

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JANUARY 22, 2025

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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 L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
CHRISHAUN SMITH, Commissioner  
CARL H. BLAKE, Commissioner  
ANTHONY J. HOOD, Zoning Commission Chairperson  
GWEN WRIGHT, Zoning Commissioner

OFFICE OF BOARD OF ZONING ADJUSTMENT STAFF:

KEARA MEHLERT, Secretary  
PAUL YOUNG, A/V Specialist

The transcript constitutes the minutes from the Regular Public Hearing held on January 22, 2025

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

(9:30 a.m.)

CHAIRPERSON HILL: Good morning, ladies and gentlemen to the Board of Zoning Adjustment. Today is January 22nd, 2025. This public hearing will please come to order. My name is Fred Hill, Chairman of District of Columbia Board of Zoning Adjustments. Joining me today are Board members Lorna John, Carl Blake and Crishaun Smith and Zoning Commissioners Anthony Hood and Gwen Wright.

Today's meeting and hearing agenda are available on the Office of Zoning's website. Please be advised this proceeding is being recorded by a court reporter and is always 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 please be advised that we do not take any public testimony in our decision meeting session. If you're having difficulty accessing Webex or with your telephone call-in, then please call our OZ hotline number at 202-727-5471 to receive Webex login 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 an affected

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

15 All persons planning to testify either in favor or in  
16 opposition should have signed up in advance. They'll be called  
17 by name to testify. If there's an appeal, only parties are  
18 allowed to testify. By signing up to testify all participants  
19 complete the oath or affirmation as required by Y-408.7. Requests  
20 to enter evidence at the time of an online virtual hearing such  
21 as hearing testimony or additional supporting documents other  
22 than live video, which may not be presented as part of the  
23 testimony, may be allowed pursuant to Y-103.13 provided that the  
24 person making the request to enter an exhibit explains, a) how  
25 the proposed exhibit is relevant, b) the good cause is justified

1 allowing the exhibit into the record, including an explanation  
2 of why the requester did not file the exhibit prior to the hearing  
3 pursuant to Y-206 and how the proposed exhibit would not  
4 unreasonably prejudice any parties. The order of procedures for  
5 special exceptions and variances are in Y-409.

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

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

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

5 Madam Secretary, do we have any preliminary matters?

6 MS. MEHLERT: Good morning, Mr. Chairman, and members  
7 of the Board, and welcome back.

8 There is one scheduling change for today. Application  
9 No. 20837 of Howard University has been withdrawn. Also with  
10 late filings the Chairman has reviewed and granted waivers to  
11 allow late filings into the applicable case record pursuant to  
12 Subtitle Y, Section 206.7 and Section 103.13. Any other late  
13 filings during the course of today's live hearing should be  
14 presented before the Board by the Applicant, parties or the  
15 witnesses after the case is called. Any other preliminary matters  
16 will be noted when the case is called.

17 CHAIRPERSON HILL: Thank you. Just one moment. Okay.

18 Well, I'm still waiting, I think Chairman Hood is with  
19 us for, or was with us for a decision meeting which I think is  
20 21163, but I believe -- good morning, Chairman Hood.

21 ZC CHAIRPERSON HOOD: Yes. Good morning, Mr. Chairman.  
22 Happy new year everyone. Mr. Chairman, I have (indiscernible)  
23 up at 10 o'clock but I can back at probably 11:30.

24 CHAIRPERSON HILL: Okay.

25 ZC CHAIRPERSON HOOD: So I don't know if the first case

1 is going to take us a little longer I think than 15 minutes.

2 CHAIRPERSON HILL: No, that's fine. Yeah, I mean if  
3 we had actually gotten right into it, so that's fine. So we'll  
4 go ahead and moving the decision meeting to when, Chairman Hood,  
5 if you could just text me maybe when you're available --

6 ZC CHAIRPERSON: I sure will.

7 CHAIRPERSON HILL: -- and we'll fit the meeting in after  
8 that. So if you want to go ahead you're welcome to, obviously,  
9 watch or excuse yourself.

10 ZC CHAIRPERSON HOOD: I will excuse myself. Thank you.

11 CHAIRPERSON HILL: Okay. So that's one. I guess I'm  
12 just seeing, there's another fellow Board member that might be  
13 joining us. I'm just trying to see if that may or may not be  
14 the case, but.

15 Okay. Well I guess what we'll go ahead and do is I  
16 think there is a postponement request for 21211; is that correct,  
17 Madam Secretary?

18 MS. MEHLERT: Correct.

19 CHAIRPERSON HILL: Okay. All right. Well, then I was  
20 just informed that we don't have another Board member that I  
21 thought maybe for some reason was with us, but I am mistaken.

22 So then, well first of all and for the record, again,  
23 Ms. Wright, nice to have you with us and I thank you for being  
24 with us, and we look forward to working with you.

25 COMMISSIONER WRIGHT: Thank you. I'm very excited

1 about working with the BZA and look forward to today's hearing.

2 CHAIRPERSON HILL: Thank you.

3 All right. Madam Secretary, do you want to go ahead  
4 and call our first order of business?

5 MS. MEHLERT: Yes. This first case is in the Board's  
6 hearing session. It's Application No. 21211 of 2853 28th Street  
7 SE, LLC. This is a self-certified application pursuant to  
8 Subtitle X, Section 901.2 for special exceptions under Subtitle  
9 U, Section 421 to allow a new residential development and Subtitle  
10 F, Section 201.4 to allow an increase in floor ratio for a  
11 voluntary inclusionary development. This is for a new third-  
12 story and rear-story side and rear additions to an existing two-  
13 story detached building, currently a 5-unit apartment house for  
14 use as a 19-unit apartment house.

15 It's located in the RA-1 zone at 2826 28th Street,  
16 Southeast, Square 5729W, Lot 5 and there is a request to postpone  
17 from both the Applicant and ANC 8B.

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

20 MR. WILLIAMS: Morning, Chairman Hill and members of  
21 the Board. My name is Zach Williams representing the Applicant  
22 in this case.

23 CHAIRPERSON HILL: Okay. Great. Thank you, Mr.  
24 Williams.

25 Commissioner Johnson, can you hear me?

1           ANC COMMISSIONER JOHNSON: Yes. Good morning, Chairman  
2 Hill. How are you?

3           CHAIRPERSON HILL: Good. I'm good. Thank you. Could  
4 you introduce yourself for the record?

5           ANC COMMISSIONER JOHNSON: Sure. Joseph Johnson, Chair  
6 of ANC 8B.

7           CHAIRPERSON HILL: Okay. Great.

8           So, Mr. Johnson, you all are asking for a postponement;  
9 is that correct?

10          ANC COMMISSIONER JOHNSON: Yes.

11          CHAIRPERSON HILL: Okay. And, Mr. Williams, you all  
12 are agreeable to this postponement?

13          MR. WILLIAMS: Yes, we are.

14          CHAIRPERSON HILL: Okay. How much time, Commissioner,  
15 do you think your ANC would need?

16          ANC COMMISSIONER JOHNSON: I would want to say the  
17 month of February. We are actively working with the developers  
18 and so I would say the month of February.

19          CHAIRPERSON HILL: Okay. And, Mr. Williams, does that  
20 work for your client?

21          MR. WILLIAMS: It does. In our motion I think we had  
22 designated March 5th as the date we were hoping for and I know  
23 that was open at some point. I'm not sure if it still is but if  
24 so, that would be a good date for us.

25          CHAIRPERSON HILL: Okay. That's fine. Okay. Yeah,

1 let me, a couple of things, Mr. Williams.

2           So if you want to, as I was reviewing the case, it was  
3 a little unclear to me who the actual owner is and maybe if you  
4 can just clarify that for me in the record today before you come  
5 back to us, or you can even tell me right now if you want to, I  
6 guess that's fine as well, but still clarify it in the record.  
7 That would be helpful to me. And then if you wanted to, is the  
8 Office of Planning here? And if so, if they could introduce  
9 themselves for the record.

10           MS. MYERS: Hello. Crystal Myers with the Office of  
11 Planning.

12           CHAIRPERSON HILL: Good morning, Ms. Myers. Happy new  
13 year everybody and we'll keep doing happy new year until all of  
14 the people have cycled through.

15           But there was, like, oh, yeah. Whether or not F-201.4  
16 is or not voluntary, like, they might not -- I guess, all I'm  
17 trying to say is Mr. Williams, if you can work with Ms. Myers  
18 and kind of like figure out whether you guys need 201.4 because  
19 it seems to me like there's been some discussion as though 201.4  
20 doesn't apply to you guys because it's not voluntary, you need  
21 to do it. So, but you all can talk through amongst yourselves.  
22 I just want to let you know that that's something that's come up  
23 during the review.

24           MR. WILLIAMS: I agree, Chairman Hill. Initially we  
25 did not file a special exception under 201.4 for that reason and

1 the Office of Zoning reached out and suggested we might want to  
2 do that just in case that was an issue. So we added it on in  
3 our last, our supplemental filing. I initially agreed I didn't  
4 think we needed it since we were already an IZ development.  
5 However, I also didn't want to create any delays just in case we  
6 did need it.

7 So we put it in there and to answer your question, the  
8 owner, there was an ownership change during the course of this  
9 application. The current owner is now 28th Street Holdings, LLC  
10 and we updated the record with a new letter of authorization from  
11 that new owner.

12 CHAIRPERSON HILL: Okay. Great. All right.

13 So if you want to just then tidy up the request that  
14 you're asking for by the time you come back here, that would be  
15 helpful.

16 MR. WILLIAMS: We can do that.

17 CHAIRPERSON HILL: Okay. And then, Madam Secretary,  
18 is there space on March 5th?

19 MS. MEHLERT: Yes. March 5th should still work.  
20 There's five hearing cases but one will likely go away.

21 CHAIRPERSON HILL: So there only might be four hearing  
22 cases?

23 MS. MEHLERT: Four hearing cases and two time  
24 extensions.

25 CHAIRPERSON HILL: Oh, okay. Great. All right.

1 Commissioner Johnson, does that work for you guys? March 5th?

2 ANC COMMISSIONER JOHNSON: Yes, Chairman Hill.

3 CHAIRPERSON HILL: Okay. Great. All right. Then you  
4 all have a good day and we will see you back here on March 5th.

5 ANC COMMISSIONER JOHNSON: Thank you.

6 MR. WILLIAMS: Thank you.

7 CHAIRPERSON HILL: Thank you. Thank you.

8 Okay. All right. You may call our next case, Madam  
9 Secretary, when you get an opportunity.

10 MS. MEHLERT: Sure.

11 The next case in the Board's hearing session is  
12 Application No. 21149 of James B. Briley Sr., Trustee and Dila  
13 Construction, LLC. As amended, this is a self-certified  
14 application pursuant to Subtitle X, Section 1002 for area  
15 variances from Subtitle E, Section 206.2 to allow two new  
16 residential buildings not providing front setbacks within the  
17 range of existing front setbacks of all residential buildings on  
18 the same side of the street in the block where the buildings are  
19 proposed. This is for two new principal dwellings in three-story  
20 buildings on new record lots that are currently used for vehicle  
21 parking.

22 This is located in the RF-1 zone at 1801 D Street,  
23 Northeast, Square 4560, Lot 152 and this case has been postponed  
24 twice from the original notice date of July 24th, 2024 at the  
25 Applicant's request.

1 CHAIRPERSON HILL: Okay. Great.

2 If the Applicant can hear me, if they can please  
3 introduce themselves for the record.

4 MS. WILSON: Hi. Alex Wilson from Sullivan & Barros  
5 and I believe the architect, Matt Lee, should be joining as well  
6 as Mr. Utku Aslanturk from the project team. I don't see them  
7 on but they're possibly in the attendees list. Thank you.

8 MR. LEE: This is Matt Lee with Lee Design. I'm on,  
9 Alex.

10 MS. WILSON: Oh, great. Thank you. And I see Utku.  
11 Thank you.

12 CHAIRPERSON HILL: And who is the other person, I'm  
13 sorry?

14 MS. WILSON: Mr. Utku Aslanturk, and he's from the  
15 project team.

16 CHAIRPERSON HILL: Okay. Mr. Aslanturk, could you  
17 please introduce yourself?

18 MR. ASLANTURK: Hi, good morning. This is Utku  
19 Aslanturk. I'm with Ddilo Developments, the development site  
20 (phonetic).

