

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

MARCH 19, 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
CARL H. BLAKE, Vice Chairperson
CHRISHAUN SMITH, Commissioner
LORNA JOHN, Commissioner
ANTHONY HOOD, ZC Chairperson
ROBERT MILLER, ZC Vice Chairperson

BOARD OF ZONING ADJUSTMENT STAFF PRESENT:

KEARA MEHLERT, Secretary
PAUL YOUNG, A/V operations

The transcript constitutes the minutes from the Regular Public Hearing held on March 19, 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. The Board of Zoning Adjustment's 3/19/2025 public hearing will please come to order. My name is Fred Hill, Chairman of the District of Columbia Board of Zoning Adjustment. Joining me today are Board members Lorna John, Carl Blake, Chrishaun Smith and Zoning Commissioner Rob Miller. I think we might have other Commissioners but I'll introduce them as they come along.

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

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

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

6 In today's hearing session everyone who is listening
7 on Webex or by telephone will be muted during the hearing and
8 only persons who have signed up to participate or testify will
9 be unmuted at the appropriate time. Please state your name and
10 home address before providing oral testimony or your
11 presentation. Oral presentations should be limited to a summary
12 of your most important points. When you are 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
16 opposition should have signed up in advance. They'll be called
17 by name to testify. If this is an appeal only parties are allowed
18 to testify. By signing up to testify all participants completed
19 the oath or affirmation as required by Y-408.7. Requests to
20 enter evidence at the time of an online virtual hearing such as
21 written testimony or additional supporting documents other than
22 live video, which may not be presented as part of the testimony,
23 may be allowed pursuant to Y-103.13 providing that the persons
24 making a request to enter an exhibit explain, a) how the proposed
25 exhibit is relevant, b) the good cause justifies allowing the

1 exhibit into the record including an explanation of why the
2 requestor did not file the exhibit prior to the hearing pursuant
3 to Y-206, and c) how the proposed exhibit would not unreasonably
4 prejudice any parties. The order of procedures for special
5 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 not 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 is needed and the date when the person must submit the
18 evidence to the Office of Zoning. No other information shall be
19 accepted by the Board.

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

1 on a case pursuant to D.C. Official Code Section 2-575(b)(4)
2 and/or deliberate one case pursuant to D.C. Official Code Section
3 20575(b)(13) but only after providing the necessary public notice
4 and in the case of an emergency closed meeting after taking a
5 roll call vote.

6 Madam Secretary, do we have any preliminary matters?
7 (Pause.)

8 CHAIRPERSON HILL: You're on mute, Madam Secretary.

9 MS. MEHLERT: Can you hear me now?

10 CHAIRPERSON HILL: Yes.

11 MS. MEHLERT: Okay. Regarding the schedule today,
12 Application No. 21151 of Dinesh Tandon and Nidhi Tandon has been
13 re-noticed to April 23rd, 2025.

14 Application No. 21247 of Jewish Primary Day School of
15 the Nation's Capital has been postponed to May 21st, 2025.

16 Application No. 21209 of 304, 306 and 308 K Street, LLC
17 has been postponed to June 4th, 2025.

18 And Application No. 21034 of Morningstar Community
19 Development has been postponed to July 23rd.

20 The Chairman has also reviewed and granted waivers to
21 allow late filings into the applicable case record pursuant to
22 Subtitle Y, Section 206.7 and Section 103.13. Any other late
23 filings during the course of today's live hearing should be
24 presented before the Board by the applicant parties or witnesses
25 after the case is called. Any other preliminary matters will be

1 | noted when the case is called.

2 | CHAIRPERSON HILL: Okay. Great. Thank you. All right.

3 | Good morning, everyone, and there's, it's a relative,
4 | well it could possibly be a little shorter day than I thought
5 | but I wanted to mention a couple of things before we start.

6 | First of all, it is, today is the last day of
7 | Commissioner, or Board member, sorry, Lorna John and I think that
8 | probably we're all going to have nice things to say at the end.
9 | You can say things now. If there's any attorneys that want to
10 | say things this is your shot. But I'm pointing out that this is
11 | your last day and, Ms. John, you can say whatever you like now
12 | because all the complimentary things will hit you at the end of
13 | the day. But, Ms. John, do you have anything you'd like to say
14 | before we start our last day with you?

15 | COMMISSIONER JOHN: Yes, sure, Mr. Chairman, because
16 | I'm sure by the end of the day I will have absolutely nothing to
17 | say except thank you and goodbye.

18 | So it's been an honor and a privilege to serve on this
19 | Board for the last seven years. I had no idea I would actually
20 | be here for such a long time and the reason I think I've lasted
21 | so long, almost as long as my second career, as some of you know
22 | this is my third act, is that everyone who has worked on this
23 | Board or has supported the work that we do every week works so
24 | hard and makes it look so easy. But there's a lot of work that
25 | goes into trying to decide these cases every week and to do so

1 consistently with the regulations and fairly so that when
2 applicants come to the Board, they can feel that they'll get a
3 fair hearing, at least the Board is listening and considering
4 their applications and that the applicant is just another number
5 that we have to get through every day.

6 And I can't end without thanking the OZ Legal Division.
7 This is very hard work. As a lawyer I, you know, I know how
8 hard it is and how hard it is to be consistent and so they work
9 hard every week and they do their best and they're exceptionally
10 competent people. The Office of Zoning in general I have to
11 thank because everyone does their best. I really can't say enough
12 about everyone and of course the Office of Planning and DOB as
13 well, even when we disagree.

14 But I just want to say give my heartfelt thanks to
15 everyone and I won't be able to say this at the end of the day,
16 so thank you.

17 CHAIRPERSON HILL: Thank you, Ms. John. That was well
18 said and if it's all right with everybody else we'll save our
19 goodbyes for the end.

20 And so, Madam Secretary, if you wouldn't mind please
21 giving us our first case of business.

22 MS. MEHLERT: Sure.

23 So in the Board's meeting session the first item is
24 Application No. 20201 of DC Superpack, LLC. This is a self-
25 certified application pursuant to Subtitle X, Chapter 9 for a

1 special exception under Subtitle I, Section 303.1 and Subtitle
2 U, Section 513.1(a) and pursuant to Subtitle X, Chapter 10 for
3 an area variance from Subtitle U, Section 513.1(a)(2) to allow
4 an animal care and boarding use in an existing building in the
5 D-4-R zone at 450 Massachusetts Avenue, Northwest, Square 517,
6 Lot 50.

7 The Board voted to deny this application on May 6th,
8 2020. A proposed order was sent to parties on February 5th for
9 exceptions and no exceptions were received. So before the Board
10 today is a decision on the issuance of the final order.

11 CHAIRPERSON HILL: Thank you, Madam Secretary.

12 So we voted to deny this on May 6th and I've had a
13 chance to review the order, and I didn't have any comments and I
14 would vote to issue the final order. Does anybody have anything
15 they'd like to add and if so, please raise your hand.

16 Seeing no raise your hand, I'm going to make a motion,
17 I guess it's a motion. I always kind of forgot how this, anyway,
18 I'll make a motion --

19 ZC COMMISSIONER MILLER: Mr. Chair?

20 CHAIRPERSON HILL: Yes.

21 ZC COMMISSIONER MILLER: I did way to say something.

22 CHAIRPERSON HILL: Oh, sure.

23 ZC COMMISSIONER MILLER: Just to point out that this
24 is one of those cases which led to a zoning regulation change to
25 permit animal care and animal (indiscernible) uses within mixed

1 use buildings by special exception instead of by a variance
2 because of the separation issue and there's certain criteria that
3 were established to achieve that special exception. But I
4 remember, I didn't sit on the BZA case but I remember it and I
5 remember the other cases that led to the zoning change in case
6 20-20 which was proposed shortly after you made your decision and
7 became effective in January of 2021.

8 So what you do does have an impact and we appreciate
9 the work that the BZA does.

10 CHAIRPERSON HILL: Thank you, Commissioner Miller, and
11 thank you for pointing that out and thank you for letting us know
12 that it does lead to something in some cases.

13 I'm going to, again, make a motion then to I guess
14 release the final order for Application 20201 and ask for a
15 second. Vice Chair Blake?

16 VICE CHAIRPERSON BLAKE: Second.

17 CHAIRPERSON HILL: I guess the motion is made and
18 seconded. Madam Secretary, would you take a roll call, please.

19 MS. MEHLERT: Please respond to the Chair's motion to
20 approve the issuance of the final order.

21 Chairman Hill?

22 CHAIRPERSON HILL: Yes.

23 MS. MEHLERT: Vice Chair Blake?

24 VICE CHAIRPERSON BLAKE: Yes.

25 MS. MEHLERT: Mr. Smith?

1 COMMISSIONER SMITH: Yes.

2 MS. MEHLERT: Ms. John?

3 COMMISSIONER JOHN: Yes.

4 MS. MEHLERT: And Commissioner Miller?

5 ZC COMMISSIONER MILLER: Yes.

6 MS. MEHLERT: Staff would record the vote as five to
7 zero to zero to approve the issuance of order No. 20201 on the
8 motion made by Chairman Hill and seconded by Vice Chair Blake.

9 CHAIRPERSON HILL: Thank you, Madam Secretary.

10 Please could you, I think I have an expedited review.

11 MS. MEHLERT: Yes. Next in the meeting session is an
12 expedited review, Application No. 21268 of Jia Cobb. This is an
13 application pursuant to Subtitle X, Section 901.2 for a special
14 exception under Subtitle E, Section 5201 from the lot occupancy
15 requirements of Subtitle E, Section 210.1.

16 This is for an addition which is a ten by sixteen foot
17 retractable awning over an existing rear deck in the rear yard
18 of an existing attached two-story with cellar principal dwelling.
19 It's located in the RF-1 zone at 305 Rock Creek Church Road,
20 Northwest, Square 3314, Lot 42.

21 CHAIRPERSON HILL: Thank you. Okay.

22 So I've had a chance to review the files and, or I'm
23 sorry, the file in the application. I've read over the Office
24 of Planning's report and the burden of proof and then I'm
25 comfortable that they're meeting the standard of review for this

1 particular special exception. Again, they're trying to get 63
2 percent proposed and up to 70 percent by special exception and
3 I'm going to be voting in favor of this expedited review.

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

5 COMMISSIONER SMITH: No, Chairman Hill. I agree with
6 your assessment of this case and will support as well.

7 CHAIRPERSON HILL: Thank you.

8 Vice Chair Blake, do you have anything you'd like to
9 add?

10 VICE CHAIRPERSON BLAKE: No, I do not have anything to
11 add and I'm in support of the application as well.

12 CHAIRPERSON HILL: Great.

13 Commissioner Miller, do you have anything you'd like
14 to add?

15 ZC COMMISSIONER MILLER: No. I also support the
16 application.

17 CHAIRPERSON HILL: Thank you.

18 Ms. John, do you have anything you'd like to add?

19 COMMISSIONER JOHN: Nothing, Mr. Chairman. I'm in
20 support.

21 CHAIRPERSON HILL: Thank you. All right.

22 I'm going to go ahead and make a motion to approve
23 Application No. 21268 as captioned and read by the secretary, and
24 ask for a second. Mr. Blake?

25 VICE CHAIRPERSON BLAKE: Second.

1 CHAIRPERSON HILL: Thank you.

2 Motion is made and seconded. Madam Secretary, would
3 you take a roll call, please.

4 MS. MEHLERT: Please respond to the motion to approve
5 the application.

6 Chairman Hill?

7 CHAIRPERSON HILL: Yes.

8 MS. MEHLERT: Vice Chair Blake?

9 VICE CHAIRPERSON BLAKE: Yes.

10 MS. MEHLERT: Mr. Smith?

11 COMMISSIONER SMITH: Yes.

12 MS. MEHLERT: Ms. John?

13 COMMISSIONER JOHN: Yes.

14 MS. MEHLERT: Commissioner Miller?

15 ZC COMMISSIONER MILLER: Yes.

16 MS. MEHLERT: Staff would record the vote as five to
17 zero to zero to approve Application 21268 on the motion made by
18 Chairman Hill and seconded by Vice Chair Blake.

19 CHAIRPERSON HILL: Thank you, Madam Secretary, and you
20 may call our next one when you can.

21 MS. MEHLERT: Next is in the Board's hearing session.
22 It's Application No. 21176 of Natalia Banulescu-Bogdan. This is
23 a self-certified application pursuant to Subtitle X, Section
24 901.2 for special exception under Subtitle D, Section 5201 from
25 the rear yard requirements of Subtitle D, Section 207.1 and the

1 lot occupancy requirements of Subtitle D, Section 210.1. This
2 is for a new two-story addition and rear deck addition to an
3 existing two-story detached principal dwelling. It's located in
4 the R1-B zone at 6629 Piney Branch Road, Northwest, Square 2972,
5 Lot 17.

6 This was removed from the September 11th expedited
7 review calendar and scheduled for a public hearing, and then has
8 been postponed twice at the Applicant's request, and the hearing
9 has not started.

10 CHAIRPERSON HILL: Great. Thank you. Thank you, Ms.
11 Mehlert, for clarifying that for me.

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

14 MS. SCHINDER: This is Ileana Schinder. I'm the
15 architect and agent for the homeowner.

16 CHAIRPERSON HILL: Okay, Ms. Schinder. Welcome.

17 Let's see. I think there's a matter about accepting
18 an untimely filing. I realize that why that is being requested
19 in order to update the self-certification because of some Public
20 Space Committee issues, so unless the Board has any questions
21 I'll go ahead and allow that into the record, and if you have
22 any questions please raise your hand. Seeing no one raise their
23 hand, Madam Secretary, if you could please allow that into their
24 record.

25 Ms. Schinder, if you want to go ahead and walk us

1 through your client's presentation and why you believe your
2 client is meeting the criteria for us to grant the relief
3 requested. I'm going to put 15 minutes on the clock so I know
4 where we are, and you can begin whenever you like.

5 MS. SCHINDER: This is a very brief presentation we've
6 done in the past. We don't have any different information from
7 the application.

8 This case has been postponed several times because DDOT
9 delayed their submission through the Public Space Commission.
10 They approved the case with the conditions and Department of
11 Buildings issued an approval of a request for exception. But
12 Department of Buildings doesn't want to issue that until Board
13 of Zoning doesn't approve the exemption and Board of Zoning is
14 not approving the exception until DDOT through Public Space
15 Commission doesn't issue their final approval.

16 So all agencies have informally accepted our
17 application with no objections, but nobody is actually giving us
18 the final approval. Between the three agencies at this point we
19 don't know how to move forward with this. Nobody has any
20 objection on the rear two-story addition we have submitted back
21 in I think October, so I'm not sure at this point how to move
22 forward between the three agencies and who actually will take the
23 first step to allow us to move forward.

24 CHAIRPERSON HILL: Okay, Ms. Schinder. Okay. Give me
25 a second.

1 MS. SCHINDER: We have something to contribute but
2 the --

3 CHAIRPERSON HILL: No, Ms. Schinder. That's okay.

4 MS. SCHINDER: -- the massing hasn't changed.

5 CHAIRPERSON HILL: That's okay. Well, I mean I think
6 some things have changed but also I'm trying to take a look here
7 at your project a little bit more. Can you please describe the
8 project to me again?

9 MS. SCHINDER: The project is located in a triangle
10 site between Piney Branch Road and 8th Street. That is a very,
11 very narrow site that put our project within the mandatory
12 building line limit. That it's actually a Public Space
13 requirement, not a Board of Zoning requirement so given if Board
14 of Zoning had approved it, they were waiting for a DDOT report
15 that DDOT hasn't issued yet. So even if DDOT has verbally
16 approved it and Board of Zoning hasn't expressed any objections,
17 both agencies haven't agreed on who will approve this first.

