

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

APRIL 9, 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
ANTHONY J. HOOD, Zoning Commission Chairperson
ROBERT E. MILLER, Zoning Commission Vice Chair

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 April 9, 2025.

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

(9:30 a.m.)

CHAIRPERSON HILL: Good morning, ladies and gentlemen, to the Board of Zoning Adjustment. Today is 4/9/2025. My name is Fred Hill, Chairman of the District of Columbia Board of Zoning Adjustment. Joining me today are Board members Chrishaun Smith, Carl Blake, Commissioners Vice Chair Rob Miller and Chairman Anthony Hood from the Zoning Commission.

Today's meeting and hearing agendas are available on the Office of Zoning's website and Chrishaun Smith, I don't know if I mentioned him, sorry. I might have. Today's meeting and hearing agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who's listening on Webex or by telephone will be muted during the hearing. Also 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, once again 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 a summary order may be issued. A

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1 full order is required when the decision it contains is adverse
2 to a party including an affected ANC. A full order may also be
3 needed if the Board's decision differs from the Office of
4 Planning's recommendation. While the Board favors the use of
5 summary orders whenever possible, an applicant may not request
6 the Board to issue such an order.

7 In today's hearing session everyone who is listening
8 on Webex or by telephone will be muted during the hearing and
9 only persons who have signed up to participate or testify will
10 be unmuted at the appropriate time. Please state your name and
11 home address before providing oral testimony or your
12 presentation. All presentations should be limited to a summary
13 of your most important points. When you're finished speaking
14 please mute your audio so that your microphone is no longer
15 picking up sound or background noise.

16 Persons planning to testify either in favor or in
17 opposition should have signed up in advance. They'll be called
18 by name to testify. If this is an appeal only parties are allowed
19 to testify. By signing up to testify all participants completed
20 the oath or affirmation as required by Y-408.7. Requests to
21 enter evidence at the time of an on-line virtual hearing such as
22 written testimony or additional supporting documents other than
23 live video which may not be permitted as part of the testimony,
24 may be allowed pursuant to Y-103.13 provided that the person
25 making the request to enter an exhibit explain, a) how the

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

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

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

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

5 Madam Secretary, do we have any preliminary matters?

6 MS. MEHLERT: Good morning everyone.

7 Regarding today's schedule Application No. 21237 of
8 Yasmin Khan has been rescheduled to June 4th, 2025. Regarding
9 late filings the Chairman has reviewed and granted waivers to
10 allow late filings into the applicable case records pursuant to
11 Subtitle Y, Section 206.7 and Section 103.13. Any other late
12 filings during the course of today's live hearing should be
13 presented before the Board by the applicant, parties or witnesses
14 after the case is called. Any other preliminary matters will be
15 noted when the case is called.

16 CHAIRPERSON HILL: Okay. Great. Thank you.

17 Good morning everyone. I think Chairman Hood, Vice
18 Chair Miller is with us for the first two and so you may stay or
19 go, whatever you'd like to do. Okay. He's gone. All right.

20 I think, Madam Secretary, if you could call our first
21 one, please.

22 MS. MEHLERT: The first case in the Board's hearing
23 session is Application No. 19887A of Marjorie Hutchinson. This
24 is a request pursuant to Subtitle Y, Section 704 for a
25 modification with hearing (audio interference) a condition of

1 approval adopted in the order approving Application No. 19887.
2 This is specifically to eliminate Condition No. 10 to allow trash
3 storage in a shed outside of the building currently used as a
4 restaurant.

5 It's located in the RF-1 zone at 1724 North Capitol
6 Street, Northwest, Square 3105, Lot 72. The public hearing began
7 on September 11th, 2024 and was continued to February 12th where
8 it was postponed at the Applicant's request. Participating are
9 Chairman Hill, Vice Chair Blake, Mr. Smith and Commissioner
10 Miller.

11 CHAIRPERSON HILL: Great. Thank you.

12 If the Applicant is here, if they could please
13 introduce themselves for the record.

14 MS. HUTCHINSON: Yes. Good morning. Here.

15 CHAIRPERSON HILL: Good morning. Can you hear me?
16 Could you introduce yourself for the record?

17 MS. HUTCHINSON: My name is Marjorie Hutchinson, 1724
18 North Capitol Street, Northwest, Washington, D.C. and my daughter
19 should be on-line. Janet?

20 MS. STEDMAN: Yes, hello. Janet Stedman.

21 CHAIRPERSON HILL: Okay. Ms. Stedman, could you
22 introduce yourself for the record?

23 MS. STEDMAN: Sure. Janet Stedman, 5920 1st Street,
24 Northeast, Washington, D.C.

25 CHAIRPERSON HILL: Okay. Great. All right.

1 Ms. Stedman, does your camera work and/or Ms.
2 Hutchinson, does your camera work?

3 MS. STEDMAN: I am trying to see where the, oh, I see
4 it. Start review.

5 (Pause.)

6 CHAIRPERSON HILL: Ms. Stedman, can you, or at least
7 can you hear me?

8 MS. STEDMAN: I can hear you. I put start video but
9 it's not coming on.

10 CHAIRPERSON HILL: Okay. That's all right.

11 COMMISSIONER SMITH: Look at your, the top, if you're
12 on a laptop look to see if the camera lens is closed.

13 MS. STEDMAN: It says that it's on because now it's
14 asking me if I want to stop the video.

15 COMMISSIONER SMITH: Do you have a little button at the
16 top of the, above the screen of the laptop?

17 MS. STEDMAN: Yeah.

18 COMMISSIONER SMITH: See if you can slide it.

19 MS. STEDMAN: Let me see. Can you see if you can get
20 this? I'm going to have to see if someone can help me.

21 CHAIRPERSON HILL: That's okay. That's okay. We don't
22 need video necessarily. I'm just trying to look up your
23 application. Okay.

24 Ms. Stedman, that's all right. Can you explain to us
25 what happened since the last time you were here?

1 MS. STEDMAN: Okay. So the last time I was there I
2 was asked to go to DDOT to see if they would approve us putting
3 the shed on the side walk. So we did go to DDOT and that was
4 actually approved with a condition that we do a maintenance
5 agreement, so it was approved.

6 CHAIRPERSON HILL: What was approved?

7 MS. STEDMAN: Us being able to keep the shed on the
8 sidewalk so we can store the garbage. That was the reason why I
9 filed, to get rid of Condition 10 so we can store the garbage in
10 the shed outside.