21 CHAIRPERSON HILL: Okay. Great. Thank you.

22 Let's see. All right. Ms. Wilson, if you want to go  
23 ahead and walk us through your application and why you believe  
24 your client is meeting the criteria for us to grant the relief  
25 requested. I'm going to put five minutes on the clock so I know

1 | where we are, oh, sorry. I'm going to put 15 minutes on the  
2 | clock so I know where we are and you can begin whenever you like.

3 | MS. WILSON: Great. Thank you so much. Mr. Young,  
4 | could you please pull up the presentation. Thank you. Could  
5 | you please go to the next slide? Thank you.

6 | The property is located in the RF-1 zone. It's  
7 | currently unimproved and has been used as a parking lot. The  
8 | Applicant is proposing to subdivide the property into two new  
9 | record lots, each improved with a single family home. The new  
10 | lots meet all the requirements for a by-right subdivision and the  
11 | proposed use a single family home on each lot is allowed by-right  
12 | in this zone. All aspects are being done by-right except the  
13 | proposal requires relief from the front setback requirements of  
14 | the RF-1 zone as the front walls are not within the range of  
15 | front setbacks on the block of 18th Street.

16 | While the buildings along this block have front porches  
17 | that extend a good distance and the adjacent property even has a  
18 | retaining wall that goes all the way to the front lot line, DOB  
19 | measures the front setback to the building wall itself and so  
20 | that range, the lower end of that range is about 15 feet. It's  
21 | 14 feet and 10 inches.

22 | This is a corner property and so ordinarily the  
23 | solution would be to build along the other side of the property  
24 | along D Street, but the Applicant's only option is to build along  
25 | 18th Street because there's an existing D.C. water pipe and

1 | easement which is 50 feet in width and occupies the majority of  
2 | the lot, about 75 percent of the lot, making it impossible to  
3 | build along the other frontage. The pipe also leaves little room  
4 | for the buildings, as Mr. Lee will describe in more detail, and  
5 | the easement combined with the required 15 foot front setback  
6 | would make it so no viable project is practical or feasible  
7 | without great difficulty.

8 |           So what is the solution? We cannot eliminate that D.C.  
9 | water pipe or easement of course, but we can seek relief from  
10 | the front setback requirements to alleviate some of the  
11 | difficulties in developing this site. Next slide, please.

12 |           In terms of community and agency support, the Office  
13 | of Planning is recommending approval. DDOT has no objection.  
14 | ANC 7D voted unanimously in support and the Applicant had in-  
15 | person discussions with the community to walk through the project  
16 | and we do have support from the adjacent neighbor to the south  
17 | who's arguably most impacted as they are the only directly  
18 | adjoining neighbor. Next slide, please.

19 |           And with that, I'll turn it over to Mr. Lee to walk  
20 | through the project.

21 |           MR. LEE: Good morning. This is Matt Lee with Lee  
22 | Design Studio. I'm the architect for the project. Alex did a  
23 | great job explaining the challenges of this site which are  
24 | mounting with the pipe and foundations required for it.

25 |           We, all we actually had really was to push forward in

1 the front to attain the two units for the project. This map  
2 shows the corner lot there. It uses a parking lot like Alex  
3 mentioned. Next slide, please.

4 Great aerial of that as well. Next slide.

5 Corner lot and you see the adjacent from D and 18th  
6 here. Next slide.

7 You see that along D Street there's buildings pushed  
8 up to the property line here and then you can see the adjacent  
9 property on the right, was it 339 18th? Next slide.

10 Another view. Next slide.

11 Keep going. Next slide.

12 That's across the street. Next slide.

13 All right. So the solution was a kind of a pie-shaped  
14 or flatiron-shaped building that is formed basically between the  
15 property line and the easement. This is a perspective of that  
16 from the 18th Street side. Next slide, please.

17 Here's kind of the crux of the situation. We've got  
18 two units here, two single family units, the triangle formed by  
19 the building restriction, excuse me, the property line and the  
20 easement line. Down the center you see the 50 foot easement.  
21 We've got parking over that and walkways over it and we've  
22 subdivided the lot into two lots to be able to have two separate  
23 for sale single family homes meeting the RF-1 requirements. Next  
24 slide, please.

25 We were asked to do a solar study by the ANC to see

1 | how the actual design versus the allowable design affects the  
2 | adjacent unit. There's no real shadow that ever hits the adjacent  
3 | unit so it really has no impact on the adjacent unit other than  
4 | the setback.

5 |           This diagram shows the 14 foot 10 that Alex mentioned  
6 | that we are stepping out beyond the range of the adjacent units  
7 | versus the grace (phonetic) triangle that shows the allowable  
8 | leftover area with the easement and the range setback not allowing  
9 | for, but feasibly allowing for more than one unit. Next slide,  
10 | please.

11 |           More times, more solar study. Again, not affecting the  
12 | adjacent unit to the south. Next slide, please.

13 |           And one more slide.

14 |           Wow. We've got a lot of solar studies. Next slide,  
15 | please.

16 |           There we go. Floor plans. During the ANC, there were  
17 | some concerns about the doors opening directly on to D Street so  
18 | we set back the doors as much as we could without affecting the  
19 | interiors of the unit tremendously. Again, these are very tight  
20 | as is so we moved them back as much as we thought we could, as  
21 | much as we could to not greatly affect the interiors of the units.  
22 | You see this is the first floor. There is no cellar or basement  
23 | for this. It's three stories above grade, slab on grade. Next  
24 | slide, please.

25 |           Same floor, yet the corner is glass and as transparent

1 as we could and that's for the stairs for the north unit. Next  
2 slide.

3 Again, just the master suite up top, primary suite up  
4 top. Next slide.

5 The elevations were discussed with the ANC about  
6 breaking them up with materials. We went with all brick, bringing  
7 up the couple of different brick patterns and options that we  
8 kind of walked through with the ANC. This is the D Street  
9 elevation. Next slide, please.

10 This is the elevation facing the neighbor. We were  
11 asked to articulate this façade beyond just standard brick and  
12 so we added some relief and some patterning to mimic windows here  
13 along their façade since that is facing right next to their unit,  
14 and you can see that they do have a kind of a concrete patio  
15 retaining wall extending out to the property line and patio in  
16 the front porch. Next slide, please.

17 And this is the kind of courtyard or the interior face  
18 showing that façade. Next slide, please.

19 Okay. It's back to you, Alex.

20 MS. WILSON: Great. Thank you so much, Mr. Lee.

21 In terms of the unique practical difficulties, the  
22 easement and pipe occupy 75 percent of the lot and the front  
23 setback further limits the available building footprint for the  
24 first 15 feet of that facing 18th Street. This limits the matter-  
25 of-right building area to only 147 square feet on lot 1 and 415

1 square feet on Lot 2. Given the angle at which the easement cuts  
2 through the lot, the wider portion is available along 18th Street.  
3 That's where that front setback requirement is located, so the  
4 front setback requirement also cuts off the widest part of the  
5 space, as Mr. Lee explained, which would exacerbate existing  
6 design challenges if we had to comply with that. Next slide,  
7 please.

8           So alternative solutions were explored that the site  
9 restrictions and setbacks impose that wedge shape to the  
10 buildings creating design issues for vertical circulation and so  
11 the current design, as Mr. Lee explained, manages this. But even  
12 a reduction of a foot or two from that façade would compromise  
13 the functionality and livability of the units. This was made  
14 clear when we made room for the inset doors, as Mr. Lee explained.  
15 Those were requested by OP and the ANC and so that change led to  
16 a reduction of about a foot and a half on just portions of the  
17 front façade and even that small change required a redesign of  
18 the stairs and the bathroom layout. That's how tight the space  
19 is.

20           And then the Applicant also investigated cantilevering  
21 the building over the pipe to reduce the degree of relief. So  
22 this was offered on another nearby project but cantilevering over  
23 a large pipe raises significant practical and structural concerns  
24 that would be ongoing for the life of the project. Further, it  
25 would only reduce the relief by a foot or two and certainly not

1 enough to risk safety issues or construction issues. So instead  
2 the proposed design is incorporating removable awnings to  
3 maintain accessibility without encroaching on living space. Next  
4 slide, please.

5           And finally the option we explored prior to coming to  
6 BZA was to just do one single family home in the by-right  
7 footprint. It's about 600 square feet. But the Applicant  
8 explored this option and given the complexities with the site  
9 including construction and the unique final product, the expected  
10 sales price for only one single family home will be about \$500,000  
11 at least, less than the break even point, so a massive loss.

12           Ultimately, that project is not feasible and would not  
13 be able to get financing. And I mention financial feasibility  
14 just to leave no stone unturned in terms of practical difficulty,  
15 but ultimately this comes down to the shape of the lot, the  
16 location of the easement and how the easement and front setback  
17 cut off the site because these are by-right uses. And so, again,  
18 the lot is approximately 500,000 square feet and the matter-of-  
19 right area is only 600, so that relief, the only available portion  
20 would be for one single family house. It would occupy 12 percent  
21 of the lot in the lower southwest corner. The rest of the lot  
22 would remain vacant along a relatively busy street, along D  
23 Street, and present potential safety and security issues for both  
24 future homeowners and neighbors. Next slide, please.

25           Regarding the final prong, the Applicant is requesting

1 relief based on the impact of the easement which is more  
2 substantial relative to the other lots in the area and the front  
3 setback conditions on the specific block. The property is  
4 currently vacant and used as a parking lot and the proposal is  
5 to construct two single family homes within the lot occupancy  
6 rear yard, side yard and height requirements of this zone meeting  
7 the purpose and intent of the zoning regulation front setback  
8 requirements which promote open space. The majority of the lot  
9 will remain vacant and this meets the intent of the RF-1 zone  
10 which supports single family homes and flats spanning lot line  
11 to lot line.

12 The Applicant worked diligently with neighbors to  
13 obtain support from the community and the ANC and the only  
14 directly adjoining neighbor to the south. As the majority of the  
15 lot will be open and unoccupied, the proposed relief can be  
16 granted without substantial detriment to the public good and  
17 without impairing the intent, purpose and integrity of the zone  
18 plan.

19 That concludes our presentation, and we are happy to  
20 answer any questions.

21 CHAIRPERSON HILL: Okay. Great. Mr. Young, if you can  
22 drop that? Okay.

23 Before I turn to my Board, could I hear from the Office  
24 of Planning?

25 MR. JESICK: Thank you, Mr. Chairman, and members of

1 | the Board. My name is Matt Jesick representing OP on this case  
2 | and the Office of Planning is happy to rest on the record in  
3 | support of the application. We felt that the application met the  
4 | three prong variance test and I'd be happy to take any questions.

5 | Thank you.

6 | CHAIRPERSON HILL: Thank you. Thank you, Mr. Jesick.  
7 | Happy new year to you.

8 | MR. JESICK: Happy new year.

9 | CHAIRPERSON HILL: Mr. Young, is there anyone here  
10 | wishing to speak?

11 | MR. YOUNG: We do not.

12 | CHAIRPERSON HILL: Okay. All right.

13 | So I'm going to turn to my fellow Board members. Does  
14 | my Board members have any questions for the Applicant or the  
15 | Office of Planning?

16 | (Pause.)

17 | CHAIRPERSON HILL: Okay. All right. There you go.  
18 | Oh, actually I did have a couple of questions.

19 | Ms. Wilson, the three conditions that the ANC kind of  
20 | put forward, or they seem to be conditions, I don't necessarily  
21 | think those are necessarily think those are within the Board's  
22 | purview. You all, can you tell me what happened with the ANC  
23 | and if you guys intend to agree with the things they seem to be  
24 | putting down in their report?

25 | (Pause.)

1 CHAIRPERSON HILL: You're on mute, Ms. Wilson.

2 MS. WILSON: Oh, apologies. Yes, we would agree to all  
3 of those. I mean, I think those are, those items are in the  
4 plans that are being approved (indiscernible). So it's the  
5 materials for the façade to be brick and I think that's what  
6 you're showing.

7 MR. LEE: Correct (indiscernible).

8 MS. WILSON: Exactly. And then no more than two parking  
9 spots for each unit. The, I'm not sure if this could be put in.  
10 The units will be sold and not rented, but that's the intention.

11 CHAIRPERSON HILL: I'm just trying, I don't think that  
12 that's something -- you can do whatever you want to with the  
13 property. I'm just curious, and for the record that was Mr. Lee  
14 that was responding to those questions.

