

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

DECEMBER 4, 2024

+ + + + +

The Public Hearing of the District of Columbia Board of Zoning Adjustment convened via teleconference, pursuant to notice at 9:30 a.m. EDT, FREDERICK D. HILL, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK D. HILL, Chairperson
CHRISHAUN S. SMITH, Commissioner
CARL H. BLAKE, Commissioner
TAMMY STIDHAM, Zoning Commission
JOSEPH IMAMURA, Zoning Commission

OFFICE OF ZONING BOARD ADJUSTMENT STAFF:

KEARA MEHLERT, Secretary
PAUL YOUNG, A/V Specialist

The transcript constitutes the minutes from the Regular Public Hearing held on December 4, 2024.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. 21101
Application of Mendomas, LLC..... 6

Case No. 20072
Appeal, Marybeth and Ken DeGrave.....23

Case No. 21204
Application of David Neuman.....26

Case No. 21171
Application of Ezekiel Reich.....26

Case No. 21167
Application of the Behzad Hossienkhani, Trustee.....36

Case No. 21198
Application of Christos Demopoulos.....42

Case No. 21199
Application of Rose & Rose Consulting, LLC.....56

Case No. 21200
Application of 2915 Dumbarton Street, NW, LLC.....65

Case No. 21201
Application of St. Thomas Group, LLC.....72

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

(9:30 A.M.)

CHAIRPERSON HILL: Good morning ladies and gentlemen, the Board of Zoning Adjustment. Today is December 4th, 2024. This public hearing will please come to order. My name is Fred Hill, Chairman of the District of Columbia Board of Zoning Adjustment. Joining me today are Board members Carl Blake, Chrishaun Smith, Zoning Commissioners, I believe, Tammy Stadhim and Joe, Dr. Joe Imamura.

Today's meeting and hearing agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on Webex or by telephone will be muted during the hearing. Also pleased be advised that we do not take any public testimony at our decision meeting sessions. If you're experiencing difficulty accessing Webex or with your telephone call in, then please our OZ hotline number at 202-727-5471 to receive Webex log-in or call-in instructions.

At the conclusion of the decision meeting session I shall, in consultation with the Office of Zoning, determine whether a full or summary order may be issued. A full order is required when the decision it contains is adverse to a party

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

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

6 In today's hearing session, everyone who is listening
7 on Webex or by telephone will be muted during the hearing and
8 only persons who have signed up to participate or testify will
9 be unmuted at the appropriate time. Please state your name and
10 home address before providing oral testimony or your
11 presentation. Oral presentations should be limited to a summary
12 of your most important points. When you're finished speaking,
13 please mute your audio so that your microphone is no longer
14 picking up sound or background noise. All persons planning to
15 testify either in favor or in opposition should have signed up
16 in advance. They'll be called by name to testify. If there's
17 an appeal only parties (audio malfunction) all participants
18 completed the oath or affirmation as required by Subtitle Y-
19 408.7.

20 Requests to enter evidence at the time of an online
21 virtual hearing such as written testimony or additional
22 supporting documents other than live video which may not be
23 presented as part of the testimony may be allowed pursuant to Y-
24 103.13 providing that the person making the request to enter an
25 exhibit explains, a) how the proposed exhibit is relevant; b) the

1 good cause is justified allowing the exhibit in the record
2 including an explanation of why the requester did not file the
3 exhibit prior to the hearing, pursuant to Subtitle Y-206; and c)
4 how the proposed exhibit would not unreasonably prejudice any
5 parties.

6 The order of procedures for special exceptions and
7 variances are in Y-409. At the conclusion of each case, an
8 individual who is unable to testify because of technical issues
9 may file a request for leave to file a written version of the
10 planned testimony to the record within 24 hours following the
11 conclusion of public testimony in the hearing. If additional
12 written testimony is accepted, then parties will be allowed a
13 reasonable time to respond as determined by the Board. The Board
14 will then make its decision at its next meeting session, but no
15 earlier than 48 hours after the hearing. Moreover, the Board may
16 request additional specific information to complete the record.
17 The Board and the staff will specify at the end of the hearing
18 exactly what's expected and the date when persons must submit the
19 evidence to the Office of Zoning. No other information shall be
20 accepted by the Board.

21 Finally, the District of Columbia Administrative
22 Procedures Act requires that a public hearing on each case be
23 held in the open before the public. However, pursuant to 405(b)
24 and 406 of that Act, the Board may, consistent with its rules
25 and procedures and the Act enter into a closed meeting on a case

1 for purposes of seeking legal counsel on a case pursuant to D.C.
2 Official Code Section 2-575(b)(4) and/or deliberate on a case
3 pursuant to D.C. Official Code Subsection 2-575(b)(13), but only
4 after providing the necessary public notice in the case of
5 emergency closed meeting after taking a roll call vote.

6 Madam Secretary, do we have any preliminary matters?

7 MS. MEHLERT: Good morning. In terms of today's
8 schedule, Application No. 21034 of Morningstar Community
9 Development has been postponed to March 19th, 2025 and then any
10 preliminary matters will be noted when the case is called today.

11 CHAIRPERSON HILL: Okay. Great. Good morning,
12 everybody. Let me just pull up a couple of records, please. I
13 hope everyone had a nice Thanksgiving. I didn't realize it until
14 after we ended just before our last hearing that it was
15 Thanksgiving and so I would have wished everyone a happy
16 Thanksgiving but I hope everybody enjoyed themselves.

17 Let's see. Okay. Madam Secretary, you may call our
18 first issue if you like.

19 MS. MEHLERT: Sure. This in the Board's meeting
20 session. The first is Application No. 21101 of Mendomas, LLC.
21 This is a self-certified application pursuant to Subtitle X,
22 Section 901.2 for a special exception under Subtitle U, Section
23 203.1(h) to allow a daytime care use. It's for a child
24 development center for 82 children and 20 staff in a detached
25 building located in the R-1B zone at 245 Peabody Street, NW,

1 Square 3388, Lot 811.

2 This hearing began on October 2nd and was continued on
3 November 13th. The Board requested additional permissions and
4 closed the record. Participating are Chairman Hill, Board Member
5 Smith and Dr. Imamura.

6 CHAIRPERSON HILL: Okay. Great. So let's see.
7 Commissioner Imamura, nice to see you.

8 COMMISSIONER IMAMURA: Good morning. It's good to be
9 seen.

10 CHAIRPERSON HILL: Okay. Let's see here.

11 (Pause.)

12 CHAIRPERSON HILL: I forgot the order we were going in.
13 Oh, yes. Dr. Imamura's up first.

14 COMMISSIONER IMAMURA: I appreciate the deference.

15 CHAIRPERSON HILL: Sure.

16 COMMISSIONER IMAMURA: And happy holidays to everyone.

17 CHAIRPERSON HILL: Yeah. Thanks. And I just have so
18 many notes from this particular case so I'm trying to get all
19 organized.

20 (Pause.)

21 CHAIRPERSON HILL: (Indiscernible).

22 (Pause.)

23 CHAIRPERSON HILL: I'm sorry guys. I had a lot of
24 stuff on this one.

25 So we, there was a lot of testimony taken. I think we

1 had two hearings on this and there were people that were in
2 objection to this particular project and so I went back and took
3 a look at everything from the testimony and, you know, kind of
4 have a bunch of my notes here and so I appreciate any additional
5 thoughts you all might have. I mean, there's only three of us
6 so we have to kind of determine I suppose what we think.

7 I thought that the application for the child
8 development center, you know, seemed to center around, again,
9 what the objectionable conditions may be for that particular
10 street and that particular area given that, you know, this one
11 particular application and then in addition to that there's
12 another school down the road that I don't know whether they were
13 actually labeled yet as a child development center or not, but
14 they do have child care after hours when this proposed child
15 development center would also be operating.

16 So in the regulations it doesn't say that there can't
17 be another child development center within this particular
18 boundary, it's just that we, the Board, have to take consideration
19 of that additional weight on the streets maybe or the area there,
20 or any additional proposal that might come through.

21 In this case I think that given the information that
22 we were put forward by the Applicant, the Office of Planning,
23 DDOT and the ANC, I think that this application could actually
24 be there and would meet the criteria for us to grant the relief
25 if we can find conditions that we, the Board, think are acceptable

1 that will help alleviate any concerns about that child
2 development center being in that location.

3 That particular location, again, it was a church. I
4 mean, it was a big building. Like, this is, first of all this
5 is something that's allowed within the zone, right? And so there
6 was a church there and that church has been vacant for a long
7 time and so, you know, if that church was active you would have
8 all of the people that were going to church there and, you know,
9 how that would affect the neighborhood, right, and those streets.

10 I wasn't convinced by the additional photographs that
11 were put forth either way to be quite honest. Like, I thought
12 that the photographs weren't particularly helpful to me because,
13 like, you know, the Applicant's putting forward photographs that
14 don't show any traffic and then the other people are putting
15 forward photographs that show some limited traffic but I wasn't,
16 like, again, convinced at that particular time that those photos
17 were submitted would change my mind about how I think we can kind
18 of mitigate some of these impacts.

19 So, again, I would go back to like, you know, we have
20 the testimony from the Applicant concerning their transportation
21 expert. The testimony -- we actually had DDOT with us and we
22 rarely ever get DDOT with us, and so DDOT came and DDOT gave,
23 you know, testimony as to why they think that this is not
24 objectionable to being in this particular area, and then we have
25 the announcements from the Office of Planning as well as actually

1 the ANC. I mean, even though the community does not agree with
2 the ANC's decision, we are supposed to give the ANC great weight.
3 So the ANC has voted in favor of this application.

4 So my vote right now would be just kind of go around,
5 you know, there are some concerns that I had about the alley and
6 how that alley gets used. There are concerns about, you know,
7 the pick-up and drop-off. There are concerns about the TDM plan.
8 You know, there is all of the different conditions that the
9 Applicant has put forward, some of which I think are helpful,
10 some I do not think are necessary so I'd like to talk that through
11 with the Board if we get to that point based on really kind of
12 it would be Exhibit 57A is what I would kind of go back to to
13 look at the conditions that were kind of proposed and see what
14 my fellow Board members have to say. But anyway, so I'm voting
15 in favor of the application if we can get the conditions that we
16 think might be able to mitigate the issues.

17 Mr. Smith, do you have any thoughts?

18 COMMISSIONER SMITH: Chairman Hill, I by and large
19 agree with a lot of the statements that you stated. Yes, you
20 know, one of the points of contention relates to traffic and
21 pick-up and drop-off and also what was introduced into the
22 discussion at the last hearing was the fact that there is another
23 CDC along that street and, as you stated, the regulations don't
24 state that there shall not be another CDC in proximity to an
25 existing one. It just states that it is an impact that we, at

1 the Board, are empowered to consider, you know, just a combination
2 of impacts here.

3 The pictures that were submitted by the Applicant as
4 well as the parties in opposition I really view, I'm not swayed
5 one way or the other. As far as I can see it is not, there isn't
6 a large amount of or I would say an adverse impact related to
7 parking and traffic as I can see from the pictures that it would
8 rise to the point that I think that we should do something
9 different as far as the pick-up and drop-off plan is presented
10 in the TDM plan. So I'm comfortable with moving forward with
11 the TDM plan as presented.

12 Based on the information that was submitted, based on,
13 and as you stated, we rarely get DDOT. We have DDOT here and
14 they spoke at length about their analysis of this proposal and
15 the approved TDM plan and they're comfortable with it as
16 presented. So I'm, given that we haven't received any type of
17 traffic study or any other type of study that would refute the
18 findings of DDOT, I'm comfortable with moving forward with the
19 TDM as presented.

20 To me it is a question about the conditions. I would
21 want to have some type of time limit placed on this and we have
22 typically done that as a common condition that we placed on some
23 of these daycare centers that are embedded into residential
24 areas, so that will give us the ability to revisit this particular
25 type of use at a future date, I recommend seven years, and that

1 will also give the Applicant or it would incentivize the Applicant
2 to keep a tight ship and also to continue to have dialogue with
3 the neighborhood regarding any impacts that may occur.

4 I am comfortable with some of the proposed conditions,
5 the first seven as presented I am comfortable with. The ninth
6 condition that talks about the five parking spaces at the rear
7 of the property and how they would be used, I'm comfortable with
8 that particular condition. Some of these other conditions I
9 don't think rise to the level of attempting to address an adverse
10 zoning impact such as the Applicant would work with Casey Trees
11 to import (phonetic) trees to the site, I would recommend that,
12 you know, if they're proposing to add trees they would just show
13 that as part of their any type of landscaping plan, otherwise I
14 don't think that that condition is necessary.

15 I do support the Applicant having regular annual check-
16 ins with the local ANC on compliance with the local conditions.
17 That's a standard condition that we recommend, and on the other
18 conditions that relate to parking, bike parking, and that, even
19 bike parking's pretty fascinating for me for a daycare to have
20 some type of bike parking. Children younger than five biking by
21 themselves, no, so if this is a recommendation by DDOT I'm not
22 against adding the condition and also the TDM conditions under
23 condition 20 I'm comfortable with.

24 So with that, I'm in support of the application with
25 some limited conditions and we can continue to talk about some

1 of these other conditions as we go forward.

2 CHAIRPERSON HILL: Okay. Thanks. Dr. Imamura.

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

4 I am in general agreement with both of you but I do
5 want to comment that I appreciate the opposition's point of view.
6 I understand their point of view. I read their response, 33 page
7 response, to the photographs that were submitted by the
8 Applicant. So I feel like we have a really comprehensive
9 collection of photographs at various times of day.