11 CHAIRPERSON HILL: So you're saying that, is there
12 something in the record that says that?

13 MS. STEDMAN: Yes. I mean, should be.

14 COMMISSIONER SMITH: Ms. Stedman, what's in the record,
15 there is a report from DDOT that was dated about a year ago now
16 but that was still predicated on you going to the Public Space
17 Committee. Did you go to the Public Space Committee and receive
18 any approval or comments from them?

19 MS. STEDMAN: I did. I did. I was in a meeting with
20 the Public Space Committee on the 27th of March and that was
21 approved. Yes.

22 COMMISSIONER SMITH: But that was in the record?

23 MS. STEDMAN: I didn't, I didn't upload it in the record
24 but I can do that. But it was approved. I wasn't aware that I
25 needed to upload it. I don't know why I assumed that you would

1 just know that.

2 COMMISSIONER SMITH: Well, that was a major part of the
3 reason why we continued this in the first place. So could you
4 provide that to the Office of Zoning and have that uploaded into
5 the record for us to take a look at?

6 ZC VICE CHAIRPERSON MILLER: As well as the maintenance
7 agreement that you said is their condition if you, that should
8 be uploaded into the record too. Have you entered into that
9 maintenance agreement?

10 MS. STEDMAN: I have, yes. I have uploaded that to
11 DDOT, it was.

12 CHAIRPERSON HILL: No. Have you uploaded it into our
13 record, Ms. Stedman?

14 MS. STEDMAN: I'm in the process of doing that now.

15 CHAIRPERSON HILL: The information from DDOT as well
16 as the information from Public Space?

17 MS. STEDMAN: Yes.

18 CHAIRPERSON HILL: You're trying to put that into the
19 record now?

20 MS. STEDMAN: Yes. I didn't know that I had to actually
21 upload the meeting from DDOT into the record. I don't know why
22 I assumed that once it was approved it would somehow be sent over
23 to you and you would know that, and that was a wrong assumption
24 on my behalf.

25 CHAIRPERSON HILL: Okay. All right.

1 I don't know exactly what to do here. I need to see
2 those things before we're able to move forward and I know that
3 Commissioner Miller, you're only here for -- I don't want to drag
4 this out.

5 Go ahead, Mr. Blake. You're on mute, Mr. Blake. Yeah,
6 we can hear you. No, now we can't hear you. Ms. Stedman, why
7 don't you mute your microphone for a second while you're trying
8 to figure out your video?

9 MS. STEDMAN: Okay.

10 (Pause.)

11 VICE CHAIRPERSON BLAKE: Can you hear me now?

12 CHAIRPERSON HILL: Yes.

13 VICE CHAIRPERSON BLAKE: Okay. I also would like to
14 find out the progress that you've made with HPO or HPRB with
15 regard to the shed as well.

16 CHAIRPERSON HILL: Ms. Stedman, you might be on mute
17 still.

18 MS. STEDMAN: Okay. So I spoke with Brendan Meyer over
19 at Historic Preservation and he was in agreeance that once
20 everything is approved, he and I can get together and we can
21 discuss the look of the shed, that something that would be in
22 compliance with the area and the neighborhood.

23 CHAIRPERSON HILL: So there's nothing in the record
24 that says that then, correct?

25 MS. STEDMAN: What I just said about what Brendan Meyer

1 | told me?

2 | CHAIRPERSON HILL: Yes.

3 | MS. STEDMAN: No. Nothing is in the record because if
4 | it was for me to upload everything that I was discussing with
5 | everyone, I was not aware that I needed to upload everything that
6 | I discussed. When I spoke with Mr. Brendan Meyer, he told me
7 | that verbally. He told me that you asked me to speak with
8 | Historic, to call Historic and I spoke with Historic and I was
9 | thinking that just like court, if I give Historic testimony that
10 | this is what was said then that is my sworn testimony that that's
11 | what's going on.

12 | CHAIRPERSON HILL: Okay. Let me see now.

13 | So, I'm going to look at my Board members also because
14 | I'm not -- so Ms. Stedman, I guess, you were the first time,
15 | right, when you guys were here for the variance to get the --

16 | MS. STEDMAN: Yes, I was.

17 | CHAIRPERSON HILL: -- (indiscernible) second floor, and
18 | I was also here at that time, right?

19 | MS. STEDMAN: Correct.

20 | CHAIRPERSON HILL: And one of the conditions was that
21 | the trash was going to get stored inside. So what you're here
22 | now to try to do is convince the Board that that condition is
23 | not necessary, right, and so to convince the Board that the
24 | condition is not necessary the Board is asking, first of all is
25 | Public Space going to let you put it in the public space? And

1 | so what you're conveying to us is that Public Space has said,
2 | yes, you can put it in the public space.

3 | Then we wanted to find out what HPRB was going to be
4 | in agreement with whatever it is you did so that we could decide
5 | whether or not we think this condition should be removed. So we
6 | needed the information from HPRB. There's a lot of stuff in the
7 | record that there's opposition to this particular condition being
8 | removed and that it's not necessary, I'm sorry, that it is
9 | necessary and so we, as the Board, have to determine, and I know
10 | that some of my fellow Board members thankfully have gone back
11 | and reviewed the record as to why this whole condition was here
12 | in the first place and now it's making me want to go back and
13 | review the record and try to figure why we had the condition
14 | there in the first place as well.

15 | What you're conveying is that there's not enough room
16 | in the building to keep the trash and so there's a lot of things
17 | that we're trying to figure out here, I think, and I don't know
18 | if there's enough information in the record for me to make a
19 | decision today, but I know that my fellow Board members might
20 | have some questions as well. However, before I turn to you, Ms.
21 | Stedman, and I know that I can't see your camera so I apologize,
22 | I can't see whether you're, anyway I can't see your face.

23 | Mr. Beamon, can you hear me, from the Office of
24 | Planning, and could you please introduce yourself for the record?

25 | MR. BEAMON: Good morning. Shephard Beamon with the

1 Office of Planning.

2 CHAIRPERSON HILL: Got you, Mr. Beamon. Hold on a
3 second. I've got you, Ms. Stedman. Thank you for muting.

4 Go ahead, Mr. Beamon. Could you introduce yourself for
5 the record, please?

6 MR. BEAMON: Yes. Shephard Beamon with the Office of
7 Planning. Do you have any questions for me because right now,
8 okay.

9 CHAIRPERSON HILL: Yes. So the Office of Planning's
10 recommendation is to remove the condition, correct?

11 MR. BEAMON: Not remove it, just modify it.

12 CHAIRPERSON HILL: Modify it. Modify it again in what
13 way, please?

14 MR. BEAMON: So we're in support of having outdoor
15 storage of trash with the condition it is always enclosed and
16 it's locked when not in use, and it's not removed from the
17 location that it is approved for by the BZA.