18 CHAIRPERSON HILL: Okay.

19 I'll turn to my Board in one second. I'm just going
20 through this file again for a second.

21 Ms. Schinder, you guys went ahead and presented in
22 front of the ANC, correct?

23 MS. SCHINDER: Yes, we did.

24 CHAIRPERSON HILL: And how did that go?

25 MS. SCHINDER: They had no objections and they had,

1 | they were, like, gave us the go ahead.

2 | CHAIRPERSON HILL: Okay.

3 | Can I hear from the Office of Planning before I turn
4 | to the Board?

5 | MR. BARRON: Hello. Good morning, Commissioners. For
6 | the record, my name is Ron Barron, Development Review Specialist
7 | with the D.C. Office of Planning.

8 | Office of Planning does recommend approval of the
9 | requested special exceptions. The issue with the delays was that
10 | the original proposal was so far over the building restriction
11 | line that we were advised that it would need to be at least
12 | reviewed and temporarily, or not temporarily, conditionally
13 | approved by the Public Space Committee because it was so far over
14 | the line that there was a good chance that the plan was going to
15 | change between the initial review and before it got to the Board.

16 | They have given the conditional approval for the plan
17 | as it's presented right now, so our opinion is that there are no
18 | longer any barriers to the BZA reviewing and approving this. So
19 | we recommend that, as I said, that the Board approve the special
20 | exceptions and I'm here to answer any questions that you may
21 | have.

22 | CHAIRPERSON HILL: Okay. Thanks, Mr. Barron. Okay.

23 | You guys, I'm re-reviewing the Office of Planning's
24 | report and just going through the criteria. Does anybody have
25 | any questions for the Office of Planning or the Applicant?

1 (Pause.)

2 CHAIRPERSON HILL: Okay.

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

4 MR. YOUNG: We do not.

5 CHAIRPERSON HILL: All right.

6 Ms. Schinder, I guess, I know you haven't, I think
7 you've been with us a couple of times, right?

8 MS. SCHINDER: Many, many times. I think almost 20.

9 CHAIRPERSON HILL: Okay.

10 So, Ms. Schinder, I guess what sometimes is a little
11 bit more helpful is kind of walking us through some of the
12 standard with which we're supposed to review. I mean, I
13 understand this is a little bit more complicated because you were
14 trying to figure out Public Space and you were trying to figure
15 out DDOT but, again, like, just kind of walking us through why
16 you think you're meeting the criteria.

17 MS. SCHINDER: Yes. I have the presentation ready if
18 you, I'm happy to present it. It will take less than a minute.

19 CHAIRPERSON HILL: Sure. No, that's okay. You don't
20 have to go that fast.

21 MS. SCHINDER: I've done it so many times.

22 CHAIRPERSON HILL: I got you, Ms. Schinder. Is it in
23 the exhibit?

24 MS. SCHINDER: If not, I can open it on my end. Give
25 me one second. I'm opening the file right now. I want to be

1 | brief so I thought that not presenting would be better. So I'll
2 | open my second screen.

3 | CHAIRPERSON HILL: No, you can't share, Ms. Schinder.

4 | MS. SCHINDER: Okay.

5 | CHAIRPERSON HILL: You have to tell us which exhibit
6 | it's in.

7 | MS. SCHINDER: It could be the DDOT report, the one
8 | where we show the site plan. It's, any of the files we presented
9 | will do.

10 | CHAIRPERSON HILL: Mr. Young, which ones, oh, I got
11 | that one. Okay. All right. Ms. Schinder, do you see what's on
12 | the screen?

13 | MS. SCHINDER: Give me one second. Yes.

14 | So if you navigate, that's the cover. You can see the
15 | floor plan, that's a good one. You can see in this drawing the
16 | location of the site which is between Piney Branch and 8th Street.
17 | It's a very narrow triangle lot. The house as it exists today
18 | already exists, the building limit line, and we are proposing an
19 | addition in the portion of the building in the wider side of the
20 | lot. Even the addition we're proposing is behind the neighboring
21 | properties so it doesn't, our addition will not protrude beyond
22 | neighboring properties on 8th Street.

23 | That's what's been the main concern between DDOT and
24 | Board of Zoning. Right now there's no objection because we've
25 | shrunk that addition as much as feasible and the intention of the

1 building restriction line is the potential widening of the road
2 by a public entity, but considering that all the houses on 8th
3 Street already are basically beyond that line, we argue that our
4 addition should be allowed to be within the neighboring
5 properties. Also it doesn't create any issues to neighbor's
6 privacy or access to natural light. None of the problems that
7 may have been part of the objection of the approval.

8 So if you want to see the next sheet. So that's just
9 text. Let's see graphics, that may be able to illustrate. So
10 here you can see a little bit on, in the bottom you can see the
11 existing and then on the top you can see the proposed rear
12 addition that we're doing, so an L-shape. It's a very, very
13 challenging floor plate. So you can see how it basically aligns
14 with the neighboring property. I think in the following sheets
15 are more images that show that. Next.

16 You can see there how our addition there is like that
17 two stories. The bottom is the basement, just because a change
18 in level it looks like a third story. It's actually the basement.
19 Even our building is behind the neighboring properties building
20 restriction line. We worked with DDOT about the fences and, you
21 know, restoring anything that has to do with the public. They
22 had no objection with that. Next.

23 You can see the floor plan here, first and second floor.
24 You can see it's a very, very small addition. We're doing an
25 interior renovation (phonetic) to go along with it. Next.

1 That's pretty much it. This is the attic and the
2 attic/second floor and the roof line. Next.

3 This is very hard to look at only because it's a
4 triangle lot so elevations don't always come square but we
5 developed them anyways. Next.

6 I think that's it. I mean we've created a few windows.
7 There's no objections from the neighbors either, so. Next.

8 And this is the existing property. The portion that
9 we're demolishing it's like it was a very poorly particular
10 addition, kind of like a weird little garage or something but
11 we're taking them down. Next.

12 And that's it. And this is more existing conditions.
13 I'm happy to answer any specific questions that may have to do
14 with the interpretation of the Code. But, yeah, it is born from
15 the challenging triangle lot and the fact that we don't have an
16 alley so it's basically we have two fronts. So all our problems
17 come up from there.

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

19 Does anybody have any questions of the Applicant or the
20 Office of Planning? Go ahead, Mr. Blake.

21 VICE CHAIRPERSON BLAKE: Yes. A quick question, Ms.
22 Schinder. Do you anticipate that there might be any additional
23 changes to the plans from where we have them at this point
24 (indiscernible)?

25 MS. SCHINDER: No. We don't anticipate any changes in

1 the exterior location of walls, roof lines or window locations.
2 We may have some adjustments to the interiors, but I don't
3 anticipate that.

4 VICE CHAIRPERSON BLAKE: Okay. Thank you.

5 CHAIRPERSON HILL: Okay. All right. Okay.

6 Thank you, Ms. Schinder. Do you have anything you'd
7 like to add at the end?

8 MS. SCHINDER: No. All good.

9 CHAIRPERSON HILL: Okay. Thank you. All right.

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

12 (Pause.)

13 CHAIRPERSON HILL: Okay. Thanks. Okay.

14 I think that the Applicant is meeting the requirements
15 under 5201.4 and also Subtitle X, 901 and specifically X-901.2,
16 and I do appreciate the Office of Planning's report and how
17 they've worked now with the Applicant in order to have any
18 questions resolved that they might have had. I do appreciate
19 also the ANC's report in which we are to give it great weight,
20 and I will be voting in favor of this application.

21 Mr. Smith, do you have anything you would like to add?

22 COMMISSIONER SMITH: No. I don't have anything to add,
23 Chairman Hill, other than I wouldn't recommend for DDOT's
24 condition that they're attempting to, their recommended
25 condition, because that tile is our zoning approval to the Public

1 Space Committee's approval of the application and I just wouldn't
2 recommend that condition. But otherwise I think they've met the
3 standards for us to approve the application and will support it
4 as well.

5 CHAIRPERSON HILL: Thank you.

6 Vice Chair Blake?

7 VICE CHAIRPERSON BLAKE: Mr. Chair, I am in support and
8 I'll credit the Office of Planning's analysis as to how the
9 Applicant has met the burden of proof, and I will be in support
10 of the application.

11 CHAIRPERSON HILL: Thank you.

12 Commissioner Miller?

13 ZC VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

14 Yes. I agree that the Applicant has met the special
15 exception criteria for the really de minimis changes in the rear
16 yard requirements, the rear yard and the lot occupancy. So the
17 the Office of Planning supports, ANC 4B supports. We have those
18 in the record. The ANC 4B is Exhibit No. 23 and OP is Exhibit
19 No. 39, and appreciate OP's comments today.

20 Thank you.

21 CHAIRPERSON HILL: Thank you.

22 Ms. John?

23 COMMISSIONER JOHN: Thank you, Mr. Chairman. I don't
24 have anything to add. I'm in support.

25 CHAIRPERSON HILL: Okay. Great. Thank you. All right.

1 I'm going to go ahead and make a motion to approve
2 Application No. 21176 as captioned and read by the secretary, and
3 ask for a second. Mr. Blake?

4 VICE CHAIRPERSON BLAKE: Second.

5 CHAIRPERSON HILL: Motion is made and seconded. Madam
6 Secretary, if you could take a roll call, please.

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

9 Chairman Hill?

10 CHAIRPERSON HILL: Yes.

11 MS. MEHLERT: Vice Chair Blake?

12 VICE CHAIRPERSON BLAKE: Yes.

13 MS. MEHLERT: Mr. Smith?

14 COMMISSIONER SMITH: Yes.

15 MS. MEHLERT: Ms. John?

16 COMMISSIONER JOHN: Yes.

17 MS. MEHLERT: Commissioner Miller?

18 ZC VICE CHAIRPERSON MILLER: Yes.

19 MS. MEHLERT: Staff would record the vote as five to
20 zero to zero to approve Application 21176 on the motion made by
21 Chairman Hill and seconded by Vice Chair Blake.

22 CHAIRPERSON HILL: Okay. Great. Thank you. Let's
23 see. You guys, I know it's a little bit quick for a break but I
24 think the next case will take a little bit more time. So why
25 don't we go ahead and take a quick 15 minutes break and then we

1 will come back. Okay?

2 COMMISSIONER JOHN: Okay.

3 CHAIRPERSON HILL: Thank you.

4 (Whereupon, there was a brief recess.)

5 CHAIRPERSON HILL: Madam Secretary, you want to call
6 our next order of business, please.

7 MS. MEHLERT: The Board is back from its quick break
8 and returning to its hearing session. The next case is
9 Application No. 21226 of Alexander-Benons, LLC. This is an
10 application pursuant to Subtitle X, Section 901.2 for special
11 exceptions under Subtitle C, Section 1501.1(c) from the penthouse
12 height requirements of Subtitle C, Section 1501.1(b) to allow a
13 penthouse on the principal dwelling that is not entirely within
14 the height permitted as a matter-of-right for the building, under
15 Subtitle C, Section 1506.1 from the penthouse setback requirement
16 of Subtitle C, Section 1504.1(b), under Subtitle E, Section 204.4
17 from the rooftop architectural requirements of Subtitle E,
18 Section 204.1 to allow removal or significant alteration of a
19 rooftop architectural element original to the building, under
20 Subtitle E, Section 207.5 to allow the rear wall of a row dwelling
21 to extend farther than ten feet beyond the farthest rear wall of
22 any adjoining principal residential building on any adjacent
23 property and under Subtitle E, Section 5201 from the rear yard
24 requirements of Subtitle E, Section 207.1 and from the lot
25 occupancy requirements of Subtitle E, Section 210.1.

1 This is for a new third-story with roof deck and three-
2 story rear addition to an attached principal dwelling for use as
3 a flat. It's located in the RF-1 zone at 1206 Staples Street,
4 Northeast, Square 4067, Lot 58 and on February the 12th the Board
5 postponed the hearing and requested a supplemental report from
6 OP. The merits have not been heard, and as a preliminary matter
7 there was a request for party status in opposition from Mark
8 Stilp which was filed on February 12th, and then there is also
9 associated with that an untimely request to waive the filing
10 deadline from Mr. Stilp in Exhibit 33B.

11 CHAIRPERSON HILL: Okay. Great. Thank you.

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

14 MS. ALEXANDER-BENONS: I can hear you. Good morning.
15 My name is Jan Alexander-Benons.

16 CHAIRPERSON HILL: Okay. Hello, Ms. Alexander-Benons.

17 Let's see. Commissioner, would you like to introduce
18 yourself for the record.

19 ANC COMMISSIONER ROBLIN: Thank you. Hi. I'm Anna
20 Roblin, Commissioner 5D03.

21 CHAIRPERSON HILL: Okay. Welcome back, Commissioner.

22 ANC COMMISSIONER ROBLIN: Thank you. Hi.

23 CHAIRPERSON HILL: Hi. All right. If everyone wants
24 to mute themselves unless they're speaking, that would be great.

25 Let's see. Well, the first thing there is the issue

1 with the party status that has been put forth by Mr. Stilp I
2 think it is. I'm not exactly sure if I'm pronouncing it right.
3 I mean, I appreciate him putting forth an explanation as to why
4 he believes that this untimely filing or this late filing for
5 party status should be accepted. I must say I don't think that
6 I'm convinced by the items that he put forward in terms of, like,
7 why this being a late filing should be accepted, meaning the
8 application for party status. I mean, we've kind of been moving
9 along with this case for some time now and it is an untimely
10 filing. So I do, I understand that Mr. Stilp would like to
11 participate as a person who has party status, however he will be
12 able, if the Board goes along with what I'm saying, would be able
13 to participate as a member of the public when the public testimony
14 time is with us.

15 In addition to that, I've actually looked over his
16 application and I don't even think if it was timely that I would
17 have necessarily have voted for him to get party status. It's
18 not necessarily, you know, I don't see how he necessarily would
19 be significantly or different qualified from the other people
20 that are on that block. Also given the majority of this is in
21 the rear and he is kind of in front of this particular property
22 and a little bit down the road, so I wouldn't necessarily have
23 been voting in favor of party status. Regardless, however, he
24 will have an opportunity to present during the public testimony
25 portion of the hearing.

1 I'm going to go around the table and see if you have
2 anything else to add. Mr. Smith?

3 COMMISSIONER SMITH: No, Chairman Hill.

4 I agree with your assessment on the party status case.
5 I do believe that it is untimely and given the position of his
6 home, it's across the street so I don't think he would be uniquely
7 affected by the proposed construction. It shouldn't introduce
8 any shadowing or light or air issues to his property, given that
9 he's across the street. So I agree with your assessment again
10 and I will not support his request for party status.

11 CHAIRPERSON HILL: Thank you.

12 Mr. Blake?

13 VICE CHAIRPERSON BLAKE: I agree with that analysis and
14 I, too, would not be in support of offering party status.

15 CHAIRPERSON HILL: Thank you.

16 Commissioner Miller?

17 ZC VICE CHAIRPERSON MILLER: Thank you, Mr. Chair. I
18 have nothing to add.

19 CHAIRPERSON HILL: Ms. John?

20 COMMISSIONER JOHN: Thank you, Mr. Chairman. I have
21 nothing to add. I agree. I don't believe that he's uniquely
22 affected because the project, most of the work is to the rear.
23 So I'm not in support of that application for party status.

24 CHAIRPERSON HILL: Okay. Thank you.

25 So I'm going to make a motion to deny the party status

1 request and also the late filing request from Mr. Stilp, and ask
2 for a second. Mr. Blake?

3 VICE CHAIRPERSON BLAKE: Second.

4 CHAIRPERSON HILL: The motion is made and seconded.
5 Madam Secretary, would you take a roll call, please.

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

8 CHAIRPERSON HILL: Yes.

9 MS. MEHLERT: Vice Chair Blake?

10 VICE CHAIRPERSON BLAKE: Yes.

11 MS. MEHLERT: Mr. Smith?

12 COMMISSIONER SMITH: Yes.

13 MS. MEHLERT: Ms. John?

14 COMMISSIONER JOHN: Yes.

15 MS. MEHLERT: Commissioner Miller?

16 ZC VICE CHAIRPERSON MILLER: Yes.

17 MS. MEHLERT: Staff would record the vote as five to
18 zero to zero to deny party status to Mark Stilp on the motion
19 made by Chairman Hill and seconded by Vice Chair Blake.