15 Mr. Lee, what is your current intent with the property?

16 MR. LEE: As the architect we're just responsible for  
17 the design. We did implement the brick facades where they  
18 requested them and right now we're only showing two parking spaces  
19 and don't intend on changing the design. I don't know that I  
20 would limit it to that but right now the design just shows the  
21 two parking spaces. And I can't speak to the for sale or rent  
22 or whatever.

23 CHAIRPERSON HILL: Okay. All right, Mr. Lee.

24 Ms. Wilson, as far as you understand that's what the  
25 owner intends to do, correct?

1 MS. WILSON: Correct.

2 CHAIRPERSON HILL: Okay. Let's see.

3 And then the other, there were some comments from DDOT  
4 concerning improvements I think, improvements to public space.  
5 Do you know what that was about?

6 MS. WILSON: Yes. They're asking to close the existing  
7 curb cut on D Street and restore the sidewalk. Matt, I believe  
8 you talked to DDOT about the curb cut closure (indiscernible).

9 MR. LEE: Yeah. We've pulled the entrance to the  
10 parking spaces to the alleyway, so I think we closed that curb  
11 cut on the north.

12 CHAIRPERSON HILL: Okay. Okay. Great. All right.  
13 Let's see. Okay. Thank you.

14 All right, Ms. Wilson. Do you have anything else you'd  
15 like to add?

16 MS. WILSON: No. Happy new year and thank you for your  
17 time.

18 CHAIRPERSON HILL: Thank you.

19 All right. Mr. Young, if you could please excuse  
20 everyone.

21 (Pause.)

22 CHAIRPERSON HILL: Okay. Thank you.

23 I thought this was relatively straightforward. I mean,  
24 I think because of the water easement it did create an issue and  
25 why I see that there's a unique condition for granting the area

1 variance. I do think that it is helpful that they've done all  
2 their due diligence in terms of working with the ANC and all the  
3 different agencies, but it looks like to me a project that needs  
4 this relief in order to move forward. So I'm going to be in  
5 support of this application.

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

7 COMMISSIONER SMITH: Chairman Hill, can you hear me?

8 CHAIRPERSON HILL: Yes.

9 COMMISSIONER SMITH: Okay. I have nothing to add. I  
10 agree with your assessment of this particular case. We've had a  
11 similar case I'd say to this where a water easement caused issues  
12 with maintaining the setback requirements, so I think this is a  
13 fairly unique case and a case that does fully merit the request  
14 for area variances.

15 I agree with you that, I'm glad that the Applicant has  
16 done their due diligence to reach out to the ANC to gather their  
17 thoughts and ultimately their support. So with that I will  
18 support the application as well.

19 CHAIRPERSON HILL: Great. Thank you.

20 Commissioner Wright?

21 COMMISSIONER WRIGHT: I agree that this is a unique  
22 situation and that the request is appropriate. I do want to note  
23 that I appreciate the work that must have been done with the  
24 adjacent neighbor because this will have a big impact on their  
25 property and I think creating some articulation on the wall, the

1 blank wall that will face that neighbor's front yard definitely  
2 helps. I think that articulation that was described is very,  
3 very important because that neighbor will have a blank wall facing  
4 their front yard.

5 I think it helps very much that this is a corner lot  
6 and in the District of Columbia frequently you see unique kinds  
7 of buildings on corner lots and many of them do go right up to  
8 the lot line. So I think that helps in this particular situation  
9 and I think the actual design of the building is very unique and  
10 well thought through, and will be an asset for the neighborhood.

11 So I support this application.

12 CHAIRPERSON HILL: Thank you, Commissioner Wright.

13 Mr. Blake?

14 COMMISSIONER BLAKE: Thank you, Mr. Chairman.

15 I agree with the comments made by my colleagues at this  
16 point. It's clear from what we see here that there's no viable  
17 project that's feasible on this property given the water easement  
18 and the setback requirement. I want to also commend the, so I  
19 think the prongs have obviously been met for the test. But I  
20 want to say I also appreciate the work that they've done to  
21 accommodate those design challenges and also to minimize the  
22 visual intrusion. It's a very, very interesting design and a lot  
23 clearly went into that. I also think, I appreciate the effort  
24 that the Applicant made to explore the alternatives which further  
25 supports the practical difficulty test of the first prong and,

1 again, also I would commend them on the community outreach effort.

2 As regards to the conditions, I do not think that the  
3 DDOT conditions, because they are regarding public space, are  
4 within the purview of the Board so we would leave that condition  
5 out. And also with regard to the ANC conditions, ANC 7D  
6 conditions, I also think that those conditions would not  
7 necessarily fit within the purview of the Board and I would also  
8 acknowledge the fact that there is an agreement between the  
9 developer and the ANC and it's already reflected in the plans,  
10 but I would not include those elements in the order.

11 I'll be voting in favor.

12 CHAIRPERSON HILL: Thank you, Mr. Blake.

13 All right. I'm going to go ahead and make a motion to  
14 approve Application No. 21149 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, if you could take a roll call please.

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

21 Chairman Hill?

22 CHAIRPERSON HILL: Yes.

23 MS. MEHLERT: Mr. Smith?

24 COMMISSIONER SMITH: Yes.

25 MS. MEHLERT: Mr. Blake?

1 COMMISSIONER BLAKE: Yes.

2 MS. MEHLERT: Commissioner Wright?

3 COMMISSIONER WRIGHT: Yes.

4 MS. MEHLERT: Staff would record the vote as four to  
5 zero to one to approve Application 21149 on the motion made by  
6 Chairman Hill and seconded by Mr. Blake, with one Board member  
7 not participating.

8 CHAIRPERSON HILL: Okay. Great.

9 Thank you, Ms. Mehlert. If you want to go ahead and  
10 call our next one when you get an opportunity.

11 MS. MEHLERT: Next is Application No. 21169 of Benjamin  
12 J. Levy. This is a self-certified application pursuant to  
13 Subtitle X, Section 901.2 for special exceptions under Subtitle  
14 E, Section 5201 from the rear yard requirements of Subtitle E,  
15 Section 207.1, the side yard requirements of Subtitle E, Section  
16 208.3 and the lot occupancy requirements of Subtitle E, Section  
17 210.1.

18 This is for a new third-story and three-story side  
19 addition to an existing two-story detached building. It's  
20 located in the RF-1 zone at 3500 New Hampshire Avenue, Northwest,  
21 Square 2831, Lot 800 and this was postponed from the October  
22 23rd, 2024 hearing at the Applicant's request.

23 CHAIRPERSON HILL: Okay. Great. Thank you.

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

1 MR. TERAN: Good morning council members and Chairman,  
2 and a happy new year. My name is Eric Teran and I'm the architect.

3 CHAIRPERSON HILL: Okay. Great, Mr. Teran.

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

9 MR. TERAN: Thank you. Mr. Young, if you could pull  
10 up our presentation that I uploaded yesterday, please.

11 So this lot is very small. It's a corner lot. It's a  
12 little bit over 1,100 square feet. It's existing two stories.  
13 If we go to the next slide, please.

14 We have some site photos that you can see the existing  
15 conditions. It is an RF-1 lot and it is not attached to either  
16 side yards so it does make it a little bit complicated and we  
17 did have some yards that were required. If we can go to the next  
18 slide, please.

19 So this is the corner. Where you're facing right now  
20 is off of New Hampshire and the left is Monroe Street. So it's  
21 only two stories and there's no existing basement at the time.  
22 Next slide, please.

23 And we'll just look at some photos. This is the  
24 building to the right and the building in question is to the left  
25 and you can see the separation there. Next slide, please.

1           Now, the property line is at the face of the building.  
2 The photo to the right is on Monroe Street. You can see the  
3 separation between that first row house. There is an existing  
4 exterior staircase that led to the second floor unit and it's  
5 really hard to see but there's about a two inch separation between  
6 the subject lot and the property to the left. Next slide, please.

7           And just some more pictures. The one to the left is  
8 looking down Monroe and the one on the right is just across the  
9 street. Next slide, please.

10           So here we're looking at some plans. That's kind of a  
11 site orientation that you can see on the right side of the  
12 vicinity map. Next slide, please.

13           And so that's another view. You can see that there's  
14 very weird and odd setbacks right now to both the property on  
15 Monroe and New Hampshire and so we're keeping the same side yard  
16 on the New Hampshire side, but the one on Monroe will be changed.  
17 Next slide, please.

18           And so here's a better break down. The cross hatch is  
19 basically what's existing and then you have another diagonal  
20 hatch that's to the right, that's where the stairs are and we're  
21 taking the stairs out, and then we have the diagonal hatch coming  
22 down from the left going down would be the new addition.

23           And so we're basically on, well, the front yard would  
24 be on Monroe Street and so the rear yard as you can see the  
25 majority is all basically in the rear yard and that's an existing

1 condition that we want to keep. Then the side yard on Monroe,  
2 we have changed the setback where it was basically two inches and  
3 we're making it basically now all three feet. So there will be  
4 more separation from the house on Monroe Street. But we are  
5 encroaching into the required five yard setback when there is a  
6 side yard. Next slide, please.

7 So this is the existing units and you can see the solid  
8 walls are what's remaining and basically the interior is  
9 basically going to be gutted. Next slide, please.

10 This will be your cellar level for the one unit.  
11 There's two units, cellar, first floor and second and third floor.  
12 Next slide, please.

13 Here you can see the entrance that's going to be along  
14 the side yard and we did this so that all the bedrooms could have  
15 views out to New Hampshire. We thought that was more important  
16 than having a view right, you know, in front of your neighbor's  
17 side yard wall. It also helps with the privacy with your  
18 neighbors. Next slide, please.

19 And this would be the upper unit. Next slide, please.

20 And the top floor of the upper unit. Next slide,  
21 please.

22 And that would be the roof deck that the upper unit  
23 could access. Next slide.

24 And here are some elevations. We'll go quick on the  
25 elevations because we have some 3D images that I think tell the

1 | story a little bit better. But you can see we are within all  
2 | the height limits. Next slide, please.

3 |           The last one was on Monroe Street and this will be on  
4 | New Hampshire. Next slide, please.

5 |           And this would be the side yard between the house on  
6 | Monroe Street. Next slide, please.

7 |           And this is basically the same existing elevation to  
8 | the house on New Hampshire with some added windows. Next slide,  
9 | please.

10 |           Just a section showing that we will be adding a cellar  
11 | but it's going to be minimal work. Next slide, please.

12 |           And it's just another section. Next slide, please.

13 |           So here are some sun studies. The one on the left  
14 | would be, you know, we did a matter-of-right third floor addition  
15 | and kept the existing first and second floors as is, and the one  
16 | on the right is proposed and additional shadow it will be casting.  
17 | So this would be the summer solstice at 9 a.m., and there is  
18 | minimal additional coverage on the Monroe yard. Next slide,  
19 | please.

20 |           And this would be at 12 o'clock, same thing, very  
21 | minimal. Next slide, please.

22 |           And again at 3 p.m. Once again, very minimal. Next  
23 | slide.

24 |           And so this would be in the winter solstice. Now, the  
25 | only really additional shading or covering is on the roof of the

1 house on Monroe. Next slide.

2 That same situation, just creating shadows on the roof.

3 Next slide.

4 And the same situation at 3 p.m. Next slide.

5 And so these are the 3D images. As you can see we're  
6 going up the additional third floor and we're basically  
7 requesting the side yard setback and the rear yard setback for  
8 the third floor and the lot occupancy as well. And if you go  
9 one more slide.

10 And this would be looking at the corner. The two bay  
11 windows are projecting into public space and we have received,  
12 ADA has already reviewed this and has had no objection. And the  
13 owner is on as well. He can talk a little bit more about his  
14 neighbor outreach to both owners, and they had no objection as  
15 well.

16 With the ANC we had a little issue where we were going  
17 to be heard in October but then we postponed it because we made  
18 some design changes after speaking to the Office of Planning  
19 which is why we're being heard now, and with the new election,  
20 the new members there was some confusion. But they did submit a  
21 letter on record and here we are.

22 So I'm happy to answer any questions. If you'd like  
23 to speak to the owner about his interaction with the neighbors,  
24 he's online and can do that.

25 CHAIRPERSON HILL: Okay, Mr. Teran. Let me wait and

1 | see if my Board members have any questions of the owner before  
2 | we do that. Let me see.

3 |           Can we hear from the Office of Planning first?

4 |           MR. BEAMON: Good morning Board members. For the  
5 | record, Shepard Beamon with the Office of Planning.