18 CHAIRPERSON HILL: Right. The trash enclosure shall
19 be properly secure and should not be moved from the requested
20 location. Also the trash enclosure should be properly closed and
21 locked when not in use. That's the recommendation, correct, Mr.
22 Beamon?

23 MR. BEAMON: Correct.

24 CHAIRPERSON HILL: Okay. So, all right. That's that
25 part of it.

1 I'm going to turn to my Board, like, I don't have enough
2 information to make a decision I got to say. Like, I want to
3 see whatever it is that's in the record from Public Space as well
4 as HPRB, if there is anything that can be supplied and then I
5 know that my fellow Board members, again, may have some questions.

6 Go ahead, does anybody have any questions. Mr. Blake.

7 VICE CHAIRPERSON BLAKE: I have one quick question.
8 Oh, I'm sorry. Vice Chair Miller, why don't you go ahead? I'll
9 ask after you.

10 ZC VICE CHAIRPERSON MILLER: Okay. Thank you, Board
11 member Blake.

12 I agree with you, Mr. Chairman. I don't, I need that
13 information in the record, the Public Space permit approval. I'm
14 not sure it's in there since I last looked five minutes ago, and
15 I need the maintenance agreement that apparently Public Space
16 required as a condition of their approval.

17 But my question for Mr. Beamon, are you still there,
18 Mr. Beamon?

19 MR. BEAMON: Yes, I'm here.

20 ZC VICE CHAIRPERSON MILLER: Okay. HPO, Historic
21 Preservation Office is under the Office of Planning. Are you
22 familiar with HPO's review of whatever Public Space Committee
23 approved in terms of this outdoor storage and can you report on
24 that in any way?

25 MR. BEAMON: I cannot as of right now, but I definitely

1 will follow up with HPO and find out what the result of that was.

2 ZC VICE CHAIRPERSON MILLER: Okay. I think that would
3 be helpful and if something can be entered into the record
4 officially, that would be helpful. Thank you.

5 That's all the questions I have for Mr. Beamon, Mr.
6 Chairman.

7 CHAIRPERSON HILL: Thanks Vice Chair Miller.

8 Vice Chair Blake?

9 VICE CHAIRPERSON BLAKE: One question for Ms. Stedman.

10 Ms. Stedman, we're kind of going in a different
11 direction but I'm more comfortable with this. I just want to
12 get clarification. Has the trash ever been stored inside the
13 building?

14 MS. STEDMAN: No. We have never had room to store the
15 trash inside the building and the reason being when I read
16 Condition 10, Condition 10 says the trash had to be stored in an
17 internal location. My understanding of an internal location was
18 that the trash could not be just sitting on the sidewalk, it had
19 to be stored inside of something. So that is the reason why I
20 got the shed and store it inside of the shed.

21 Later on, it was explained to me that internal location
22 meant that the trash needed to be stored inside the building. I
23 didn't have room to store the trash inside the building so Mr.
24 Fred Carver, my ANC Chair, came over to look at the space that I
25 was working with inside the building and I explained to them

1 | there's absolutely no space inside the building to store the
2 | trash. Then I spoke with someone from DDOT and from the, what's
3 | the place that we get permits from?

4 | UNIDENTIFIED SPEAKER: From DOB.

5 | MS. STEDMAN: And DOB, and DOB said in order to keep
6 | the shed on the sidewalk I have to get a permit for it. So in
7 | order to get a permit and keep the shed on the sidewalk I had to
8 | come back to Zoning and ask them for permission to take away
9 | Condition 10. DOB explained to me that I had to file an
10 | application to come back to the Board of Zoning to take away
11 | Condition 10, apply for a permit for the shed on the sidewalk
12 | and then I can keep the trash storage on the sidewalk. It has
13 | always been on the sidewalk because my understanding of internal
14 | storage was inside something, not actually inside the restaurant.

15 | So I misunderstood Condition 10. Now I filed if I can
16 | have Condition 10 removed so I can keep the trash where it's
17 | always been. When I came to you guys, Zoning, Mr., the Chairman
18 | told me before you guys can make a decision you would like to
19 | know if DDOT would even allow the shed to be on the sidewalk. So
20 | before you make a decision go to DDOT and ask DDOT can you have
21 | the shed on the sidewalk? Also said I am in a historic
22 | preservation area, also go to Historic and ask them will they
23 | give you permission to have the shed on the sidewalk, which at
24 | the time made sense because it wasn't make sense if you said yes
25 | and then DDOT said no, and Historic said no.

1 So you thought this was kind of putting the horse before
2 the carriage and asked me to go to Historic and DDOT. I did that
3 and I got the permission from Historic, got the permission from
4 DDOT which I have since uploaded by the way so if you check you'll
5 see it. I was in course with DDOT on the 27th March, which
6 probably was a little over a week ago, and they voted five to
7 zero that I can keep the shed there. So I have everything that
8 you guys asked me to go and get, but I didn't upload it to the
9 record, my misunderstanding again.

10 But it is my sworn testimony that I was approved by
11 DDOT and I spoke with Mr. Brendan Meyer and he himself said he
12 wouldn't make a decision until DDOT make a decision because he
13 didn't want to go through the hassle and DDOT's no, and then our
14 conversation would have been in vain. So he said once I get the
15 permission I was going to have to apply for a building permit
16 and he and I will discuss everything once I apply for the building
17 permit.

18 VICE CHAIRPERSON BLAKE: Okay. So the other question
19 I had for you is, when you were approved in the original case,
20 you were approved for restaurant use on the first and second
21 floor of the building. So I know that we discussed the first
22 floor as not having sufficient capacity to accommodate trash
23 storage but using the second floor, it could I suspect -- can you
24 explain to me exactly how that would not be, you could not
25 incorporate the second floor which you were approved for

1 restaurant use in the last hearing, why that could not be used?

2 MS. STEDMAN: It is the second floor, the second floor
3 is smaller than the first floor and the second floor is designed
4 for maybe four tables and chairs and it has a counter for service
5 and a bathroom. There's absolutely no place. I have trash
6 collection five days a week so I have a lot of garbage, so to
7 pick up garbage five days a week is a lot.

8 If I was to, let's just say this. If I was to store
9 it on the second floor, the second floor would be basically the
10 shed that I have outside to store garbage. It would be nothing
11 but garbage on the second floor and I think that would be
12 unsanitary.

13 VICE CHAIRPERSON BLAKE: The second floor is larger
14 than the storage bin, but I suspect it would actually not take
15 up the whole space. But --

16 MS. STEDMAN: But I can't serve anyone with garbage --

17 VICE CHAIRPERSON BLAKE: Ms. Stedman, one other
18 question for you. I noticed in pictures that we saw there was
19 some type of other retail operation on that floor. Could you
20 explain that to me? Is that part of the restaurant?