20 CHAIRPERSON HILL: Okay. Great. All right.

21 So, Ms. Alexander-Benons, you're the architect, is that
22 correct?

23 MS. ALEXANDER-BENONS: I'm not the architect. I'm the
24 homeowner.

25 CHAIRPERSON HILL: Oh, you're the homeowner. Okay. So

1 are you going to be presenting to us?

2 MS. ALEXANDER-BENONS: Yes.

3 CHAIRPERSON HILL: Okay. Great.

4 MS. ALEXANDER-BENONS: (Audio interference) a
5 presentation to Mr. Young, and I also uploaded it to our exhibit,
6 it's Exhibit No. 39.

7 CHAIRPERSON HILL: Great. I see that one. And, Ms.
8 Alexander-Benons, I guess as you're kind of walking through this
9 I know that you have read the Office of Planning's report and
10 they are not in support of the height requirements.

11 MS. ALEXANDER-BENONS: Yes.

12 CHAIRPERSON HILL: And so you can kind of walk us
13 through that when you get to that point, and you can begin --
14 I'm going to put 15 minutes on the clock so I know where we are,
15 and you can begin whenever you like.

16 MS. ALEXANDER-BENONS: Absolutely. Should I wait for
17 sharing of the presentation?

18 CHAIRPERSON HILL: Yeah. He's bringing it up.

19 MS. ALEXANDER-BENONS: Cool. Thank you.

20 Again, thank you all for your time this morning. I
21 really appreciate it. Specifically to the Office of Planning
22 we've worked closely with Mr. Bradford, so I will go ahead. Can
23 you move forward on the slides, on the presentation, please?

24 So I've tried to lay this out as clearly as possible.
25 In terms of the overview on the subject here is just a repetition

1 of what was already stated, a proposed third-story rear addition.
2 Just giving some quick specs as to how we plan on laying out the
3 two units and I won't go into too much detail unless you guys
4 would like me to do so. But I can move in to the rest of the
5 slides where I sort of highlight each of the exceptions that
6 we're seeking relief from and sort of our rationale for why we
7 think we should receive that. So if you can go to the next slide,
8 please.

9 This again is just an overview of the relief details.
10 Again, you guys are all privy to this. Next slide, please.

11 And then I wasn't sure really how much detail to
12 include. We have had a robust conversation with the ANC. I know
13 that Commissioner Roblin's on the call. I just put here sort of
14 some action items that we had accumulated from our conversations
15 with the ANC, sort of our actioning on those items. Again, not
16 really sure how it would play into the scope of this conversation
17 but it's here for information if anyone would like to review.

18 I think the most important item to highlight would be
19 item No. 6. We do have an adjoining neighbor whose solar system
20 we would be impacting, that we came to an agreement with pending
21 our successful permitting and construction. Next slide, please.

22 So before I get into the relief items, any questions
23 on anything I've covered so far? No?

24 CHAIRPERSON HILL: You can go ahead, Ms. Alexander-
25 Benons, and we'll go, we'll see at the end what questions the

1 Board has.

2 MS. ALEXANDER-BENONS: Sounds good.

3 So this is the first one. The proposed rooftop
4 structure exceeds the maximum. So not knowing that this is the
5 one that the Office of Planning wouldn't approve but we're going
6 straight out the gate with this one which is good. We've, per
7 ANC's recommendation, we did get a 3D rendering of our proposed
8 plans. So you can see a sort of juxtaposition of the rendering
9 to the current structure to the left. I did do some cropping so
10 this is not true to scale or a true representation in terms of
11 the neighbors, but just wanted to put it in scale with the closest
12 adjacent building of similar height just for your reference.

13 And so the issue here is the, if you look to the left
14 at the plans, it's the bump-up that we have for the rooftop
15 access. So we're proposing a stairwell structure which is similar
16 to other structures on the block. We've noted two examples
17 already seen this. According to Code, if that structure was not
18 there then any height below the parapet wall would be considered
19 the height of the building. So it's essentially that stairwell
20 structure bump-up that is causing us to be well exceeding that
21 35 foot limit set by the zoning regulations.

22 Our justification for having the structure is really
23 just to ensure that we have a safe and waterproofed sort of
24 protrusion on the roof. I know that we had been recommended
25 maybe a hatch or other sorts of structures, but really the main

1 concern was making sure that we allowed for a non, I don't know
2 what the exact word is, but we don't want a penetration, a non-
3 penetrative surface for water to not be able to get into our,
4 you know, underlying our structures.

5 So this is the main one that is being denied by the
6 Office of Planning. So I can stay here a little bit longer if
7 you guys would like to or I can continue.

8 CHAIRPERSON HILL: Why don't you just go ahead and
9 continue. I think we'll come back to this. We're going to talk
10 to the Office of Planning and see where we are and also I'm sure
11 there'll be a bunch of questions about this, or a few questions
12 about this, and just go ahead and continue, please.

13 MS. ALEXANDER-BENONS: Sounds good. All right. So the
14 next slide.

15 So the rest of the exceptions really are just by virtue
16 of the lot size. It is a small size that we have so naturally
17 any changes that we are recommending, requesting, seeking relief
18 from are by virtue sort of exceptions for that nature. If we
19 were on a larger lot size I think a lot of these items wouldn't
20 be relevant. So I just wanted to point that out.

21 So for this second exception, it's really the rooftop
22 structure setback. We are proposing in that yellow box, it's a
23 three foot setback from the front façade of the building. Again,
24 citing examples on the block of houses that have similar setback.
25 I believe that the zoning requirement is to have a one-to-one

1 | which would bring our rooftop deck substantially further back
2 | from the building façade which at that point I think would lose
3 | sort of the value of having a rooftop deck. The visibility from
4 | the deck would be limited and, again, just citing examples on the
5 | rest of the street and the neighborhood have similar setbacks to
6 | what we are proposing. Next slide, please.

7 | And just providing, this is the third one that we have
8 | here is the front porch deck not complying with the rooftop
9 | structural architectural elements. Essentially we have to seek
10 | relief any time you want to have a rooftop deck made on top of
11 | the porch. And so here, again, just citing examples both adjacent
12 | and across the street in the neighborhood within a one block
13 | radius of other houses that have done similar work and really
14 | just wanting to match that for our structure. Next slide, please.

15 | And then this is just, I gave another view. It's the
16 | same thing. You can see that it's still No. 3, so I won't belabor
17 | the point here. If you can continue, please.

18 | All right. So for No. 4, I will say that the 20 foot
19 | value that I have here is incorrect just because the line, as
20 | it's drawn, is a little bit into the stairwell. So it's really
21 | about an 18 foot setback from the property line. But this is,
22 | our proposed rear setback is less than the 20 foot. As I
23 | mentioned we are at 18 feet. This is something that we've gone
24 | back and forth with our architect and zoning about. The system
25 | that they are using is registering it as under 20, even though

1 the plans that our architect had laid out had it listed as 20.

2 You know, I don't think it's worth sort of arguing over
3 the small variance, but it has resulted in an exception that
4 we're looking to seek relief from. So the rationale and the
5 value that I have in that, in this slide here, is not correct.
6 Again, it's 18 feet. Thank you, Mr. Young. You can go ahead.

7 All right. This one is, our rear addition is greater
8 than the ten foot maximum beyond the adjacent structure. So this
9 means that our bump-out cannot extend past ten feet but really
10 all we're looking to do is match up the back line of our
11 neighbors. So you can see here from the plat line that for 1210
12 and 1208 they have extensions as well and theirs goes out 12
13 feet. Well, actually I don't know how farther it goes out, but
14 for us to match theirs we would have to go out 12 feet. If we
15 went out ten feet, it would just leave a short gap and, again,
16 just citing examples on the block we figured it would be nice to
17 be able to maximize the amount of space that we can move back
18 while also keeping in alignment with our neighbors and so that
19 got us at the 12 foot value rather than the ten foot value that
20 is required per the Zoning Code.

21 And then the last one, Mr. Young. This is the lot
22 occupancy. So I kind of touched upon this at the beginning. The
23 size of the lot is small so we are making a proposal for a
24 substantial change. I will admit to that and so it is causing
25 our, the area of our structure to exceed that 60 percent maximum

1 lot occupancy. The overage is about 5.5 percent which we
2 personally feel is within the realm of, like, acceptability
3 although it's up to you guys to say that, not us, just looking
4 at the building that we're proposing in relation to other
5 structures that are in very close proximity, so.

6 That is the bulk of the presentation. I think I have
7 a thank you slide after that, Mr. Young, and if you guys have
8 any questions.

9 CHAIRPERSON HILL: Thank you. Before I turn to my
10 Board actually, let me kind of run through some of the witnesses
11 if you don't mind.

12 Can I turn to the ANC Commissioner? Commissioner
13 Roblin, do you have any testimony you would like to give us?

14 ANC COMMISSIONER ROBLIN: Yes, I do. Thank you. Hello,
15 BZA Commissioners and everyone. Thank you very much for your
16 time and attention.

17 Regretfully, I personally feel that our Commission made
18 the wrong decision when we voted to support this development and
19 I feel it would be best if we did a re-vote. Personally I have
20 extremely limited knowledge of BZA matters, never having dealt
21 with these matters in my life basically which causes me to make
22 mistakes and I believe that there were things that I and the
23 other Commissioners didn't catch, in my opinion, because ANC
24 Commissions are not well set up to catch them.

25 I believe it's rare that ANCs have sufficient knowledge

1 of zoning matters to catch details that are sometimes very
2 difficult and important to catch, and we also often, in my
3 opinion, don't have sufficient time to catch things both during
4 our meetings and in general. And in my opinion, all too often
5 any people who have knowledge who we could consult with don't
6 have enough time either to really analyze cases closely enough
7 to prevent our constituents from being hurt, sometimes severely
8 hurt.

9 Our constituents all too often don't have money for a
10 lawyer although it seems to me that sometimes what they really
11 need is a lawyer and as far as I can see the community suffers
12 greatly as a result. For instance, constituents are often on
13 their own when a developer gives them a contract. Everything is
14 on them and if they don't have a lawyer and don't have enough
15 knowledge or strength to stand up for themselves they can very
16 easily be taken advantage of. Many residents need a lot of help
17 filling out a party status form, for example, and ANC's often
18 don't have enough expertise to help them and sometimes no one in
19 the community is available to help. Things can very easily fall
20 through the cracks and often do.

21 So I just wanted you all to be aware how much residents
22 are in a, I would say a disadvantage in the ANC BZA system and I
23 believe this is a accurate portrayal on my part. I, being an
24 ANC who is naïve to development issues, in part very unfortunately
25 misunderstood my role in this case. I was thinking or I somehow

1 | got sucked into feeling like it was my job to help the Alexander-
2 | Benons succeed in managing to do the right thing by our neighbors
3 | so that everybody would be happy.

4 | I see now that I should have just called what was not
5 | okay not okay, and I should have gone into detail in our ANC
6 | meeting about the failings of the Alexander-Benons regarding
7 | Angela, the next door neighbor in 1208 whose home is attached to
8 | theirs and who signed a contract with them because their
9 | construction would have blocked her solar system by about 40
10 | percent. But I felt at the time that it was not fair to embarrass
11 | the Alexander-Benons, and I also most importantly did not have
12 | the information that I needed to know some of the details that
13 | Mr. Stilp will tell you about.

14 | I specifically requested at our vote that our ANC
15 | support the case and most Commissioners will do their best to
16 | support when the SMD Commissioner asks them to, and I believe
17 | that's largely why our ANC supported the case. And there appear
18 | to be no big reason to oppose but I believe possibly that's
19 | because we did not have the kind of specific knowledge of zoning
20 | issues we needed in order to know what the problems were.

21 | I believe that Mr. Stilp, who has requested party
22 | status, has some knowledge of zoning and he will testify that the
23 | Alexander-Benons told the ANC or this Board, I forget which, that
24 | there was precedent on the street for some of the exceptions that
25 | they're asking for when there actually was not, in his opinion

1 | there was not. And he also I believe intends to say that some
2 | of their exceptions are contrary to the intent of the zoning
3 | regulations. I'm not sure what else he knows or believes and
4 | exactly has for specifics, but I know he has knowledge that I
5 | don't have and he appears to have caught some issues that none
6 | of our other Commissioners caught, that none of the ANC
7 | Commissioners caught.

8 | I can't say if these issues are enough for the BZA to
9 | oppose this case. I don't have that kind of knowledge. It may
10 | not be and may very well not be and the Alexander-Benons may be
11 | well within their rights to be approved. I just don't have the
12 | kind of expertise to know. So, you know, because I have no way
13 | of knowing what the truth is in this situation, but no offense
14 | to the Alexander-Benons, I have more of a tendency to believe
15 | that Mr. Stilp is accurate than they are because, in large part,
16 | because of the numerous instances where the Alexander-Benons have
17 | let Angela Nicholas in 1208 Staples down.

18 | And I want to say here that we all make mistakes. I
19 | just described the mistake I made. We all make mistakes. No
20 | one is an exception, and with that in mind, Jan and LeRoy, I'd
21 | like to mention some of the mistakes that you made in this
22 | situation because I feel that ANC's most important job is to
23 | protect residents and if you don't see where you went wrong and
24 | decide to change, if you build again other residents could very
25 | well suffer at your hands and that's just not fair. So in the

1 spirit of I made mistakes, you made mistakes, we all made
2 mistakes, I hope you really hear this and choose to care about
3 it.

4 LeRoy, during our zoning committee meeting, the first
5 meeting we had, the last thing you said was that you would get a
6 solar study done, but you didn't. When Angela asked you to get
7 one done a long time after the meeting, you didn't. When Angela
8 asked you again to get one done you said it's too late to get
9 one done, and I still can't believe you said that.

10 I had thought that you understood that the solar study
11 was needed to figure out what the right compensation for Angela
12 was after we had spent about 20 minutes discussing it in our
13 zoning committee meeting and, LeRoy, you offered Angela a
14 contract with payment for six months worth of compensation for
15 her Pepco bill and you tried to convince her to sign it. Then
16 you offered Angela 40 percent of the SRECs that you --

17 CHAIRPERSON HILL: Commissioner Roblin? Commissioner
18 Roblin? I'm just going to interrupt you one second. So, like,
19 you're kind of going through a lot of things that might have
20 happened during your discussion with I guess the Applicant, so a
21 couple of things.

22 One, I see in the file I guess you're here, if we have
23 questions about the ANC's report, it does say to mention or
24 address our questions to you. Are you currently testifying on
25 behalf of the ANC in this regard or are you testifying as your

1 individual SMD?

2 ANC COMMISSIONER ROBLIN: No. Right now I'm testifying
3 as, not even as my SMD, as my personal self. Our ANC approved,
4 supported it.

5 CHAIRPERSON HILL: Okay.

6 The reason why I'm asking Commissioner is, again, so
7 the way that our regulations work is, again, the ANC is a party
8 in the case and so if, and this does happen on occasion that SMDs
9 will come and testify in their own individual capacity and then
10 they are members of the public. Now, you're different in that
11 you've been with us before and you're a Commissioner and so we
12 want to hear more, but usually it's a three minute testimony in
13 terms of you're now saying that you believe that the ANC should
14 go back and take a vote or look at this again, and just to let
15 you know Commissioner, again, you know, we'll be here reviewing
16 all of the criteria for us to either grant or not grant this
17 with, you know, our expertise in zoning and then also the
18 different reports that we get from the different agencies.

19 So the ANC is someone who we rely on to give us great
20 weight but not necessarily be the zoning experts. So that's just
21 one area there that I wanted to point out to you. I guess I'm
22 just trying to figure out what exactly now to do in this situation
23 meaning you, as an individual, think that the ANC should look at
24 this again. Do you know if the ANC is looking at this again?