10 I understand the opposition's concern about the
11 residual traffic from Capital City and they posted pictures, you
12 know, of cars parking in alleys and I understand their particular
13 concern with that, given the alley immediately adjacent to the
14 CDC. Again, their letter and the photographs that they provided
15 were primarily focused on, although I guess on the one between
16 the 100 and 200 block of Peabody Street and here we're really
17 focused on the between the 200 and 300 block of Peabody Street.
18 They did provide some photographs of that.

19 What's interesting is, and I think ought to be
20 mentioned, right? The photographs that were provided by the
21 party in opposition certainly showed a congested street, right?
22 Typical of what you might find at a school. The photographs, as
23 you said Mr. Chairman, by the Applicant showed a relatively quiet
24 street. What that tells me is that this is temporary, right, in
25 terms of duration of time during the day so as would be pretty

1 typical with any school in the neighborhood.

2 You also mentioned, both of you mentioned that DDOT,
3 we had the pleasure of having DDOT join us at our last hearing.
4 I'm surprised we have two agencies here with technical expertise
5 in this area, both planning and transportation, that are in favor
6 and support this. DDOT seemed to be comfortable with the formula
7 that the Applicant applied to evaluating the potential traffic
8 impact, borrowing data from their existing CDC which seems to
9 make a lot of sense because it's operational. I think the party
10 in opposition felt that because it was in a different geographic
11 area it wasn't applicable, but on the contrary this is the
12 clientele that they're serving so it is directly applicable to
13 this particular proposed site.

14 So and then we also have in general the ANC in support
15 of this as well though it is noted that there are 11 parties or
16 11 people that are in opposition to this. I appreciate that
17 fact. This is, you know, for them to be part of the public
18 process is important. You know, it helps us reach a better
19 outcome, as Member Smith pointed out, right, and, you know, and
20 you as well Mr. Chairman, this is going to boil down to some of
21 the conditions that we'll be able to apply perhaps to this.

22 And then the other fact that I wanted to make note of
23 is Capital City has 1,000 students. So here I think we're talking
24 about 84 children or less, so less than one tenth of what Capital
25 City is, so certainly not to the same level of Capital City. I

1 think to the opposition's point, this is just additional traffic
2 that will be brought to the neighborhood but, again, it's almost
3 negligible. The traffic's already there and it's, again, between
4 the 100 and 200 block. This will eventually, you know, between
5 200 and 300 block of Peabody Street, it's already there. Might
6 be a little uptick about this.

7 Frankly, the neighbor immediately adjacent to the
8 property, I understand the concern about his garage, access to
9 it in the alleyway there. I think this is really a matter of
10 just being good neighbors, both of them being good neighbors,
11 right, and supporting this use in the neighborhood I think is
12 important and I don't believe that the parties in opposition
13 reflect newbie-ism (phonetic) here, but certainly just a balance
14 and a fair sort of agreement with the CDC and I think they can
15 reach that agreement and be good neighbors to one another,
16 especially with some of the conditions that I think would be able
17 to apply.

18 So with that, Mr. Chairman, those are the points that
19 I wanted to make. I think this is pretty straightforward. Again,
20 this is a use that's permitted and certainly far lower than what
21 perhaps the use of the church probably would have been had the
22 church still been in existence. So with that, I'm prepared to
23 vote in support.

24 CHAIRPERSON HILL: Thank you.

25 Mr. Smith, in terms of the time limit, and I apologize.

1 I can't remember how, how are you kind of getting the seven years?

2 COMMISSIONER SMITH: I was just making a recommendation
3 based off of some other CDCs, these types of daycare centers that
4 we've approved in the past. I think there were some examples
5 that have been provided where one was seven years. We could do
6 ten. We've done that as well. That's a common one. But I think
7 that a time limit is important.

8 CHAIRPERSON HILL: Okay. Yeah. I'd be, I mean I guess
9 given the nature of how this process moves forward and how long
10 it will be actually before, you know, they will -- if this is
11 moved forward, which it seems to be potentially, I'd be more
12 comfortable with a ten year limit so that they have an opportunity
13 to get financing, to get themselves kind of, you know, if there's
14 any kind of issues with financing really to be quite honest. And
15 then I agree that, you know, after ten years they can come back
16 and if they haven't been able to, that will give a bigger set
17 of, you know, bigger, a larger data set to actually see how this
18 is going. So I guess I would be fine with that as well.

19 The TDM plan, the one that I have with them that DDOT
20 was also in support of is the one in Exhibit 57E and I don't
21 really have anything to add to that. So I would just go ahead,
22 and I didn't hear you all say anything different to that one, so
23 I'd just go ahead and take that as is in terms of the TDM plan
24 in Exhibit 57E.

25 The conditions, I agree with you in terms of the No.

1 12 with the trees. I don't think that that's something that is,
2 so anyway so, and I'm just looking, again now I'm looking at
3 Exhibit 57A. You know, I think that the condition 1 in terms
4 of, you know, it's a lower number than they would have been
5 allowed to do if they had wanted to have more children in terms
6 of the 82, the No. 82 that they have there for the children and
7 the number of staff. I think that that seems reasonable to me
8 and also that these are the numbers that they have used in order
9 to do their traffic studies by. I'm comfortable with those two
10 conditions.

11 The, and I'm going to go through just this 1 through 7
12 and see if you guys have any thoughts. I mean, the hours of
13 operation I think, you know, that sounds again reasonable in
14 terms of 7 a.m. to 6 p.m. I mean, I don't think, I never had
15 much concern about the trash in terms of, like, traffic one way
16 or the other but I guess, you know, that's something that the
17 Applicant has put forward. I'm comfortable with leaving No. 4
18 in about the trash. I think that No. 5 sounds, again, reasonable
19 in that they're staggering the children so that there isn't a lot
20 of, I don't want to say noise, but like, you know, people, kids
21 playing, all the kids playing at the same time. So they're going
22 to be, they're staggering the playtime area.

23 No. 6 also I think is helpful in terms of the traffic.
24 No. 7 I guess could be something, again, that might be helpful
25 for either the community there in terms of just, you know, some

1 | privacy and then also I think that that would, I'd be fine with
2 | 7.

3 | No. 8 -- well, first, does anybody have any questions
4 | about 1 through 7? Is that fine with you all? Okay. I see
5 | everybody nodding in agreement. No. 8 I thought in terms of the
6 | pick-up and drop-off policy I thought was reasonable. No. 9,
7 | also for the parking spaces as Board Member Smith mentioned, also
8 | I think is reasonable. No. 10 I think is very important to have
9 | a staff member dedicated for the pick-up and drop-off times to
10 | ensure efficient traffic flow preventing congestion. I think
11 | that's important.

12 | The parking on the staff, No. 11. I think that's
13 | helpful. Again, I would strike No. 12. I think No. 13 is also
14 | helpful. I mean, you know, I think maybe they could even go
15 | every six months, you know, go and attend an ANC meeting every
16 | six months rather than the annual check-ins. But I'm comfortable
17 | with either one. I'll see whatever you guys have to say about
18 | No. 13. (Reading to self.) I mean, No. 15 also sounds reasonable
19 | I suppose. I mean, I think they would be doing that all the time
20 | to be quite honest.

21 | Then, in terms of the bike. You know, I mean I don't
22 | really know what I think about the bike stuff. I guess that's
23 | part of maybe the TDM plan. I mean, you know, 16, 17, 18, 19,
24 | all these things here are, again, for items that were being,
25 | their concerns about traffic. I think No. 20, "In addition to

1 the above conditions, the Applicant has coordinated," so No. 20
2 is the TDM plan.

3 The only thing for me I guess would be the how often
4 they want to come in for a check-in and I didn't really have
5 anything else. I mean, I could take all these conditions except
6 for the Casey Tree one, and then the other one was just like --
7 I remember there was like some discussion about signage on the
8 alley that was going to say no parking or something and I can't
9 remember the Applicant seemed to not want to put signage or would
10 be happy just putting a sign up. I don't know if y'all remember
11 that, the alley was a big discussion. So Dr. Imamura, you seem
12 to be leaning forward.

13 COMMISSIONER IMAMURA: I do. I do recall that and I
14 think the Applicant said they were willing to put a sign inside
15 versus a sign outside. So something at the receptionist desk or
16 reception area about no parking in the alley, but I think that I
17 seem to recall they were not in favor of putting a sign outside.

18 CHAIRPERSON HILL: Yeah. I don't remember why that
19 would be a big deal, like, just putting up a sign saying no
20 parking on the alley. I don't remember what the pushback was or
21 why there was or why there was pushback from there. I don't know
22 if Mr. Smith -- anyway, those are my thoughts on the condition.

23 And then I'll go around the table again. Mr. Smith,
24 do you have any comments on any of the stuff that I just said?

25 COMMISSIONER SMITH: I do agree with your approach to

1 condition 13. So I think, you know, give some of the concerns
2 that was raised, I think six months would be a good amount of
3 time. Every six months, so twice a year for them to go and talk
4 to the ANC about compliance with the conditions. So I'll be in
5 favor of amending that particular condition to every six months.

6 CHAIRPERSON HILL: Okay. Dr. Imamura, any thoughts on
7 anything I just said?

8 COMMISSIONER IMAMURA: No. I'm in agreement with
9 everything that's been said and I'm amenable to every six months.
10 I think that's probably a fair balance with the party in
11 opposition there. They would have an opportunity check in with
12 the Applicant there and, you know, reach a resolution on any
13 issues rather than waiting for an entire year.

14 CHAIRPERSON HILL: Okay. All right. Okay.

15 So then, and as far as that sign goes, that's fine.
16 They can either keep, they can have the sign. You know, they're
17 trying to do everything they can that I think is way more
18 important than a sign in terms of that alley and making sure that
19 is not used, and so I'm comfortable with that. But, again, the
20 sign might be something that the ANC works out with the Applicant
21 at one of the meetings because to me it's just a sign, so. But
22 I'm comfortable.

23 Then I'm going to go ahead and make a motion then to
24 approve Application No. 21101 as captioned and read by the
25 Secretary including the DDOT TDM plan in Exhibit 57E, including

1 | the conditions that are in Exhibit 57A. However, altering
2 | condition No. --

3 | COMMISSIONER SMITH: Thirteen.

4 | CHAIRPERSON HILL: Thanks. Altering condition No. 13
5 | so that their check-ins are every six months with the ANC and
6 | that we'll strike the Casey Trees suggestion, if I hadn't
7 | mentioned that already, and there will be a ten year time limit
8 | on this particular application from the date when the order is
9 | issued and ask for a second. Mr. Smith.

10 | COMMISSIONER SMITH: Just as a friendly amendment.
11 | Probably we want to scratch condition 14 because it's by and
12 | large the same as 13.

13 | CHAIRPERSON HILL: Okay. Yeah, I thought actually they
14 | were the same. So we'll scratch 14. No, 14, yeah, I think -- I
15 | don't know what's going on. So 13, yeah, scratch 14. It seems
16 | like they're repeating it.

17 | COMMISSIONER SMITH: Uh-huh.

18 | CHAIRPERSON HILL: So scratch 14, I agree. It's just,
19 | the Applicant will provide bi-annual check-ins with the local ANC
20 | on compliance with the conditions and ask for a second. Mr.
21 | Smith.

22 | COMMISSIONER SMITH: Second.

23 | CHAIRPERSON HILL: Motion made and seconded, Madam
24 | Secretary. Take a roll call, please.

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

1 approve the application with the conditions as listed by the
2 Chairman. Chairman Hill.

3 CHAIRPERSON HILL: Yes.

4 MS. MEHLERT: Mr. Smith.

5 COMMISSIONER SMITH: Yes.

6 MS. MEHLERT: Dr. Imamura.

7 COMMISSIONER IMAMURA: Yes, and I would like to
8 encourage both parties to extend goodwill to one another,
9 particularly (indiscernible).

10 MS. MEHLERT: Staff records the vote as three to zero
11 to two to approve Application 21101 with conditions on the motion
12 made by Chairman Hill and seconded by Board Member Smith, with
13 Board members John and Blake not participating.

14 CHAIRPERSON HILL: Okay. Just one final thing. I
15 guess if OZLD there was some terminology in there about for the
16 life of the order in terms of, I think it's for the life of the
17 order -- I've lost this note. But I'll encourage OZLD to use
18 the wording that they think is most fit. For the life of the
19 project, right? We would have put for the life of the project
20 in the conditions, and then the Board will have an opportunity
21 also to review the order prior to it being released.

22 So thank you very much. Dr. Imamura, I hope you have
23 a good day.

24 COMMISSIONER IMAMURA: Thank you. Same to you and
25 happy holidays everyone.

1 CHAIRPERSON HILL: Thank you. We'll see you next year.
2 We'll see you next year, Dr. Imamura? You're not back.

3 COMMISSIONER IMAMURA: And you will see me next year.

4 CHAIRPERSON HILL: We'll see you next year. We'll see
5 you in 2025. God, I'm wishing that to people. How weird. Okay.

6 COMMISSIONER IMAMURA: Thank you all.

7 CHAIRPERSON HILL: Bye. Mr. Blake, welcome. Happy
8 Thanksgiving, Mr. Blake.

9 COMMISSIONER BLAKE: Hi.

10 CHAIRPERSON HILL: All right. And Commissioner
11 Stidham, welcome back again.

12 COMMISSIONER STIDHAM: Thank you.

13 CHAIRPERSON HILL: Okay. You can call our next issue,
14 Madam Secretary.

15 MS. MEHLERT: Next in the Board's meeting session is
16 appeal No. 20072 of Marybeth and Ken DeGrave. This is an appeal
17 pursuant to Subtitle Y, Section 302 from the decision made on
18 March 11th, 2019 by the Zoning Administrator of the DCRA to issue
19 building permit No. B1903685 to allow a new three-story addition
20 to an existing attached principle dwelling. It's located in the
21 RF-1 zone at 2202 1st Street, NW, Square 3122, Lot 24.