6 |           OP has reviewed the special exception application  
7 | including the the revised architectural plans and measurements  
8 | for the requested rear yard, side yard and lot occupancy with  
9 | relief. We recommend that the Board approve the requested special  
10 | exception as the request meets the criteria for Subtitles E and  
11 | X. We stand on the record, and I'm available for any questions.

12 |           CHAIRPERSON HILL: Thank you. Happy new year to you,  
13 | Mr. Beamon.

14 |           MR. BEAMON: Happy new year.

15 |           CHAIRPERSON HILL: Let's see. Does the Board have any  
16 | questions of the Applicant or the Office of Planning?

17 |           COMMISSIONER BLAKE: (Indiscernible) Mr. Chairman.

18 |           CHAIRPERSON HILL: Go ahead, Mr. Blake.

19 |           COMMISSIONER BLAKE: Yeah. I would like to just follow  
20 | up with some feedback from the owner on its interaction with the  
21 | neighbors. The ANC report clearly said that there were no  
22 | complaints or concerns they received from neighbors, but I also  
23 | don't see any letters of support in the record from the neighbors.  
24 | So I would appreciate having some feedback as to how that  
25 | interaction went and what they had to say.

1 CHAIRPERSON HILL: Okay. Is it Mr. Levy?

2 MR. LEVY: Yes.

3 CHAIRPERSON HILL: Okay. Could you introduce yourself  
4 also, Mr. Levy, and then help enlighten Mr. Blake.

5 MR. LEVY: Yes. Thank you everyone for having me,  
6 Chairman and council members. My name's Benjamin Levy. I've  
7 owned this property since around 2010-2011 and so, yeah, thank  
8 you for having me.

9 So the most of the interaction has been with the two  
10 immediate neighbors, the neighbor on the New Hampshire side and  
11 the Monroe side, have a ongoing dialogue with both of them. There  
12 was a, in our original design, there was a bump out of a I guess  
13 you could say towards the New Hampshire side. He is a little  
14 concerned that there was going to be a little bit, too little  
15 space and we actually removed that.

16 So we're now back to exactly where we are to where we  
17 are existing on that addition that we were, well, on that side  
18 and so once, and so that was his only concern. He said, hey,  
19 that's my only concern and I'm not going to write you a letter  
20 but I'm also not going to, you know, have an issue with this at  
21 all and especially because now that we've addressed that concern  
22 he's fine.

23 Monroe side, the gentleman is a real estate  
24 professional and when I spoke to him he told me he was generally  
25 supportive of development in D.C. I think he develops some

1 projects himself. I didn't end up getting emails or letters of  
2 support from him but he indicated that he didn't have any kind  
3 of issue with the project.

4 So that's the interaction we've had and we have good  
5 communication that's ongoing.

6 COMMISSIONER BLAKE: Okay. Thank you very much.

7 MR. LEVY: Thank you.

8 CHAIRPERSON HILL: Thank you, Mr. Blake. Thank you,  
9 Mr. Levy. Anyone else? Okay.

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

11 MR. YOUNG: We do not.

12 CHAIRPERSON HILL: Okay. All right. Mr. Teran,  
13 anything in the end?

14 MR. TERAN: No thank you. Appreciate your time  
15 everyone.

16 CHAIRPERSON HILL: Okay. Great. All right. I'm going  
17 to go ahead and close the hearing and excuse everyone.

18 (Pause.)

19 CHAIRPERSON HILL: Okay. Great.

20 Let's see. I didn't have a lot of issues with this.  
21 I thought it was relatively straightforward. I appreciate that  
22 the Applicant again has reached out to the ANC and now there is  
23 something in the record from the ANC, however it's not something  
24 that we can give it great weight. I would agree with the analysis  
25 that the Office of Planning has put forward and also, yeah,

1 appreciate the outreach that the Applicant has done with their  
2 neighbors. And, again, I don't have any particular concerns for  
3 this application. I do believe they meet the criteria for us to  
4 grant the relief.

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

6 COMMISSIONER SMITH: I have nothing to add, Chairman  
7 Hill.

8 CHAIRPERSON HILL: Thank you. Mr. Blake, do you have  
9 anything you'd like to add?

10 COMMISSIONER BLAKE: No, Mr. Chair. I'm satisfied. My  
11 major issue was with the community interaction and I'm satisfied  
12 that while we can't give great weight to the ANC 1A's commentary,  
13 it does help to understand it and I also understand that having  
14 not seen anybody participating as an objector and the comments  
15 from the Applicant, I'm comfortable that it will not an adverse  
16 impact on anybody else.

17 So I'll be in support of the application.

18 CHAIRPERSON HILL: Thank you. Commissioner Wright?

19 COMMISSIONER WRIGHT: Yeah. I am in support. I think  
20 that, again, it's interesting that this is another corner site  
21 and I think it will be a unique building on a corner site which  
22 is a good thing. But I don't have any additional questions or  
23 comments and I am happy to support the application.

24 CHAIRPERSON HILL: Thank you.

25 All right. I'm going to make a motion to approve

1 Application No. 21169 as captioned and read by the secretary, and  
2 ask for a second. Mr. Blake?

3 COMMISSIONER BLAKE: Second.

4 CHAIRPERSON HILL: Motion made and seconded. Madam  
5 Secretary, would you take a roll call?

6 MS. MEHLERT: Please respond to the Chair's motion to  
7 approve the application.

8 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 Wright?

15 COMMISSIONER WRIGHT: Yes.

16 MS. MEHLERT: Staff would record the vote as four to  
17 zero to one to approve Application 21169 on the motion made by  
18 Chairman Hill and seconded by Mr. Blake, with Board member John  
19 not participating.

20 CHAIRPERSON HILL: Thank you.

21 Let's see. Okay. Madam Secretary, you can call our  
22 next one when you get a chance.

23 MS. MEHLERT: Next is Application No. 20507B of Legacy  
24 of Lofts II, LLC and Legacy Lofts III, LLC. This is a request  
25 pursuant to Subtitle Y, Section 704 for a modification with

1 hearing to the order issued in Application No. 2057A to add  
2 pursuant to Subtitle X, Section 901.2, a special exception under  
3 Subtitle U, Section 421 to allow a new residential development  
4 including a new third-story addition to each building and an  
5 increase in the total number of dwelling units in each building  
6 from 11 to 14.

7           This modification concerns two of eleven lots where the  
8 Board previously approved changes in the number of units and  
9 additions to existing two-story detached buildings, currently  
10 eight-unit apartment houses. The modification would have a total  
11 of six new dwelling units, more than what was approved in the  
12 most recent modification allowing a total of 28 dwelling units  
13 on lots 8 and 9.

14           It is located in the RA-1 zone at 89 and 93 Hawaii  
15 Avenue, Northeast, Square 3674, Lots 8 and 9. This was originally  
16 filed as a modification without hearing and it was removed by the  
17 Board on September 18th, 2024 public meeting and scheduled for a  
18 public hearing.

19           CHAIRPERSON HILL: Okay. All right.

20           If the Applicant, sure go ahead.

21           COMMISSIONER BLAKE: Mr. Chair? Mr. Chair, I just want  
22 to say I am a 200 footer but I do not believe that that will  
23 impact my review of this case. You permitting, I would like to  
24 participate.

25           CHAIRPERSON HILL: Okay. Great. Thank you, Mr. Blake.

1 I don't have any issues with it. Do any of my Board members have  
2 any issues? Okay. All right. Great. Let's see.

3           Could the Applicant please introduce themselves for the  
4 record?

5           MS. WILSON: Hi. Alex Wilson from Sullivan & Barros on  
6 behalf of the Applicant in this case, and I see the architect is  
7 in the attendees list, Ms. Liah Mebrahtu, if she could be brought  
8 on.

9           CHAIRPERSON HILL: Mr. Young, could you do that,  
10 please?

11           (Audio interference.)

12           CHAIRPERSON HILL: It's a new year people.

13           COMMISSIONER SMITH: Yeah.

14           CHAIRPERSON HILL: Let's wait and see what happens with  
15 that. As Mr. Young is bringing on this, I guess, Ms. Wilson?  
16 You know, this is kind of, it's gone back and forth. I know we  
17 are trying to end up at the end but if you could argue it as if  
18 you're arguing it originally and make sure --

19           MS. WILSON: Sure.

20           CHAIRPERSON HILL: -- we understand all the relief  
21 instead of just saying, you know, instead of just saying the  
22 Board approved it we're just going to go with that, please make  
23 your argument.

24           MS. WILSON: Of course.

25           CHAIRPERSON HILL: Okay. We'll just wait and see what

1 happens with the architect and if we do need him. You can go  
2 ahead and move forward.

3 MS. WILSON: Great. Thank you so much. Mr. Young,  
4 could you please go to the next slide. Mr. Young, could you  
5 please go to the next slide?

6 CHAIRPERSON HILL: Mr. Young might be trying to deal  
7 with whatever was happening earlier.

8 MS. WILSON: Okay. I'll just go ahead then.

9 CHAIRPERSON HILL: Just wait a second. Like, I also  
10 want to see if Mr. Young's back with us. Okay. Great. Perfect.

11 Okay. Go ahead, Ms. Wilson.

12 MS. WILSON: Great. Thank you so much.

13 So these two properties are located in the RA-1 zone.  
14 Each is currently improved with an existing apartment building  
15 with eight residential units. The buildings are currently  
16 vacant. No construction has occurred yet. A previous owner  
17 brought a BZA case in 2022, 20507, and so in that case the Board  
18 granted special exception for 11 lots including these two lots  
19 and so it was a large apartment complex.

20 CHAIRPERSON HILL: Mr. Young, could you go back one  
21 slide, please.

22 (Pause.)

23 CHAIRPERSON HILL: Thank you. Go ahead, Ms. Wilson.

24 MS. WILSON: Thank you.

25 So the Board approved special exception under U-421 for

1 | these 11 lots including these two lots in order to enlarge the  
2 | existing buildings and increase the number of units. So these  
3 | two properties were granted relief to add eight new units and do  
4 | a third story.

5 |           I'll just note that all of the properties are currently  
6 | vacant and it's just a large existing vacant apartment complex  
7 | at this point. I believe there are plans to develop the other  
8 | nine buildings that were originally approved and that will end  
9 | up in front of this Board by a different owner if those  
10 | modifications are needed. So it is a bit of a unique situation  
11 | and not, these buildings are vacant and the majority of the other  
12 | buildings that were originally approved are also.

13 |           So after the original case was approved, the current  
14 | owner purchased these two properties and then wanted to reduce  
15 | the project and do 11 units in each building. After that, the  
16 | market conditions changed and so now we are back here to modify  
17 | the project to do 14 units in each building. So an increase from  
18 | what was approved in the first modification and a third story,  
19 | but still a decrease from the original approval.

20 |           So put simply as if this were brand new, there are  
21 | eight units now and we are proposing a third story and six  
22 | additional units in each building. It's modifying a BZA order  
23 | and modification and requires your review under U-421 and so we  
24 | are here seeking that review and approval for the second  
25 | modification, and I will go through the requirements of U-421.

1 Next slide, please.

2           So in terms of community and agency support, OP is  
3 recommending approval. We reached out to the ANC nine times with  
4 no response and the ANC did not participate in the first  
5 modification to this project. Possibly with the ANC turnover  
6 we'll continue to reach out if those other nine buildings are  
7 going to end up in front of this Board again, so we'd like to  
8 get in touch with the ANC. Next slide, please.

9           So this is reviewed under the special exception  
10 criteria. It safely meets the general special exception  
11 requirements as these are existing apartment buildings in  
12 apartment zone. So the increase is for only six more units in  
13 each building than exists currently and a modest third floor  
14 addition that's within the height and story limits. All  
15 development standards are met. Next slide, please.

16           The proposal also safely meets the requirements of U-  
17 421 and there should not be an issue with OSSE for enrollment in  
18 public schools. The increase is only for six units in each  
19 building and these properties are in close proximity to public  
20 recreation, other services, extremely close to the metro. OP is  
21 recommending approval and the primary change from the first  
22 modification is a reduction and then a just slight increase from  
23 the second modification. But, again, as it currently stands  
24 these are eight units and the proposal is for six additional  
25 units. Next slide, please.

1 I don't see the architect on but we're happy to answer  
2 any questions. Mr. Young, could you go to the next slide.

3 Thank you. It's just showing the location of the 11  
4 buildings. These two are located next to two other vacant  
5 apartment buildings. Next slide, please.