25 ANC COMMISSIONER ROBLIN: No, I haven't brought it up

1 to them.

2 CHAIRPERSON HILL: Okay. Okay.

3 So, again, you're here providing testimony as an
4 individual, not on behalf of the ANC at this point in time,
5 correct?

6 ANC COMMISSIONER ROBLIN: Right.

7 CHAIRPERSON HILL: Okay. All right.

8 Then let me do this, Commissioner. I'm going to go
9 ahead and continue, you're not going anywhere, but let me continue
10 to move through this and then we'll see if and how my Board
11 members might have questions for you and what they might want to
12 do next. Okay?

13 Is the Office of Planning here?

14 MR. BRADFORD: Good morning, Chairman Hill, members of
15 the Board. For the record, my name is Philip Bradford,
16 Development Review Specialist with the Office of Planning.

17 The Office of Planning is recommending denial of the
18 requested special exception relief from Subtitle C, 1501.1(b)
19 penthouse use. Based on OP's analysis the Applicant has not
20 provided sufficient justification for the relief to the record
21 and the requested relief is not within the purpose and intent of
22 the zoning regulations.

23 At this height, it's typical for a roof access to be
24 provided through other means such as a stair open hatch, but
25 should the Board decide to move forward with approving the

1 | penthouse relief OP does recommend approval of the special
2 | exception relief from Subtitle C, 1504.1(a) for the penthouse
3 | setback which is by nature related to the penthouse use relief
4 | and OP also recommends approval of the other special exception
5 | request for rooftop and upper floor elements, rear yard, rear
6 | extension and lot occupancy as they meet the special exception
7 | approval criteria in Subtitles E and X.

8 | And with that, I am available for any questions you may
9 | have.

10 | CHAIRPERSON HILL: Okay.

11 | So, Mr. Bradford, you had talked to the Applicant about
12 | possibly a hatch in lieu of the penthouse; is that correct?

13 | MR. BRADFORD: Yeah. We did discuss the rationale for
14 | why the roof access was provided in the way it was when discussing
15 | additional things that they needed to provide to the record to
16 | meet the relief criteria.

17 | CHAIRPERSON HILL: Okay.

18 | So can you just walk me through again why you don't
19 | think that the height should be granted.

20 | MR. BRADFORD: There are other means they could access
21 | the roof and it's just not a criteria OP typically recommends
22 | approval for in general as it's not really in line with the intent
23 | of the regulations.

24 | COMMISSIONER SMITH: Mr. Bradford?

25 | CHAIRPERSON HILL: Okay. Go ahead, Mr. Smith?

1 COMMISSIONER SMITH: Could you elaborate on what's the
2 intent of the regulation to push Applicants I would guess, I
3 would say, to have roof hatches and what not in this particular
4 circumstance? Can you speak to that? Can you speak to the intent
5 of the regulations?

6 MR. BRADFORD: Yeah. Overall having the roof hatch or
7 some sort of non-structural access would lessen the visual impact
8 of the penthouses in these zones.

9 COMMISSIONER SMITH: Okay. So this is primarily based
10 on visual impact. So did OP analyze what that visual impact is
11 based on the renderings provided by the Applicant?

12 MR. BRADFORD: OP definitely took the renderings into
13 consideration but the renderings provided, as we saw during the
14 Applicant's testimony earlier, generally show the 3D renderings
15 from the ground looking up, but it would have been helpful to
16 have maybe various different angles to really assess that. But
17 obviously in writing our report we did take into consideration
18 the 3D renderings provided that show the penthouse access.

19 COMMISSIONER SMITH: Did you request any additional
20 renderings, at least to show what that would look like visually
21 from the street, like some kind of section that shows the
22 (indiscernible) --

23 MR. BRADFORD: Like a compliant version?

24 COMMISSIONER SMITH: -- setback? Yes.

25 MR. BRADFORD: No.

1 COMMISSIONER SMITH: Yes. Did you request --

2 MR. BRADFORD: We did not request a version of the
3 rooftop access that would have been compliant. We requested
4 additional information to better illustrate it in general because
5 that wasn't provided initially, which is why we had a supplemental
6 report at first saying that we were not ready to issue a report
7 on this. And then once we got the additional information from
8 the Applicant, that is what the report in the record now is based
9 on.

10 COMMISSIONER SMITH: Okay. And OP had some concern
11 about the setback. Can you speak to that? It doesn't need a
12 one-for-one setback?

13 MR. BRADFORD: Oh, yeah. The Applicant also needs
14 relief as the ZA referral noted on the one-to-one setback.

15 COMMISSIONER SMITH: Okay. What is OP's position on
16 that?

17 MR. BRADFORD: That we are recommending approval for.

18 COMMISSIONER SMITH: Okay. That's all the questions I
19 have, Chairman Hill. Thank you.

20 CHAIRPERSON HILL: Okay. Thanks, Mr. Smith.

21 Mr. Blake, do you have any questions?

22 VICE CHAIRPERSON BLAKE: Maybe just a quick follow-up.

23 The Applicant mentioned that the reason for using the
24 staircase was to ensure, for safety reasons and for, to avoid
25 intrusion, and I'm just asking the Office of Planning if that was

1 sufficient justification?

2 MR. BRADFORD: The Applicant mentioned that in the
3 hearing today, but that rationale was not provided in the record
4 at the time of my report's writing.

5 CHAIRPERSON HILL: I guess for me, and this is what I,
6 and I don't know if the Office of Planning, I mean I haven't seen
7 these things necessarily get approved. I mean, I've had people
8 come back and they ask us for the hatch and we try to get a hatch
9 there and I can't figure out if, we always seem to be leaning
10 towards these hatches, right, and I've seen the hatches around,
11 you know, in different capacities with just people that I know.

12 And, you know, some of them are the opening on the side
13 hatch, some they kind of pop up and there is always an indication
14 of, like, you know, the rain and the weather that kind of get
15 there. However, the Office of Planning and whether or not in
16 this meeting the Board is comfortable in changing this or not
17 that it always seems to be, this visual impact seems to be
18 something that the Office of Planning is always concerned about
19 with these penthouses.

20 I'm looking at my fellow Board members again for
21 questions of the Applicant, the Office of Planning or the witness
22 at this point?

23 VICE CHAIRPERSON BLAKE: Mr. Chair?

24 CHAIRPERSON HILL: Go ahead, Mr. Blake.

25 VICE CHAIRPERSON BLAKE: I'd just going back to the

1 Office of Planning's issue just with the consideration of the
2 circumstances that the Applicant mentioned just now.

3 Would those two conditions or issues be sufficient to
4 justify or would they have to make a further presentation to make
5 that make sense? I just want to make sure. We did hear that.
6 I want to know how you would factor that in since you said you
7 did not factor those, that rationale into your decision.

8 MR. BRADFORD: Commissioner Blake, would you remind
9 repeating that question? I didn't catch the --

10 VICE CHAIRPERSON BLAKE: Okay.

11 The issue that she said for the justification of using
12 the stairwell structure and not the hatch was, as I pointed out
13 before, was waterproof, water issues and safety issues. Would
14 those issues, if she incorporated that in -- you said you did not
15 factor those issues into your analysis. So my question is
16 factoring those issues into your analysis, would that alter your
17 opinion or would you need more time to factor that in and to
18 consider that or more elaboration on that?

19 MR. BRADFORD: I wouldn't need more time. They would,
20 the other means since they are commonly used, I don't think that
21 that would be sufficient rationale. Other means meaning the
22 various types of roof access that we more typically see.

23 VICE CHAIRPERSON BLAKE: Okay. I think that answered
24 my question.

25 Thank you.

1 CHAIRPERSON HILL: Okay. Anyone else and y'all, I'm
2 just going to continue chugging along here and then you can come
3 back and ask questions if you like, but does anybody have further
4 questions?

5 Okay. Ms. John?

6 COMMISSIONER JOHN: So, this is for the Applicant. Can
7 we go back to the slide that shows the stairwell enclosure?

8 MS. ALEXANDER-BENONS: Yes.

9 COMMISSIONER JOHN: Mr. Young? Do you remember what --

10 CHAIRPERSON HILL: Mr. Young, I think it's No. 5
11 perhaps. I'm not sure.

12 MS. ALEXANDER-BENONS: Yeah. That's what I'm thinking
13 as well.

14 COMMISSIONER JOHN: And while he's doing that, can you
15 remind me what the setback is?

16 MS. ALEXANDER-BENONS: Three feet.

17 COMMISSIONER JOHN: I see. From the front?

18 MS. ALEXANDER-BENONS: Front façade.

19 COMMISSIONER JOHN: From the front façade.

20 MS. ALEXANDER-BENONS: Uh-huh.

21 COMMISSIONER JOHN: Okay. And is that because of the
22 position of the stairwell?

23 MS. ALEXANDER-BENONS: No. That's not because of the
24 position of the stairwell, that was to maximize sort of the
25 enjoyment and use of the rooftop from --

1 COMMISSIONER JOHN: Uh-huh. That's the stairwell?

2 MS. ALEXANDER-BENONS: So the stairwell is a little bit
3 different than the setback. The stairwell has more to do with
4 the height exception. It's slide 5, Mr. Young. It's Exhibit
5 No. 39. Yeah. So, the rooftop structure has to do more with
6 the height. So as I understand it because we have a parapet and
7 then that structure, if that structure didn't exist and say it
8 was, like, a hatch or some other means, then the roof, the height
9 of the structure would actually stop at the roof truss, like the
10 calculation for that.

11 Because if the parapet is under four feet, then by BZA
12 Code it doesn't count in the height of the structure. But because
13 we have that pop-up which is essentially the, I don't know if
14 you can hover your cursor, Mr. Young, but the topmost structure
15 of the building to the top of the parapet railing, because that
16 exceeds that sort of three foot six inch measurement that we have
17 here, that's why now the entire structure and the entire length
18 of the building needs to be calculated in.

19 COMMISSIONER JOHN: So again my question is this is not
20 related to the stairwell, so how, where would the stairs be to
21 get to the rooftop?

22 MS. ALEXANDER-BENONS: Yeah. Good question.

23 So the stairs would be within that box. So if we're
24 looking at the two-sides of the screen the left side in the
25 rendering, if you zoom in a little bit. I don't know if it's

1 possible, Mr. Young. But Mr. Bradford is correct in that this
2 doesn't give you like a front facing, but it's kind of looking
3 up. But you can see to the left of the rooftop like a structure
4 that's coming up a little bit, it's like a narrow box. That's
5 on the left side. But on the right side plan is essentially the
6 rectangular structure that's at the rooftop to the right of the
7 parapet wall. That's a stairwell.

8 COMMISSIONER JOHN: And that stairwell is from the
9 second floor up?

10 MS. ALEXANDER-BENONS: Yes. It's from the third floor
11 up.

12 COMMISSIONER JOHN: Third floor. Oh, one, two, three,
13 okay. I see. Because typically when we see this, my fellow
14 Board members can correct me if this is not so, but typically
15 the justification for these, you know, stairwells that, you know,
16 would raise the roof, they're typically over the stairway for the
17 rest of the building and typically the justification is that it
18 would cost more. It would result in a construction that is less
19 costly.

20 MS. ALEXANDER-BENONS: Oh, that applies here as well.
21 I didn't think to bring that up but it is in alignment with the
22 internal stairs and that is what our architect mentioned as well.

23 COMMISSIONER JOHN: That's what, yeah. That's what I
24 was trying to ask you about where, but you keep saying it's not
25 tied to the internal stairs.

1 MS. ALEXANDER-BENONS: Oh, I'm sorry. I didn't
2 understand that that's what the question was. That is one thing
3 that our architect did mention. Those stairs are an extension
4 of internal stairs and so it just makes sense for them to be in
5 that location if your question is a matter of location.

6 COMMISSIONER JOHN: Okay. Do you have a drawing that
7 shows that, the position of the internal stairs?

8 MS. ALEXANDER-BENONS: Yeah. I can probably, let me
9 figure out which exhibit that is. We have architectural plans
10 and elevations in 6A1 and 6A2. Let me just see which one is
11 more, is better aligned to this question. Okay. So not 6A1,
12 6A2. Yeah, there we go. Perfect. So if you can bring that up,
13 Mr. Young, please. Exhibit 6A2. And so you'll see to the left,
14 Ms. John, that they're in alignment with each other on the same
15 side.

16 COMMISSIONER JOHN: Okay. Thank you.

17 MS. ALEXANDER-BENONS: No problem. Thank you for the
18 question. I didn't understand it initially.

19 CHAIRPERSON HILL: Ms. Alexander-Benons, how far back
20 would you have to push that penthouse to meet the one-to-one
21 requirements. Do you know?

22 MS. ALEXANDER-BENONS: I do not know off the top of my
23 head.

24 CHAIRPERSON HILL: Okay.

25 MS. ALEXANDER-BENONS: I think it's like as wide as the

1 | deck is. It would be how far back you'd have to go. I mean, it
2 | would bring it substantially further back.

3 | CHAIRPERSON HILL: Okay.

4 | MS. ALEXANDER-BENONS: I don't know the answer to that
5 | off the top of my head.

6 | CHAIRPERSON HILL: It's okay. Mr. Young, can you drop
7 | that? Thanks.

8 | All right. Why don't we hear from witnesses and then
9 | I'll come back for continued questions unless, Mr. Miller, you
10 | have a question right now. Okay. All right.

11 | Mr. Young is there anyone here wishing to testify?

12 | MR. YOUNG: Yes. Just the one witness.

13 | CHAIRPERSON HILL: Okay. Could you give me the name
14 | again, please.

15 | MR. YOUNG: Mark Stilp.

16 | CHAIRPERSON HILL: Okay. Great.

17 | Mr. Stilp, can you hear me?

18 | MR. STILP: Yes, I can, Commissioner.

19 | CHAIRPERSON HILL: Okay. Great.

20 | MR. STILP: I'm sorry, Mr. Chairman.

21 | CHAIRPERSON HILL: That's all right. If you can go
22 | ahead and introduce yourself for the record and then again as a
23 | member of the public you'll get three minutes to give your
24 | testimony, and you can begin whenever you like,

25 | MR. STILP: All right. Thank you, Mr. Chairperson and

1 Ms. Vice Chairperson, and BZA members. Thanks for the opportunity
2 to share my opposition to this development in its current proposed
3 state. I have various reasons for my opposition that I'd like
4 to outline briefly.

5 First of all, I do not feel as though the Applicant has
6 met their burden which is fully their burden to show that the
7 special exceptions will not cause undue harm to the neighborhood.
8 I don't see any burden of proof in the application that meets
9 that standard. The development adversely affects the
10 neighborhood and is contrary to the zoning regulations. Granting
11 six exceptions in a situation like this essentially renders the
12 regulations meaningless if the Applicants can simply come and be
13 approved upon request without sufficient justification.

14 There are various reasons why I think this absolutely
15 should be delayed, if not denied. The ANC did not have the Office
16 of Planning report when it voted. Additionally, the adjoining
17 neighbor at 1204 Staples, that home was pending sale during much
18 of the deliberation with the ANC and to the best of my knowledge,
19 that owner was never made aware. I had hoped to discuss this
20 with them but I have not had an opportunity to do that myself,
21 but I think it would be premature to render a decision without
22 the adjoining neighbor being made aware and given an opportunity
23 to have party status to weigh in here.

24 Additionally, I'd like to comment on the Applicant's
25 presentation. Unlike the Applicant alleges in their presentation

1 | there is no precedent for these exceptions in the immediate
2 | neighborhood or on the street. The homes shown in the
3 | presentation were, either required no special exceptions to be
4 | built or were approved and built prior to the current zoning
5 | regulations going into effect.

6 | So I do oppose all of the special exemptions as proposed
7 | because I do find that this is an egregious abuse of the zoning
8 | regulations and so I hope the BZA, you know, takes that into
9 | consideration and looks at the full record when deciding to either
10 | to deny or postpone a vote here.