21 MS. STEDMAN: There is no other retail operation on the
22 second floor. I had originally rented the second floor to get
23 some income, but that was over a year ago. There's no other
24 place on the second floor.

25 VICE CHAIRPERSON BLAKE: So the place is now vacant

1 that you (audio interference)?

2 MS. STEDMAN: The place, the second floor is now, it's
3 not vacant. It's where customers can go up and have, and eat.
4 It has tables and chairs and a bar and stuff.

5 VICE CHAIRPERSON BLAKE: So you have, last year you had
6 a retail operation in there but now you've converted it back to
7 restaurant use?

8 MS. STEDMAN: Yes. It was always a restaurant as well.
9 It's always had the couch, tables, chairs and stuff, yes.

10 VICE CHAIRPERSON BLAKE: Okay. Thank you.

11 CHAIRPERSON HILL: Okay.

12 So, Ms. Stedman, the Board has to have enough time to
13 review the things that are in the record so if you want to go
14 ahead and put in, I think you just said you put in the information
15 that you got from Public Space, correct?

16 MS. STEDMAN: Yes.

17 ZC VICE CHAIRPERSON MILLER: Mr. Chairman, it's only
18 an agenda, it's only an agenda. I doesn't report (indiscernible).

19 MS. STEDMAN: I'll get it in.

20 CHAIRPERSON HILL: Okay. Hold on a second. Where did
21 you see that, Mr. Miller?

22 ZC VICE CHAIRPERSON MILLER: It was the last exhibit,
23 69 I think, but it has an agenda item so it doesn't say what they
24 did with it or it doesn't have the maintenance agreement that
25 apparently Ms. Stedman says was a condition of their approval.

1 But it doesn't show that they approved it and it doesn't have
2 the maintenance agreement.

3 CHAIRPERSON HILL: Okay.

4 Ms. Stedman?

5 MS. STEDMAN: Yes.

6 CHAIRPERSON HILL: So you're going to need to put in
7 information into the record that the Board can review that shows
8 that you've gone to Public Space and that Public Space has
9 approved what you're saying they've approved. Then there's a
10 maintenance agreement that Commissioner Miller is speaking about
11 that you just mentioned that you got from DDOT, correct?

12 MS. STEDMAN: Correct, yes.

13 CHAIRPERSON HILL: Okay. So if you could please upload
14 also that maintenance agreement, okay, so that we can take a look
15 at that, okay?

16 MS. STEDMAN: Okay.

17 CHAIRPERSON HILL: And then I guess the problem that
18 we're having, Ms. Stedman, right now is that now I am going to
19 go back and look at the previous hearing, okay, because I don't
20 remember off the top of my head how much the Board was concerned
21 about whether the trash was stored inside or not and it was
22 actually, if you remember, a pretty difficult decision to give
23 the variance for that second floor to begin with and part of that
24 was one of the conditions was that the trash was going to be
25 stored inside.

1 And then there is now some of the things that I've
2 noted, that I've heard at least, you know, the Office of Planning
3 is in favor of this application but what their condition is --
4 I'm having a hard time bringing up this thing right now -- their
5 condition, again, is a pretty difficult one for me to get my head
6 around, meaning it has to really somehow be in the situation
7 where there isn't going to be any racks, there isn't going to be
8 any, you know, grease or anything. It has to be done in a way
9 that the Board feels comfortable that it's okay that the trash
10 is stored outside and if you can't convince the Board, then (audio
11 interference) won't be voting in favor and then you'll have to
12 figure out, I guess, how to put the trash inside.

13 MS. STEDMAN: Okay. I understand what you're saying,
14 Chairman Hill, but understand that this is not something that I'm
15 not doing. This is something that I've been doing for three
16 years now and I don't have, because I don't have an issue with
17 how it's being done. The only issue is I don't have a permit or
18 permission to have the shed there. So no one is saying the shed
19 is not clean. No one is saying it's oily. No one is saying it's
20 dirty. No one is saying it's not acceptable.

21 CHAIRPERSON HILL: Ms. Stedman? Ms. Stedman? Ms.
22 Stedman?

23 MS. STEDMAN: Yes.

24 CHAIRPERSON HILL: I'm just telling you, right? So
25 what the Board had said is that the trash was never going to be

1 put outside, right? So the fact that you've been putting it
2 outside means that you're, maybe if you didn't understand it
3 that's fine, but I have to go back now and take a look at what
4 the Board actually said, right? That's No. 1.

5 No. 2, there is pictures in the record that the trash
6 is being, there's a van parked on the sidewalk. There's people,
7 you know, so there's left and right, right? Like, there's a
8 bunch of stuff in the record the Board has to understand and then
9 also the ANC what then said and, again, I am just having a hard
10 time, but the ANC they said with conditions that the outdoor
11 trash had to prevent drainage, odors and rat entry, you know, and
12 that the pick-up times happen five days a week. And so whether
13 or not that shed actually stops odors and drainage and rat entry,
14 I don't know how to figure that out, right? And so that's where
15 I kind of am with this.

16 So, and I still have to take public testimony, if there
17 is any, but so what we'd like to do is go ahead and upload any
18 information you want to put into the record in terms of, that
19 is, providing back-up to what you're saying, right? The
20 information from DDOT, from Public Space, and then, what was it,
21 Commissioner Miller, that you mentioned? The maintenance
22 agreement. The maintenance agreement. Thank you. The
23 maintenance agreement also that you're having and then any
24 pictures that you want to show us, I guess, that this shed is
25 actually going to be able to prevent drainage, you know, odors

1 and rat entry and then we'll come back I guess.

2 Go ahead, Mr. Smith.

3 COMMISSIONER SMITH: I do have one question for Ms.
4 Stedman and I wanted to ask this before we get public comments,
5 and it's to expand on, you know, what you are saying, Chairman
6 Hill, and what Vice Chair Blake are saying.

7 You know, Ms. Stedman, as you stated in your testimony
8 today that you have said that there is isn't enough space, I
9 believe that this condition that this previous Board required
10 that spoke to trash being internal. That was a fairly common
11 condition that we require restaurants, especially if they don't
12 have external rear yard space to put in some type of trash
13 enclosure on their property that has to be stored inside and I've
14 seen different scenarios where the trash is stored inside of a
15 freezer. I've seen it where it's stored inside of a met unit.
16 I've seen it stored underneath stairs.