22 The Board originally voted to dismiss the appeal as
23 untimely on November 6th, 2019. Because the majority of the
24 Board members participating in the issuance of the order did not
25 personally hear the evidence in the appeal, a proposed order

1 dismissing the appeal was provided to parties to afford them an
2 opportunity to present written exceptions. The Board has
3 reviewed a final order that responds to the exceptions that was
4 submitted by the Appellant. So today before the Board is the
5 decision on whether to issue the final order.

6 CHAIRPERSON HILL: Okay. Thank you.

7 So I was on this one but you all were not and I know
8 that you all have had a chance to review the draft order and
9 maybe you can confirm that when you have an opportunity to speak.
10 The Board voted to dismiss the appeal as untimely on November
11 6th. A proposed order as the Secretary, I'm just repeating this,
12 but a proposed order was approved by the Board and sent to parties
13 for exceptions on August 28th, 2024. The exceptions were received
14 from the Appellant on September 11th and the Board has received,
15 has reviewed the final order and I don't have any issues with
16 the final order so I would go ahead and make a motion to issue
17 the final order.

18 Mr. Smith, do you have anything you'd like to add?

19 COMMISSIONER SMITH: Just as a note, I've read the
20 record and I've read the final order so I'm prepared to vote on
21 this particular case. I agree with your statements, Chairman
22 Hill, regarding the final order given what I've stated and I will
23 also support the approval of the order.

24 CHAIRPERSON HILL: Okay. Great. Mr. Blake?

25 COMMISSIONER BLAKE: Thank you, Mr. Chair.

1 I have reviewed the case record and the draft order and
2 I agree with the findings of the order. I believe that the Board
3 should issue the final order as drafted incorporating the
4 comments of the Appellant. I'll be voting in support.

5 CHAIRPERSON HILL: Thank you. Commissioner Stidham?

6 COMMISSIONER STIDHAM: I also have reviewed the record
7 and the draft order and have no concerns or issues, and are
8 prepared to support.

9 CHAIRPERSON HILL: Thank you.

10 All right. I'll make a motion then to ask the Board
11 to issue the final order as drafted, and ask for a second. Mr.
12 Smith.

13 COMMISSIONER SMITH: Second.

14 CHAIRPERSON HILL: Madam Secretary, if you can go ahead
15 and take a roll call.

16 MS. MEHLERT: Please respond to the Chair's motion to
17 approve the issuance of the final order. Chairman Hill?

18 CHAIRPERSON HILL: Yes.

19 MS. MEHLERT: Mr. Smith?

20 COMMISSIONER SMITH: Yes.

21 MS. MEHLERT: Mr. Blake?

22 COMMISSIONER BLAKE: Yes.

23 MS. MEHLERT: Commissioner Stidham?

24 COMMISSIONER STIDHAM: Yes.

25 MS. MEHLERT: Staff would record the vote as four to

1 zero to one to approve the issuance of the final order in appeal
2 No. 20072 on the motion made by Chairman Hill and seconded by
3 Board Member Blake. Board member John not participating.

4 CHAIRPERSON HILL: Okay. I don't know why I feel like
5 I need a break already again, but I'm going to go ahead and let's
6 do the next item and then, yeah, let's just do the next item,
7 please.

8 MS. MEHLERT: Next is on the Board's expedited review
9 calendar. It's Application No. 21204 of David Neuman. This is
10 a self-certified application pursuant to Subtitle X, Section
11 901.2 for special exceptions under Subtitle D, Section 5201 and
12 the rear yard requirements of Subtitle D, Section 207.1 and the
13 lot occupancy requirements of Subtitle D, Section 210.1. It's
14 for a rear deck addition on the first floor of an existing
15 attached principal dwelling, currently a two-story with basement.
16 The new construction would replace an existing roof deck. It's
17 located in the R-3 zone at 43 Girard Street, NE, Square 3501,
18 Lot 93.

19 CHAIRPERSON HILL: Okay. Great. Thank you.

20 I do think that this application is properly here as
21 an expedited review. I've reviewed the application including the
22 Applicant's testimony. I've reviewed the Office of Planning's
23 report as well as that of the ANC's report, both of which were
24 in support. I find they meet the regulations and I'm comfortable
25 voting on this expedited review in support.

1 Mr. Smith, do you have anything you'd like to add?

2 COMMISSIONER SMITH: I have nothing to add, Chairman
3 Hill. I will vote in support.

4 CHAIRPERSON HILL: Thank you. Mr. Blake?

5 COMMISSIONER BLAKE: I too am in support of the
6 application. I believe that it is appropriate in expedited
7 review. I give great weight to the Office of Planning's report
8 which recommends approval and the ANC 5E support, and also the
9 adjacent neighbor's support. I'll be voting in favor of the
10 application.

11 CHAIRPERSON HILL: Thank you. Commissioner Stidham?

12 COMMISSIONER STIDHAM: I have nothing to add and will
13 be voting in support as well.

14 CHAIRPERSON HILL: Thank you.

15 All right. I'm going to make a motion then to approve
16 Application No. 21204 as captioned and read by the Secretary, and
17 ask for a second. Mr. Blake.

18 COMMISSIONER BLAKE: Second.

19 CHAIRPERSON HILL: The motion is made and seconded.
20 Madam Secretary, if you could take a roll call, please.

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

23 CHAIRPERSON HILL: Yes.

24 MS. MEHLERT: Mr. Smith?

25 COMMISSIONER SMITH: Yes.

1 MS. MEHLERT: Mr. Blake?

2 COMMISSIONER BLAKE: Yes.

3 MS. MEHLERT: Commissioner Stidham?

4 COMMISSIONER STIDHAM: Yes.

5 MS. MEHLERT: Staff would record the vote as four to
6 zero to one to approve application 21204 on the motion made by
7 Chairman Hill and seconded by Board Member Blake, with Board
8 Member John not participating.

9 CHAIRPERSON HILL: Thank you.

10 I just realized the person that's being asked to ask
11 to second it is the next person in line. Mr. Blake was asked to
12 second that. He's the next one in line.

13 COMMISSIONER BLAKE: Hey, hey, hey, hey, hey.

14 CHAIRPERSON HILL: All right. I can't be the next one
15 in line. I'm in line. So, okay. You may go, Madam Secretary,
16 call the next one, please.

17 MS. MEHLERT: This is moving into the Board's hearing
18 session. The next is Application No. 21171 of Ezekiel Reich, as
19 amended. This is a self-certified application pursuant to
20 Subtitle X, Section 901.2 for a special exception under Subtitle
21 U, Section 301.1(e) to allow use of a new accessory building as
22 a principal dwelling. This is a brand new two-story accessory
23 structure in the rear yard of a two-story attached principal
24 dwelling for use as a garage on the first floor and a principal
25 dwelling on the second floor. Located in the RF-1 zone at 1374

1 Taylor Street, NW, Square 2823, Lot 89.

2 This hearing began on October 23rd and the Board
3 requested submissions regarding outreach to the ANC and the
4 neighbor, and participating are Chairman Hill, Board Member
5 Blake, Board Member Smith and Commissioner Stidham.

6 CHAIRPERSON HILL: Okay. Great.

7 If the Applicant can hear me, if they could please
8 introduce themselves for the record.

9 MS. SCHINDER: I can hear you.

10 CHAIRPERSON HILL: Could you introduce yourself for the
11 record?

12 MS. SCHINDER: I am Ileana Schinder. I'm the architect
13 for Ezekiel Reich and the designer of the building.

14 CHAIRPERSON HILL: Okay. Ms. Schinder, could you tell
15 us what happened since the last time you were here?

16 MS. SCHINDER: No significant changes, actually no
17 changes at all to the submission. We only amended to include a
18 file for the communications between the homeowner and the ANC,
19 and all the efforts that we made to communicate with the
20 surrounding neighborhood. All those documents were submitted and
21 I think that there was just missing information in the past
22 submission.

23 CHAIRPERSON HILL: Okay. I did see your list of all
24 the people that you reached out to. Can you tell me what happened
25 with the ANC? Did you all present to them?

1 MS. SCHINDER: We did present and we presented
2 privately to the ANC where the lot is located. We didn't receive
3 any opposition or any comments on the documents submitted.

4 CHAIRPERSON HILL: Okay. But did you present to the
5 full ANC or just their Zoning Board or Zoning Commission?

6 MS. SCHINDER: I can't remember exactly. This has been
7 quite some time ago. We did present to Dr. Antoine and he didn't
8 have any objections to the project.

9 CHAIRPERSON HILL: Okay. Okay. Because we don't have
10 a full vote from the ANC but I see all of the committee --

11 MS. SCHINDER: I did request (indiscernible) to Mr.
12 Antoine to submit that vote. I received communication from them
13 saying that they would submit any objections if they had any.

14 CHAIRPERSON HILL: Okay.

15 MS. SCHINDER: And that was the exchange of emails
16 after the previous BZA presentation.

17 CHAIRPERSON HILL: Okay. I kind of messed this up last
18 week. I think we heard this whole case but, and I thank goodness
19 one of my colleagues is nodding their head, so I'm going to first
20 see, I'm going to continue through this process a little bit. I
21 am going to hear from the Office of Planning, please, if they
22 have anything to add. If the Office of Planning could please
23 introduce themselves?

24 (Pause.)

25 MR. JURKOVIC: Good morning Chairman Hill and members

1 of the Board. Office of Planning has no updates and continues
2 to recommend approval and stands on the record of our report.

3 Thank you.

4 CHAIRPERSON HILL: Thank you, Mr. Jurkovic. Okay. Mr.
5 Young, is there anyone here wishing to speak?

6 MR. YOUNG: We do not.

7 CHAIRPERSON HILL: Okay. So now I'm going to turn to
8 my Board Members. Do my fellow Board Members have any further
9 questions of the Applicant? Mr. Blake?

10 COMMISSIONER BLAKE: Yeah. Mr. Chairman, thank you.

11 I somehow anticipated the Applicant doing something a
12 little bit in terms of outreach beyond reporting what they had
13 done before. I did expect to hear a little bit more from perhaps
14 an adjacent neighbor or to get some more documentation from the
15 ANC. You indicated you had an email exchange with the ANC for
16 the last document. Do you, is that included in the record
17 currently or --

18 MS. SCHINDER: So let me describe a little bit of the
19 efforts we made to reach out. Early in the process we reached
20 out to our neighbors to our left, I don't know whether that's
21 north or south. The neighbor didn't have any objections to our
22 project. They actually welcomed the project. The neighbor to
23 the right is described as somebody with mental health issues and
24 a recluse, and we can -- even if we submitted all the documents
25 via certified mail, we didn't receive any comments pro or against

1 | it.

2 | We also reached out to all the neighbors within 200
3 | feet as required by the Board of Zoning. We also reached out to
4 | the ANC and Mr. Antoine Kirby, who is our ANC representative,
5 | commenced to reach out and make all efforts beyond what we had
6 | done. I'm not sure who else or what else we could have done
7 | without sounding a little invasive, this process of being very
8 | public and there are no conflicts and there are no comments.

9 | I'm not sure particularly to the neighbor who in
10 | writing says -- so one neighbor in writing said he had no
11 | objections. The other neighbor has been a recluse and is very
12 | resistant to contact about any issues with my client. So aside
13 | from the proof of delivery of drawings and the postcard delivery
14 | by BZA, I'm not sure what else to do without sounding like I'm
15 | invading their privacy.

16 | COMMISSIONER BLAKE: You said you had a comment in
17 | writing from the adjacent neighbor?

18 | MS. SCHINDER: Yes, from one of the neighbors who was
19 | early in the process and he had no objections about it.

20 | COMMISSIONER BLAKE: It was in writing? It's not in
21 | the record though?

22 | MS. SCHINDER: We submitted, again, this has been going
23 | for so long and we submitted so many documents, I don't want to
24 | overwhelm the staff. I'm happy to submit it now. I mean --

25 | COMMISSIONER BLAKE: I just didn't see anything in the

1 record from any --

2 MS. SCHINDER: Right.

3 COMMISSIONER BLAKE: -- of the neighboring properties.
4 That's why, at least that would have said you had some contact
5 as you said it was in writing so, the other confirmations being
6 essentially verbal, that's why I asked that question. I don't
7 have any other questions, Mr. Chairman.

8 MS. SCHINDER: Yeah. So this process has not been
9 secret to anyone. It was very early in the process of being very
10 open with all the neighbors and we welcomed their feedback. We
11 haven't received any opposition from neighboring homeowners or
12 from homeowners in the neighborhood, so I'm not sure how much to
13 insist that they either support or question our project for this
14 to be approved.

15 CHAIRPERSON HILL: Okay. All right. Okay. Anyone
16 else have any questions? Okay. All right.

17 Ms. Schinder, thank you for your time and I'm going to
18 close the hearing and the record.

19 MS. SCHINDER: Thank you.

20 CHAIRPERSON HILL: Thank you.

21 (Pause.)

22 CHAIRPERSON HILL: Okay. I appreciate the questions
23 that Mr. Blake put forward in terms of the outreach. I think it
24 would have been better to have had obviously something from the
25 ANC in terms of their vote, however I do feel comfortable with

1 the testimony that was given in terms of the outreach.

2 I think that, you know, based upon the Applicant's
3 arguments and also that of the Office of Planning's report, I
4 feel comfortable voting in favor and I do appreciate the shadow
5 studies that they put forward and all of the information that is
6 in the record. I'm going to be voting in favor of the
7 application.