11 | Again, the neighbor at 1204 has not had an opportunity
12 | to weigh in, the ANC voted without the Office of Planning
13 | information and the design is not consistent with the other recent
14 | construction on the block and there is no precedential value to
15 | the homes shown in the Applicant's presentation to the Board.

16 | I'm here just because I love my neighborhood. I've
17 | lived in my house for nine years. I've been shoveling snow in
18 | front of the Applicant's home for many years. I've been pulling
19 | the weeds. I'm just trying to be here as a member of the
20 | community, as a member of the neighborhood, to share my concern
21 | that granting this would set a dangerous precedent. It's a
22 | slippery slope and would essentially render the zoning
23 | regulations meaningless.

24 | I will point out that I have reached out to the
25 | Applicant on multiple occasions in an attempt to discuss this

1 with them and bring this to them directly but I have not heard
2 back. I first reached out, I believe it was in December, asking
3 to discuss and have a phone call or get together and did not
4 receive a response to that email, and then additionally at the
5 previously scheduled BZA hearing date I wrote the Applicant and
6 expressed my various concerns and asked to have a conversation
7 but I have not heard back from the Applicant. So I do think it,
8 as our ANC representative noted, I do think it would be
9 appropriate to take this back to the ANC for further evaluation
10 and I encourage the BZA to delay the vote or deny these six
11 special exemptions.

12 CHAIRPERSON HILL: Okay.

13 MR. STILP: That's it. Thanks.

14 CHAIRPERSON HILL: Thank you, Mr. Stilp. Thank you for
15 taking the time to be here today and for your testimony.

16 Does the Board have any questions of the witness?

17 (Pause.)

18 CHAIRPERSON HILL: Okay. Oh, go ahead, Commissioner
19 Miller.

20 ZC VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

21 Just one question. Well, maybe not one question.
22 You're across the street, right, from the --

23 MR. STILP: Correct.

24 ZC VICE CHAIRPERSON MILLER: If that roof, if that
25 penthouse structure was one-to-one setback, I guess that would

1 additional based on the information I've seen, it would be two
2 feet additional setback. Do you think that visual impact would
3 be less from your perspective, a little, like, from your
4 perspective from your house?

5 MR. STILP: Absolutely. The further the setback, the
6 less of an eyesore it would be to me and my neighbors, especially
7 from my front porch, from my, you know, front window, yes, it
8 would be less egregious. However, I do think the lot occupancy,
9 the rear extension, those are very troubling to me. The lot is
10 not designed to have, you know, and the regulations say a lot of
11 this size is not mean to have a building of this size, of this
12 grand, you know, this grand structure on a small lot.

13 As the Applicant said, it is a small lot and the
14 regulations are there to ensure that we have reasonable
15 development for the size of the lot. So, yes, I think that would
16 be an improvement but I have multiple other concerns with the
17 Applicant's exceptions that they're seeking.

18 ZC VICE CHAIRPERSON MILLER: Okay. Thank you very much
19 for your response and for your testimony.

20 MR. STILP: Thank you.

21 CHAIRPERSON HILL: Thank you, Commissioner Miller.
22 Anyone else?

23 (Pause.)

24 CHAIRPERSON HILL: Okay. All right, Mr. Stilp. I'm
25 going to go ahead and excuse you and I'm sure you'll be watching.

1 MR. STILP: Thank you.

2 CHAIRPERSON HILL: Thank you.

3 MS. ALEXANDER-BENONS: Do we have an opportunity to
4 respond or --

5 COMMISSIONER JOHN: Mr. Chairman?

6 MS. ALEXANDER-BENONS: -- no?

7 COMMISSIONER JOHN: Mr. Chairman?

8 CHAIRPERSON HILL: I lost somebody. Go ahead, Ms.
9 John.

10 COMMISSIONER JOHN: I just have one question of Mr.
11 Stilp. Was he at the ANC meeting, Mr. Stilp?

12 CHAIRPERSON HILL: Could you bring back in, Mr. Stilp,
13 Mr. Young?

14 (Pause.)

15 COMMISSIONER JOHN: Hi, Mr. Stilp.

16 Were you at the ANC meeting when this application was
17 discussed?

18 MR. STILP: I have attended all of the ANC meetings
19 that I was able to attend when this was on the agenda. I attended
20 a ANC zoning subcommittee meeting where I identified that the
21 Applicant's initial submission to the BZA was inaccurate in large
22 part because they falsely alleged that their third floor would
23 have no impact on the neighboring solar. So that was the first
24 most egregious issue that I spotted and raised to the ANC's zoning
25 subcommittee.

1 I then attended as much of the additional full ANC
2 meetings as I could. I believe I attended two over the last few
3 months where this was a potential agenda item and, you know, I
4 am grateful for my ANC representatives. I will say that my
5 concerns, given the fact that these meetings are held over zoom
6 when I would raise my hand and attempt to express my objection
7 and opinions to the ANC, my hand was put down on the zoom meetings
8 and I was instructed to put my comments in the chat, which I did.
9 Unfortunately, I did not get responses to my concerns from the
10 ANC either orally or in writing before they took their vote.

11 COMMISSIONER JOHN: Okay. Thank you.

12 CHAIRPERSON HILL: Okay.

13 Ms. Alexander-Benons, you'll have an opportunity to
14 respond and so, you know, in rebuttal.

15 Okay. Thank you, Mr. Young. Thank you, Mr. Stilp.

16 MR. STILP: Thank you.

17 CHAIRPERSON HILL: Okay.

18 Now, again, Commissioner Roblin, I'm having you in here
19 also because I'm not exactly sure what to do with you in that I
20 know you're, you know, you're here presenting individual
21 testimony. However, you're a Commissioner and we might have
22 questions as well in terms of just the ANC.

23 But, Ms. Alexander-Benons, like, before you get to your
24 rebuttal, I mean, I'm kind of going to stick with the zoning
25 issues here as to where we are. Like, you know, the concern that

1 I have, again, with the penthouse and I'm not going to be able
2 to vote on this today myself, but, you know, I'm going to have
3 to kind of go back and take a look.

4 But, like, you know, I've been here for a while and the
5 penthouse relief I've had different Commissioners, Vice Chair
6 Miller is on here today, that some have very strong opinions
7 about, you know, setbacks, right, and so, you know, and the visual
8 intrusion of the penthouse relief.

9 And so, you know, there are different mechanisms like
10 hatches and things that can be done to achieve what you kind of
11 want and so, you know, I don't where I am with, I don't really
12 have a question I suppose because, like, what you kind of told
13 me is that you haven't, you think it's more expensive to -- I
14 don't know where my Board is also, where like it's more expensive
15 to push it back so that it's at least one-to-one. I'll let you
16 answer questions.

17 And so in terms of, like, you know, why it is where it
18 is, right, and that, you know, the different, so I guess it's
19 more of a statement than anything else. But you had your hand
20 up, Ms. Alexander-Benons.

21 MS. ALEXANDER-BENONS: Yeah.

22 I think to focus my responses to what you're mentioning
23 which is that this forum is for zoning, I'll keep my other
24 comments to myself. But to what you had just mentioned, I just
25 want to understand. Right now it seems like from the

1 recommendation of the Office of Planning that we're all right
2 with the setback. It seems like maybe we may not be. I think
3 the item that they are recommending denial for is the height but
4 they were recommending approval for the setback. Is that a
5 correct understanding?

6 CHAIRPERSON HILL: Yes. Now whether the Office of
7 Planning is recommending approval or whether the Board of Zoning
8 Adjustment believes in the approval, that's a different thing.

9 MS. ALEXANDER-BENONS: Right.

10 CHAIRPERSON HILL: And so, yes. They're saying that,
11 you know, if you came in I think you're five feet over. Yeah,
12 you're four foot nine inches over the height, right? If you
13 somehow met the height requirements then I guess the Office of
14 Planning would be here, and I don't see how that works because I
15 don't know how the penthouse works, the one that you've kind of
16 put together. But, yes, the Office of Planning is in favor of
17 everything except for the height.

18 MS. ALEXANDER-BENONS: Uh-huh. Got it. Thank you.

19 CHAIRPERSON HILL: Okay. Does the Board have any
20 questions of anybody, and I'm not exactly sure what I'm going to
21 do next. I do have a question I guess of Ms. Roblin. I mean,
22 Ms. Roblin, I mean Commissioner Roblin, there's, like, you're
23 here just as an individual but also Commissioner to the ANC.
24 Have you heard anything from your colleagues about wanting to
25 look at this again?

1 ANC COMMISSIONER ROBLIN: No. I didn't bring it up to
2 them at all.

3 CHAIRPERSON HILL: But if you did bring it up, do you
4 think they'd want to look at this again?

5 ANC COMMISSIONER ROBLIN: I'm not sure if they would
6 or not.

7 CHAIRPERSON HILL: Okay.

8 ANC COMMISSIONER ROBLIN: I mean, I think that if I
9 said that there's good cause to that they would. I think they
10 should (indiscernible) good cause.

11 CHAIRPERSON HILL: (Indiscernible) the SMD. Right?
12 Because you're the SMD?

13 ANC COMMISSIONER ROBLIN: Yes.

14 CHAIRPERSON HILL: Got it.

15 CHAIRPERSON HILL: Okay. All right.

16 MS. ALEXANDER-BENONS: I'm sorry, Chairman Hill.

17 CHAIRPERSON HILL: One second, Ms. Alexander-Benons.
18 Commissioner Miller?

19 ZC VICE CHAIRPERSON MILLER: I was going to move on to
20 a different subject so I'll let Ms. Alexander-Benons say whatever
21 she wants to say at this point and then I'll ask my question,
22 which I haven't asked any questions of her yet.

23 CHAIRPERSON HILL: Okay. Great. Go ahead, Ms.
24 Alexander-Benons. You had your hand up.

25 MS. ALEXANDER-BENONS: Yeah. I just want to make sure

1 that, like, I'm putting forth my interests for the record since
2 I know we've heard a lot of varying information today.

3 We've gone through the due process. I fully receive
4 the information that Commissioner Roblin has brought to the forum
5 as well as Mr. Stilp but I do feel like we have gone through the
6 due process as outlined for getting our approval for getting, or
7 not approval, for getting our relief exceptions considered.

8 In terms of communication to our neighbors, we have in
9 one of the exhibits her requirement from this committee, you
10 know, signatures from our neighbors. My husband has spoken to
11 the person who owns the building to the right of us. In terms
12 of engagement with the ANC, have we been perfect? No. But we've
13 done our best to execute on the process and to come to, you know,
14 an amicable agreement with our neighbor.

15 And so I just want to make sure that that is not lost
16 because I know that we've been receiving a lot of testimony from
17 other people. We've been nothing but open. There's a lot of
18 nuance to the information that was shared. We had one of our
19 ANC meetings while we were overseas on vacation, so when we came
20 back State-side getting a lot of things in place in the time line
21 that we had seemed difficult but we, and we made all of our
22 interactions with our neighbors in good faith.

23 One thing that we've told Commissioner Roblin multiple
24 times is that we've done everything with the information that
25 we've had and as information was made aware to us we shifted as

1 needed. That's sort of why I outlined our interactions with the
2 ANC in the presentation which is on the record you guys can
3 review, and also in the appendix after the thank you slide I
4 outlined the interactions with our neighbor and the different
5 options that we had gone through for how we could compensate her
6 for her loss of solar energy, right?

7 So Commissioner Roblin mentioned that we had offered
8 SRECs and, you know, it seems from what the Commissioner said
9 that that was not a fair recommendation. But actually we made
10 that recommendation from advisement from an ANC member, right?
11 So there's a lot of nuance that I don't think we're getting
12 contextually in this conversation, but I tried my best to outline
13 them all in the presentation which is available for all of you
14 guys to review.

15 But I just don't want to not say my piece, especially
16 in a forum where things are on the record and understanding fully,
17 as you guys have mentioned, that this is a zoning decision and
18 we'll see where we go from here. But I just want to thank you
19 for the opportunity in letting me speak and say that piece. I
20 appreciate it.

21 CHAIRPERSON HILL: Okay.

22 Thank you, Ms. Alexander-Benons, and actually you also
23 get a conclusion so that's kind of a conclusion. But, again,
24 since the Commissioner is here as an individual, I am going to
25 let her go. Does anybody have, because the only thing I had the

1 question was again if, and we'll see what the Board has to say
2 if the ANC wanted to take a look at this again, if we wanted to
3 get something from the ANC as to whether or not they wanted to
4 take a look at this again, that may or may not be something we
5 ask for but do I have any further questions of the Commissioner?
6 Go ahead, Commissioner Miller.

7 ZC VICE CHAIRPERSON MILLER: Not of the Commissioner,
8 I'm sorry. Of the Applicant I wanted to.

9 CHAIRPERSON HILL: Okay. Any others for the
10 Commissioner? Okay.

11 Commissioner Roblin, I'm going to go ahead and excuse
12 you and please, I'm sure you'll be watching.

13 ANC COMMISSIONER ROBLIN: Thank you so much.

14 CHAIRPERSON HILL: Thank you. Nice to see you. Bye.
15 Okay. Go ahead, Commissioner Miller.

16 ZC VICE CHAIRPERSON MILLER: Okay. Thank you, Mr.
17 Chairman.

18 Good morning, Ms. Alexander-Benons. It's still
19 morning. Thank you for your presentation.

20 Just to, if you were to, well, I'm concerned about the
21 visual impact of the enclosed stairwell. The regulations prove
22 if there was an intent to minimize visual impact and look at the
23 special exception process to try to encourage something other
24 than enclosed stairwell which (indiscernible). So that's the
25 penthouse use. OP is recommending denial and only if that were

1 | to meet the, not need the special exception only if that were
2 | not, that they would then the approval of the setback which is
3 | not meeting this one-to-one setback requirement I think by about
4 | two feet from the front.

5 | So I, unlike Office of Planning, I'm concerned about
6 | the one-to-one setback from the front. I'm concerned about, even
7 | though there might be other houses on the block, I don't know if
8 | they pre-existed the regulations to design to discourage the type
9 | of pop-up I think that's being proposed here may have been built
10 | already on your block.

11 | But I would like information on what the square footage
12 | is of the rooftop deck and how would it be reduced? How much
13 | would it be reduced if you met the, if it had to be set back an
14 | additional two feet. Maybe it could go back even further, I
15 | don't know because I think the visual impact in the back, I'm
16 | not sure what's in the back because I haven't seen any, not sure
17 | I saw renderings from the back. But if there's an alley back
18 | there, that would be also of concern but it's more of a concern
19 | the visual impact when it's from the street.

20 | But if you're able to provide the square footage of the
21 | rooftop deck and what currently as proposed and how much would
22 | it reduce if you were to meet the one-to-one setback or have,
23 | and have an alternative stairwell, alternative way of accessing
24 | it such as proposed by Office of Planning.

25 | MS. ALEXANDER-BENONS: Uh-huh.

1 ZC VICE CHAIRPERSON MILLER: As an open stair or a
2 hatch. So I don't know if you have that information today but
3 if we put that, I would like to have that information before I
4 make any decision on this.

5 MS. ALEXANDER-BENONS: Yes. I can --

6 CHAIRPERSON HILL: Ms. Alexander-Benons, hold on one
7 second. I think we're going to, you can have a minute because I
8 think you're going to have to make a case here for this actually.

9 So, Mr. Smith, you had your hand up?

10 COMMISSIONER SMITH: Yeah, I had my hand up. I just
11 wanted to, Mr. Miller, I'm sorry. Am I cutting you off? Did
12 you have any additional? Okay.

13 I share the same exact concerns that Commissioner
14 Miller shares. I can't speak to the house on the corner but my
15 thought is that particular building was approved under the ZR58
16 regulations. That's my assumption. And under the ZR58
17 regulations, what we, what the Zoning Commission attempted to
18 address with the ZR16 regulations is to address these issues of
19 pop-ups that are occurring in our traditional neighborhoods
20 within the District that have a visual impact on the front facades
21 of these streets and I think that to approve this without one-
22 for-one setback and also with the stair penthouse would create
23 that visual impact issue, again, that I believe the Zoning
24 Commission was attempting to address when they wrote these
25 regulations.