6 These are the two properties. Next slide, please.

7 This is showing the proposed site plan with the third  
8 story additions. Next slide, please.

9 Thank you. Next slide, please.

10 Next slide, please.

11 That's the new third floor. These are the existing  
12 elevations. Next slide, please.

13 The proposed third story. Next slide, please.

14 Thank you. Next slide.

15 These are the landscape plans we submitted. Next  
16 slide.

17 Next slide, please.

18 Oh, that's the last slide. Thank you so much.

19 CHAIRPERSON HILL: Okay.

20 Before I get to questions, I'm going to go to the Office  
21 of Planning this time again.

22 MS. MYERS: Hello. Crystal Myers sitting in for Joel  
23 Lawson on this case.

24 The Office of Planning is in support and we can stand  
25 on the record of the staff report. But I 'd also like to extend

1 a special hello and a welcome to Commissioner Wright. I used to  
2 work with Commissioner Wright years ago and I wanted to just say  
3 hello again. I used to work with her on the Maryland side of  
4 the D.C./Maryland border and I'm very excited to work with you  
5 on the D.C. side.

6 So anyway, with that, I conclude the OP testimony.  
7 Thank you.

8 CHAIRPERSON HILL: Thank you, Ms. Wright, I'm sorry,  
9 thank you, Ms. Myers.

10 All right. Let's see. Does the Board have any  
11 questions for either the Office of Planning or the Applicant? Go  
12 ahead, Commissioner Wright.

13 COMMISSIONER WRIGHT: Thanks, and hi to Crystal. Great  
14 to see you. Great to be working with you in D.C.

15 Because there are a total in these two buildings of 28  
16 units, is there any IZ requirement?

17 MS. WILSON: Yes. There's an IZ requirement of at  
18 least one unit in each building and there's another IZ requirement  
19 for all of the 11 buildings together and so they will have to  
20 collectively meet that IZ requirement as part of the permitting  
21 process.

22 COMMISSIONER WRIGHT: So, you know, given that some of  
23 the buildings may not develop for a while because they're under  
24 different ownership, how is that IZ requirement being  
25 distributed? So I guess my basic question is, how many IZ units

1 will be in the two buildings that are before us today?

2 MS. WILSON: So at least one unit for each building,  
3 possibly two depending on how that CIZC form is filled out. My  
4 advice to these owners is to meet their own individual  
5 requirements per building because these are going to be two  
6 separate, I mean I know I'm talking about our project, but these  
7 are going to be separately owned. So in order to avoid issues  
8 with one owner feeling like they're taking on too much IZ or that  
9 issue we're going to have this owner meet its own individual IZ  
10 for these two buildings.

11 COMMISSIONER WRIGHT: Right. Thank you for that  
12 information. And, again, from what I saw in the plans you're  
13 not changing the floor plans on the existing two floors but you're  
14 adding a third floor which will add additional units and they  
15 look like you're trying to add larger units that would  
16 accommodate, you know, maybe family size which is great and then  
17 there would also, I guess, be a basement where other units will  
18 be located; is that correct?

19 MS. WILSON: Correct. The cellar level, there's an  
20 existing cellar level which is going to be converted to three  
21 units as well. So three units on the cellar and three units on  
22 that third floor, and then you're right. The existing floor plan  
23 is staying the same with four units and four units.

24 COMMISSIONER WRIGHT: Right. Thanks for that  
25 clarification. That makes it very understandable and, you know,

1 I think it's a great project to add more units, particularly  
2 larger family-sized units and I'm glad there is going to be some  
3 IZ units included in the overall project.

4 I think that's it for me in terms of questions. Thank  
5 you.

6 CHAIRPERSON HILL: Thank you, Commissioner.

7 Just as a follow-up, Ms. Wilson, where are the IZ units  
8 supposedly going to be?

9 MS. WILSON: I'd have to check the floor plans. I  
10 don't know if the architect's on to note that.

11 CHAIRPERSON HILL: Mr. Young, did we get the architect?

12 MR. YOUNG: What's the name of the architect?

13 MS. WILSON: Liah Mebrahtu. So L-I-A-H, Liah. There  
14 she is.

15 CHAIRPERSON HILL: Ms. Mebrahtu, can you hear me?

16 MS. MEBRAHTU: I think I'm, can everyone hear me?

17 CHAIRPERSON HILL: Yeah. I have a couple of things.  
18 First of all, can you introduce yourself for the record.

19 MS. MEBRAHTU: Hi. My name is Liah Mebrahtu. I'm part  
20 of the design team for this project.

21 CHAIRPERSON HILL: Great. Ms. Mebrahtu, does your  
22 camera work?

23 MS. MEBRAHTU: Yes, it does.

24 CHAIRPERSON HILL: Great.

25 MS. MEBRAHTU: Hello.

1 CHAIRPERSON HILL: Hello. I don't think you've been  
2 sworn in. Ms. Mehlert, can you swear in Ms. Mebrahtu?

3 MS. MEHLERT: Please raise your right hand.

4 Do you swear or affirm the testimony that you will give  
5 today is the truth?

6 MS. MEBRAHTU: Yes. You may consider yourself under  
7 oath.

8 CHAIRPERSON HILL: Thank you, Ms. Mehlert.

9 Ms. Mebrahtu, where are the IZ units?

10 MS. MEBRAHTU: So the IZ units will be located on the  
11 first and third floor plan. So the first floor it will be a one  
12 bedroom and on the third floor it will be a three bedroom unit.

13 CHAIRPERSON HILL: Oh, that's great.

14 MS. MEBRAHTU: It will be, yes, it will be unit one and  
15 one and two, yeah, three and one.

16 CHAIRPERSON HILL: Great. Do you have --

17 COMMISSIONER BLAKE: Let me just clarify. Is that in,  
18 you mentioned two, so in one building there will be a one unit  
19 and the other building will be on the second, or top floor. Is  
20 that what you're saying? Or are you saying that both buildings  
21 will have two?

22 MS. MEBRAHTU: Each will have two IZ units.

23 COMMISSIONER BLAKE: Okay. Thank you.

24 CHAIRPERSON HILL: Okay. Great. All right. Even  
25 better. All right. Let's see. Okay.

1 Does anyone have any further questions? Okay. Mr.  
2 Young, is there anyone here wishing to speak?

3 MR. YOUNG: We do not.

4 CHAIRPERSON HILL: Okay. Ms. Wilson, do you have  
5 anything you'd like to add at the end?

6 MS. WILSON: No, thank you.

7 CHAIRPERSON HILL: Okay. Great.

8 Mr. Young, I'm going to go ahead and close the hearing  
9 and the record.

10 (Pause.)

11 CHAIRPERSON HILL: Okay.

12 Again, I didn't have any concerns on this particular  
13 case. I would agree with the recommendation that the Office of  
14 Planning has put forward and their arguments for it. I also am  
15 sorry to see that the ANC wasn't responsive after nine attempts,  
16 however, I guess they're not that used to these. I don't know.  
17 So in any case, the Applicant has made the effort to reach out  
18 to them.

19 In terms of the criteria for the standards of the  
20 regulations, I do believe that they're meeting those and I'll be  
21 voting in favor of this application.

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

23 COMMISSIONER SMITH: No, Chairman Hill. I agree with  
24 your assessment of this particular case and will also support the  
25 application.

1           CHAIRPERSON HILL: Thank you. Mr. Blake, do you have  
2 anything you'd like to add?

3           COMMISSIONER BLAKE: Yes, Mr. Chairman.

4           I'm in support of the application as well and if we  
5 look at the development we basically, it's a modification.  
6 Clearly, this building height -- first of all, the original owner  
7 of these particular lots had no request for developmental  
8 (phonetic) for relief. That remains the case. The developmental  
9 status that they're looking at is still within the zone standards  
10 so there's no issue there and there should be no issue, well,  
11 also substantially impact on light and air or anything to the  
12 neighbors and while this was really a larger project, these three  
13 additional units, and we're looking at it not from the eight unit  
14 but from the eleven units which we approved will have no impact  
15 on the school enrollment issues or recreation or anything like  
16 that. So I believe that the project has met the standards for  
17 relief.

18           The only issue I saw was that given the fact that these  
19 two buildings will be somewhat larger than the surrounding  
20 properties, it is a scale that's anticipated and, again, it needs  
21 to general (phonetic) standards and frankly it's a very  
22 attractive addition with that roof structure. The old structure  
23 was very ugly and this is a nice improvement and makes it a much  
24 more attractive building overall.

25           I'll be in support of the application.

1 CHAIRPERSON HILL: Thank you. Commissioner Wright?

2 COMMISSIONER WRIGHT: Thanks, and I do want to agree  
3 that the design is a good one in using the Mansard roof forms  
4 helps to integrate these two buildings in with the remaining  
5 buildings on the block and not have them overpower those remaining  
6 buildings on the block. So I think that is a good decision and  
7 I also am very excited about, as the architect described, having  
8 two IZ units in each building and especially a three bedroom  
9 unit. I think that's fantastic.

10 So all in all I think it's a very good project and I'm  
11 glad to support it.

12 CHAIRPERSON HILL: Thank you, Commissioner.

13 All right. I'm going to make a motion to approve  
14 Application No. 20507B as captioned and read by the secretary and  
15 ask for a second. Mr. Blake?

16 COMMISSIONER BLAKE: Second.

17 CHAIRPERSON HILL: The motion is made and seconded.  
18 Madam Secretary, can you take a roll call?

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

21 Chairman Hill?

22 CHAIRPERSON HILL: Yes.

23 MS. MEHLERT: Mr. Smith?

24 COMMISSIONER SMITH: Yes.

25 MS. MEHLERT: Mr. Blake?

1 COMMISSIONER BLAKE: Yes.

2 MS. MEHLERT: Commissioner Wright?

3 COMMISSIONER WRIGHT: Yes.

4 MS. MEHLERT: Staff would record the vote as four to  
5 zero to one to approve Application 20507B on the motion made by  
6 Chairman Hill and seconded by Mr. Blake, with one Board member  
7 not participating.

8 CHAIRPERSON HILL: Okay. Great. Thank you.

9 If it's all right with the Board if we can just go  
10 ahead and take a 15 minute break and we will come back at like  
11 11:05. Thank you all very much.

12 (Whereupon, there was a brief recess.)

13 CHAIRPERSON HILL: Okay. Great. Ms. Mehlert, are you  
14 there?

15 MS. MEHLERT: I am.

16 CHAIRPERSON HILL: Okay. Well, we lost another Board  
17 member and so I'm going to go ahead and we're going to move  
18 forward as best we can and then wait for Mr. Smith's return along  
19 with Chairman Hood when we get, so what we're probably going to  
20 do is work through the rest of this day and see where we get and  
21 then Commissioner Wright could be excused.

22 If you want to go ahead and call our next case, Ms.  
23 Mehlert.

24 MS. MEHLERT: Okay. So the Board has returned from a  
25 break to its hearing session and the next case is Application No.

1 21210 of Sean C. Staples and Mary-Francis Wain. This is an  
2 application pursuant to Subtitle X, Section 901.2 for a special  
3 exception under Subtitle C, Section 703.2 and the minimum parking  
4 requirements of Subtitle C, Section 701 to allow elimination of  
5 a required vehicle parking space. This is for the reconfiguration  
6 of an existing accessory building in the rear yard of a detached  
7 principal dwelling to create a kitchen in one portion and the  
8 remainder would be used as storage space.

9 Located in the R1-B zone at 4505 Warren Street,  
10 Northwest, Square 1563, Lot 39.

11 CHAIRPERSON HILL: Okay. Great.

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

14 MS. WAIN: Good morning. This is Mary-Francis Wain.  
15 I am the property owner along with my husband, Sean Staples, who  
16 had to get back to work so I'll be speaking for both of us this  
17 morning. I believe our contractor is also on the line.

18 CHAIRPERSON HILL: Okay.

19 Ms. Wain, does your camera work?

20 MS. WAIN: Oh, sorry. I thought I had it turned on.

21 CHAIRPERSON HILL: Okay. Mr., and I'm sorry, I'm going  
22 to ask you to pronounce your last name. Could you introduce  
23 yourself for the record, please?