8 Mr. Smith, do you have anything you'd like to add?

9 COMMISSIONER SMITH: I also appreciate Board Member
10 Blake's question regarding outreach. I would have liked to see
11 more outreach done since the last hearing, especially being that
12 that's the reason why this was continued. I don't quite
13 understand how we haven't gotten a letter or anything like that
14 from the ANC.

15 Be that as it may, the project, I appreciate the shadow
16 studies. They do show that there wouldn't be too much of an
17 adverse impact on any of the adjacent neighbors. I do believe
18 they've by and large met the burden of proof for us to grant the
19 special exception and will also vote in support.

20 CHAIRPERSON HILL: Thank you. Mr. Blake?

21 COMMISSIONER BLAKE: Mr. Chairman, I'm going to vote
22 in support of the application. Again I do think my concern is
23 that I don't think we got the outreach we expected, but I'm
24 comfortable that the application has otherwise met the terms and
25 conditions for approval.

1 CHAIRPERSON HILL: Thank you. Commissioner Stidham?

2 COMMISSIONER STIDHAM: I will chime in regarding the
3 public outreach. I had really expected to see something from the
4 ANC at least. I really don't have anything to add to what already
5 was said by Board Member Blake and Smith. I do feel, I feel
6 confident with what is in the OP report and in the materials that
7 were submitted, and also agree that they have met the burden of
8 proof and would be prepared to support.

9 CHAIRPERSON HILL: Okay. Thank you.

10 All right. I'm going to make a motion to approve
11 Application No. 21171 as captioned and read by the Secretary and
12 ask for a second. Mr. Blake?

13 COMMISSIONER BLAKE: Second.

14 CHAIRPERSON HILL: Motion is made and seconded. Madam
15 Secretary, if you would take a roll call, please.

16 MS. MEHLERT: Please respond to the Chair's motion to
17 approve the application. Chairman Hill?

18 CHAIRPERSON HILL: Yes.

19 MS. MEHLERT: Mr. Smith?

20 COMMISSIONER SMITH: Yes.

21 MS. MEHLERT: Mr. Blake?

22 COMMISSIONER BLAKE: Yes.

23 MS. MEHLERT: Commissioner Stidham?

24 COMMISSIONER STIDHAM: Yes.

25 MS. MEHLERT: Staff would record the vote as four to

1 zero to one to approve Application 21171 on the motion made by
2 Chairman Hill and seconded by Board Member Blake, with Board
3 Member John not participating.

4 CHAIRPERSON HILL: Thank you.

5 All right. You guys, I'm sorry. If we can just take
6 a quick break. Let's go ahead and do 15 minutes, come back.
7 Thank you.

8 (Whereupon, there was a brief recess.)

9 CHAIRPERSON HILL: Okay. Madam Secretary, do you want
10 to call our next case?

11 MS. MEHLERT: The Board has returned from a brief quick
12 break and has returned to its hearing session. The next is
13 Application No. 21167 of the Behzad Hossienkhani, Trustee, as
14 amended. This is a self-certified application pursuant to
15 Subtitle X, Section 901.2 for special exceptions under Subtitle
16 G, Section 207.14 and Subtitle G, Section 5200.1 from the rear
17 yard requirements of Subtitle G, Section 207.6. Also under
18 Subtitle C, Section 202.2 to allow enlargement of a non-
19 conforming structure and under Subtitle G, Section 5200.1 from
20 the lot occupancy requirements of Subtitle G, Section 210.1.

21 This is to allow a second-floor rear deck addition to
22 an attached building. This is a two unit flat located in the
23 MU-4 zone at 527 Florida Avenue, NW, Square 3093, Lot 29.

24 CHAIRPERSON HILL: Okay. Great. If the Applicant can
25 hear me, if they can introduce themselves for the record, please.

1 MR. BELLO: Good morning, Mr. Chairman and Board
2 Members. Toye Bello representing the Applicant.

3 CHAIRPERSON HILL: Okay. Mr. Bello, I guess it's funny.
4 Like, I reviewed the cases, like, on the weekend when, you know,
5 I review the cases and I didn't have any of this information that
6 is currently in there right now. I do appreciate the PowerPoint.
7 But I still don't have anything from the Office of Planning. Do
8 you know what the status is of the Office of Planning's opinion?

9 MR. BELLO: I don't know, but I did provide the Office
10 of Planning all the information that was uploaded with respect
11 to the appropriateness of relief and --

12 CHAIRPERSON HILL: Okay. All right, Mr. Bello, just
13 give me a second then. I'm sorry. Is the Office of Planning
14 here and if so, could you introduce yourselves for the record?

15 MR. JURKOVIC: Good morning again Chairman Hill and
16 Members of the Board. Michael Jurkovic, Development Review
17 Specialist with the Office of Planning.

18 CHAIRPERSON HILL: Mr. Jurkovic, again, like, I don't
19 have a report from you guys and so it's kind of difficult for me
20 to really move forward without a report and if you didn't get
21 the information you needed for the report, that's not your fault
22 then either. Like, do you know where we are with this?

23 MR. JURKOVIC: Yes. So we were obviously
24 administratively closed this past Friday when I believe the
25 Applicant uploaded the most recent submittal to the record, and

1 | was made aware of this on Monday. I have not completed my
2 | analysis of the updating record.

3 | CHAIRPERSON HILL: Okay. That's fine. Mr. Bello, I
4 | mean I don't know about you guys. I'm not comfortable moving
5 | forward without a recommendation or a report from the Office of
6 | Planning. Go ahead, Mr. Blake.

7 | COMMISSIONER BLAKE: Yeah. I just wanted to clarify
8 | that everybody's on the same page in terms of what the requested
9 | relief is. It's all basically special exceptions at this point.
10 | Am I understanding that from the Office of Planning and the
11 | Applicant, or is it still some (audio interference)?

12 | MR. BELLO: It's all special exceptions, sir.

13 | COMMISSIONER BLAKE: That's the Office of Planning's
14 | interpretation as well?

15 | MR. JURKOVIC: Yes.

16 | CHAIRPERSON HILL: So, Mr. Bello, there's not a self-
17 | cert, there's not a revised self cert in here, is there?

18 | MR. BELLO: Yes, there is.

19 | CHAIRPERSON HILL: In which exhibit?

20 | MR. BELLO: That would be Exhibit 33.

21 | CHAIRPERSON HILL: Okay. Did the Office of Planning,
22 | did you see the revised self-cert before the holiday or no, it
23 | didn't matter? You still didn't have the information you needed?

24 | MR. JURKOVIC: OP closed at 2 p.m. last Wednesday, so
25 | this past Monday was when, as I said, we were made aware of it

1 | into the record.

2 | CHAIRPERSON HILL: Okay. Okay. All right. When do
3 | you think, Mr. Jurkovic, the Office of Planning would have an
4 | opportunity to look at this?

5 | MR. JURKOVIC: We've already begun looking at it and I
6 | don't want to say as soon as possible but I do not, considering
7 | the level of burden of proof for the special exceptions, I do
8 | not anticipate our analysis taking a significant amount of time.

9 | CHAIRPERSON HILL: Okay. All right. Then, Mr. Bello,
10 | we've been working together now a long time. Like, it just, when
11 | I have to move people around and it just kind of throws off my
12 | whole schedule of things, like the last two meetings I have on
13 | this, like, I mean I don't know how you get to this point to
14 | where, you know, we're able to actually review things and so like
15 | even for me to be able to review stuff after the weekend when
16 | the hearing is that week, like, I also have missed things or
17 | don't have an opportunity to look at stuff so it doesn't really
18 | work for me, right?

19 | And so, and Mr. Bello, I am looking at you right now,
20 | right, and so, like, if there's some way that you can make sure
21 | this doesn't happen again because you're now going to take another
22 | slot, right? And so, do you understand what I'm saying, Mr.
23 | Bello?

24 | MR. BELLO: I'm following you, sir, yes.

25 | CHAIRPERSON HILL: Okay. All right.

1 Madam Secretary, what do the next two days look,
2 because we only have two left before the end of the year, right?
3 Or no, we have, yeah, we only have two left. There's tomorrow
4 and the 18th. Of my two choices, what one is the least worst?

5 MS. MEHLERT: Next week you only have four cases and
6 then a decision.

7 CHAIRPERSON HILL: Oh, wow. Mr. Bello, you're in luck.
8 Okay. Mr. Jurgovic, can we come back here next week? Do you
9 think the Office of Planning can give us something by Friday?

10 MR. JURGOVIC: I --

11 CHAIRPERSON HILL: That may be too tight?

12 MR. JURGOVIC: That may be tight.

13 CHAIRPERSON HILL: Can I get something by, when can I,
14 can I get something so I can come back here by the 11th?

15 MR. JURGOVIC: When would be the latest you would be
16 comfortable with?

17 CHAIRPERSON HILL: It's okay. I'm sorry I'm
18 completely, I'm getting just, I'm tired. I study over the weekend
19 and so that would mean Friday but that's okay. So I will, you
20 know, look at this everything except for the Office of Planning's
21 report again. I guess whenever you all let me, like, it's fine.
22 If you can give me something on the 10th, I mean, you know, I'll
23 look at everything again except, because now there's more stuff
24 in here to look at, right? And so at least there's also a
25 PowerPoint to look at, I can go through the presentation. Is

1 the 10th good?

2 MR. JURGOVIC: It would be doable.

3 CHAIRPERSON HILL: Okay. I mean, I'm sorry. I don't
4 mean to, I don't know. What's, Ms. Mehlert, the 18th look like?
5 I don't even want to know.

6 MS. MEHLERT: Right now you have six cases and a
7 decision. Well, there's two pending postponements, then six
8 cases. So it's like eight cases right now and a decision.

9 COMMISSIONER SMITH: Keara, let's put it on the 18th.
10 That gives the Office of Planning time. That's a really quick
11 turnaround to ask.

12 CHAIRPERSON HILL: I agree. That's fine. Okay. All
13 right. Okay. All right, fine. Let's go ahead and move it to
14 the 18th. Mr. Jurgovic, so I don't know when is a good time if
15 we can -- do you think we can get it by the 13th? Friday the
16 13th?

17 MR. JURGOVIC: We can do Friday the 14th, or 13th,
18 sorry.

19 CHAIRPERSON HILL: The 13th. Okay. Great. All right.
20 Then let's come back again on 12/18. Okay. Okay, Mr. Bello, is
21 that good?

22 MR. BELLO: Yes, sir. Thank you. My apologies for the
23 inconvenience.

24 CHAIRPERSON HILL: Okay. Thanks, Mr. Bello.

25 MR. BELLO: Thank you.

1 CHAIRPERSON HILL: All right. See you guys on the
2 18th.

3 MR. BELLO: Bye.

4 CHAIRPERSON HILL: Somebody remind me I did not hear
5 the case. So, all right. Okay. Madam Secretary, you may call
6 our next one.

7 MS. MEHLERT: Next is Application No. 21198 of Christos
8 Demopoulos. This is a self-certified application pursuant to
9 Subtitle X, Section 901.2 for a special exception under Subtitle
10 D, Section 207.5 to allow the rear wall of a row building to
11 extend farther than ten feet beyond the farthest rear wall of an
12 adjoining principle building on an adjacent property. This is
13 for a new third story with roof deck and three-story rear addition
14 to an existing semi-detached principle dwelling.

15 It's located in the R-2 zone at 4426 Harrison Street,
16 NW, Square 1581, Lot 59 and I'll note that we did receive a letter
17 in opposition from a neighbor late this morning so I wanted to
18 check if you wanted to allow that into the record.

19 CHAIRPERSON HILL: Yeah, if you want to go please put
20 that in the record and then we can take a look at it. Okay.

21 If the Applicant can hear me, if they could please
22 introduce themselves for the record?

23 MR. DALEY: Yes. Good morning, Mr. Chairman, Members
24 of the Board. My name is Patrick Daley. I'm a project manager
25 at Eustilus Architecture for the architects of record for the

1 homeowners Christos and Margaret Demopoulos.

2 CHAIRPERSON HILL: Okay. Great, Mr. Daley.

3 Mr. Daley, if you want to walk us through your client's
4 application and why you believe they're meeting the criteria for
5 us to grant the relief requested. I'm going to put 15 minutes
6 on the clock just so I know where we are, and you can begin
7 whenever you like.

8 MR. DALEY: Okay. Great. If you could please pull up
9 the presentation.

10 So we are proposing a third-story and rear yard
11 addition to an existing two-story semi-detached row house. We
12 are here today to request relief from the ten foot rule to extend
13 sixteen feet beyond our attached neighbor on the west side and
14 we're extending four feet past the detached neighbor on the east
15 side who has recently completed a similar rear yard and third
16 story addition to their house, and you can see from our zoning
17 data here that we are complying to all other zoning restrictions,
18 height restrictions, setback, bulk and massing regulations. Next
19 slide, please.

20 Here's just our vicinity plan showing where we are
21 going back 16 feet from our attached neighbor on the west side
22 and this map is actually outdated. The east side has already
23 completed an addition to their house as well. Next slide, please.

24 Here's our demolition plan. So we are not really
25 touching much in the inside of the house. It was recently

1 remodeled so we're just, you can see here we're just taking down
2 the rear wall on the first floor and the second floor. The next
3 slide, please.

4 Same thing on the second floor. We're just demoing the
5 rear wall and most of the interior is remaining. Next slide,
6 please.

7 So here you can see our rear addition. The next slide,
8 please.

9 Here you can see our rear addition on the second floor
10 and our third floor addition which also includes a exterior spiral
11 stair to a roof deck. The next slide, please.

12 And here you can see our roof deck and a skylight. The
13 next slide, please.

14 Here's just some elevations. Next slide, please.

15 Another elevation on the detached side. So this is
16 what you'd see from the detached neighbor's side. Next slide,
17 please.