1 So I'll go on the record and say I am not in favor of
2 this, whether you bring that additional information back that Mr.
3 Miller is requesting, I'm not in favor of it because of the
4 substantial visual impact that the third floor addition would
5 impose on the front façade and also including the visual impact
6 to the stair penthouse.

7 So my recommendation is to, and if you want to provide
8 some additional information that Mr. Miller requested, that's
9 fine, but my recommendation is to attempt to address those visual
10 impacts by pushing that third floor back to verbally not request
11 that special exception and provide some additional means of
12 access to the penthouse.

13 That's my recommendation.

14 CHAIRPERSON HILL: Okay.

15 Ms. Alexander-Benons, another thing that, I mean, I'm
16 not in favor right now of the penthouse thing myself, okay? I've
17 got to say, right? And so, you know, Commissioner Miller, what
18 he's suggesting which is not such a bad suggestion is pushing it
19 back farther. Then what you get into is whether or not we think
20 it's visually intruding from the alley, right? And so I don't
21 know if you're going to get the votes you need for this height,
22 right?

23 And so what I would suggest is go ahead and take, you're
24 welcome to, you know, go back, take a look at what you want to
25 try to propose. What you might want to try to propose is a roof

1 hatch and not have these special exceptions, right, because the
2 Board has to approve whatever the Board approves, right, meaning
3 that, you know, if you were to be denied this height requirement
4 I think, and I'm not terribly sure, I think we would have to see
5 plans that show that the penthouse is gone, right? And then you
6 would get approval if we all did agree still of some of the other
7 special exceptions. I mean, you wouldn't need the penthouse
8 setback because you don't have a penthouse.

9 So I would suggest go ahead and go back, take a look
10 and see if you would like to provide into the record something
11 for the Board to take a look either as an alternative to this
12 particular special exception relief for the height and the
13 setback or, if you do still want to make the argument for the
14 height and the setback, then add information into the record such
15 as Commissioner Miller asked for.

16 MS. ALEXANDER-BENONS: Uh-huh.

17 CHAIRPERSON HILL: Okay?

18 MS. ALEXANDER-BENONS: I have a question for
19 Commissioner Smith.

20 You mentioned the third floor. You mean the rooftop,
21 setting that back, correct?

22 COMMISSIONER SMITH: No. The one-for-one, I think your
23 addition on the third floor isn't meeting the one-for-one ratio.

24 MS. ALEXANDER-BENONS: I thought the one-for-one was
25 the, like, the railing. If we look at, I know you guys don't

1 have it up again but if we look at the rendering on slide 5, I
2 thought it was the push back for the railing.

3 COMMISSIONER SMITH: Mr. Bradford? Can I pull you into
4 this deliberation really quickly? Would you speak to which
5 portion of the building isn't meeting the one-for-one setback.

6 MR. BRADFORD: I am also confused about that
7 regulation. I spoke to DOB regarding how that setback works and
8 we discussed the height, but I did not really get a clear answer
9 on how the one-to-one setback is being applied in this case. I
10 did ask for that to be illustrated on the drawings and that was
11 provided to the record by the Applicant, and the referral memo
12 also states what the relief is.

13 But it's, in my opinion, also difficult to tell whether
14 that is implying the roof deck itself needs more setback or if
15 it's the third story addition needs a one-to-one setback from the
16 existing front façade setback. The way that was kind of described
17 by DOB and in the Code is kind of confusing to me, but --

18 MS. ALEXANDER-BENONS: I thought it was the railing
19 that needed the setback.

20 COMMISSIONER SMITH: Well, it sounds like we need some
21 additional clarification on that, so we need to have some more
22 dialog with the Zoning Administrator on where that lands. I
23 would just recommend that, from my standpoint, to come into
24 compliance with that regulation in order to not request a special
25 exception. So it sounds like we need to continue this case anyway

1 | for some additional conversation with the Zoning Administrator.

2 | ZC VICE CHAIRPERSON MILLER: And the Office of Planning
3 | since they're confused. My understanding was that anything about
4 | 35 feet would need to be setback one-to-one.

5 | COMMISSIONER SMITH: That's what I thought as well.

6 | ZC VICE CHAIRPERSON MILLER: So is that, so that may
7 | encompass more than just the roof.

8 | COMMISSIONER JOHN: Right. I don't think there's a
9 | regulation that says the third floor has to be set back a certain
10 | amount of feet. I think, if I recall, are you removing the, what
11 | is it, the --

12 | MS. ALEXANDER-BENONS: The dormer?

13 | COMMISSIONER JOHN: The dormer.

14 | MS. ALEXANDER-BENONS: No, we're not. That would be
15 | something that we had to keep for the architectural.

16 | COMMISSIONER JOHN: Right. So you're setting back from
17 | the dormer three feet?

18 | MS. ALEXANDER-BENONS: So we're setting back from the,
19 | not the dormer and so even what was just mentioned, looking again
20 | at that same slide the elevation from the sidewalk to the top of
21 | the third floor before the penthouse is 31 feet and seven and a
22 | half inches. So by virtue of what was just said, that wouldn't,
23 | we wouldn't need to set back the third floor. It seems to me
24 | that the setback is occurring at the penthouse and so the railing
25 | that we have in the 3D rendering would essentially need to move

1 back two feet.

2 Go ahead.

3 CHAIRPERSON HILL: So, Mr. Young, if you could pull up,
4 please, the PowerPoint and go to slide 5, please, and then I have
5 a question for the Office of Planning if they could help me out
6 here.

7 So if we could hear from the Office of Planning a little
8 bit of clarification, I understand the setback from the penthouse
9 which is the stairwell, right? Now I'm confused about whether
10 or not there needs to be a setback from the railing or if there
11 needs to be a setback from the third floor. I don't think there
12 needs to be a setback from the third floor but there might have
13 to be a setback from the railing. So maybe the Office of Planning
14 could just clarify whatever the setback requirement is and if it
15 is being asked for.

16 Again, to the Applicant I think that, I don't think
17 you're going to get my vote for the penthouse, okay? And so,
18 you know, if you want to work with the, you can do whatever you
19 want to do, right, and so, like, you know, if you want to work
20 with the Office of Planning, figure out what the setback is that
21 you really need, ask for the setback or get rid of the setback
22 because if that railing is supposed to be set back one-to-one,
23 then I'm probably going to want to see the railing set back one-
24 to-one, right?

25 And so then you get your hatch and then you can come

1 back with the Board and we can have a continued hearing as to
2 see where we are because there seems to be a little confusion as
3 to what is actually supposed to be set back.

4 Does the Office of Planning kind of understand what I'm
5 saying?

6 MR. BRADFORD: For the most part I do. But the guard
7 rail would need to provide a setback and the penthouse needs to
8 be set back, but the third story addition it's our understanding
9 that that does not need to be set back.

10 CHAIRPERSON HILL: That's what I also thought was the
11 case, Mr. Bradford. But if the Office of Planning could, again,
12 I think the Applicant has to go back and work with the Office of
13 Planning and see what the Applicant wants to actually put forward
14 and request of the Board, right?

15 My opinion would be get rid of the setback requirements
16 and get rid of the penthouse, and then it might work for you. I
17 don't know, right? I don't know where the rest of the Board is
18 but that's where kind of I am, okay? And --

19 MS. ALEXANDER-BENONS: The full penthouse or, but if
20 we do the setback and then the hatch, that still gives us the
21 penthouse without seeking the relief. You mean just the penthouse
22 relief items?

23 CHAIRPERSON HILL: As I understand, Ms. Alexander-
24 Benons, and I'm not terribly sure --

25 MS. ALEXANDER-BENONS: Uh-huh.

1 CHAIRPERSON HILL: -- that railing is what's confusing
2 me a little bit. I know that you need setback relief from the
3 penthouse, okay? I'm not clear on the railing and now, just
4 because the rest of my Board has confused me, I'm confused about
5 the third floor which I think is okay, right? But the Office of
6 Planning can clarify all that after you talk with the Office of
7 Planning, and I know this is taking a while but it is kind of
8 what it is, right?

9 And so, does anybody have any further questions on this
10 slide or can I drop this slide?

11 (Pause.)

12 CHAIRPERSON HILL: Okay. I'm dropping this slide.
13 Thank you.

14 All right. So I think what we're asking for is the for
15 the Applicant to go back with the Office of Planning and see what
16 the Applicant would like to put forward for the Board. If the
17 Applicant wants to come back with the penthouse, there has been
18 further information requested by Commissioner Miller in terms of
19 the setback and then Mr. Smith has his own thoughts about, I
20 think, the penthouse.

21 And so, unfortunately, we're going to lose Board member
22 John, so you're going to have four people. So you're going to
23 have to get three. And so, do you have any questions, does
24 anybody have any questions of anybody?

25 MS. ALEXANDER-BENONS: I think I'm clear on my next

1 steps.

2 CHAIRPERSON HILL: Okay.

3 So, Madam Secretary, if we had this happen with the
4 Applicant, when do you think we could come back here?

5 MS. MEHLERT: Would you like to give the ANC another
6 opportunity to meet or just respond to Applicant's filings?

7 CHAIRPERSON HILL: The ANC can respond to the
8 Applicant's filings and the ANC at any time can request whatever
9 they would like to request from the Board. I mean, if the ANC
10 wants to put in a request that they want to take a look at this
11 again, the Board can then determine whether or not that is
12 necessary.

13 MS. ALEXANDER-BENONS: So, okay. Just for my clarity.
14 So if the ANC wanted to review, right, because now the, I'm sorry.
15 You want to finish and then I can ask.

16 CHAIRPERSON HILL: I'm trying to clear.

17 MS. ALEXANDER-BENONS: Okay.

18 CHAIRPERSON HILL: So you're going to put something in
19 the record, right?

20 MS. ALEXANDER-BENONS: Yes.

21 CHAIRPERSON HILL: The ANC always gets a chance to
22 respond to anything you put in the record, okay?

23 MS. ALEXANDER-BENONS: Got it.

24 CHAIRPERSON HILL: So at that same time, now we've
25 heard that maybe the ANC wants to hear from you again or maybe

1 not, right? Now the ANC will do whatever the ANC wants to suggest
2 to the Board, right? Now the Board will then I guess determine
3 what it thinks is necessary in terms of if the ANC were to put
4 something forward in the record saying that they want to take a
5 look at it again, the Board would have to determine whether or
6 not we think that is appropriate.

7 MS. ALEXANDER-BENONS: Okay. And so if I upload an
8 exhibit, then it's just a notification via email to the ANC that
9 a new artifact, a new exhibit is available for review. Is that
10 the process?

11 CHAIRPERSON HILL: I'm looking to the Secretary.

12 MS. ALEXANDER-BENONS: Like, how do I inform them?

13 MS. MEHLERT: Whatever you are uploading to the record
14 should also be served to the ANC --

15 MS. ALEXANDER-BENONS: Okay.

16 MS. MEHLERT: -- via email. So however you've been
17 doing that in the past.

18 MS. ALEXANDER-BENONS: Okay. Cool. And then, okay,
19 go ahead. You go ahead.

20 CHAIRPERSON HILL: That's all right. Ms. Alexander-
21 Benons, again, if you get rid of your request for penthouse relief
22 and your setback requirements, then I don't see the ANC's going
23 to be reviewing the same thing they reviewed before.

24 MS. ALEXANDER-BENONS: And that's my thought too.

25 CHAIRPERSON HILL: But if they want to do, but if they

1 want to go back and look at it, they're entitled to request
2 whatever they want to request.

3 MS. ALEXANDER-BENONS: Okay.

4 CHAIRPERSON HILL: Right? So, but if you got, what I
5 mean would need is what the Board is asking for, enough time for
6 the ANC to respond as well as an Office of Planning report, Mr.
7 Bradford, and then we come back here for, I guess, a continued
8 hearing.

9 MS. MEHLERT: So I would suggest if it's enough time
10 the April 9th hearing and the Applicant could submit whatever
11 they would like to submit by next Friday, March 28th, and then
12 the ANC and the Office of Planning has a week to respond by April
13 4th. I believe the ANC does meet again on April 8th, so if they
14 did want to hear it again they could possibly do that before the
15 April 9th hearing.

16 CHAIRPERSON HILL: That's great. Perfect.

17 So then if the Commissioner is listening, if they want
18 to take a look at it again on the April 8th hearing then you
19 could do that and then the Applicant could let us know also what
20 happened and/or the Commissioner could come to testify at the
21 continued hearing as to if there was any further questions. Okay.

22 Ms. Alexander-Benons, do you have any questions?

23 MS. ALEXANDER-BENONS: No. Thank you.

24 CHAIRPERSON HILL: You've done a pretty good job by the
25 way. You've remained pretty calm. I'm impressed, okay?

1 MS. ALEXANDER-BENONS: There's a lot coming at me
2 today.

3 CHAIRPERSON HILL: You've remained pretty calm. You
4 deserve whatever treat you (indiscernible).

5 MS. ALEXANDER-BENONS: Thank you.

6 CHAIRPERSON HILL: Okay.

7 MS. MEHLERT: Mr. Chairman?

8 CHAIRPERSON HILL: Yes.

9 MS. MEHLERT: Can you just repeat, clarify exactly what
10 the Board is requesting again for the record.

11 COMMISSIONER JOHN: So can I say something before you
12 do that, Mr. Chairman? So if you look at the, I believe there
13 is a request for relief from Subtitle E, 204.4 which is from the
14 rooftop architectural element to allow removal or significant
15 alteration of a rooftop architectural element.

16 So the third floor addition, I believe the Applicant
17 said there was no alteration of the rooftop architectural element
18 except for the front porch roof deck; is that correct? So that's
19 an issue that has to be clarified when you speak to the Office
20 of Planning again.

21 MS. ALEXANDER-BENONS: Okay.

22 COMMISSIONER JOHN: And then in addition to that, Mr.
23 Chairman, I realized I won't be here for the decision but just
24 so that people don't go off on all of these tangents, the issue
25 then becomes the setback which is what I'm thinking.

1 CHAIRPERSON HILL: Okay. Thank you, Ms. John. You
2 will be missed.

3 Let's see. Well, I know Mr. Blake's missing you. So,
4 let's see. So what's being asked of you, Ms. Alexander-Benons,
5 is come back with whatever you think you're coming back with,
6 right, and we're giving you an opportunity to let us know what
7 it is you're coming back with, right? Either that's requesting
8 the relief that's still before us and if so, you've heard that
9 you need to give us further justification for the relief you're
10 requesting, whether it's how much the square footage is of the
11 roof deck or what have you, you know, why you need that penthouse,
12 right?

13 Then, depending upon what you come back with, the
14 Office of Planning, Mr. Bradford, if you could please clarify
15 what is the setback relief that we're actually looking at, right?
16 is the third floor supposed to be set back because the rooftop
17 architectural elements are being removed. Does that banister
18 have to, the railing have to get set back or or is it a parapet
19 wall, which I always get confused about, right?

20 So, that's where we are and then the ANC will have an
21 opportunity to respond to anything you put in the file on the
22 28th. I'm sorry, you're going to put your filings in on the
23 28th. The ANC will have until the 4th of April as will the Office
24 of Planning will have until the 4th of April for anything they
25 would like to add to the record based upon what you add to the

1 record on the 28th.

2 On the 9th we're going to come back and have a continued
3 hearing just on whatever you decide to do with the penthouse
4 relief, and that means for the rest of the general public. We're
5 not going back into the whole hearing. We're just talking about
6 the items that we're talking about and have questions about right
7 now, and then the ANC is meeting on the 8th. If they want to
8 take this up again they're welcome to and if they don't, then I
9 assume they don't want to because the Commissioner is listening
10 and knows what's going on.