24 MR. AZUAJE: Sure. My name is Santiago Azuaje. I'm  
25 the general contractor.

1 CHAIRPERSON HILL: Okay, Mr. Azuaje. Nice to meet you.  
2 Ms. Wain, are you going to be presenting to us?

3 MS. WAIN: I don't have a presentation but I'm happy  
4 to describe what we're seeking permission for.

5 CHAIRPERSON HILL: Okay. All right.

6 So, Ms. Wain, I know that you're not a zoning attorney  
7 or this is something that you do normally but, you know, we would  
8 like to hear, again, how you believe you're meeting the criteria  
9 for the regulations. But if you want to go ahead and just talk  
10 us through your application because we will be able to understand  
11 what you're asking for based on the application, what is in the  
12 record. You're basically here for the removal or the requested  
13 removal of a parking space, however, if you want to go ahead and  
14 tell us about your application and what you're trying to do,  
15 meaning your, just go ahead and tell us about your project and  
16 then we can also get other information as we need it from the  
17 Office of Planning and we'll see where we get to.

18 So you can go ahead and begin whenever you like.

19 MS. WAIN: Sure. Thank you. And good morning and  
20 happy new year Board members and Commissioners.

21 We are seeking approval to transition, to renovate our  
22 garage into an outdoor kitchen and storage space. It has served  
23 as storage space for the 17 years that we've owned the house.  
24 The garages that are in our neighborhood were built originally  
25 with the homes and generally don't fit the cars that we now drive

1 today. So it has been a storage space for us for quite some  
2 time.

3 We enjoy being outside on our patio and grilling and  
4 thought about how we might maximize the space to enjoy for our  
5 family and friends, and like many in the world love watching  
6 renovation television and saw an idea for an outdoor kitchen that  
7 we thought we could incorporate in the footprint that is our  
8 garage.

9 So we would open up a second opening doorway in the  
10 garage, the back of the garage that faces our patio and so faces  
11 our home. The garage would not change from the alley or any  
12 external facing but what we would do is put a second rolling door  
13 on the inside facing wall of the garage and then add a kitchen  
14 space which would include cabinetry and a cooktop and a grill  
15 that would have chimney ventilation as well. It would be about,  
16 I believe about five feet in and then the back side of the garage  
17 would remain as storage.

18 CHAIRPERSON HILL: Okay. All right.

19 Before I turn to the Board, I'm just going to turn to  
20 the Office of Planning.

21 MR. BARRON: Good morning and happy new year  
22 Commissioners. For the record my name is Ron Barron, Development  
23 Review Specialist with the D.C. Office of Planning.

24 Office of Planning recommends approval of the requested  
25 special exception. We believe the proposed requested change

1 | would be in harmony with the general purpose and intent of the  
2 | R1-B zone and would be unlikely to adversely affect the use of  
3 | neighboring properties. We're happy to rest on the record, our  
4 | report that was submitted to the record and I'm available to  
5 | answer any questions that you or the other Commissioners may  
6 | have.

7 |           CHAIRPERSON HILL: Okay. I'm more just going to make  
8 | a reference. I mean, within 703.2 the Office of Planning believes  
9 | that they're meeting (b), (c) and (e) in terms of the regulations,  
10 | correct, Mr. Barron?

11 |           MR. BARRON: I don't have the report in front of me but  
12 | if that is what the report states, then yes.

13 |           CHAIRPERSON HILL: Okay. Great. Thank you. All right.  
14 | Does the, my fellow Board members have any questions  
15 | of the Applicant or the Office of Planning?

16 |           COMMISSIONER BLAKE: I have one quick question Mr.  
17 | Chair for the architect, I believe? The question is given the  
18 | width of the yard, is it possible to provide parking beside the  
19 | garage space?

20 |           MR. AZUAJE: (Indiscernible) the architect would be  
21 | here. Okay? But the thing is the property doesn't have access  
22 | to the open and public alley and, yes, we can build another  
23 | garage. It's going to require of course more money, more time,  
24 | but it's going to be something that we're not going to be able  
25 | to use because of the alley. We don't plan to use because we

1 never use the garage as a parking space.

2 I'd also like to mention that we spoke with Alexandra  
3 Gianinno. She's a ANC Commissioner for the zone where the house  
4 is located and she mentioned that the ANC fully supported the  
5 exception and she can be reached at her cell phone number. I  
6 can provide her number if you like. But they communicated with  
7 all the neighbors around the property and there are no opposition  
8 from the other neighbors and this exception will not create a  
9 shortage of a parking space. And we tried to keep, as Ms. Mary  
10 mentioned, the green areas, the trees in the back of the house.

11 So I think that's important to mention that if we can  
12 do it, yes, we can do it. We're not going to use it, we're not  
13 going to use it because it's hard to access and we're going to  
14 try to taper in and help the land and the trees that we have in  
15 the back of the house, that (indiscernible) space is very tight.  
16 But if we can do it, yes, we can do it.

17 COMMISSIONER BLAKE: Okay. So, Mr. Ron, maybe you can  
18 help me so I make sure I'm clear on this. So the Applicant is  
19 capable of providing the space but is opting not to for other  
20 reasons; is that correct?

21 MR. AZUAJE: Yes, because the alley is very tight to --

22 CHAIRPERSON HILL: No, no, Mr. Azuaje. It's okay. Mr.  
23 Blake was asking the Office of Planning.

24 MR. BARRON: Yes. That was our understanding that  
25 there was sufficient width but under the way that the regulations

1 are written the hinge was on the question of demand and given  
2 that no on-site parking has ever been utilized in the 17 years  
3 we felt that it, that met the definition of the section.

4 COMMISSIONER BLAKE: Okay. Thank you very much.

5 CHAIRPERSON HILL: Okay. Thank you.

6 Commissioner Wright?

7 COMMISSIONER WRIGHT: Yeah. I appreciated the  
8 information about the conversation with the ANC representative  
9 and with some of the neighbors. I know that there was one  
10 neighbor who had some objections, not on the loss of the parking  
11 but on the proposed use. Have you had additional conversations  
12 with that neighbor?

13 CHAIRPERSON HILL: I guess that would be to you, Ms.  
14 Wain.

15 MS. WAIN: We have not heard any negative feedback from  
16 any neighbor. All of the neighbors that we have been speaking  
17 with have expressed positive support, so I'm not familiar with a  
18 neighbor that had anything, any objection or concern.

19 COMMISSIONER WRIGHT: Yeah. The record reflected an  
20 individual named Paul Gretch who is across the alley who was  
21 concerned with cooking fumes and late night noise. Again, it's  
22 not, in the sense, it's not what we're being asked to do which  
23 has to do with the parking space but I was just wondering if  
24 you've had any conversations with Mr. Gretch?

25 MS. WAIN: I haven't directly. I'm always happy to.

1 I would think any smoke would be less than what he's experiencing  
2 now, if any, because the grill will move from being in our yard  
3 to inside a structure. But I can go knock on his door and  
4 reassure him.

5 CHAIRPERSON HILL: Okay. Thanks, Ms. Wain.

6 All right. Mr. Young, is there anyone here wishing to  
7 speak?

8 MR. YOUNG: We do not.

9 CHAIRPERSON HILL: Okay. All right. Ms. Wain, do you  
10 have anything for us at the end?

11 MS. WAIN: No.

12 CHAIRPERSON HILL: Okay. Great.

13 All right. I'm going to close the hearing and the  
14 record.

15 (Pause.)

16 CHAIRPERSON HILL: Okay. So what was I going to say?  
17 I was waiting until Mr. Young gets everybody. So, Commissioner  
18 Wright, like, it isn't normally this easy. I just want to let  
19 you know. Like, you're coming on a very calm day. I'm glad that  
20 you're here for this but don't be lulled into this. This is not  
21 normal.

22 So let's see. I say that because, you know, we're here  
23 for parking relief, right, and even though we're here for parking  
24 relief we have, at times, you know -- I shouldn't say that. We're  
25 here for parking relief but we have an opportunity for people to

1 speak about different issues or concerns they may have. In this  
2 particular case we actually have something from the ANC and I  
3 believe it meets the criteria for us to give it great weight, in  
4 Exhibit 27.

5           And so, again, as far as the concern of one of the  
6 neighbors, you know, they're already making, everybody can have  
7 a barbecue in their backyard, they can do a barbecue in their  
8 backyard, and so this is like, you know, less concern. The thing  
9 that I wanted the neighbor to know, again, is that, you know,  
10 people can have people over in their backyard and they can go  
11 past 10 o'clock. I mean, it's, you know, you have to be a good  
12 neighbor about things but this isn't a commercial enterprise  
13 where they're now, you know, having people over there.

14           So in terms of the required parking space I thought  
15 that the Office of Planning did a good job in, again, pointing  
16 out that this hasn't been a parking space for 17 years and so  
17 they didn't see it necessarily being an issue, and so I also now  
18 do not see it being an issue. I appreciate the question that  
19 Mr. Blake asked that then brought up, again, the 17 year  
20 specification, [specification?], that there hasn't been a parking  
21 space.

22           So I'm comfortable with the argument of how they're  
23 meeting the criteria for us to grant this relief and I'm going  
24 to be voting in favor. Mr. Blake, do you have anything you'd  
25 like to add?

1 COMMISSIONER BLAKE: Sure.

2 I agree with you, Mr. Chair. I'm actually in support  
3 of this application. I think the, you know, the criteria for  
4 parking relief is fairly straightforward and relatively flexible.  
5 This requirement really has to do with the fact that this really  
6 comes out of ZR58 and you can't remove a property and you can't  
7 take away a space that's there whether they use it or not. The,  
8 to me the configuration to a large extent, because there is room  
9 to provide this on the property and if it were a variance we  
10 couldn't do it, but there is space to provide it.

11 But that said the issue here, as we've pointed out from  
12 the Office of Planning and I think even more importantly to me  
13 when I look at DDOT's report, they say quite frankly there is  
14 sufficient, there's a lack of demand for parking in the immediate  
15 neighborhood, so it really will not have an adverse impact on the  
16 transportation network or on the neighborhood's parking needs.  
17 So that exhibit, and Exhibit 25, is I think the key support for  
18 me and it makes sense because it's not that the argument is made  
19 that they can't reasonably provide it, but rather that there's  
20 sufficient and a demand capacity elsewhere and they don't want  
21 it and don't use it. So I'm going to be in support of this  
22 application.

23 I want to just speak very briefly on the neighbor, as  
24 you did, and I agree with you wholeheartedly. You can do what  
25 you like on your property. But I also want to point out there

1 is a 16 foot alley and from what I can see that means with an 18  
2 foot 4 inch building, you basically have 34 feet between there  
3 and the property line of the rear neighbor. Now, the outdoor  
4 kitchen is going to trim only about five feet of that from the  
5 buffer, so you end up, and then you've got an 11 foot storage  
6 area, so you've got plenty of space between the neighbor across  
7 the alley and the recreational space in this property. So that's  
8 an adequate buffer.

9           Again, this is not the issue we're here for relief. We  
10 are here for, to discuss the issue of parking which I think the  
11 Applicant has met the criteria for approval, and also I would  
12 substantiate the fact that you pointed out, the ANC has a report  
13 in here that does in fact reference the concern raised by the  
14 neighbor and also they indicated that they had no concerns about  
15 this proposal.

16           So factoring all that together, I would give great  
17 weight to the Office of Planning's recommendation for approval  
18 and I'll be voting in support of the application.

19           CHAIRPERSON HILL: Thank you, Mr. Blake.

20           Commissioner Wright?

21           COMMISSIONER WRIGHT: Yes. I'm in support of the  
22 application regarding removal of the parking space for all of the  
23 reasons that have already been stated, both by my other BZA  
24 Commissioners and by staff. I only brought up the one individual  
25 who had raised objections because I think when someone goes to

1 the effort to make comments on an application, they should, that  
2 should at least be identified.

3 And I am, again, in support of this application and I  
4 think it's definitely approvable and I will vote yes.

5 CHAIRPERSON HILL: Thank you.

6 All right. I thank all my colleagues for their  
7 comments. I'm going to make a motion to approve Application No.  
8 21210 as captioned and read by the secretary and ask for a second.  
9 Mr. Blake?

10 COMMISSIONER BLAKE: Second.

11 CHAIRPERSON HILL: Motion was made and seconded. Madam  
12 Secretary, could you take a roll call, please?

13 MS. MEHLERT: Please respond to the Chair's motion to  
14 approve the application.

15 Chairman Hill?

16 CHAIRPERSON HILL: Yes.

17 MS. MEHLERT: Mr. Blake?

18 COMMISSIONER BLAKE: Yes.

19 MS. MEHLERT: Commissioner Wright?

20 COMMISSIONER WRIGHT: Yes.

21 MS. MEHLERT: Staff would record the vote as three to  
22 zero to two to approve Application 21210 on the motion made by  
23 Chairman Hill and seconded by Mr. Blake, with Board members John  
24 and Smith not participating.