17 So you're saying that, and I think this will help your
18 case in front of this Board and also regarding concerns raised
19 by the community, because they share the same concern about trash
20 stored externally. You're saying that you don't have space. Can
21 you expand, expound, explain on how you arrived at that you don't
22 have space? Have you ran some different scenarios or how you
23 can comply with that particular condition of storing it
24 internally?

25 MS. STEDMAN: Yes, I did.

1 So I met with my ANC Chair, Mr. Fred Carver, and when
2 the issue came up, and I invited him in the restaurant to take a
3 look around and see if he could have any recommendation to see
4 where I can store the trash. It's important to know that I just
5 want to do my business and get on with my life. I just don't
6 want to put the trash on the sidewalk because I want to put the
7 trash on the sidewalk.

8 He came in. He looked around. We went all through the
9 space of the restaurant and he agreed with me that there weren't
10 any space. I also had Mr. Brown (phonetic) from Rodent Control
11 came by and he and I work extensively on the trash, on the garbage
12 and he and I, we came up together with the shed that was there
13 now with all the specifications and it be metal so the rats
14 wouldn't chew through the trash, it had to be covered so they
15 can't jump over the top. So I did work with Rodent Control to
16 get that taken care of.

17 Without them even telling me, I noticed that the rats
18 was coming from the alley through a gate that was there and I
19 got a contractor to come in and block the gate so they could no
20 longer walk from the alley and come through the gate. So I had
21 a contractor block that. I do have a written statement in the
22 record from Mr. Orlando directly across from me and his statement
23 states that with the shed, it was a huge improvement and it cut
24 down on the rodents. They're no longer able to get into the
25 trash area.

1 I went, I can't remember the representative that came
2 from DOB but when he came also to explain to me that I was in
3 violation of No. 10, and I wasn't the only one that was confused
4 with No. 10 because DOB also had to get their lawyers to look up
5 what was the exact meaning of internal location.

6 CHAIRPERSON HILL: Ms. Stedman? Ms. Stedman? I
7 understand. Go ahead, Ms. Stedman.

8 I'll let Mr. Smith. Go ahead, Mr. Smith.

9 COMMISSIONER SMITH: I think we're, you know, kind of
10 talking in circles. I think that's what Mr. Hill was going to
11 state. So we are a two step process right now in front of us.
12 The first one is to modify a condition and us to ascertain whether
13 it's appropriate to modify a condition that we stated, a previous
14 Board stated that all trash has to be internal. I'm not debating
15 whether it was clear to you as an operator what this Board meant
16 but I was saying historically what we have always meant as a
17 Board is that trash must be inside, not internal to the property,
18 it must be inside.

19 My question still stands. Yeah, you had the ANC
20 President come to take a look and you had a Rodent Control officer
21 come and take a look, but you are the holder of the, you own the
22 restaurant, you are the holder of the special exception and the
23 variance and you're tasked with enforcing these conditions.

24 Did you, as the owner, take a look at your space and
25 see if you can comply with this particular condition that is a

1 standard condition on restaurants of this type?

2 MS. STEDMAN: I did. I took a look and I invite anyone
3 who would like to come take a look and make a recommendation to
4 me as to where I can store the trash because I've taken a look
5 and if I could find any place, because right now I have trash
6 collection five days a week. I have a two yard dumpster and
7 three recycle trash bins, 96 trash bins. I cannot figure out
8 where in that building I could put a two yard dumpster and three
9 recycle. I'm open six days a week and my trash is collected five
10 days a week, and with the five days a week the reason why I have
11 five days a week is because I gather that much trash.

12 So it's not like I can add more days because I'm
13 collecting trash almost every day and with every day I need a
14 two yard dumpster and three 96 gallon container recycle bins that
15 is being collected almost five days out of the six that I'm open.
16 So where could I store that much garbage inside the restaurant
17 that I'm serving customers? It's not like I'm not serving people
18 food to eat. Everything still needs to be sanitized and clean.

19 CHAIRPERSON HILL: Okay.

20 COMMISSIONER SMITH: Okay.

21 CHAIRPERSON HILL: So, Ms. Stedman, we appreciate your
22 testimony. I appreciate your testimony. We just need something
23 in the record that shows us what you're saying, right? And the
24 only thing I got is the plans that I think are in Exhibit 4,
25 right? Those are the plans that are in Exhibit 4 and that's the

1 | only thing that shows the inside of your building, correct?

2 | MS. STEDMAN: Yes.

3 | CHAIRPERSON HILL: Okay. So, all right.

4 | I mean, Ms. Stedman, by the way we're just trying to
5 | figure this out. Like, I was there and, right, and I'm not a
6 | very smart, well I shouldn't say I'm not a very smart man but I
7 | know that when we said internal that mean inside, right? Like,
8 | I wasn't going to think it was a shed outside, right?

9 | So at the time we were doing the whole case the first
10 | time, you know, if you had said we can't figure out how to do it
11 | then the Board might not have passed the variance. I'm not sure,
12 | right? So do you have anything else that supports what you're
13 | saying that you can't find a place to put the trash inside? You
14 | just have these plans, correct?

15 | MS. STEDMAN: I have the plans. I just, and quite
16 | honestly, if I had known that you meant internal because this is
17 | not my first restaurant. My restaurant was at 1726 North Capitol
18 | Street and I bought the building right beside it, 1724 North
19 | Capitol Street. Before I moved to 1724, I was at 1726 for 15
20 | years.

21 | So I know the kind of garbage that I collected and if
22 | I had known that internal meant inside the building I would have
23 | said that there is no space inside the building to store the
24 | trash. I wouldn't have accepted it and then put it outside. I
25 | honestly thought, I can't even conceive that you meant storing

1 that much garbage inside of a restaurant that you're cooking and
2 people are sitting and eating. Like, I couldn't conceive that
3 in my mind that it actually meant leaving the garbage inside the
4 restaurant because I've had a restaurant for 15 years. I've had
5 friends with restaurants, even in D.C., and I've never seen anyone
6 store the garbage inside the restaurant.

7 So the idea that internal meant storing the garbage
8 that needs to be picked up every day inside the restaurant never
9 crossed my mind, or else I would have mentioned it in all
10 frankness and honestly just to let you know that that idea wasn't
11 possible. That's why when it was explained to me --

12 CHAIRPERSON HILL: Okay, okay. I got you.

13 MS. STEDMAN: Yeah.

14 CHAIRPERSON HILL: I got you. I got you.

15 Again, let me go through this process. I'm going to
16 take, if there's any public testimony, I'm going to take public
17 testimony. I know we had public testimony again or before. I
18 don't know if there's anybody here? Is anybody here, Mr. Young?