11 Then we'll have the hearing on the 9th and if the ANC
12 wants to put something into the record by the 9th for us or
13 depending how their meeting went, I would assume, Ms. Alexander-
14 Benons, you will, if they ask you to testify or something you'll
15 go testify and then you can tell us what happened on the 9th, as
16 well as any Commissioner that might want to attend to tell us
17 what happened at their meeting, if they have a meeting about
18 this.

19 Any further questions from anybody?

20 (Pause.)

21 CHAIRPERSON HILL: Okay. Great. All right.

22 Well, then you have a nice day and we will close this
23 part of the hearing and come back for a continued hearing on 4/9.

24 MS. ALEXANDER-BENONS: Four-nine. Thank you so much
25 everyone for your time.

1 CHAIRPERSON HILL: Thank you.

2 MS. ALEXANDER-BENONS: Bye.

3 CHAIRPERSON HILL: Okay.

4 I've been requested to take a break, so let's go ahead
5 and take a 15 minute break, ten minute break? Five minute break.
6 Okay. Mr. Smith asked for the break, okay? So we'll go ahead
7 and take a five minute break, we'll come back in five minutes.

8 Thank you.

9 (Whereupon, there was a brief recess.)

10 MS. MEHLERT: The Board is returning to its hearing
11 session for its last case. It's Application No. --

12 CHAIRPERSON HILL: Oh, wait. Before you call the
13 application, Ms. Mehlert, I just wanted you to call us back in.
14 I don't know, anyway, because we have a special guest here real
15 quick. Mr. Marcel Acosta wanted an opportunity to say something.

16 Mr. Acosta?

17 MR. ACOSTA: Well, thank you, Mr. Chair.

18 I just wanted to take this opportunity to say farewell
19 to Commissioner John and thank her for her service to the Board
20 of Zoning Adjustment. It has been a pleasure to work with you
21 for these many years on Foreign Mission BZA cases but I think
22 you've done a great service to the city and for the community
23 and to the Board, and I just wanted to take this opportunity on
24 behalf of your colleagues at the National Capital Planning
25 Commission to acknowledge this important day and to thank you for

1 | your service.

2 | CHAIRPERSON HILL: Ms. John, you're on mute.

3 | COMMISSIONER JOHN: So thank you so very much, Mr.
4 | Acosta, for taking the time to come and say, I don't want to say
5 | goodbye because I don't like goodbyes. But it's been a pleasure
6 | working with you and you've just been so very clear in your
7 | analyses and in guiding us through the FMBZA cases.

8 | So I will miss your friendship as well, and I wish you
9 | all the best as you continue in your role and whatever else comes
10 | after that. So thank you, again, for being here today.

11 | MR. ACOSTA: Thank you. Enjoy your, you'll probably
12 | get a lot of time off after this or just free time now. So
13 | congratulations, it's good to see you again, Commissioner Miller.

14 | COMMISSIONER JOHN: Thank you.

15 | ZC VICE CHAIRPERSON MILLER: (Indiscernible).

16 | MR. ACOSTA: And thank you so much for the time, Mr.
17 | Chair.

18 | CHAIRPERSON HILL: Thank you, Mr. Acosta.

19 | COMMISSIONER JOHN: Thank you so much.

20 | CHAIRPERSON HILL: I guess we'll now get Mr. Smith
21 | back.

22 | (Pause.)

23 | CHAIRPERSON HILL: Great. Okay. There's Mr. Smith.

24 | All right. Madam Secretary, you may call our last case
25 | of the day.

1 MS. MEHLERT: Application No. 21242 of Alexandra
2 Shandell and Elliot Becker. This is a self-certified application
3 pursuant to Subtitle X, Section 901.2 for a special exception
4 under Subtitle D, Section 5201 from the rear yard requirements
5 of Subtitle D, Section 207.1.

6 This is for a one-story rear addition and rear deck
7 addition to an existing two-story detached principal dwelling.
8 It's located in the R-2 zone at 1010 Sigsbee Place, Northeast,
9 Square 3889, Lot 78.

10 CHAIRPERSON HILL: Thank you.

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

13 MS. BROPHY: Hi, can you all hear me?

14 CHAIRPERSON HILL: Yes.

15 MS. BROPHY: Okay. I don't know why you can't, now you
16 can see me. Nice. Well, I'm Devon Brophy. I'm the Applicant
17 and architect, and the owner, Alex Shandell is here as well. I'd
18 like to introduce her and allow her to say what kind of made her
19 want to undergo this project and apply for the special exception.

20 CHAIRPERSON HILL: Okay. Great. Ms. Shandell, you
21 want to introduce yourself and share with us that information.

22 MS. SHANDELL: Thank you. My name is Alexandra Shandell
23 and I apologize for the background noise. I'm at a conference
24 today and it's literally lunch break at this moment. Please let
25 me know if you can't hear me very well.

1 CHAIRPERSON HILL: We can hear you well.

2 MS. SHANDELL: Great.

3 Yes. So we've lived in the home for, coming up on nine
4 years this year. We're a small family. It's a small home. It
5 works very well for us. We love our home. We love our
6 neighborhood, but the kitchen is a little cramped and we are just
7 looking to be able to expand the kitchen a little bit and have a
8 more accessible rear entrance with a proper landing and a proper
9 rear entry way as well as just be able to move around the kitchen
10 safely and comfortably as we, as our family grows.

11 And we have a wonderful neighborhood and wonderful
12 neighbors who have all expressed strong support for this project.
13 We don't believe it will have a significant impact on those
14 neighbors and they all agree, and so that is, yeah, that is
15 generally what we are hoping to do.

16 It's a small rear addition. There's already a little
17 kind of back bump-out there and it would just be expanding it in
18 two directions by, I'll let Devon speak to the details, but like
19 four-ish feet and so we think it's a fairly modest addition to
20 be able to achieve those goals.

21 So thank you so much for your consideration and your
22 time, and all of your work for our city.

23 CHAIRPERSON HILL: Thank you, Ms. Shandell.

24 All right. Is it Ms. Brophy?

25 MS. BROPHY: Brophy, yes. You can call me Devon.

1 CHAIRPERSON HILL: Brophy. Pardon me?

2 MS. BROPHY: I was saying you can just call me Devon.

3 CHAIRPERSON HILL: Okay. Well, I can actually say
4 Brophy.

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

10 MS. BROPHY: Okay. Could you pull up Exhibit 12, or
11 is it possible to share Exhibit 12?

12 CHAIRPERSON HILL: Sure. Well, Mr. Young can pull up
13 Exhibit 12.

14 MS. BROPHY: While it's being brought up. So this
15 project was mentioned as pursuing special exception to D-207.1
16 which is the rear yard setback. This property is an existing
17 principal detached dwelling home that is a bit of an atypical
18 lot, not necessarily for Brookland but in general in D.C., that
19 the short side of the lot is actually the front rear, front to
20 rear direction versus the side to side. So this property is a
21 house that's almost entirely centered.

22 The existing rear yard to the large portion of the home
23 is about twenty foot six from the rear yard lot line. There's
24 an existing addition here. You can see in the lower right hand
25 corner, there's an existing one-story addition that I think would

1 | be generous to call a usable part of the home. It's 16 foot
2 | seven and a half from the rear lot line.

3 | So as my client had mentioned, they have a galley
4 | kitchen. Since their family has expanded it's just getting a
5 | little bit tight for them so they're seeking to do a modest
6 | addition off the rear so that the rear yard lot line would be 12
7 | foot three so that they can expand their kitchen and allow there
8 | to be more than one person in the kitchen at any given time.

9 | The proposed addition would still be one story and it
10 | would be clad in the same materials as the existing whole, similar
11 | windows. The intent is to make this proposed addition seem like
12 | it's always been a part of this house and then there's a small
13 | deck off to the side to, as my client mentioned, make sure that
14 | there is a proper landing which there currently is not in the
15 | existing addition so that persons and their small child can exit
16 | the home safely.

17 | And if you go to the next page, I've included the
18 | enlarged plans for you all to see the scope of the kitchen
19 | renovation and the deck in relation to the rear yard.

20 | And then if you go to the next page as well, I've
21 | included here the existing elevations.

22 | And then on the next page the proposed elevations so
23 | you can see the differential of the design language for which
24 | this addition was considered.

25 | That's about all I have. I'm happy to answer any

1 | questions or provide any additional clarifications.

2 | CHAIRPERSON HILL: Thank you. Thank you, Ms. Brophy.

3 | Before I get to the questions from the Board, if I
4 | could hear from the Office of Planning.

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

7 | OP has reviewed the application for the requested
8 | special exception relief from the rear yard requirements and find
9 | that the request meets the criteria for Subtitles D and X.
10 | Therefore, we're recommending approval and with that I'm open to
11 | any questions and I would also like to extend my well wishes to
12 | Vice Chair John.

13 | CHAIRPERSON HILL: Okay. Let's see.

14 | Does anybody have any questions of the Office of
15 | Planning?

16 | (Pause.)

17 | CHAIRPERSON HILL: Okay. Ms. Brophy, how did it go
18 | with the ANC? I mean, I see you got the support of the ANC and
19 | also it seems as though you guys have done a good amount of
20 | outreach. Could you explain a little bit of that?

21 | MS. BROPHY: Yes. So the original, when we first
22 | started this project my client made a very great, made a good
23 | effort to reach out to as many neighbors as possible. With the
24 | original application I submitted eight letters of support. I had
25 | additionally received five letters of support that I had shared

1 with the Office of Zoning. It doesn't look like they were
2 uploaded to IZIS. That's okay.

3 So we also reached out to the ANC. We spoke with the
4 Commissioner. It is my understanding that the Commissioner has
5 changed, so there's a new Commissioner in place. But we did
6 present to the ANC and we received overwhelming support from both
7 the neighbors, the Commissioners and the Commissioner at that
8 point in time. They were in full support of the project and they
9 appreciated the neighborhood outreach that my clients had done.

10 CHAIRPERSON HILL: Okay. Thank you, Ms. Brophy.

11 Mr. Young, is here anyone here wishing to speak?

12 MR. YOUNG: We do not.

13 CHAIRPERSON HILL: Okay.

14 Does the Board have any questions of the Applicant?

15 (Pause.)

16 CHAIRPERSON HILL: Ms. Brophy, would you like to add
17 anything at the end?

18 MS. BROPHY: No. Thank you all for your time.

19 CHAIRPERSON HILL: Okay. Great.

20 I'm going to go ahead and close the hearing and the
21 record.

22 (Pause.)

23 CHAIRPERSON HILL: Okay. Thank you.

24 I thought this was a pretty straightforward
25 application. I didn't have a lot of issues with it. I thought

1 | it was a pretty small expansion and I think that I am comfortable
2 | with they are meeting the criteria for us to grant this. I would
3 | also cite the Office of Planning's report and their analysis as
4 | to how they're meeting the criteria for us to grant this relief.

5 | I also appreciate the outreach that they've done to the
6 | ANC and that the ANC is in support of this application, as well
7 | as the outreach they did to all of the neighbors. They really
8 | did a lot of work and they should be commended for it.

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

10 | COMMISSIONER SMITH: No, Chairman Hill.

11 | I agree with your assessment of this case. It's a
12 | fairly straightforward case. So I do believe they've met the
13 | burden of proof to grant the application and will support it as
14 | well.

15 | CHAIRPERSON HILL: Vice Chair Blake?

16 | VICE CHAIRPERSON BLAKE: Mr. Chair, I agree with the
17 | comments that you and Board member Smith made. I am in support
18 | of the application.

19 | CHAIRPERSON HILL: Thank you.

20 | Vice Chair Miller?

21 | ZC VICE CHAIRPERSON MILLER: I concur with all my
22 | colleagues.

23 | CHAIRPERSON HILL: Ms. John?

24 | COMMISSIONER JOHN: I'm in support as well.

25 | CHAIRPERSON HILL: Great. Okay.

1 Then I'm going to go ahead and make a motion to approve
2 Application No. 21242 as captioned and read by the secretary, and
3 if you will allow me, Ms. John, if you will second the last order
4 here of your term.

5 COMMISSIONER JOHN: Second.

6 CHAIRPERSON HILL: The motion is made and seconded.
7 Madam Secretary, if you can take a roll call, please.

8 MS. MEHLERT: Please respond to the Chair's motion to
9 approve the application.

10 Chairman Hill?

11 CHAIRPERSON HILL: Yes.

12 MS. MEHLERT: Ms. John?

13 COMMISSIONER JOHN: Yes.

14 MS. MEHLERT: Mr. Smith?

15 COMMISSIONER SMITH: Yes.

16 MS. MEHLERT: Vice Chair Blake?

17 VICE CHAIRPERSON BLAKE: Yes.

18 MS. MEHLERT: Commissioner Miller?

19 ZC VICE CHAIRPERSON MILLER: Yes.

20 MS. MEHLERT: Staff would record the vote as five to
21 zero to zero to approve Application 21242 on the motion made by
22 Chairman Hill and seconded by Ms. John.

23 CHAIRPERSON HILL: Great. Thank you.

24 Well, before we go I believe there are some special
25 guests that are trying to make their way. Oh, that's so nice.

1 COMMISSIONER JOHN: Oh, my goodness. I'm muting
2 myself.

3 CHAIRPERSON HILL: All right.

4 Well, let's go ahead. Let's see, who we got? Mr.
5 Lawson, if you would be so kind as to start us off and however
6 you'd like to handle this with your staff, please I turn this
7 over to you.

8 MR. LAWSON: Thank you, Mr. Chair, and thanks members
9 of the Board for allowing us this opportunity.

10 We just wanted to collectively thank Commissioner John
11 from the Office of Planning. It's been an absolute pleasure
12 working with you. We've learned a lot from you and we do
13 appreciate that. We definitely want to thank you for your many
14 years of service to the District on the Board of Zoning
15 Adjustment. You are definitely to be congratulated and we just
16 want to wish you best wishes for this next chapter as you move
17 on and not have to read a whole bunch of very long OP reports
18 every week.

19 Anyways, thank you once again. I'm not sure if any of
20 the other staff want to give their own thanks, but I think we'll
21 just give a wave and say it once again. Thank you very much and
22 congratulations.

23 COMMISSIONER JOHN: Thank you, Mr. Lawson, and all of
24 the members of OP who are here and those who aren't. But it
25 really has been great working with the Office of Planning, Mr.

1 | Lawson, and despite putting you on the spot from time to time,
2 | most of the time you're so, well all the time, you're so gracious,
3 | you know, in listening to us.

4 | And learning has been a two way street. I remember my
5 | very first week or two on the Board you said to me if you ever
6 | have a question don't hesitate to let me know, and so I really
7 | appreciated that. I don't know if you remember but I thought
8 | that was just so kind.

9 | But, again, you and your staff do an amazing job and I
10 | am truly grateful for the time I've spent working with you all
11 | and the work is not easy, but you all do it with such grace and
12 | dedication.

13 | So thank you again, and I told myself I'm not crying
14 | today.

15 | MR. LAWSON: Well, we might, but thank you very much.

16 | COMMISSIONER JOHN: Thank you so much. Ms. Brown-
17 | Roberts, for all of those days when you don't want to speak about
18 | your report and we ask you do it anyway, but you're always ready.

19 | MS. BROWN-ROBERTS: Thank you, and as a fellow Jamaican
20 | congratulations and thank you for your service here as well.

21 | COMMISSIONER JOHN: Thank you very much. And I think
22 | we missed Ms. Thomas, who are some of the analysts who were there
23 | with me from the beginning. The same comment for you, Ms. Thomas,
24 | hanging in there in the difficult times when you would just rather
25 | sit and listen.

1 MS. THOMAS: Many times, yes. Thank you. Thank you
2 for doing such a great job and we, all of us here appreciate what
3 you do.