25 CHAIRPERSON HILL: Okay. Great. Thank you.

1 All right. If you could call our next one, please?

2 MS. MEHLERT: Next is Application No. 21213 of Nicole  
3 and Jad Atallah. This is a self-certified application pursuant  
4 to Subtitle X, Section 901.2 for special exceptions under  
5 Subtitle D, Section 5201 from the rear yard requirements of  
6 Subtitle D, Section 207.1 and Subtitle C, Section 202.2 to allow  
7 enlargement of a non-conforming structure. This is for a second  
8 story rear addition to an existing two-story detached principal  
9 dwelling. Located in the R1-B zone at 6111 Broad Branch Road,  
10 Northwest, Square 2009, Lot 7.

11 And I will note that the Applicant submitted a revised  
12 self-certification form earlier today removing the special  
13 exception relief from Subtitle C, Section 202.2. So if you would  
14 like to add that to the record, staff can do that at this time.

15 CHAIRPERSON HILL: Yeah. That would be wonderful. If  
16 you can do that, that would be great and then, let's see.

17 If the Applicant can hear me, if they could please  
18 introduce themselves for the record. You're on mute I believe.

19 MS. SCHAUER: Okay. Is that better?

20 CHAIRPERSON HILL: Yes.

21 MS. SCHAUER: Yes. Good morning. I'm Krista Schauer.  
22 I'm an architect representing the owners Nicole and Jad Atallah.

23 CHAIRPERSON HILL: Okay. All right. Great.

24 Could you say your last name again for me, I'm sorry?

25 MS. SCHAUER: Schauer.

1 CHAIRPERSON HILL: Schauer.

2 MS. SCHAUER: Yes.

3 CHAIRPERSON HILL: Okay. While I appreciate the  
4 withdrawal of Subtitle C-202.2, that was going to be kind of a  
5 discussion that we had or I was going to have, and so now I don't  
6 need to have that, and so if you want to go ahead and walk us  
7 through your application and why you believe you're meeting, or  
8 your client is meeting the criteria for us to grant the relief  
9 requested. I'm going to put 15 minutes on the clock and you can  
10 begin whenever you like.

11 MS. SCHAUER: Okay. Thank you. So, Mr. Young, would  
12 you pull up the presentation, please.

13 All right. So first we have the site plan. The owners  
14 would like to, well let me back up. There's an existing two-  
15 story house on the property original to the 1930s. In 1990, the  
16 previous owners added a one-story addition to the back of the  
17 house and the current owners would like to add a second story to  
18 that addition to create both a primary suite and office space.

19 So you can see the front of the house is facing Broad  
20 Branch Road and then the side street is Runnymede. So it's an  
21 odd-shaped lot. We have a requirement for R1-B for a 25 foot  
22 rear yard setback and so the current footprint of the current  
23 addition is ten and a half feet from that rear yard, from that  
24 rear property line. So we need to get relief from that. Would  
25 you go to the next slide, please.

1           So this shows, the first floor plan we're not doing a  
2 whole lot there. We'll be redoing the kitchen, that footprint  
3 and all that stays the same. The second floor plan you can see  
4 how we're working on top of that first floor to create a bedroom  
5 and a primary bath in the office space. Next slide, please.

6           And this is showing the elevations. So the north  
7 elevation at the top is what you see facing Runnymede Street, on  
8 the side street. The east elevation is the elevation shown facing  
9 the neighbor on Runnymede Street and then the south elevation is  
10 facing the neighbor on Broad Branch. Okay. Next slide.

11           So to give you some context I've got some photographs.  
12 The first one is the front of the house facing Broad Branch. The  
13 next photograph to the right is the space between the neighbor  
14 on Broad Branch and that shows the one-story stucco addition on  
15 the back that we would be adding on top of. The two photographs  
16 at the bottom both show the rear yard as it exists. So you can  
17 see in the second one the neighboring house on Runnymede. Next  
18 slide.

19           This again is showing the space between the neighbor's  
20 house on Broad Branch so you can get an idea --

21           CHAIRPERSON HILL: Can I interrupt you one second?

22           MS. SCHAUER: Yes.

23           CHAIRPERSON HILL: This one's not in the record yet,  
24 correct? The slide presentation?

25           MS. SCHAUER: Oh, I thought it was.

1 CHAIRPERSON HILL: Maybe it is and I'm just, I can't  
2 find it. Do you know --

3 MS. SCHAUER: Are you talking about the whole  
4 presentation or these photographs?

5 CHAIRPERSON HILL: Yeah, yeah. This deck that's in  
6 front of us now.

7 MS. SCHAUER: Well, these, yes. These photographs have  
8 been uploaded.

9 CHAIRPERSON HILL: Okay. Okay. You can go ahead and  
10 continue.

11 MS. SCHAUER: Okay.

12 CHAIRPERSON HILL: Thank you.

13 MS. SCHAUER: So the top photograph is again showing  
14 the property next door on Broad Branch. So on the left hand side  
15 you get an idea of where the second floor addition would be going  
16 on top of that first floor. And then the bottom two photographs  
17 show the house from Runnymede and the one-story addition you can  
18 see, so we'd be adding on top of that. Okay. Next slide, please.

19 And so we've got letters of support from both adjacent  
20 neighbors, the one on Broad Branch and the one on Runnymede as  
21 well as the two property owners across the street on Runnymede  
22 and the one, I think it's No. 72, across the street on Broad  
23 Branch. We also have support from the local ANC.

24 So with that, any questions?

25 CHAIRPERSON HILL: One second. Okay. Go ahead, Mr.

1 Blake. You had your hand up.

2 COMMISSIONER BLAKE: Yes. I just want to make sure and  
3 just clarify. The windows on that second level, are there any  
4 facing the adjacent properties?

5 MS. SCHAUER: Yes. Mr. Young, would you go back to the  
6 site plan, please? I think that's the easiest way to, yeah, go  
7 back. I think it's the first one.

8 So if you look at the addition on the back, the one-  
9 story footprint, you can see on Runnymede there is the outline  
10 of the neighbor's house there that's parallel to the rear property  
11 line and so we've got windows on the rear of that that would be  
12 facing kind of the front of their lawn, and then we've got high  
13 windows on the side that are facing the neighbor on Broad Branch.  
14 So those are windows that are high up in the primary bedroom, so  
15 they don't actually look into anything. It's really more for  
16 light.

17 COMMISSIONER BLAKE: Excellent. Thank you very much.

18 MS. SCHAUER: You're welcome.

19 CHAIRPERSON HILL: Okay. Let's see.

20 Could we go ahead and hear from the Office of Planning?

21 (Pause.)

22 CHAIRPERSON HILL: I'm sorry. You're on mute, sir.

23 (Pause.)

24 MR. JURKOVIC: Sorry about that. Can you guys, can you  
25 hear me now? I'm sorry.

1 CHAIRPERSON HILL: Yes. Please, go ahead.

2 MR. JURKOVIC: Good morning and happy new year to  
3 Chairman Hill and members of the Board. This is Mike Jurkovic,  
4 Development Review Specialist with the Office of Planning.

5 OP is in support of the requested special exception  
6 relief for rear yard minimum requirements and stand on the record  
7 of our report, and I'm here to answer any questions.

8 Thank you.

9 CHAIRPERSON HILL: Okay. Great. Thank you.

10 Let's see. Does anybody have any questions for the  
11 Office of Planning? Okay.

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

13 MR. YOUNG: We do not.

14 CHAIRPERSON HILL: Okay. Great.

15 Let's see. Ms. Schauer, do you have anything else  
16 you'd like to add?

17 MS. SCHAUER: No, thank you. Thank you for your time  
18 today.

19 CHAIRPERSON HILL: Okay. Great. Thank you.

20 I'm going to go ahead and close the hearing. Mr. Young,  
21 if you could please excuse everyone.

22 (Pause.)

23 CHAIRPERSON HILL: All right. My original concern was  
24 whether or not they needed C-202.2 and as far as the relief for  
25 the rear yard requirements, I didn't have a concern with it. I

1 wasn't concerned about the light or air or privacy issues that  
2 might come from this project and I thought it was relatively  
3 straight forward, and I'm going to be voting in support.

4           The issues that I did also have was that, you know, in  
5 terms of the C-202.2, it hadn't actually been posted or  
6 advertised. In addition to that, it seems as though they have  
7 performed a fair amount of community outreach in terms of their  
8 neighbors as well as the ANC which I appreciate from the  
9 Applicant, and I'm going to be voting in favor of this  
10 application.

11           Mr. Blake, do you have anything you'd like to add?

12           COMMISSIONER BLAKE: Mr. Chair, I agree with what you  
13 said completely and looking at this request, the key is just to  
14 look at D-5201 and clearly the issues are dealing with the impact  
15 of light and air on available properties, privacy and the visual  
16 intrusion issue.

17           When we look at this because of the height of the  
18 addition it, pretty much there's nothing else or any other  
19 development standard being affected here. It shouldn't have any  
20 significant impact on availability of light or air flow. When  
21 you look at privacy, there are ample remaining and as the  
22 Applicant pointed out, the windows do not provide any direct  
23 views even with that. So there again, there's no issue with  
24 regard to privacy and the design is really consistent with the  
25 neighborhood design and so it would not provide any degree of

1 visual intrusion.

2           So considering these factors I certainly do believe the  
3 granting of relief would be in harmony with the zoning regulations  
4 and certainly would not tend to adversely affect use of  
5 neighboring properties. And I give great weight to the Office  
6 of Planning's recommendation for approval. I also give great  
7 weight to the report by the ANC 4G which is in support and, as  
8 you pointed out, states no issues or concerns, and I'd also note  
9 that the Applicant has letters of support from all the adjacent  
10 neighbors which is a fairly good sign, and I'll be voting in  
11 favor of the application.

12           CHAIRPERSON HILL: Thank you, Mr. Blake.

13           Commissioner Wright?

14           COMMISSIONER WRIGHT: Yes. Mr. Blake said it  
15 perfectly. I think he covered everything and I am going to be  
16 voting in favor of this application.

17           CHAIRPERSON HILL: Okay. Great. Thank you.

18           I'm going to make a motion to approve Application No.  
19 21213 as captioned and read by the secretary, and ask for a  
20 second. Mr. Blake?

21           COMMISSIONER BLAKE: Second.

22           CHAIRPERSON HILL: The motion made and seconded. Madam  
23 Secretary, if you could take a roll call.

24           MS. MEHLERT: Just to clarify that you're approving the  
25 amended application?

1 CHAIRPERSON HILL: Yes, I'm sorry. I'm sorry. The  
2 amended application. Subtitle D-5201.1 from the rear yard  
3 requirements of Subtitle D-207.1, 25 feet required, 10.5 feet  
4 proposed.

5 MS. MEHLERT: Okay. Please respond to the Chair's  
6 motion to approve the application, as amended.

7 Chairman Hill?

8 CHAIRPERSON HILL: Yes.

9 MS. MEHLERT: Mr. Blake?

10 COMMISSIONER BLAKE: Yes.

11 MS. MEHLERT: Commissioner Wright?

12 COMMISSIONER WRIGHT: Yes.

13 MS. MEHLERT: Staff would record the vote as three to  
14 zero to two to approve Application 21213 on the motion made by  
15 Chairman Hill and seconded by Board member Blake, with Board  
16 members John and Smith not participating.

17 CHAIRPERSON HILL: Great. Thank you.

18 All right. Let's see. Commissioner Wright, thank you  
19 for your time today. It's nice to see and meet you and I'm glad  
20 that today was a relatively smooth day.

21 COMMISSIONER WRIGHT: Thank you very much. Bye bye.

22 CHAIRPERSON HILL: Mr. Blake, I also believe you are  
23 not with us for the remaining decision case; is that correct?  
24 I'm sorry, you're on mute, Mr. Blake.

25 COMMISSIONER BLAKE: Yes, that is correct. Have a

1 great day Mr. Chair. Goodbye.

2 CHAIRPERSON HILL: Thank you. I will excuse Mr. Blake.  
3 If we could take, I still am trying to get a quorum and so let  
4 me go ahead and take a break until 12 o'clock and we'll see what  
5 happens. I'm reaching out to my fellow Board members, and so  
6 let's come back as 12 o'clock.

7 Thank you so much.

8 (Whereupon, there was a brief recess.)

