today, we would take note of Exhibit No. 22, which did
17 indicate that the vote was 6-0-1, in support of this
18 application, and I do believe it meets -- actually,
19 does it meet the requirements?

20 VICE CHAIR MILLER: Yes.

21 CHAIRPERSON GRIFFIS: I believe it does.
22 Okay. Notice and indeed, very well. Then we can move
23 ahead to any persons present in this Application 17497
24 to provide testimony in support of the application, in
25 opposition to the application. Oh, I'm sorry, yes.

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1 MS. ACKERMAN: I'm the next door neighbor
2 to Ms. Hesbacher on the unattached side. We have no--
3 my family and I have no objection to her addition.

4 CHAIRPERSON GRIFFIS: Excellent. Thank
5 you very much. For clarification, which side are you
6 on? Are you on the side that the building does not
7 attach to the property?

8 MS. ACKERMAN: Exactly, yes.

9 CHAIRPERSON GRIFFIS: Okay. So it's
10 actually as this is proposed, it's moving closer to
11 your property?

12 MS. ACKERMAN: Yes, but it doesn't propose
13 a problem or a hinderance to our property.

14 CHAIRPERSON GRIFFIS: Sure, sure.
15 Excellent. We appreciate that. I appreciate that.
16 Now, you submitted letters of support also. Is that
17 correct?

18 MS. ACKERMAN: Yes.

19 CHAIRPERSON GRIFFIS: Great. We'll take
20 note of that, Exhibits 19 and 21, I believe they are.
21 Exhibit 20 and 21 also. We seem to be reusing
22 exhibits to save a little time and get all these
23 together would be also the residence at 518 5th
24 Street, S.E.

25 MS. HESBACHER: And that was because we

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1 went to ANC and they revised -- recommended some
2 revisions to the plan, which widened it to the width
3 of the overhang and got rid of all the nooks and
4 crannies.

5 CHAIRPERSON GRIFFIS: Sure.

6 MS. HESBACHER: So I don't know if you
7 have both sets of plans, but that's why you got two
8 sets of support letters.

9 CHAIRPERSON GRIFFIS: We actually have
10 three, if I recall, but that being said, we looked at
11 the most current and that's what we reviewed for
12 today. Okay. Anything else then? Any other closing
13 remarks?

14 MS. HESBACHER: No, but if it's possible
15 to have a decision today, that would be great for my
16 nerves. Thank you.

17 CHAIRPERSON GRIFFIS: For your nerves, is
18 that what you said?

19 MS. HESBACHER: My nerves, yes.

20 CHAIRPERSON GRIFFIS: Do we make you
21 nervous?

22 MS. HESBACHER: No, it's just it's a long
23 process.

24 CHAIRPERSON GRIFFIS: Yes, indeed.

25 MS. HESBACHER: It's a very long process.

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1 CHAIRPERSON GRIFFIS: And it is indeed and
2 we're very aware of that, so we do like to try and be
3 expeditious with our responsibilities. And to that,
4 I believe that the record is full and it's appropriate
5 to move ahead this morning. And I would move approval
6 of Application 17497 and that would be for the
7 variances of the lot occupancy also for the variance
8 of the side yard requirements and that of 2001.3,
9 which is the addition is not a conforming structure to
10 allow the addition to a single-family semi-detached
11 dwelling at 516 5th Street, S.E., and I would ask for
12 a second.

13 BOARD MEMBER ETHERLY: Second, Mr. Chair.

14 CHAIRPERSON GRIFFIS: Excellent. Thank
15 you very much, Mr. Etherly. I would make note, that
16 as I start a very brief deliberation, the de minimis
17 nature of the request of this. As stated, it's no
18 more -- it's less than 110 square feet that's being
19 asked to be added onto this. In addition to that, the
20 unique characteristic of this is it's an existing
21 structure that was built prior to the adoption of our
22 Zoning Regulations.

23 In that adoption, it became nonconforming.
24 That nonconforming aspect have rendered it, so it's
25 practically difficult in accommodating the appropriate

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1 renovations and the utilization of the rear of the
2 property and also have been cumbersome in terms of its
3 existing nature to put an addition on that would make
4 it a better flow and use of the existing house.

5 In this de minimis nature, it also must be
6 stated that the fact that this addition, although it
7 does touch the side yard, could not have been made to
8 not impact any of the Zoning Regulations. It would
9 always require some relief based on the fact of its
10 nonconforming nature. I don't believe that there has
11 been anything that has been shown in evidence that
12 this would be a detriment to the Zone Plan or Map.
13 The use is, obviously, consistent and the massing is
14 very consistent with that of the Zone Plan and that
15 there has been no evidence that shows that it would go
16 against the public good.

17 I will open it up for others for comments.

18 VICE CHAIR MILLER: I just want to add
19 that it's not even that no renovation could be done,
20 but that it appears, in this case, because of the very
21 small lot that this addition is necessary just for the
22 basic functioning of the home these days and it
23 couldn't be made to function well without effecting
24 requirements of the Zoning Regulations. So I think
25 this is a very, very strong case for a variance.

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1 CHAIRPERSON GRIFFIS: Excellent. Thank
2 you very much. And I would say that the analysis the
3 Office of Planning did can also be relied on. It is
4 excellent in its assessment of the exceptional
5 situation and practical difficulty and detriment.
6 They take note and we concur, I concur the fact that
7 there is some practical difficulty in the historic
8 nature of the property. And that would obviously be
9 cumbersome in terms of what could be done in terms of
10 bringing it to conformance, but also in terms of
11 renovating in conformance with the Zoning Regulations.

12 Very well. That being said, is there any
13 other comments, deliberation? If there's no further
14 comments or deliberation, we do have a motion before
15 us. It has been seconded. I would ask for all those
16 in favor to signify by saying aye.

17 ALL: Aye.

18 CHAIRPERSON GRIFFIS: And opposed?
19 Abstaining? Very well.

20 MS. BAILEY: Mr. Chairman, perhaps because
21 of the vote I just wanted to make sure that I
22 understood exactly what the Board did. And that is
23 the application was approved as advertised and that is
24 relief on the lot occupancy, side yard and
25 nonconformance provisions.

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1 CHAIRPERSON GRIFFIS: What's that say?

2 Correct.

3 MS. BAILEY: Thank you, sir. The vote is
4 recorded as 5-0-0 to approve the application. Mr.
5 Griffis made the motion. Mr. Etherly seconded. Mr.
6 Jeffries, Mrs. Miller and Mr. Mann support the motion.

7 CHAIRPERSON GRIFFIS: Excellent. Thank
8 you very much. I don't see any reason why we wouldn't
9 issue a summary order on this and waive our rules and
10 regulations, unless there is any opposition from the
11 Board or the applicant. Not noting any, Ms. Bailey,
12 I will issue a summary order. Very well. Thank you
13 very much. Thank you both very much. We appreciate
14 it. Good luck with that.

15 MS. HESBACHER: Thank you.

16 CHAIRPERSON GRIFFIS: Is there any other
17 business for the Board in the morning session?

18 MS. BAILEY: Not for the morning session,
19 Mr. Chairman.

20 CHAIRPERSON GRIFFIS: How about that.
21 Very well. Let's adjourn.

22 (Whereupon, the Public Hearing was
23 concluded at 10:48 a.m.)

24

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