18 And here you can see the elevation from the attached
19 side. The next slide, please.

20 Here's just a section. Next slide, please.

21 And here we have another section in the other
22 direction. The next slide, please.

23 Okay. So here we have our viewing angles for our site
24 plan. Next slide, please.

25 And so here are 3D images, so this is just what the

1 addition will look like. It's very similar to the addition that
2 has already been completed to the east of the house on the left
3 side of the screen. The next slide, please.

4 Here's another angle showing the same thing. Next
5 slide, please.

6 And here's just another viewing angle from Harrison
7 Street, Northwest. You can see we are putting in an additional
8 story from our neighbor on the attached side. Next slide, please.

9 The next slide, please.

10 And here's what it will look like from the rear yard
11 and you can see we are just a little bit past the detached
12 neighbor on the east side. The next slide, please.

13 Another angle from the rear yard. The next slide,
14 please.

15 And the next slide, please.

16 Okay. Here are viewing angles for our site borders
17 (phonetic). And the next slide, please.

18 Here you can see that, you know, we are, this is an
19 attached row house, a semi-detached row house and our attached
20 neighbor is basically the exact same house and that's what we are
21 extending 16 feet back from. The next slide, please.

22 Here's the existing rear yard. You can actually see
23 the neighbor to the east under construction when these photos
24 were taken. The next slide, please.

25 It's just another angle of the condition in the rear

1 yard. Next slide, please.

2 And here you can see the space between the two houses
3 that are detached from one another. Next slide, please.

4 Okay. So here are our sun studies. This first slide
5 is showing the shading at 9 a.m. on the summer solstice. So you
6 can see the matter-of-right is the exact same proposal except
7 it's extending only ten feet into the rear yard rather than the
8 sixteen feet, additional six feet we're requesting relief for.
9 So you can see at 9 a.m. there's only a slight increase in shadow
10 to the west side neighbor at 9 a.m. The next slide, please.

11 At 12 p.m. on the summer solstice there's no
12 difference. The next slide, please.

13 3 p.m. on summer solstice. We do have some additional
14 shading on the east side neighbor but it is very minor. The next
15 slide, please.

16 Now we have 9 a.m. on the winter solstice. You have
17 some longer shadows but very minimal compared to the matter-of-
18 right at 9 a.m.

19 This is 12 p.m. on the winter solstice and you can see
20 there is no additional shading at this time. And the next slide,
21 please.

22 Here we have 3 p.m. on the winter solstice. Again,
23 very minimal additional shading on the east side neighbor at this
24 time.

25 I believe that's the last slide. We have another one.

1 Okay. And I'd be happy to answer any questions.

2 Thank you.

3 CHAIRPERSON HILL: Thank you.

4 MR. DALEY: Oh, I'm sorry. If I could just say one
5 more thing. We did get support unanimously from the ANC and we
6 did receive letters of support from the neighbor. Thank you.

7 CHAIRPERSON HILL: Okay. Great. Thank you, Mr. Daley.

8 Before I turn to my Board, can I hear from the Office
9 of Planning?

10 MS. THOMAS: Good morning, Mr. Chair, Members of the
11 Board.

12 The Office of Planning is recommending approval of this
13 application. It's fairly straightforward. Beyond the six feet
14 that is required, this would be a matter-of-right addition so we
15 believe that it met the requirements and we have nothing further
16 to add and stand on the record of our report.

17 Thank you.

18 CHAIRPERSON HILL: Okay. Thanks. Thanks, Ms. Thomas.

19 Does the Board have any questions of the Applicant?

20 (Pause.)

21 CHAIRPERSON HILL: I guess, Mr. Daley, the only
22 question I had and then I see Mr. Blake's hand up, but there's a
23 letter in the record concerning the neighbors have concerns about
24 the construction noise I guess, and what I would just ask you is
25 if you could convey or make touch with the people that were

1 concerned and I, it's in the record here. I don't, have you had
2 a chance to look at the letter that's in the record, Mr. Daley?

3 MR. DALEY: No. This is the first I'm hearing about
4 this letter of opposition actually, but we will look at that
5 letter and address those concerns, Mr. Chairman.

6 CHAIRPERSON HILL: Okay. So they're asking about
7 things that aren't I think necessarily within our purview, like
8 you have a right to do work on your house whether it's a matter-
9 of-right or a special except, I mean, you know, whether it's a
10 matter-of-right you have the ability to work on your home and so,
11 you know, they're concerned about their ability to work from home
12 and so I would ask that you reach out to them to let them know
13 when the work is actually going to be -- when it is going to be
14 done so that they can make plans about where else to possibly
15 work.

16 But, Mr. Blake, you had your hand up.

17 COMMISSIONER BLAKE: My question is for the Office of
18 Planning actually.

19 CHAIRPERSON HILL: Okay. Ms. Thomas?

20 COMMISSIONER BLAKE: Ms. Thomas, are you there?

21 MS. THOMAS: Yes.

22 COMMISSIONER BLAKE: Yeah. I had a quick question. In
23 looking at the D 207.5, it has the comment there that in looking
24 at this application and looking at it pursuant to X 901, and also
25 subject to D 5201 if applicable, could you just explain how it

1 | is applicable to this analysis?

2 | MS. THOMAS: The question is how D 5201 is applicable?

3 | COMMISSIONER BLAKE: Right. I'm reading the text of D
4 | 207.5 and it reads at the end, "If approved by the Board of Zoning
5 | Adjustment and the special exception pursuant to Subtitle X,
6 | Chapter 9 and subject to Subtitle D 5201, if applicable." I just
7 | want to make sure I understand the difference why that would be
8 | if applicable and why D 52 would apply. That's all.

9 | MS. THOMAS: 5201 applies because it's an addition to
10 | a building or accessory structure which 5201 says for an addition
11 | to a principle residential building with one principle unit on a
12 | non-alley lot and that whole section. So 5201 applies.

13 | COMMISSIONER BLAKE: Okay. Thank you very much. I
14 | just wanted to clarify that. Thank you.

15 | CHAIRPERSON HILL: Okay. Thank you, Mr. Blake.

16 | Mr. Young, is there anyone here wishing to speak?

17 | MR. YOUNG: Yes, we have one witness signed up.

18 | CHAIRPERSON HILL: Okay. Can you bring them in, please?
19 | It is Mr. [Moroz]?

20 | MR. MOROZOV: Yeah. Mr. Morozov, Edward Morozov.
21 | Hello.

22 | CHAIRPERSON HILL: Is that Mr. Morozov?

23 | MR. MOROZOV: Yes.

24 | CHAIRPERSON HILL: Great. Could you introduce yourself
25 | for the record.

1 MR. MOROZOV: Yeah. I'm the neighbor living in the
2 property adjacent to the 4426. I live in 4428 Harrison Street.

3 CHAIRPERSON HILL: Okay. Great. Mr. Morozov, as a
4 member of the public you'll have three minutes to give your
5 testimony and you can begin whenever you like.

6 MR. MOROZOV: Okay. Great.

7 Sorry again for sending the letter late. I don't know
8 how this process works so I'm better communicated. So I was
9 never made aware other than the notice on the neighbor's door.

10 My name is Edward Morozov. I live at 4428 Harrison
11 Street, Northwest, in the duplex adjacent to the property located
12 at 4426 Harrison Street, Northwest. I'm here to express my
13 concerns regarding the proposed zoning exception which involves
14 adding a third story and an elevator to the property next door.

15 So I just believe that the project will
16 disproportionately impact my ability to work as well as my house
17 mate, Andrew Brooks, who also works from home full time. I work
18 on a fully virtual team and I rely on a stable and quiet
19 environment to perform my job effectively. I work from home five
20 days a week and my nearest office is in Columbia, Maryland which
21 is not a feasible commuting option. Similarly, Andrew Brooks
22 works from home full time and does not have access to an
23 alternative office. The construction noise and disruptions
24 caused by this project will severely impact our ability to perform
25 our jobs.

1 Two other housemates, Zachary Clouse and Samantha
2 Simmons (phonetic) also work from home two to three days per
3 week. While they have option to work from their respective
4 offices, the noise and disruptions will still affect the shared
5 environment and diminish the quality of life for all of us.

6 While I understand the Applicant's desire to improve
7 their property, I strongly oppose this zoning exemption unless
8 accommodations are made to mitigate the significant impact on our
9 ability to work. Specifically, I request that the Applicant
10 cover the cost of the co-working space for both me and Andrew
11 for the duration of the construction project. This solution
12 would allow us to maintain our productivity without undue
13 hardship.

14 I respectfully urge the Zoning Board to consider the
15 profound impact of this project that will have on us that work
16 from home and I hope you will prioritize the needs of the existing
17 residents when evaluating this request and work toward a fair
18 resolution that minimizes harm.

19 Thank you for your time and consideration.

20 CHAIRPERSON HILL: Okay. Thank you, Mr. -- is it
21 [Mozoro]?

22 MR. MOROZOV: Morozov, Morozov.

23 CHAIRPERSON HILL: Morozov. That's, I just want to
24 pronounce it right. Mr. Morozov. Okay.

25 So, Mr. Morozov, did you hear what I had to say earlier?

1 MR. MOROZOV: I did, yes.

2 CHAIRPERSON HILL: Okay.

3 MR. MOROZOV: It's within the right to work on their
4 property, yes.

5 CHAIRPERSON HILL: Right. Okay. So my suggestion
6 would be that Mr. Daley, if you could reach out to Mr. Morozov
7 and I think his, I see his contact information in his filing,
8 okay, and you can maybe work with Mr. Morozov so that he knows
9 when you may or may not be doing anything that might cause any
10 kind of an issue.

11 Mr. Morozov, I haven't had anybody ask for this before.
12 Like, I can't pay for everybody to go somewhere else, or I
13 shouldn't say that. I can't suggest that someone should pay for
14 everybody to go somewhere else when they do work on their house.
15 Like, this just happens to be before the Board of Zoning
16 Adjustment but the person could go ahead and work on their own
17 and they get to work on their home, and so, you know, I think
18 that you ought to kind of figure out where you're going to go on
19 the days that they're actually going to make, like everybody's
20 working from home, right? And so you got to kind of figure out
21 where you're going to go. Maybe you've got a friend that you
22 can go and hang out with those times that, you know, they're
23 doing the work. But that would be at least least my suggestion.

24 Does the Board have any questions for Mr. Morozov?

25 (Pause.)

1 CHAIRPERSON HILL: Okay. Mr. Morozov, thank you for
2 taking the time.

3 MR. MOROZOV: Thank you. I appreciate your time.

4 CHAIRPERSON HILL: Okay. Mr. Daley, please reach out
5 to Mr. Morozov, okay?

6 MR. DALEY: Okay. I will. Thank you, Mr. Chairman.

7 CHAIRPERSON HILL: Can you do that today?

8 MR. DALEY: Yes, I can reach out to --

9 CHAIRPERSON HILL: Just send him an email.

10 MR. DALEY: Okay.

11 CHAIRPERSON HILL: Just, like, just make contact,
12 okay --

13 MR. DALEY: Okay.

14 CHAIRPERSON HILL: -- and then try to be good neighbors.
15 That's all we can hope for is that we all --

16 MR. DALEY: Okay.

17 CHAIRPERSON HILL: -- try to be good neighbors. Okay?
18 Does the Board have any final questions of the
19 Applicant?

20 (Pause.)

21 CHAIRPERSON HILL: Okay. I'm going to go ahead and
22 close the hearing and the record. Mr. Daley, have a nice day.

23 MR. DALEY: Thank you. Have a nice day.

24 CHAIRPERSON HILL: Okay. I will, hold on, give me one
25 second.

1 (Pause.)

2 CHAIRPERSON HILL: So, okay. I am comfortable with the
3 application. I thought that the shadow studies were very helpful.
4 I'm comfortable with what they're trying to do and whether or not
5 they meet the regulations for us to approve this.

6 I don't think that the ANC's concern about a rain
7 barrel, I didn't think that that had any issues to do with the
8 zoning issues that we're supposed to be looking at so I would
9 not be in favor of, or if they want to put a rain barrel there
10 that's, you know, helpful for their working with the ANC but I
11 don't think it's our part to put that kind of an issue on this
12 application.

13 I do appreciate that the ANC is in support of this
14 application and as I appreciate the time that the Office of
15 Planning has put forward with their report that I was able to
16 evaluate and I would agree with their analysis as well, and I
17 will be voting in favor of this application and turn to Mr. Smith,
18 if he has any further comments.

19 COMMISSIONER SMITH: I have no further comments,
20 Chairman Hill. I agree with everything that you've stated.

21 The question that came up from the neighbor, yeah, that
22 is -- I empathize. That is beyond the purview of the Board to
23 require payment as you stated, but hopefully that the continued
24 dialogue between the Applicant and the neighbors there could
25 result in something that is mutually beneficial to both.

1 So with that, I will rest on OP's staff report giving
2 it great weight and will support the application.

3 CHAIRPERSON HILL: Thank you. Mr. Blake?

4 COMMISSIONER BLAKE: Yes, thank you, Mr. Chair.

5 I agree with the statement that you and Board Member
6 Smith made with regard to this application. I am in support of
7 the application and I have nothing else to add.

8 CHAIRPERSON HILL: Thank you. Commissioner Stidham?

9 COMMISSIONER STIDHAM: I also give OP's report great
10 weight and have agreed with what has already been said, and am
11 prepared to support.

12 CHAIRPERSON HILL: Thank you.

13 All right. I'm going to go ahead and make a motion to
14 approve Application No. 21198 as captioned and read by the
15 Secretary and ask for a second. Mr. Blake?