4 COMMISSIONER JOHN: Thank you. I'm going to miss
5 working with all of you for sure.

6 CHAIRPERSON HILL: Okay. Well, thank you, Mr. Lawson.

7 COMMISSIONER JOHN: Bye.

8 MR. LAWSON: Bye.

9 MS. THOMAS: See you around.

10 CHAIRPERSON HILL: Was there anyone else, Madam
11 Secretary?

12 MS. MEHLERT: I mean, I think, I know the link was
13 forwarded. I'm not sure if they're on yet.

14 CHAIRPERSON HILL: Okay. Well, we'll keep going around
15 the handle here and then, because I know there was a couple of
16 people calling in.

17 Vice Chair Miller, can I start with you?

18 ZC VICE CHAIRPERSON MILLER: Sure. Thank you, Mr.
19 Chairman, and thank you Lorna John for your service.

20 It's truly been a pleasure. I should say on behalf of
21 all the members of the Zoning Commission, both former members and
22 current who have had the pleasure to work with you. I've enjoyed
23 the experience. I've learned from you and appreciate always your
24 comprehensive analysis of cases, articulating the criteria that's
25 necessary for relief, being always respectful of different points

1 of view, even from me occasionally, but respectful of all the
2 witnesses who've testified before the BZA whether they're public
3 witnesses, ANC witnesses, government witnesses, parties, Office
4 of Planning, Zoning Administrator, others.

5 It's really, we really are going to miss you. You set
6 a high bar for Mr. Blake to step into the shoes of Vice Chair
7 but we know he is already stepped up to that plate and it's just
8 been great working with you, and thank you for all of your
9 service, and we will truly miss you. I may call on you for some
10 advice. I think I have your cell phone number, occasionally,
11 when I have a question.

12 So, thank you again.

13 CHAIRPERSON HILL: Thank you.

14 COMMISSIONER JOHN: Thank you, Vice Chair Miller.

15 I don't know how you like to do this. I'll just say
16 thank you individually, and for me it's been a learning experience
17 with you too. I say that to everyone on the Board and I remember
18 we had a very spirited discussion once about the role of the
19 Board, which I took it to heart and I don't know if you notice
20 that there was a change in me. This is an inside joke. But it
21 was a discussion about --

22 ZC VICE CHAIRPERSON MILLER: It's two ways.

23 COMMISSIONER JOHN: Yeah. It was about the role of the
24 Commission and the role of the Board and the delicate dance that
25 we both play every week and I really thought that those comments

1 | were insightful, and so I really appreciate your dedication to
2 | the Board and your service and sort of helping me along the way
3 | in understanding how we all fit together seamlessly.

4 | And so you have my cell phone number and I hope you'll
5 | use it, and I certainly have your information as well. So, again,
6 | thank you so very much and I really enjoyed our discussions.

7 | Thank you.

8 | ZC VICE CHAIRPERSON MILLER: I did too and I'll miss
9 | having them, so we'll have to find a way to continue.

10 | COMMISSIONER JOHN: Thank you. Yeah. Very good.

11 | CHAIRPERSON HILL: Ms. Mehlert, would you like to say
12 | anything on behalf of the office.

13 | MS. MEHLERT: Absolutely. You know, on behalf of the
14 | staff, Ms. John, we really thank you for your work and service
15 | on the Board. You will be so very missed. We've always
16 | appreciated your thoughtfulness and attention to detail, so we're
17 | just very grateful for your time and energy in this role and we
18 | wish you all the best.

19 | COMMISSIONER JOHN: Thank you so much, Ms. Mehlert, and
20 | thank you for your work every week. You do it with so much grace
21 | and calm, and even when things are a little crazy, but we can
22 | depend on you and the public doesn't really see how much work
23 | goes into this. But I really appreciate your work and your
24 | friendship to me, both before and after you became Secretary of
25 | the Board and I just wish you continued success in this role.

1 And you stepped in and we haven't really noticed the transition,
2 so thank you very much.

3 CHAIRPERSON HILL: Vice Chair Blake, do you have
4 anything you'd like to add?

5 VICE CHAIRPERSON BLAKE: Yes, Mr. Chair, I do.

6 First of all, you tell me and you made a great comment,
7 and I think Vice Chair Miller also pointed out, no one will miss
8 Ms. John more than me. That is absolutely true. I can tell you
9 that right now. First of all I want to give you a heartfelt
10 thanks to you for your mentorship, your leadership, the support
11 and the guidance that you've given me. It has been a great
12 experience. No one knows how much you yelled at me, supported
13 me and corrected me over the last couple of years. I really do
14 appreciate that.

15 I also want to kind of acknowledge the fact that Ms.
16 John has been invaluable in the sense that she does very
17 comprehensive analysis that she does. She has in-depth knowledge
18 of the regulations, the legal procedures and passport practices
19 which is something that we really have come to appreciate and
20 leverage here on the Board.

21 So I, again, no one's going to miss you more than me.
22 Thank you, Ms. John.

23 COMMISSIONER JOHN: Thank you so much, Vice Chair
24 Blake. I told Vice Chair Blake, I said, okay, I am leaving and
25 so you will be taking over and I would like you to be ready when

1 I leave and so Vice Chair Blake is ready, he's been ready. And
2 so I just leave the Board in great hands, Vice Chair Blake, and
3 it was a joy to talk with you because you always tested me so it
4 was always a two-way street and your attention to detail and the,
5 you know, things that I might find difficult, the minutia of the
6 calculations of, you know, height and all of those things, Mr.
7 Blake has looked into it. So thank you so very much for your
8 friendship and I wish you continued success in the Board. I hope
9 you'll stay as long as I did and longer.

10 VICE CHAIRPERSON BLAKE: Thank you, Ms. John.

11 COMMISSIONER JOHN: Thanks again.

12 CHAIRPERSON HILL: Well, my plan now is Mr. Smith, I'm
13 going to go to you and then I'm going to go, and then if it's
14 okay. Oh, hold on, another person here from, Mr. Wong (phonetic),
15 you'd like to say something.

16 MR. WONG: Yeah, I would. So Mary had to hop off of
17 Webex but we just wanted to say on behalf of OZLD thank you, Ms.
18 John, and thank you so much for how thorough that you look into
19 these cases. I know I've only been on the Board, only been with
20 OZLD for a short period of time but your reputation very much
21 preceded itself when I came in. Carissa (phonetic) and Mary were
22 both singing your praises constantly and still do, and so on
23 behalf of OZLD we just want to say thank you so much.

24 COMMISSIONER JOHN: Thank you, Mr. Wong, and it's true
25 I'm sorry, I haven't met you in person but that's the world of

1 virtual hearings but I appreciate you and the work that Office
2 of Legal Division, in particular Mary who keeps everything going
3 and churns out those orders on a regular basis, and I don't know
4 how the staff does it. But I appreciate all of the hard work
5 that goes into helping this Board to do its functions every week.

6 So thank you, again, and please convey my thanks to
7 everyone in OZLD.

8 CHAIRPERSON HILL: Okay. Great.

9 So I'm going to go, Mr. Smith, then me and I'm going
10 to let our elder statesman end it all out.

11 COMMISSIONER JOHN: Okay.

12 CHAIRPERSON HILL: Go ahead, Mr. Smith. You got, I'm
13 sorry, yeah. Mr. Smith?

14 COMMISSIONER SMITH: I really truly want to thank you
15 for your service here on the Board and I would also like to thank
16 you for the guidance, the leadership that you have provided. As
17 one of the babies, and when I say babies I mean her, her. I know
18 I'm much older than you, Ms. John. You're only 25 so I don't
19 know why you're leaving the Board so soon at a young age.

20 But I want to thank you for also your legal mind,
21 providing that nuance and I think consideration really balanced
22 this Board out I think in our mindset, and also I think from when
23 I first came on this Board I guess coming from the Zoning
24 Administration standpoint I saw things as sometimes very black
25 and white so I think you gave me an understanding of nuance.

1 And I want to think about my first hearing way back
2 early in the pandemic, I think September of 2020, there was a
3 variance case and I think I wrote a dissertation on the reason
4 why it did not meet the regulations. And I think I swayed one
5 Board member, it was a two to two vote, two to one vote and you
6 came in and you provided some additional clarification and nuance
7 and consideration on the reasons why we should vote yes. And
8 you voted yes and I had, you know, a pie on my face.

9 And I think after that hearing when the hearing closed
10 you called me to give me a pep talk and to discuss the reasons
11 why, you know, looking at the regulations, why you saw the nuance
12 in the regulations. So I think from that conversation I continued
13 to grow as a Board member through, you know, listening to you
14 and your leadership and your guidance.

15 So, again, I just wanted to thank you from the bottom
16 of my heart. I hate to see you leave. You can always come back,
17 Ms. John, but, you know, best of luck and wishes in your endeavors
18 and I have your phone number.

19 COMMISSIONER JOHN: Thank you, Board member Smith.

20 Now I, yes, you are the youngster and it's great to
21 have youngsters on the Board so the rest of us, you know, well,
22 for me at any rate I appreciate your point of view and I don't
23 remember that phone call. But I remember I've always said it's
24 okay to vote no and to do the analysis the way you think you
25 should, and that's because that's what the Board is supposed to

1 do. And so even though you think you're the lone vote, I have
2 been the lone vote already on a two to two situation and I'll
3 talk about it later. But that's important. Even if you disagree
4 it is, to me, if you have a reasoned analysis and that makes the
5 difference.

6 So I appreciate you. I will speak more to you later.
7 But it's great to go after, you know, in the last few months I've
8 been going after you and Board member Blake and Commissioner
9 Miller, and any other Commissioner that's around, but it's, you
10 know, it's like I've been leaving the Board for the last few
11 months. I've been trying to sort of make myself less relevant
12 so that I could see that the Board would function well, even
13 though you will be missing a fifth member, and I hope that doesn't
14 last too long.

15 So thanks again.

16 CHAIRPERSON HILL: I don't think I can add anything
17 more to this in terms of, like, the specificity of how great a
18 job you do at this. Ms. John, you know, this actually is
19 something, I don't think it as often as it truly is I think, but
20 we do a service for the city and it's something that really is
21 necessary. It takes a lot of time and you've done a wonderful
22 job and, like, I was actually getting a little bit emotional here
23 and there as I was listening so I'm not going to try too hard to
24 say anything. I've made a dear friend, very nice, you're going
25 to be missed. You can tell you're going to be missed and we will

1 talk again soon and, you know, yes, if you ever want to come back
2 I'm sure Mr. Blake would love to see you, sooner rather than
3 later as far as he is concerned I'm sure.

4 So with that, I would like to turn it over to the Chair
5 of the Zoning Commission, Chairman Anthony Hood, to say his
6 goodbyes.

7 ZC CHAIRPERSON HOOD: Thank you, Mr. Chairman, for the
8 opportunity. Thank you for calling me. I was not at home when
9 I found out this was what was going on. I made my way here. I
10 did a beeline straight to my house. I think this is very
11 important.

12 I don't know, has Vice Chair Miller went yet?

13 CHAIRPERSON HILL: Yes, he has.

14 COMMISSIONER JOHN: Yes, yes.

15 ZC CHAIRPERSON HOOD: So --

16 ZC VICE CHAIRPERSON MILLER: Next to you. I think Fred
17 beat me to it.

18 ZC CHAIRPERSON HOOD: Okay. All right.

19 What I will say it's a bittersweet day and I understand,
20 you know, Ms. John wanted to move on which, I started, and this
21 is an inside joke between she and I, I started (audio
22 interference) your decisions and you and I had been actually
23 working on this and talking about this for a while, I'm sure with
24 the Board members as well. But I think you have -- as I was
25 driving I'm thinking what can I say about Ms. John?

1 One of the things that came to my mind was you were
2 like a magician. You know, with cases and stuff you would come
3 up with something and then I took a step back and you would come
4 up with something. I had reviewed it and after you had come up
5 with it then I started questioning myself, I would probably never
6 have meant this, then I started questioning myself, Anthony Hood,
7 did you really review this case? How did you miss that?

8 So I want you to know you were like a magician. You
9 go in the hat and you pull something out that was very relevant
10 and made the case, as I've already heard from Board member Smith,
11 and you always brought something to the table that made a
12 difference that a lot of us, at least from my standpoint, had
13 not even thought about. And I've been around a while. I'm
14 probably the baby as Board member Smith tried to pretend like he
15 was the baby. I'm probably the baby of the group.

16 But I want you to know that you will be deeply missed.
17 You have been an excellent colleague. You have been very
18 analytical, as I think somebody has already mentioned. As you
19 move on to your next chapter or next adventure we wish you well,
20 and one of the things that I like about you is you always had a
21 good spirit about whether we were on opposite sides and you
22 brought a light to this, and I will tell you the District of
23 Columbia is better served because you passed this way. And I
24 will tell you that you have made an impact. You have made a
25 difference, as Mr. Barry used to say, you made a difference that

1 made a difference.

2 I will end on those words. Thank you for your service.
3 I'm sure, I can say this too, I'm sure. On behalf of the Mayor
4 and the District of Columbia and the 700,000 residents, we
5 appreciate your service.

6 Thank you, and I will say this. I'm going to end on
7 this. There's an old Baptist hymnal that says, "May the work
8 I've done speak for me," and I'll leave it at that. Thank you
9 for your service.

10 COMMISSIONER JOHN: Thank you so much, Commissioner
11 Hood. I think you're trying to really make me finally cry but
12 I'm not going to do it. I've done it this far, gotten this far
13 and it's almost over. So thank you so very much for your
14 friendship and for saying all those nice things about me and for
15 your dedication to the city all of the years that you have spent
16 on the Commission.

17 And I forgot to thank the members of the Commission
18 earlier and the staff who also do an amazing job. So I'll just
19 do it now, and Board member Smith, the case I was talking about
20 was that sua sponte case. I'd been on the Board for maybe three
21 hearings and it was a two to two tie and the tie had been in
22 place for several months waiting a fifth Commissioner, and I was
23 the fifth Commissioner and there were two cases that differed
24 slightly in their fact pattern. Little did I know about all the
25 controversy before.

1 So I called it the way I saw it and at the end of the
2 hearing, we used to go back to the back room, you know, for
3 breaks, you missed all of that great stuff and Commissioner, no
4 before we left, before we closed the hearing Commissioner Hood
5 was so upset. He says, I'm going to have to sua sponte this
6 decision by the Board, and I did not know what he meant and what
7 all of it meant. And so I'm sitting there feeling this big, yay
8 small, and so that's been my guiding light for the seven years
9 I've been on the Board. We didn't do that to you but that
10 happened to me really, really early in my tenure. What did I do
11 to have the Chairman of the Zoning Commission say he's going to
12 sua sponte the decision on a two to two decision that had been
13 languishing for years.

14 But anyway, I survived that and have learned that I
15 needed to listen to Chairman Hood's point of view from the
16 Commission, and Vice Chair Miller, although the Board does retain
17 its own jurisdiction. So thank you so very much and I hope you
18 never get that treatment, Board member Smith.

19 So thanks everyone. Thank you all and I have to say,
20 Chairman Hill, you have been a friend and a great Chairman of
21 the Board and I mean, yes, Chairman. And so I think because of
22 you I stayed this long because every time I got ready to not
23 accept the nomination or not seek re-nomination, you would say
24 oh, you can stay a little longer, I'm here, you know, and so it
25 went.

1 So through your encouragement I did stay seven years
2 and it was quite rewarding, and you asked me a couple of weeks
3 ago what I will miss most and I hesitated. I couldn't quite
4 think of something off the bat, and today I will say I will miss
5 all of the people who, you know, who work on the Board day in
6 and day out and I just want to say thank you and thank you to
7 the Mayor for nominating me to this position and offering me the
8 opportunity to serve.

9 And so I thank you all and I'm not sure what else to
10 say.

11 CHAIRPERSON HILL: Well, that's it, Ms. John, and I
12 guess we are at 12:36 on 3/19 adjourned.

13 COMMISSIONER JOHN: Thank you.

14 (Whereupon, the above-entitled matter went off the
15 record at 12:36 p.m.)

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: 03-19-25

Place: Videoconferencing

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

Ildiko Nyari