19 MR. YOUNG: We do not.

20 CHAIRPERSON HILL: Oh, okay. All right. There you go.

21 So there's stuff in the record that shows, like, how
22 this might not be a good idea, I'll do that, to have, like, the
23 stuff out on the sidewalk there, right? And so if you can
24 provide, again, the items that Vice Chair Miller mentioned, okay,
25 which is the letter from DDOT and then the, I forgot what the

1 other thing. What's the other thing again, Mr. Miller?

2 ZC VICE CHAIRPERSON MILLER: Approval, the approval
3 from DDOT of the Public Space permit and the, apparently their
4 condition was that there be a maintenance agreement. So there
5 must be a maintenance agreement Ms. Stedman referred to. So
6 those two things are what I was asking for.

7 I was also asking, in addition to whatever, that and
8 whatever the Board's asking for the proof of the indoor space not
9 being able to accommodate internal trash, whatever information
10 she can put in the record on that, I think we need an updated
11 report from DDOT beyond the one that's a year ago that has the
12 Public Space permit conditions just so we know from DDOT
13 officially what the status is of that Public Space permit.

14 CHAIRPERSON HILL: Okay.

15 Is that something, Madam Secretary, if that something
16 we get from DDOT?

17 ZC VICE CHAIRPERSON MILLER: We could request it, I
18 guess.

19 MS. MEHLERT: You can request it.

20 CHAIRPERSON HILL: Okay. If you can request that, that
21 would be great. Okay.

22 Ms. Stedman, did you hear everything Vice Chair Miller
23 just asked for?

24 MS. STEDMAN: Yes, indeed I did.

25 CHAIRPERSON HILL: Okay. Great. Thanks. Okay.

1 Yeah. I mean, anything you, Ms. Stedman, if I thought
2 that this thing was, like, you know, really well sealed and there
3 was no problem and everything is great, that's all you're trying
4 to convince me of, right? And that's what you're trying to
5 convince the Board of in order to remove this condition and I
6 appreciate that you've been through all the trouble you've been
7 through but, again, that variance that you got was not an easy
8 variance to give out, right, and so, because the way the zoning
9 is where you are, right?

10 So if you can go ahead and submit that stuff into the
11 record and then anything you want to put in there that can show
12 the Board that you don't have room for the trash inside, okay?
13 Maybe take pictures of how much trash there is and take pictures
14 of your internal of your building on the first floor and the
15 second floor, you need to convince the Board that there's no
16 place to put that trash, right? And I guess that's it.

17 Does the Board have any questions?

18 (Pause.)

19 CHAIRPERSON HILL: Okay.

20 I don't know if we need to talk again. Like, I guess
21 we'll have a continued hearing. I guess, Ms. Stedman, if we
22 don't get everything we need, I don't know if this is going to
23 pass and that's why I'm just trying to tell you.

24 MS. STEDMAN: You will have everything you need and I
25 will also see how my video works, so I'll be ready for the next

1 one.

2 CHAIRPERSON HILL: Okay. Okay.

3 Madam Secretary, when can we come back again?

4 MS. MEHLERT: Well, depending on how long it would take
5 the Applicant to submit the requested information, I don't know
6 if she's able to submit by this Friday and then ANC and agencies
7 could respond by the following Friday. We could do the 23rd or
8 we could do the 30th.

9 CHAIRPERSON HILL: That's too fast. Let's get the
10 thing from DDOT, okay, right? And then, Ms. Stedman, go ahead
11 and, I mean, I really want you to take some time and think about
12 this, right? You're trying to convince the Board that it's okay
13 to remove this condition, right?

14 MS. STEDMAN: Yes.

15 CHAIRPERSON HILL: And so you have to convince us. And
16 I'm just one person, you know, I can vote one way or the other
17 but you have to convince enough people here that it's appropriate,
18 right? And so if you show us how you can't put the trash inside,
19 right, and if you show us how whatever you're putting out there
20 is approved by Public Space and then also the conditions that Mr.
21 Miller is talking about, that Vice Chair Miller's talking about,
22 we're going to get a report from DDOT and I guess I just don't
23 want to waste our time again. We have to have all the information
24 and we'll come back maybe on the 30th of April, okay?

25 Go ahead, Mr. Blake.

1 VICE CHAIRPERSON BLAKE: One question, Ms. Stedman.
2 How do you dispose of the oils and so forth?

3 MS. STEDMAN: I have a contractor. He brings a oil
4 container and we pour the oil in the container and they come and
5 they actually remove the container and drop another one.

6 VICE CHAIRPERSON BLAKE: Is that stored internally or
7 in the shed?

8 MS. STEDMAN: It's stored in the shed also. But I put
9 it inside a container in the shed so it's not on the sidewalk.
10 I had my contractor make something to put it inside.

11 VICE CHAIRPERSON BLAKE: Okay. Thank you.

12 CHAIRPERSON HILL: Okay.

13 So that's another thing, Ms. Stedman. I take pictures
14 of everything, right?

15 MS. STEDMAN: Okay.

16 CHAIRPERSON HILL: If you can show us just how wonderful
17 this situation is and that it's not a problem for us to remove
18 the condition, right? And so that's what you need to convince
19 the Board and the reason, like, we did this before in that we
20 kicked this down the road so that we can get more information
21 and we didn't have the information. I appreciate that you went
22 and that, you know, but we need to look at everything, right?

23 Go ahead, Mr. Blake.

24 VICE CHAIRPERSON BLAKE: Yes. Mr. Chair, just to be
25 clear. I don't think that we would actually remove the condition,

1 I think it would be a modification of the language of the
2 condition. You'll still have some trash language, it would just
3 allow for the external facility. I don't think we, it would be
4 a modification, not necessarily a removal, I believe.

5 CHAIRPERSON HILL: Thank you.

6 And so what that means, Ms. Stedman -- I'm just having
7 a difficult time pulling up the OP report. There's a thing in
8 the Office of Planning's report that I read out loud earlier and
9 that is, where is it? Oh, yes. "The trash enclosure shall be
10 properly secured and should not be moved to a requested location."

11 You're not going to remove it from the requested
12 location, I got that. "Also the trash enclosure should be
13 properly closed and locked when not in use." So that's another
14 thing that you can take pictures of and show us how you would be
15 complying with that condition. Okay?

16 MS. STEDMAN: Okay.

17 ZC VICE CHAIRPERSON MILLER: Just to follow up on Mr.
18 Blake's question about the oil and your response, Ms. Stedman.
19 Could you also include a photograph of the container that it's
20 in, both inside the shed, and that's being picked up five times
21 a week as well?

22 MS. STEDMAN: No. That's being picked up once a month.
23 I don't use a lot of oil. I don't have a deep fryer and usually
24 they require you to have a oil contract if you have a deep fryer,
25 but I don't have one. The only thing I have is fried plantains,

1 but they made me get one anyway.