16 COMMISSIONER BLAKE: Second.

17 CHAIRPERSON HILL: Motion is made and seconded. Madam
18 Secretary, could you take a roll call, please?

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

21 CHAIRPERSON HILL: Yes.

22 MS. MEHLERT: Mr. Smith?

23 COMMISSIONER SMITH: Yes.

24 MS. MEHLERT: Mr. Blake?

25 COMMISSIONER BLAKE: Yes.

1 MS. MEHLERT: And Commissioner Stidham?

2 COMMISSIONER STIDHAM: Yes.

3 MS. MEHLERT: Staff would record the vote as four to
4 zero to one to approve Application 21198 on the motion made by
5 Chairman Hill and seconded by Board Member Blake, with Vice Chair
6 John not participating.

7 CHAIRPERSON HILL: Okay. Great. Thank you.

8 Madam Secretary, you may call our next one when you
9 have an opportunity.

10 MS. MEHLERT: The next case is Application No. 21199
11 of Rose & Rose Consulting, LLC, as amended. This is a self-
12 certified application pursuant to Subtitle X, Section 1002 for
13 an area variance from the lot dimension requirements of Subtitle
14 D, Section 202.1. It's for a new two-story with cellar detached
15 principle dwelling on a new record lot. Located in the R1-B zone
16 at 3818 N Street, SE, Square 5508, Lot 806.

17 CHAIRPERSON HILL: Okay. If the Applicant can hear me,
18 if they could please introduce themselves for the record.

19 MR. SULLIVAN: Good morning, Mr. Chairman and Members
20 of the Board. Marty Sullivan with Sullivan & Barros on behalf
21 of the Applicant.

22 CHAIRPERSON HILL: Morning, Mr. Sullivan. If you want
23 to go ahead and walk us through your client's application and why
24 you believe they're meeting the criteria for us to grant the
25 relief requested. I'm going to put 15 minutes on the clock so I

1 know where we are, and you can begin whenever you like.

2 MR. SULLIVAN: Thank you very much. If we could have
3 the PowerPoint loaded, please, and the property owner and
4 architect, project architect, should be with us as well but I
5 don't think it's necessary, I'm not providing any testimony
6 directly but if you have any questions for either of them they
7 should be here. Next slide, please.

8 The property is located in the R1-B zone. It's an
9 unimproved tax lot and the Applicant's proposing to construct a
10 new detached two-story plus cellar single family home. Because
11 of the tax lot status and a non-compliant lot area, we need area
12 variance relief for the lot area.

13 The Office of Planning has recommended approval. The
14 Applicant has reached out to many neighbors. They're all aware
15 of this and haven't had any objections. We have letters in
16 support in the file from the current SMD representative and from
17 several other neighbors including the neighbor immediately
18 adjacent to the east. Next slide, please.

19 The reason I mentioned all that is because we don't
20 have anything from the ANC and so what happened with the ANC is
21 we, as we usually do, we tried to get on an agenda of the ANC.
22 We were notified on November 21st, the day of their meeting on
23 that day that we were on the agenda for that night so we attended
24 that night and presented and there was a fairly thorough
25 presentation and discussion. At the end of it, and obviously I'm

1 speaking for the ANC, they haven't filed anything and I don't
2 know that anybody's here to speak for them, but at the end of it
3 they talked about asking for a postponement to let the new SMD
4 coming in in January have a look at this and since that time
5 we've gotten a letter from the current SMD who didn't attend that
6 meeting and my client has had discussions with the incoming SMD
7 and he's expressed his, that he has no objection to it as well
8 and there's nothing from the ANC being filed.

9 So we would object to any postponement. We don't think
10 it's necessary with all the support that we have. We also got a
11 letter from the immediate neighbor following that meeting as
12 well. So, next slide, please.

13 And I'll go ahead and show you the project. So the
14 property is a very narrow property. The important thing in here
15 is there's no way to add space to the lot to meet the lot
16 dimensions. Next slide, please.

17 And there's, because there's a home on each side on
18 similarly configured or sized lots. Next slide, please.

19 Well, if you could go back. I'm sorry. Go back one
20 slide. I want to point out that that area where the parking pad
21 is is all public space. It's a very wide right-of-way. That's
22 what makes the lot so narrow. So a lot of this rectangle is
23 unusable for that reason. Next slide, please.

24 And there you see that area there with the parking pad.
25 That's all within the right-of-way. Next slide, please.

1 So the lot is actually just I think about 2,556 square
2 feet. You see the home on the right and home on the left. Next
3 slide, please.

4 That's the home to the left. Next slide, please.

5 These are across the street. Originally there was, the
6 plan was three stories and the Applicant scaled it back to two
7 stories to be more consistent with the character of the other
8 homes on the street and this is across the street. Next slide,
9 please.

10 I'll also note one of the letters of support the
11 Applicant was told came after we reduced from three stories to
12 two stories and they appreciated that. This is the view from
13 the rear of the property. Next slide, please.

14 Same. This is from the rear. Next slide.

15 This is from the rear as well, and also we have the
16 support from the closest neighbor across Anacostia Street here
17 on this side as well. Next slide, please.

18 That's just the plat showing the lot. Next slide,
19 please.

20 So here's the design. Next slide, please.

21 I'll go through these briefly. It's a matter-of-right
22 construction within the lot itself. We're just asking for the
23 lot area relief. Next slide, please.

24 Next slide.

25 This is floor plans.

1 Next slide.

2 And next slide.

3 Next slide, please.

4 You see two stories with a walk-out basement on
5 Anacostia. Next slide, please, or a drive-out.

6 Next slide.

7 And next slide.

8 Okay. So the criteria for area variance relates to the
9 property's face with an exceptional condition due to its shape,
10 unimproved status, topography and tax lot status. Essentially
11 it's unbuildable as it is and unusable unless approved as a record
12 lot without this relief.

13 So the proposal really from the beginning without
14 substantial detriment to the public good and without impairing
15 the purpose and integrity, single family dwelling in a single
16 family zone. Again, the property was revised or the project was
17 revised to lower the height and take off a story to be more
18 compatible with the neighborhood as well. Next slide, please.

19 I think that's it. So if the Board has any questions
20 for myself or for the architect or owner. Thank you.

21 CHAIRPERSON HILL: Thank you, Mr. Sullivan.

22 Before I turn to my Board, could I -- oh, go ahead, Mr.
23 Blake.

24 COMMISSIONER BLAKE: I have a quick question. I'm just
25 trying to understand this lot a little bit. There's a parking

1 pad in the front. What, was there ever anything here? Why is
2 that there? I'm just curious to see what the logic is or how
3 this, how we got where we are. Has it always been undeveloped,
4 like what? Was something here at some point? What's happening
5 here?

6 MR. SULLIVAN: I don't know the answer to that question.
7 It would, that would imply that there was a house there but that
8 wouldn't, if there was a house there and it went away that
9 wouldn't have helped us.

10 MS. BRYANT: Marty? Sorry, this is Jordan Bryant.

11 MR. SULLIVAN: Oh, okay. Jordan, if you could introduce
12 yourself first and then.

13 MS. BRYANT: Hi, yes. My name is Jordan Bryant. I'm
14 one of the owners of the property here along with my, sorry,
15 we'll start video. Hi. Nice to meet you all.

16 Just to give a bit of background. According to what
17 we understand, this property was a part of the -- was originally
18 part of the property next to it, 3016 I believe, and it was split
19 off at a point. Now, I don't know when the parking pad was built
20 or what exactly happened with that but basically when the lot was
21 split off it became as it is, basically kind of a dead space that
22 was unbuildable except for a variance. So that is our
23 understanding of the kind of back story of the property.

24 COMMISSIONER BLAKE: Okay, great. Thank you very much,
25 Ms. Bryant.

1 CHAIRPERSON HILL: Thank you, Ms. Bryant. Anyone else
2 before I turn to the Office of Planning?

3 (Pause.)

4 CHAIRPERSON HILL: Okay. Can I hear from the Office
5 of Planning, please?

6 MR. BEAMON: Good morning, Board Members. For the
7 record, Shepard Beamon, with the Office of Planning.

8 OP has reviewed the application for the requested area
9 variance from lot occupancy. We found the request meets the
10 criteria for Subtitle X, therefore we recommend approval and I'm
11 open for any questions.

12 CHAIRPERSON HILL: Okay. Thank you. Does the Board
13 have any questions of the Office of Planning?

14 (Pause.)

15 CHAIRPERSON HILL: Okay. Mr. Young, is there anyone
16 here wishing to speak?

17 MR. YOUNG: We do not.

18 CHAIRPERSON HILL: Okay. All right, Mr. Sullivan, do
19 you have anything you'd like to add at the end?

20 MR. SULLIVAN: No, I don't. Thank you, Mr. Chair and
21 Board Members.

22 CHAIRPERSON HILL: Okay. Thank you. All right. I'm
23 going to go ahead and close the hearing and the record.

24 (Pause.)

25 CHAIRPERSON HILL: Okay. I know this is really pretty

1 straightforward. Even I understood it. So, like, I don't think
2 they can do anything really with this property unless they get
3 their relief that's being requested.

4 I would agree with the analysis of the Office of
5 Planning has put forward as to why they're meeting the criteria
6 for the variance, the area variance, and then also I do appreciate
7 the feedback that the Applicant has put forward concerning the
8 outreach to the ANC and I do at least understand what the ANC
9 would like to do, but I think it's not, it's a little unreasonable
10 to have them wait for the SMD to come here at that particular
11 time. So regardless I think they're meeting the criteria for us
12 to grant this relief and I'm going to be voting in favor of this
13 application.

14 Mr. Smith, do you have anything you'd like to add?

15 COMMISSIONER SMITH: No, Chairman Hill. I agree with
16 your assessment in this case. They honestly can't do anything
17 with this lot without us granting this relief, so I rest on the
18 OP's staff report giving it great weight, recognizing the
19 testimony that was provided and will support the application.

20 CHAIRPERSON HILL: Thank you. Mr. Blake?

21 COMMISSIONER BLAKE: Mr. Chair, I'm in support of the
22 application and I agree with the comments that you and Board
23 Member Smith made with regard to this. I'll be voting in favor.

24 CHAIRPERSON HILL: Thank you. Commissioner Stidham?

25 COMMISSIONER STIDHAM: I also agree with the comments

1 that have already been made and OP's report and without this this
2 is really an unbuildable situation, so I'm prepared to support
3 as well.

4 CHAIRPERSON HILL: Great. Thank you.

5 All right. I'm going to make a motion to approve
6 Application No. 21199 as captioned and read by the secretary and
7 ask for a second. Mr. Blake?

8 COMMISSIONER BLAKE: Second.

9 CHAIRPERSON HILL: Motion made and seconded. Madam
10 Secretary, if you'll take a roll call, please?

11 MS. MEHLERT: Please respond to the Chair's motion to
12 approve the application.

13 Chairman Hill?

14 CHAIRPERSON HILL: Yes.

15 MS. MEHLERT: Mr. Smith?

16 COMMISSIONER SMITH: Yes.

17 MS. MEHLERT: Mr. Blake?

18 COMMISSIONER BLAKE: Yes.

19 MS. MEHLERT: Commissioner Stidham?

20 COMMISSIONER STIDHAM: Yes.

21 MS. MEHLERT: Staff would record the vote as four to
22 zero to one to approve Application No. 21199 on the motion made
23 by Chairman Hill and seconded by Mr. Blake, with Vice Chair John
24 not participating.

25 CHAIRPERSON HILL: Okay. Great. Thank you.

1 Madam Secretary, you may call our next when you get a
2 chance. You guys, I'm going to try to move this forward as we
3 can and then we can eat afterwards. So, if you want to go for
4 our next one, Madam Secretary, you may.

5 MS. MEHLERT: Next is Application No. 21200 of 2915
6 Dumbarton Street, NW, LLC. This is a self-certified application
7 pursuant to Subtitle X, Section 1002 for area variances from the
8 lot width and lot area requirements of Subtitle D, Section 202.1.
9 This is a subdivision of a record lot to create two new record
10 lots for a principle dwelling on each new lot. Located in the
11 R3/GT zone at 2915-2917 Dumbarton Street, NW, Square 1241, Lot
12 139.

13 CHAIRPERSON HILL: Great. Thank you. If the Applicant
14 can hear me, if they please introduce themselves for the record.

15 MR. SULLIVAN: Thank you, Mr. Chairman and Board
16 Members. Marty Sullivan with Sullivan & Barros on behalf of the
17 Applicant.

18 CHAIRPERSON HILL: Great. Mr. Sullivan, if you could
19 go ahead and walk us through your client's application and why
20 you believe they're meeting the criteria for us to grant this
21 particular relief. I'm going to put 15 minutes on the clock just
22 so I know where we are and you can begin whenever you like.

23 MR. SULLIVAN: Thank you. If we could have the
24 PowerPoint loaded and I intend to be the only speaker, again, in
25 this case. Next slide, please.

1 The property is in the R3/GT zone. It currently
2 consists of two single family dwellings. This is one of the most
3 unique cases I've seen. I don't think I've seen a situation like
4 this. The previous owner, Ms. Melkonian, she intended to
5 consolidate the two houses. She lived in one and bought the
6 other and was going to enlarge, was going to open them up and
7 make one large house and the first step in that process was to
8 create a new record lot. So she consolidated the two existing
9 lots into one lot but never proceeded with the work to open up
10 the space between the two buildings and create one building and
11 unfortunately passed away a few months after the subdivision.

12 So this was originally filed on behalf of her estate
13 and now there's a purchaser new owner and that Applicant seeks
14 variance relief to basically keep the status quo to have two
15 record lots for the existing homes which were built in 1881. The
16 Office of Planning has recommended approval. We also have the
17 unanimous support of the ANC 2E. Next slide, please.