9 MS. MEHLERT: The Board is back from a quick break and  
10 is returning to its meeting session.

11 The next case is Application No. 21163 of Kaely  
12 Michels-Gualtieri. As amended, this is a self-certified  
13 application pursuant to Subtitle X, Section 901.2 for special  
14 exceptions under Subtitle E, Section 5201 and the lot occupancy  
15 requirements of Subtitle E, Section 210.1 from the maximum  
16 building area requirements for an accessory building under  
17 Subtitle E, Section 5003.1 under Subtitle U, Section 320.2 to  
18 allow the conversion of an existing residential building to  
19 apartment house use and under Subtitle U, Section 301.1(c) to  
20 allow expansion of an existing accessory building for use as a  
21 dwelling. This project is a second story addition and expansion  
22 of an existing one-story accessory building for a new principal  
23 dwelling in the rear yard of an existing two-story row building  
24 and conversion of the building to use as three principal  
25 dwellings.

1           It's located in the RF-1 zone at 627 A Street,  
2 Northeast, Square 868, Lot 49. This was last heard on October  
3 9th and December 18th. The Board then closed the record and  
4 scheduled it for decision. And participating are Chairman Hill,  
5 Mr. Smith and Chairman Hood.

6           CHAIRPERSON HILL: Okay. Great. Thank you.

7           I know that Board Member Smith was not here for the  
8 last one so I believe he has read in for that portion of it, but  
9 I will let him respond to that when we get a chance. This has  
10 gone on for quite some time in terms of how many hearings we've  
11 had and the opposition has had concerns about this particular  
12 application.

13           Mr. Smith, is it correct that you read in?

14           COMMISSIONER SMITH: Yes. I've read into the case and  
15 I'm prepared to deliberate.

16           CHAIRPERSON HILL: Thank you.

17           So, I mean it was very extensive and I appreciate that  
18 the party in opposition is very concerned about this particular  
19 project and whether they are going to meet the regulations and  
20 criteria for us to grant this.

21           The primary issues concerning this application are  
22 light and air that would stem from the proposed project. When  
23 the Board has traditionally looked at the project, they  
24 traditionally look at the matter-of-right versus what has been  
25 the, you know, the concept, the new building. It's a new year,

1 my brain is not quite back with me yet.

2           So in comparing the matter-of-right to the project  
3 that's been proposed there are several shadow studies that have  
4 been put forward. The shadow studies that the Applicant had put  
5 forward I believe were pretty nominal between the matter-of-right  
6 and what is being proposed. If you look at the exhibits, there's  
7 the shadowing, the additional shadowing has been, is in the little  
8 red area, right? The Applicant, or I'm sorry, the party in  
9 opposition put forward their shadow study as well that shows  
10 different areas that are being affected, however I believe in  
11 that particular shadow study it wasn't as accurate because the  
12 fence wasn't actually being included in the shadow study.

13           I think that, you know, they did, the Applicant did  
14 work with the party in opposition in terms of they've agreed to  
15 glaze the windows that are on, I believe it's just the second  
16 floor in the front in that right there facing them, and even then  
17 I wasn't completely clear whether it was like the half glazing  
18 or the full glazing or three quarter glazings. You know, whatever  
19 has been proposed I'm comfortable with. I was going to be  
20 comfortable with the half glazing but so I'm comfortable with the  
21 way that they have agreed to glaze those windows.

22           The Applicant also I believe agreed to pull back the  
23 project three feet and I think lower the height by a foot from  
24 what they had previously put forward that the ANC had actually  
25 also agreed was within the regulations. This particular ANC

1 | also, I would mention they have their support in Exhibit 61 and  
2 | Exhibit 91, has had a lot of experience with the BZA cases. I  
3 | mean, this is Commissioner Eckenwiler's ANC and they do a lot of  
4 | work with the BZA in terms of looking at the regulations and I  
5 | do think that they have a good knowledge in terms of what we're  
6 | looking at, and they voted to approve it twice even from the  
7 | original application.

8 |           I would like to make a note, however, on what some of  
9 | the things that the ANC had brought forward and to how the Board  
10 | looks at their cases. The Board again, as I'm sure the ANC knows,  
11 | you know, we look at these as individual cases. They're not,  
12 | one does not necessarily lead to the other one but there is kind  
13 | of a regular approach that the BZA takes with regard to looking  
14 | at this from a matter-of-right to what is proposed. We don't  
15 | always look -- I don't always look at the matter-of-right in that  
16 | sometimes the matter-of-right that's being presented is not  
17 | actually something that anyone would build and therefore I think  
18 | it's kind of difficult to say that the matter-of-right is always  
19 | the way that we compare it against to what is being proposed.

20 |           So I'm just throwing that out in that traditionally,  
21 | and I do think the Office of Planning also looks at this, the  
22 | matter-of-right versus the proposed, however, sometimes I just  
23 | think that that matter-of-right is not something that actually  
24 | somebody would build so it's not really a good comparison.  
25 | However, in this case I do think that this matter-of-right is

1 something that someone would be able to build and I don't think  
2 that there's much of a difference between the matter-of-right  
3 shadowing and that of the proposed building.

4 I'll even go back into the Office of Planning's report  
5 that also was in support and refer to the light and air shall  
6 not be unduly affected and also I would highlight the report in  
7 the second paragraph there and also that the privacy is also not  
8 going to be unduly affected and I do believe that the Office of  
9 Planning's report actually goes into great detail as to why they  
10 are in favor of this particular application. I'm going to be  
11 voting in favor of this application. I'm explaining why I'm  
12 going to be voting in favor of this application.

13 Let's see. So as I, I'm looking through my notes. As  
14 I did mention, I do think that the Applicant has attempted to  
15 work with the party in opposition to take away some of their  
16 concerns. I do understand that it's not something the Applicant,  
17 sorry, the party in opposition is not completely comfortable with  
18 the project. I think that also some of those privacy issues that  
19 the Applicant is mentioning are things, I'm sorry, the party in  
20 op position is mentioning are things that affect a lot of us here  
21 in the city. I mean, you know, I'm looking out my back window,  
22 I can see my neighbor's back window. I mean, so that's just  
23 something that does happen from being in the city. But that's  
24 not the criteria that we're looking at in terms of this particular  
25 application.

1           Yeah. So I think they're meeting the criteria. I  
2 would agree with the analysis of the Office of Planning as before.  
3 I would agree with the analysis that the ANC had also mentioned,  
4 and I'm going to be voting in favor of this application.

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

6           COMMISSIONER SMITH: Chairman Hill, I completely agree  
7 with your assessment of this particular case. There's been a lot  
8 of back and forth on this particular case regarding shadowing and  
9 privacy and air.

10           I do believe that the Applicant has attempted to  
11 mitigate some of the concerns that was raised by this Board as  
12 well as to address some of the concerns raised by the neighbor.  
13 They were all reducing the size of this, based on Exhibit 88 that  
14 was submitted at the prior hearing, that they're reducing the  
15 size of this building by three feet in length and also reducing  
16 it by, you're correct, a foot in height to address some of the  
17 concerns that were raised by the adjacent property owner.

18           As you stated, this is within ANC 6C and I believe that  
19 we regularly see these types of applications within the  
20 boundaries of that ANC and they're very versed in the regulations  
21 and very knowledgeable about voicing their, any concerns that  
22 they may have about accessory structures or additions where they  
23 may reduce light and air and in this particular case, this  
24 particular ANC is in support of this particular application,  
25 believes that it meets the criteria for this particular special

1 | exception.

2 |           I do agree with you that, you know, when I say I agree  
3 | I will say that I understand the concerns of some of the adjacent  
4 | neighbors as relates to privacy, light, air, specifically  
5 | privacy. I think that was the primary concern. But that is, as  
6 | you stated, that is, you know, some of these concerns are not  
7 | necessarily undue. They're very, you know, a product of living  
8 | within the District or in an urban environment. So I believe  
9 | that the Applicant has attempted to address some of those concerns  
10 | related to privacy in an urban environment by reducing the size  
11 | and scope of this particular building.

12 |           I do believe that based on the sun study, there is an  
13 | immeasurable difference between the shadow impacts for matter-  
14 | of-right versus the special exception request and, again, I don't  
15 | believe that's an undue concern and I believe overall that the  
16 | Applicant has met the burden of proof for us to grant the special  
17 | exception for this.

18 |           So like you, I will be voting in support.

19 |           CHAIRPERSON HILL: Thank you, Mr. Smith.

20 |           Chairman Hood?

21 |           ZC CHAIRPERSON HOOD: Yes, Mr. Chairman. Can you hear  
22 | me?

23 |           CHAIRPERSON HILL: Yes.

24 |           ZC CHAIRPERSON HOOD: I see, thank you. I too believe,  
25 | at first I think it was Ms. Smith, Ms. Smith's Power Point, which

1 gave me some pause especially and I appreciate the pictorial view  
2 of what she envisioned it being and, again, as my colleagues  
3 already mentioned we look at the city and we have to balance it,  
4 and I think the BZA's goal and objective is to see if adverse  
5 impacts can be minimal or at least be mitigated. And I think,  
6 as my colleagues have said, they have been in this case up to a  
7 point. It might not be as desirable as we'd like, but I think  
8 as far as this project that's in front of us today I think that  
9 they have mitigated as much as possible and I think that they  
10 have, especially with the ANC. This ANC, you all have mentioned  
11 I think it goes with saying too, because this ANC is very critical  
12 when it comes to zoning and for zoning applications in front of  
13 this Board and I think it says a lot, it speaks volumes of this  
14 ANC to support this application.

15 I know what I'm saying is not going to be, basically  
16 perceived as comforting (phonetic) to the Applicant. I'm hoping  
17 they continue to work it out. I believe they meet the  
18 requirements, especially under Subtitle 901, 210.1, 5003.1, 320.2  
19 and 301.1. But I will tell you that Ms. Smith, the Power Point,  
20 they give me some pause, but as I started looking through this  
21 and I can see we've been back and forth and I started looking  
22 through this case we've done a lot of work in trying to mitigate,  
23 even this Board, of trying to understand what's exactly going on  
24 and I think they meet the test to pass this application.

25 So I continue, I will just always say continue to work

1 with each other as neighbors and we live in the city. So I 'll  
2 be voting in favor as well, Mr. Chairman.

3 Thank you.

4 CHAIRPERSON HILL: Thank you.

5 Thank you, my colleagues, for their help with the  
6 deliberations.

7 I'm going to make a motion to approve Application No.  
8 21163 as captioned and read by the secretary and ask for a second.  
9 Mr. Smith?

10 COMMISSIONER SMITH: Second.

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

13 MS. MEHLERT: Please respond to the Chair's motion to  
14 approve the application.

15 Chairman Hill?

16 CHAIRPERSON HILL: Yes.

17 MS. MEHLERT: Mr. Smith?

18 COMMISSIONER SMITH: Yes.

19 MS. MEHLERT: Chairman Hood?

20 ZC CHAIRPERSON HOOD: Yes.

21 MS. MEHLERT: Staff would record the vote as three to  
22 zero to two to approve Application 21163 on the motion made by  
23 Chairman Hill and seconded by Mr. Smith, with Board members John  
24 and Blake not participating.

25 CHAIRPERSON HILL: Thank you.

1 All right, you guys. Thank you so much for your time  
2 today and happy new year again, and we will see you all next  
3 week.

4 COMMISSIONER BLAKE: You all finished for the day, Mr.  
5 Chairman? You're all finished with it?

6 CHAIRPERSON HILL: That's it, Chairman Hood. That's  
7 it.

8 ZC CHAIRPERSON HOOD: That's sweet. I'm going to mark  
9 this time down.

10 CHAIRPERSON HILL: Are you here next week?

11 ZC CHAIRPERSON HOOD: Yeah. I think I am but I'm going  
12 to mark this time, 12:17.

13 CHAIRPERSON HILL: Well, I don't know if you knew but,  
14 like, you know, Commissioner Wright got a very easy day and that  
15 means usually that the next day is not that easy, so I'm sorry  
16 (indiscernible).

17 ZC CHAIRPERSON HOOD: Okay. Good. All right. Yeah,  
18 take care.

19 CHAIRPERSON HILL: Okay. Bye bye. Bye Mr. Smith. Bye  
20 Madam Secretary.

21 (Whereupon, the above-entitled matter went off the  
22 record at 12:18 p.m.)

23

24

25

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

This is to certify that the foregoing transcript

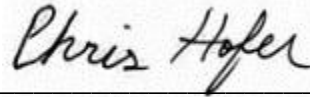
In the matter of: Public Hearing

Before: DC BZA

Date: 01-22-25

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.



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Chris Hofer