2 ZC VICE CHAIRPERSON MILLER: Well, the condition that
3 exists currently and has existed all along and isn't being
4 modified, isn't requested to being modified by the Office of
5 Planning, is that "Applicant shall remove trash, garbage and
6 grease from the property at least three times a week," and you're
7 saying it's only grease, but no oil, is only removed once a month?

8 MS. STEDMAN: Right. If I have a deep fryer, I would
9 have a lot of oil. When the Health Department came out, I don't
10 have a deep fryer. I don't, the only thing I fry is plantains.
11 That's the only thing. So he said I still needed one because I
12 fry plantains. That's the only thing I fry. So because I fry
13 plantains I have a very, like, when the guy comes out to pick up
14 the oil, it's not even 16 ounces of oil, it's very little oil.
15 If I was doing --

16 CHAIRPERSON HILL: Okay. Okay.

17 MS. STEDMAN: I think I put oil out probably once very
18 two weeks. Most of the time there's no oil in there.

19 CHAIRPERSON HILL: Okay.

20 Ms. Stedman, take a lot of pictures, okay? Take
21 pictures that show us why you think we should approve this, okay,
22 and that everything is working out fine and that we don't need
23 to enforce the condition that the Board originally put forward.
24 Okay? And put all that information into the record because the
25 Board needs to see everything in order to make a decision. Do

1 | you understand?

2 | MS. STEDMAN: You're going to have so much pictures,
3 | so I definitely understand.

4 | CHAIRPERSON HILL: Okay.

5 | And then you said there was something about somebody
6 | across the street said something in favor of this?

7 | MS. STEDMAN: Yes. I have a letter on the record from
8 | Mr. Orlando Brown. He's (audio interference).

9 | CHAIRPERSON HILL: Where is that in the record?

10 | MS. STEDMAN: I uploaded it when I uploaded the first
11 | set of paperwork. There's Orlando. He is, his address is --

12 | CHAIRPERSON HILL: Oh, I got it. I got it. I see it.
13 | I see it. Okay. Okay. I got it.

14 | Go ahead, Mr. Blake. You had your hand up.

15 | VICE CHAIRPERSON BLAKE: Yeah. I was wondering if it's
16 | possible to have the Office of Planning potentially modify the
17 | language of the their modification that reflects kind of the
18 | concerns that we've had and expressed today so it captures the,
19 | you know, what she's explained as to grease usage, all of that
20 | sort of thing.

21 | CHAIRPERSON HILL: Yes.

22 | VICE CHAIRPERSON BLAKE: My issue is just making sure
23 | if you're going to have this thing outside it should be, you
24 | know, and I wouldn't say rat proof but it's probably got to be a
25 | stronger quality facility. But I think we probably might have

1 | some language that would kind of reflect that. So if that was
2 | possible, I'd appreciate it.

3 | MR. BEAMON: Yes. We can do that. Just to be clear
4 | though you would like a report from us or some revised language
5 | by the 18th, or what was the date that was mentioned earlier?

6 | VICE CHAIRPERSON BLAKE: Well, that's up to the Chair.
7 | Do you know what you, in terms of if we did try to make sure we
8 | got a recommendation or a modification of language from the Office
9 | of Planning, what time frame would that make that, and would you
10 | be comfortable with that?

11 | CHAIRPERSON HILL: Sure.

12 | So, Mr. Beamon, what I think Mr. Blake is asking for
13 | is, again, the modification of the -- just taking a look at the
14 | condition that you all are requesting and whether or not it needs
15 | to be, the language needs to be stronger or put forward in a
16 | different way so that, based on all the discussion that's gone
17 | on today.

18 | MR. BEAMON: Yes, we can do that.

19 | CHAIRPERSON HILL: Okay.

20 | And so, Ms. Stedman, then what's happening now (audio
21 | interference). So we get that from the Office of Planning and
22 | you would need to be able to take a look at that also so that
23 | you understand what the Office of Planning is saying with their
24 | recommendation. So if the Office of Planning puts that in by
25 | the 18th, okay, and then Ms. Stedman, if you can give everything

1 to us by the, hold on, yeah, the 25th.

2 MS. STEDMAN: The 25th?

3 CHAIRPERSON HILL: Okay? So this is important. I need
4 you to listen to this one part, okay? So the Office of Planning
5 is going to put something in the record on the 18th and I assume,
6 Madam Secretary, that Ms. Stedman gets it as well, correct?

7 MS. MEHLERT: Yes.

8 CHAIRPERSON HILL: Okay. So you as a party, or the
9 Applicant, Ms. Stedman, you'll get the information that the
10 Office of Planning is going to put into the record on the 18th.
11 You will have until the 25th to respond to what the Office of
12 Planning puts into the record. They're going to say something
13 about the condition and you're going to have to make sure that
14 you live up to that condition basically.

15 And so you can go ahead and put something into the
16 record by the 25th that has everything the Board just asked for,
17 okay?

18 MS. STEDMAN: Yes.

19 CHAIRPERSON HILL: And then we can come back here I
20 guess on the 30th for a continued hearing.

21 MS. STEDMAN: Okay.

22 CHAIRPERSON HILL: I guess (audio interference) maybe
23 that won't work. I'm sorry. Go ahead, Madam Secretary.

24 MS. MEHLERT: I was going to ask if you also wanted the
25 DDOT report on April 18th?

1 CHAIRPERSON HILL: Yeah, that'd be great. I guess my
2 problem with the stuff that goes in on the 25th from the Applicant
3 is if the ANC has anything they want to respond to. What does
4 the 7th of April look like for us?

5 MS. MEHLERT: Of May? You have five hearing cases, one
6 of them is an appeal.

7 CHAIRPERSON HILL: Okay. What does the 30th look like?

8 MS. MEHLERT: April 30th?

9 CHAIRPERSON HILL: Yes, sorry. April 30th. Oh, no I
10 meant May 7th. May 7th. Is that what you're talking about with
11 the five?

12 MS. MEHLERT: Yes. May 7th has an appeal.

13 CHAIRPERSON HILL: Right. And then what's on the 30th?

14 MS. MEHLERT: So you have four meeting cases and then
15 five hearing cases, but two of those have requested a postponement
16 so there'd be probably three hearing cases.