18 I pretty much have gone through this. I'll say a little
19 more. Initially we tried to get the surveyor to say can you undo
20 the subdivision done in 2023 because it was effectively a non-
21 compliant subdivision because when it was consolidated, now you
22 had a non-compliant situation of having two homes on a single
23 record lot and, but because these two events can't happen at one
24 time, it was necessary and understood that the Zoning
25 Administrator approved that with the understanding that the owner

1 | would then open up the two homes and make that compliant. And
2 | so essentially it's like a condition subsequent to the
3 | subdivision which was never satisfied.

4 | But it's not possible for the zoning, or for the
5 | surveyor to undo a subdivision in that way and so here we are
6 | seeking relief because the lots themselves don't meet the minimum
7 | lot width or lot area requirement, the 15 feet wide and 1,600,
8 | or 1,800 square feet in area where 20 feet and 2,000 is required.
9 | Next slide, please.

10 | So the property is unique due to the history. As
11 | discussed, the practical difficulty would be forcing a homeowner,
12 | the owner of the properties, to combine them into one unit and
13 | would be forcing them to undergo the disruptive and expensive
14 | reconfiguration of the interior, getting rid of a kitchen, moving
15 | bathrooms and bedrooms around, and the City essentially would be
16 | in the position of forcing somebody to take two homes and turn
17 | them into one which was just simply the preference of the previous
18 | owner but not the natural condition of the property or the
19 | historic condition of the property. Next slide, please.

20 | So the relief can be granted without substantial
21 | detriment to the public good. The action essentially corrects
22 | the non-compliant subdivision and takes the property back to what
23 | was a legally non-conforming condition since 1958 or earlier
24 | because the homes were built in 1881 and have existed as separate
25 | homes since then. Also I will add, even though it's not in their

1 jurisdiction, OGB has expressed a desire or a preference to see
2 this remain as two homes and not see the interior disrupted with
3 the combination. Next slide, please.

4 Next slide, please.

5 So there you see the homes there. It's completely two
6 separate homes. There's nothing opened up yet. Next slide,
7 please.

8 There's the two homes from the front. Next slide.

9 Next slide.

10 This is the subdivision plat. Now there's an addition
11 proposed that's going through OGB process and everything with the
12 addition is matter-of-right. We end up with a lot occupancy of
13 about 44 percent. It's not, there's no relief necessary from the
14 ten foot rule and this lot currently 139, if approved, would be
15 subdivided according to these lines. Next slide, please.

16 Is that, maybe that's it. Next slide.

17 Or no, next slide, please.

18 These are the plans. We're not asking for approval for
19 the plans per se because no zoning relief is needed for that,
20 but this is what's intended still subject to OGB approval and the
21 Applicant's still working with the ANC and neighbors on that
22 possible addition. Next slide, please.

23 Next slide.

24 Next slide, please.

25 Next slide, please.

1 And there you see a potential rear addition there,
2 again, that's all matter-of-right. Next slide, please.

3 Next slide, please.

4 Next slide, please.

5 Next slide, please.

6 Next slide, please.

7 Sorry, it looks like there may be some repeats.

8 Next slide, please.

9 Next slide, please.

10 And that's it. So if the Board has any questions,
11 that's our presentation. Thank you.

12 CHAIRPERSON HILL: Okay. Thanks, Mr. Sullivan.

13 Before I turn to my Board who might have questions, I'm
14 going to go ahead and hear from the Office of Planning, please.

15 MR. JESICK: Yes. Thank you, Mr. Chairman and Members
16 of the Board. My name is Matt Jesick representing the Office of
17 Planning in this case.

18 The Office of Planning found that this application
19 meets the variance criteria. There's an exceptional condition
20 leading to a practical difficulty and therefore we recommend
21 approval of the application. I'd be happy to take any questions.

22 Thank you.

23 CHAIRPERSON HILL: Thank you.

24 Okay. Does the Board have any questions of the
25 Applicant or the Office of Planning?

1 (Pause.)

2 CHAIRPERSON HILL: Okay. Mr. Young, is there anyone
3 here wishing to speak?

4 MR. YOUNG: We do not.

5 CHAIRPERSON HILL: Okay. Let me see. Okay. All right.

6 I mean, Mr. Sullivan, it is kind of weird, you know,
7 meaning that, like, it did get turned into one lot and so you
8 have to do all this to go back the other way. I understand how
9 it's odd because, like, the person was in the middle of doing
10 the work that would have made it one home I guess and so, but
11 anyway.

12 Okay. Mr. Sullivan, do you have anything you'd like
13 to add at the end?

14 MR. SULLIVAN: No, thank you, Mr. Chair and Board
15 Members.

16 CHAIRPERSON HILL: Okay. All right. I'm going to go
17 ahead and close the hearing and the record. If you could please
18 excuse everyone, Mr. Young.

19 (Pause.)

20 CHAIRPERSON HILL: Okay. I love it. You just can't
21 unring the bell apparently.

22 And so I would agree with the analysis that the Office
23 of Planning has provided. I do appreciate that we see
24 Commissioner Lohse often here and I appreciate the time that ANC
25 2E has put forward on this and also their support of this

1 particular application and their interest, and everyone's
2 interest I guess, in seeing it remain the two homes and I think
3 they're meeting the requirements for the area variances, and I'm
4 going to be voting in support.

5 Mr. Smith, do you have anything you'd like to add?

6 COMMISSIONER SMITH: No. I agree with your statements
7 on this. This is very interesting, very odd situation. I do
8 believe they've met the burden of proof. This is two row homes
9 that existed since the 1880s, historic, so in order to convert
10 it I think it would be a fairly hard challenge. Also with that
11 I do believe they've met the burden of proof in and of itself,
12 so I will be voting in support as well.

13 CHAIRPERSON HILL: Great. Thank you. Mr. Blake?

14 COMMISSIONER BLAKE: Yes, Mr. Chair. I agree this is
15 a unique situation and it certainly would be a practical
16 difficulty trying to patch the two together again to meet the
17 regulations. As a result, I am in support of the application.
18 I do believe it meets the criteria. I'll be voting in favor.

19 CHAIRPERSON HILL: Great. Thank you. Commissioner
20 Stidham?

21 COMMISSIONER STIDHAM: It is a very unusual situation
22 indeed and, however, looking at the materials and the Office of
23 Planning report, I agree they met the burden of proof and am
24 prepared to support.

25 CHAIRPERSON HILL: Thank you.

1 All right. I'm going to go ahead and make a motion to
2 approve Application No. 21200 as captioned and read by the
3 secretary and ask for a second. Mr. Blake?

4 COMMISSIONER BLAKE: Second.

5 CHAIRPERSON HILL: Motion was made and seconded. Madam
6 Secretary, take a roll call?

7 MS. MEHLERT: Please respond to the Chair's motion to
8 approve the application. Chairman Hill?

9 CHAIRPERSON HILL: Yes.

10 MS. MEHLERT: Mr. Smith?

11 COMMISSIONER SMITH: Yes.

12 MS. MEHLERT: Mr. Blake?

13 COMMISSIONER BLAKE: Yes.

14 MS. MEHLERT: Commissioner Stidham?

15 COMMISSIONER STIDHAM: Yes.

16 MS. MEHLERT: Staff would record the vote as four to
17 zero to one to approve Application 21200 on the motion made by
18 Chairman Hill and seconded by Mr. Blake, with Vice Chair John not
19 participating.

20 CHAIRPERSON HILL: Great. Thank you.

21 Let me see. Madam Secretary, if you can call our last
22 case, please.

23 MS. MEHLERT: The last case is Application No. 21201
24 of St. Thomas Group, LLC, as amended. This is a self-certified
25 application pursuant to Subtitle X, Section 901.2 for a special

1 exception under Subtitle D, Section 5201 from the side yard
2 requirements of Subtitle D, Section 208.2. This is for a two-
3 story with cellar rear addition and a new accessory apartment in
4 an existing two-story attached principle dwelling. It's located
5 in the R1-B zone at 1210 Ingraham Street, NW, Square 2930, Lot
6 71.

7 CHAIRPERSON HILL: Okay. Great.

8 If the Applicant can hear me, if they could please
9 introduce themselves for the record?

10 MS. ROGERS: Yes. Good morning, Chairman Hill, Members
11 of the Board. For the record my name is Elizabeth Rogers with
12 the law firm of Lerch, Early & Brewer, here today representing
13 the Applicant, the St. Thomas Group, LLC.

14 CHAIRPERSON HILL: Great. Thank you.

15 Let's see. Ms. Rogers, if you could please walk us
16 through your client's application and why you believe they're
17 meeting the criteria for us to grant the relief requested. I'm
18 going to put 15 minutes on the clock so I know where we are and
19 you can begin whenever you like.

20 MS. ROGERS: Thank you. Just one procedural matter
21 before we dive in. I did want to make sure, and (indiscernible)
22 specific motion pursuant to Subtitle Y, Section 300.17 to admit
23 the filing of the updated self-certification and burden of proof
24 statement. They're already in the record but they were past the
25 30 day deadline so I wanted to make that clear.

1 CHAIRPERSON HILL: I appreciate that. We did add them
2 to the record.

3 MS. ROGERS: Thank you.

4 CHAIRPERSON HILL: Thank you.

5 MS. ROGERS: So we are pleased that the Zoning
6 Administrator has agreed with us that we only need to seek special
7 exception relief from the side yard. That's what the updated
8 certification and burden of proof reflect, and so that is what
9 our presentation today will focus on. If, Mr. Young, you could
10 pull up our presentation which is Exhibit 23, I would appreciate
11 it.

12 Thank you. Next slide, please.

13 So as I mentioned, we are seeking special exception
14 relief to allow for the construction of an addition to an existing
15 row dwelling to accommodate a cellar level accessory apartment.
16 The relief is necessary to allow the property to retain the zero
17 foot side yard setback condition along the attached property
18 boundaries, as is customary for row buildings. The property is
19 located on Ingraham Street, Northwest, just west of the
20 intersection with Georgia Avenue. The property is currently
21 improved with an approximately 2,224 square foot row building.
22 Next slide, please.

23 As you can see here from the zoning map, the property
24 is part of a very small section of row buildings that are located
25 in the R1-B zoning district which is a predominantly detached

1 zone. This condition of a row building in a detached zone is
2 what's driving the need for today's relief. The Applicant is
3 seeking to re-invest in the existing building and create a cellar
4 level accessory apartment and a family-sized principle dwelling
5 unit above.

6 Given the age of the existing building which was
7 constructed circa 1923, there's not currently sufficient living
8 space to accommodate both the accessory apartment and a principle
9 dwelling unit that's able to accommodate a larger family. As
10 such, we are proposing a rear addition which will allow for a
11 four bedroom principle dwelling on the upper floors and a cellar-
12 level accessory apartment. The Applicant intends, the owner of
13 the property intends to personally reside in the cellar-level
14 accessory apartment and lease the principle dwelling unit through
15 the District Housing Choice Voucher Program to help meet the need
16 for larger family-sized affordable housing options within the
17 City. Next slide, please.

18 This is just an elevation from the east which shows
19 that proposed addition at the rear. Next slide, please.

20 As you can see from the site plan (indiscernible). I
21 will note that the R1-B zone actually does recognize that no side
22 yard, that that is required for row buildings. However, because
23 the principle dwelling unit is only permitted in a detached
24 building under the Use section of the Zoning Ordinance, the
25 requirement has been determined as requiring two side yards that

1 back each of them eight feet in width. Given the width of the
2 property, which is only 18 feet, 6 inches wide, obviously the
3 implication of two eight foot side yard setbacks would render any
4 addition completely impractical on this property. That's the
5 strive and the need for the relief to maintain the zero foot lot
6 line condition for this row building.

7 Notably, as you can see here, the proposed addition
8 will conform with the rear yard requirements. The addition will
9 only extend a maximum of ten feet beyond the farthest rear wall
10 of the adjacent dwelling and it will be set back a maximum, or a
11 minimum of 96 feet from the rear property boundary wall in excess
12 of the 25 foot rear yard setback requirement.

13 We've also designed the addition to minimize impacts
14 from surrounding properties both in terms of the design of the
15 addition to have no windows obviously on the sides which are on
16 the property boundaries and as well as maintaining that ten foot
17 rear yard setback. Next slide, please. Thank you.

18 We've gone through the special exception findings in
19 detail and our burden of proof statements. I will be brief kind
20 of in my summary of those. I'm happy to elaborate if the Board
21 would like. The special exception is in harmony with the general
22 purpose and intent of the Zoning Regulations and maps including
23 specific purposes of the R1-B zone.

24 The R zones are intended, among other things, to
25 recognize and reinforce the importance of housing affordability

1 | in low and moderate density housing to the overall housing mix
2 | within the City. Accessory apartments are an important tool in
3 | the City's toolbox to help meet the housing (indiscernible)
4 | affordability crisis in the region. This proposed construction
5 | will facilitate, as I mentioned, another accessory apartment and
6 | a rental of a family-sized unit above to help meet those needs.
7 | The special exception will not tend to adversely affect the use
8 | of neighboring properties. The existing side yard setbacks are
9 | not going to change for seeking to continue the zero foot lot
10 | line condition on the side yard, as is customary for row
11 | buildings.

12 | The use of the property I would feel will remain
13 | unchanged and will continue to be used for residential use and
14 | we did provide shadow studies in the record which demonstrate
15 | that the Applicant and the addition will not have any adverse
16 | impact to light and air on neighboring properties.

17 | As I mentioned, the design has no windows on the side
18 | facades given that they will be constructed at the property line,
19 | therefore helping to preserve the privacy of the adjacent
20 | neighbors and the rear addition won't impact the view of the
21 | property from the street. It won't be visible from Ingraham
22 | Street and given the significant rear yard setback of 96 feet
23 | from the rear property line, it won't intrude on the character
24 | or pattern of houses along the alley frontage.

25 | I would note that the ANC voted to recommend support

1 of this and their recommendation is in the record as Exhibit 21,
2 and for all of those reasons we believe the Board may make the
3 necessary findings to approve this special exception to allow for
4 a continuation of the zero outline condition for this row
5 building, and respectfully request the Board's approval and I'm
6 happy to answer any questions you may have.

7 CHAIRPERSON HILL: Thank you, Ms. Rogers. Mr. Young,
8 could you drop that slide deck? Okay. Great.

9 Before I turn to my Board, if I could hear from the
10 Office of Planning, please.

11 MR. BARRON: Good morning, Commissioners. For the
12 record my name is Ron Barron, Development Review Specialist with
13 the DC Office of Planning.

14 The Office of Planning recommends approval of the
15 requested special exception for relief from the side yard
16 requirements of the Zoning Regulations. The proposed rear
17 addition would be in harmony with the general purpose and intent
18 of the R1-B zone and would be unlikely to affect adversely the
19 use and privacy of the neighboring properties.

20 The Office of Planning is content to rest on our report
21 submitted to the record at Exhibit No. 17 and I'm available to
22 answer any questions you may have.

23 Thank you.

24 CHAIRPERSON HILL: Thank you, Mr. Barron.

25 Does my fellow Board Members, do my fellow Board

1 Members have any questions for the Applicant and/or the Office
2 of Planning?

3 (Pause.)

4 CHAIRPERSON HILL: Okay. Mr. Young, is there anyone
5 here wishing to speak?

6 MR. YOUNG: Yes. We have one witness signed up.

7 CHAIRPERSON HILL: Okay. If you could bring that person
8 forward, please. Is it Mr. Student, or no?

9 MR. YOUNG: Yes.

10 CHAIRPERSON HILL: Oh, great. Mr. Student, can you
11 hear me?

12 MR. STUDENT: I can hear you fine. Can you hear me?

13 CHAIRPERSON HILL: Yes. Could you introduce yourself
14 for the record and then also as a member of the public you'll
15 have three minutes to give your testimony, and you can begin
16 whenever you like.

17 MR. STUDENT: Sure. I'm the adjacent 1208 house. My
18 original concerns were in regard to a pop-up which was part of
19 the original proposal. Apparently that's been removed so that I
20 am thankful for.

21 In terms of the setback and the apartment, my questions
22 are, I have heard that you, that the intention is potentially to
23 be using this apartment as an Airbnb; is that correct?

24 CHAIRPERSON HILL: I don't know, Mr. Rogers. But let
25 me, why don't you go ahead and give us all your testimony concerns

1 and I can see what the Applicant has to say about them.

2 MR. STUDENT: It's Mr. Student, by the way.

3 CHAIRPERSON HILL: Oh, I'm sorry, Mr. Student. I don't
4 know why I just said, sorry, Mr. Student.

5 MR. STUDENT: No problem.

6 So, yeah, I'm a little concerned about how the
7 apartment is going to be used and I want to be assured that
8 there's no future plan for a pop-up proposal in the future; is
9 that correct?

10 CHAIRPERSON HILL: I mean, Mr. Student, the plans that
11 we have before us are what we're approving. What they might do
12 in the future they would have to come back before us again and
13 so I can't say one way or the other what somebody might do in
14 the future.

15 As far as the Airbnb question, I mean, they are able
16 to do whatever they're allowed to do in terms of the regulations.
17 I don't think they're trying to do it as an Airbnb because I saw
18 Ms. Rogers shake her head, and I'll let her respond real quick
19 in a minute. But, you know, they can do whatever they're allowed
20 to do.

21 Was there anything else, Mr. Student?

22 MR. STUDENT: Those are my two primary concerns, yes.

23 CHAIRPERSON HILL: Okay. Ms. Rogers, just to answer
24 my own questions now that Mr. Student has brought up. Is, you
25 know, is it going to be used as an Airbnb?

1 MS. ROGERS: No. As we stated in our written materials
2 and I mentioned in my earlier remarks, the intention is to have
3 the Applicant personally reside in the accessory apartment and
4 then to rent the primary dwelling unit above through the City's
5 Housing Voucher Program to a family. So it wouldn't be used as
6 an Airbnb.

7 CHAIRPERSON HILL: Got it. And then currently there's,
8 again, no plan to expand higher, correct, Ms. Rogers?

9 MS. ROGERS: No. We had originally planned to do a
10 third story addition, which is what Mr. Student's referring to.
11 Due to construction costs we've changed our proposal and that's
12 reflected in the application materials that are submitted to the
13 Board and you are correct, if any addition was to be further
14 required it would require additional relief, but that is not
15 currently contemplated at all.

16 CHAIRPERSON HILL: Okay. Thank you. Okay, Mr.
17 Student --

18 MR. STUDENT: When do you -- one further minor
19 question. When do you intend to proceed? (Indiscernible).

20 CHAIRPERSON HILL: Sure, Mr. Student. Ms. Rogers, do
21 you know when, if this were to be approved when they would
22 hopefully try to do construction?

23 MS. ROGERS: I don't. The architect, C. J. LaMora, is
24 on and I don't know if he has any further information at all.

25 CHAIRPERSON HILL: Okay. Either way, Ms. Rogers --

1 give me one second, Mr. Student. Either way, Ms. Rogers, if you
2 guys could reach, if you could ask the Applicant and/or the, I
3 mean, this is the next door neighbor, Mr. Student, and if you
4 could please reach out to Mr. Student and let him know about when
5 the construction is supposed to be taking place. Just keep him
6 informed and up to date so that he's not surprised about when
7 things are taking place, and I think I'm sure that he would
8 appreciate that as well as the other next door neighbor would
9 appreciate it.

10 But, Mr. LaMora, if you could introduce yourself for
11 the record and then if you could answer the question as to when
12 you think construction might begin.

13 MR. LAMORA: Sure. Thank you. My name is C. J. LaMora.
14 I'm the principal architect at Circle Square Cross Architecture.

15 We would need to re-submit after approval from the
16 Board here. That's probably a three-ish four-ish month process.
17 In that timeframe we'll be looking for a contractor and once the
18 building permit is issued, hopefully we'll be, have that
19 contractor on board and ready to hit the ground running, you
20 know, in that three to four month timeframe from now-ish.

21 MS. ROGERS: And, Mr. Chair, we've mentioned, I know
22 the Applicant (indiscernible) correspond with Mr. Student and we
23 certainly will be willing to reach out to him following today's
24 hearing to give him an update on our construction timeline.

25 CHAIRPERSON HILL: Okay. Great.

1 MR. STUDENT: I have one question for Mr. LaMora. We
2 had spoken, you and I, a week or two ago regarding an expansion
3 of the parking area. Will that require you to make a separate
4 application for relief to do that or is there any other issue
5 about that?

6 MR. LAMORA: There are no zoning issues that would be
7 around the parking pad. We have the one required in our plan.
8 It would be a significant cost to revise those at this moment,
9 so we don't have any plans to change what's in the set today with
10 regards to the single parking space required by Zoning.

11 CHAIRPERSON HILL: Mr. Student, can you hear me?

12 MR. STUDENT: I can.

13 CHAIRPERSON HILL: Okay. So I'm going to ask them just
14 to continue to work with you and keep you informed about anything.
15 I mean, they're not asking for any relief from the parking and
16 so they are providing the required zoning parking. But as I
17 said, and I appreciate you being here. Like, I mean, you know,
18 it's, you know, you're the adjacent neighbor and so you're
19 obviously well concerned about what's going on here. So they're
20 going to reach out to you and continue to work with you in terms
21 of the construction time and so that you're well informed as to
22 what's going on. Okay?

23 MR. STUDENT: Good.

24 CHAIRPERSON HILL: Okay. All right. Thank you, Mr.
25 Student.

1 MR. STUDENT: Thank you.

2 CHAIRPERSON HILL: Okay. Ms. Rogers, I mean we see you
3 every now and again and first of all, I was going to say thank
4 you for your presentation. Like, it was a presentation that I
5 was actually able to follow very easily and I appreciate it and
6 I appreciate all the work that you guys have gone into doing
7 that. If you could please ask your client and make sure that
8 they do reach out to the neighbors and please let them know,
9 like, what's going on with construction. What, you know, do your
10 best, to use Chairman Hood's saying, you know, good neighbor
11 policy, do your best to kind of, like, make sure everybody's
12 informed what's going on so that everyone can work well together
13 and live well together. Okay, Ms. Rogers?

14 MS. ROGERS: Absolutely.

15 CHAIRPERSON HILL: Okay. Does the Board have any final
16 questions for the Applicant?

17 (Pause.)

18 CHAIRPERSON HILL: Okay, Ms. Rogers, you have anything
19 you'd like to add at the end?

20 MS. ROGERS: I don't. Thank you very much.

21 CHAIRPERSON HILL: Okay. Thank you. Mr. Young, I'm
22 going to close the hearing, I'm sorry. I'm going to close the
23 hearing and the record. Mr. Young, could you please excuse
24 everyone?

25 (Pause.)

1 Okay. I think since they dropped the whole variance
2 issue, I'm much more comfortable with the special exception
3 concerning the side yards and I think that they're meeting the
4 criteria to grant this special exception.

5 I appreciate, again, the sun studies and shadow studies
6 and that, you know, the Applicant mentioned again there's no
7 windows on the side and the other things that they've done to
8 this particular project so that it's not going to be an undue
9 impact on, I think, the neighbors also, and so, and the fact that
10 they're not even going up higher basically due to construction
11 costs makes it even, even though they could have probably, makes
12 it something that might be more palatable to the neighbors. One
13 way or the other, some people like the Board dents (phonetic)
14 their neighborhoods anyway.

15 But in any case, I would agree with the arguments that
16 the Applicant has put forward as well as that of the Office of
17 Planning and I'm going to be voting in favor of this application.

18 Mr. Blake, I'm sorry, Mr. Smith, do you have anything
19 you'd like to add? Oh, also the ANC, I appreciate their input
20 as well as support for this application. Mr. Smith, do you have
21 anything you'd like to add?

22 COMMISSIONER SMITH: Nothing to add, Chairman Hill. I
23 support the application as well since this hope to share the
24 variance question has been negated. So I will be in support.

25 CHAIRPERSON HILL: Great. Thank you. Mr. Blake?

1 COMMISSIONER BLAKE: Yes, Mr. Chair. I'm in support
2 of the application. I think it's a fairly straightforward special
3 exception with regard to the side yard requirements. I would
4 give great weight to the Office of Planning's report, know DDOT
5 has no issues and ANC 4E is in support and will give great weight
6 to that report in Exhibit 21. I will be in support of the
7 application.

8 CHAIRPERSON HILL: Thank you. Commissioner Stidham?

9 COMMISSIONER STIDHAM: I have nothing really to add to
10 what's already been said and prepared to support.

11 CHAIRPERSON HILL: Thank you.

12 All right. I'm going to make a motion then to approve
13 Application No. 21201 as captioned and read by the secretary, and
14 ask for a second. Mr. Blake?

15 COMMISSIONER BLAKE: Second.

16 CHAIRPERSON HILL: Motion is made and seconded. Madam
17 Secretary, take a roll call.

18 MS. MEHLERT: Please respond to the Chair's motion to
19 approve the application. Chairman Hill?

20 CHAIRPERSON HILL: Yes.

21 MS. MEHLERT: Mr. Smith?

22 COMMISSIONER SMITH: Yes.

23 MS. MEHLERT: Mr. Blake?

24 COMMISSIONER BLAKE: Yes.

25 MS. MEHLERT: Commissioner Stidham?

1 COMMISSIONER STIDHAM: Yes.

2 MS. MEHLERT: Staff would record the vote as four to
3 zero to one to approve Application 21201 on the motion made by
4 Chairman Hill and seconded by Board Member Blake, with Vice Chair
5 John not participating.

6 CHAIRPERSON HILL: Okay. Great. Ms. Stidham, will we
7 not see you now until the end of the year?

8 COMMISSIONER STIDHAM: That is true.

9 CHAIRPERSON HILL: Okay.

10 COMMISSIONER STIDHAM: This is it for me.

11 CHAIRPERSON HILL: All right. Well, you have a happy
12 New Year, good holiday, and it's been a pleasure working with you
13 this year. You were new this year, right?

14 COMMISSIONER STIDHAM: I was, I was.

15 CHAIRPERSON HILL: Well, you've made a wonderful
16 addition.

17 COMMISSIONER STIDHAM: I appreciate that. I hope you
18 all have a wonderful holiday and I will see you back in the new
19 year.

20 CHAIRPERSON HILL: Thank you.

21 COMMISSIONER SMITH: Likewise.

22 CHAIRPERSON HILL: Does anyone else have anything else
23 they'd like to add? Oh, Mr. Smith said something?

24 COMMISSIONER SMITH: No. I just said likewise.

25 CHAIRPERSON HILL: Mr. Blake? The thumb's up. All

1 right. Okay.

2 I'm going to go, Madam Secretary, is there anything
3 else before the Board?

4 MS. MEHLERT: There is not.

5 CHAIRPERSON HILL: Okay. All right. You all have a
6 good day and I'll see you all next Wednesday except for those
7 that I won't. Bye bye. We're adjourned.

8 Whereupon, the above-titled matter went off the record
9 at 12:04 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCBZA

Date: 12-4-24

Place: Webex videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



MICHELLE MORALES