17 CHAIRPERSON HILL: Mr. Miller, are you around on the
18 30th? There you go, Ms. Stedman. We're part way there.

19 ZC VICE CHAIRPERSON MILLER: Yes, I should be.

20 CHAIRPERSON HILL: Okay. Ms. Stedman, are you around
21 on April 30th?

22 MS. STEDMAN: April, yes, I'll be around.

23 CHAIRPERSON HILL: Okay. Great.

24 So, Ms. Stedman, please try to convince the Board,
25 okay? Like, you know, that's great. Wonderful. Look at that.

1 Okay. And then now we're closer, right? And so now you
2 remembered how to get to this point, okay?

3 MS. STEDMAN: Yes.

4 CHAIRPERSON HILL: We'll see you on April 30th. So now
5 that I get to see you, on the 18th the Office of Planning is
6 going to give their recommendation, okay? You'll have until the
7 25th, a week later, to answer if you have any problems with their
8 recommendation. If they tell you that you have to do something
9 and then you don't think you can do it, you need to let us know
10 by the 25th, okay?

11 MS. STEDMAN: Okay.

12 CHAIRPERSON HILL: And convince us why, okay? And so
13 then, you need to convince the Board that it's okay for us to
14 remove this condition, okay, and why. Why you can't put trash
15 inside. How the thing's being properly organized so it's not a
16 problem out on the sidewalk. What you did with DDOT and, I don't
17 know why I can't remember what the thing is that, Mr. Miller,
18 what's it again?

19 ZC VICE CHAIRPERSON MILLER: Maintenance agreement that
20 DDOT Public Space requires.

21 CHAIRPERSON HILL: Thank you. And the maintenance
22 agreement, okay? And put everything on the record by the 25th
23 and we'll come back on the 30th and do this again.

24 MS. STEDMAN: Okay.

25 CHAIRPERSON HILL: Okay? And we're going to do it

1 first thing in the morning because I don't think Mr. Miller is
2 with us necessarily.

3 ZC VICE CHAIRPERSON MILLER: I think I am actually with
4 you.

5 CHAIRPERSON HILL: Great. We'll still probably do it
6 first thing in the morning. Okay. Okay. We're going to do a
7 continued hearing on April 30th. Okay?

8 MS. STEDMAN: Okay. Sounds good. Thank you.

9 CHAIRPERSON HILL: Good luck.

10 MS. STEDMAN: Thank you. I need it.

11 CHAIRPERSON HILL: Yeah, I think you do.

12 MS. MEHLERT: Do you want to give the ANC a chance to
13 respond or waive the seven days for the ANC from the Applicant's
14 filing if they wanted to submit anything?

15 CHAIRPERSON HILL: I would love to hear from the ANC
16 if they want to submit anything. I guess now I'm trying to figure
17 out whether or not do we need to do this earlier or I can waive
18 the requirement and the ANC can have until the 29th to give us
19 anything.

20 MS. MEHLERT: Okay. That's fine.

21 CHAIRPERSON HILL: Okay? Okay. Great. Thank you.
22 All right.

23 I'm going to, does anybody have any questions? Ms.
24 Stedman, you got any questions?

25 MS. STEDMAN: No questions.

1 CHAIRPERSON HILL: Okay. Great. All right.

2 You all have a nice day. I'm going to close this
3 portion of the hearing and the record. We're going to be back
4 on 4/30 for a continued hearing.

5 MS. STEDMAN: Okay. Thank you. Thanks everyone.

6 CHAIRPERSON HILL: Thank you. Bye. Okay.

7 That's that one. The next one is, okay. I'm going to
8 get rid of Mr. Miller first before we take a break so I guess
9 we'll go ahead and go to the next one. All right. Let's go
10 ahead and go to the next one.

11 MS. MEHLERT: Next is Application No. 21226 of
12 Alexander-Benons, LLC. This is an application pursuant to
13 Subtitle X, Section 901.2 for special exceptions under Subtitle
14 C, Section 1501.1(c), from the penthouse height requirements of
15 Subtitle C, Section 1501.1(b) to allow a penthouse on a principal
16 dwelling that is not entirely within the height permitted as a
17 matter-of-right for the building, under Subtitle C, Section
18 1506.1 from the penthouse setback requirement of Subtitle C,
19 Section 1501.1(a), under Subtitle E, Section 204.4 from the
20 rooftop architectural element requirements of Subtitle E, Section
21 204.1 to allow removal or a significant alteration of a rooftop
22 architectural element original to a principal building, under
23 Subtitle E, Section 207.5 to allow the rear wall of a row dwelling
24 to extend farther than ten feet beyond the farthest rear wall on
25 the adjoining principal residential building on any adjacent

1 property, and under Subtitle E, Section 5201 from the rear yard
2 requirements of Subtitle E, Section 207.1 and from the lot
3 occupancy requirements of Subtitle E, Section 210.1.

4 This is for a new third-story with roof deck and three-
5 story rear addition to an existing attached principal dwelling
6 for use as a flat in the RF-1 zone at 1206 Staples Street,
7 Northeast, Square 4067, Lot 58. This was heard on February 12th
8 and March 19th. The Board requested submissions from the
9 Applicant and OP and scheduled for a continued hearing.

10 Participating are Chairman Hill, Vice Chair Blake, Mr.
11 Smith, and Commissioner Miller.

12 CHAIRPERSON HILL: Okay. Great. Thank you.

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

15 MS. ALEXANDER-BENONS: Yes. Good morning, everyone.
16 My name is Jan Alexander-Benons.

17 CHAIRPERSON HILL: Okay. Great. All right.

18 Ms. Alexander-Benons, so what I saw in the record or
19 put into the record, thank you for putting in some of the
20 information, is kind of a question, right? But you can't, we
21 can't, you kind of have to ask for one thing or the other, right?

22 MS. ALEXANDER-BENONS: Okay.

23 CHAIRPERSON HILL: Can't be one way or the other. And
24 so what currently is happening is you still have your application
25 the same way that you had it before, you've just given us

1 different information, different alternatives, okay?

2 MS. ALEXANDER-BENONS: Okay.

3 CHAIRPERSON HILL: So what we could do today is that
4 we could hear your testimony and then make a decision upon what
5 your application currently asks for, right? And what that means
6 is probably you're not going to get the penthouse, okay, is what
7 we had talked about before. I don't know for sure but I think
8 that's possible, right?

9 MS. ALEXANDER-BENONS: Okay.

10 CHAIRPERSON HILL: And if that were the case, then we
11 could also deliberate upon the other request that you're asking
12 for, right? If you were to possibly get the other request that
13 you're asking for, that means that you just don't have any rooftop
14 access, okay, and I don't know whether you want to do that or
15 not, okay?

16 If you want us to continue that way we can today and
17 see what happens, right, or you have to go back and get either,
18 trying to think what exactly it is, you'd have to get, like, go
19 back to the Zoning Administrator because what you're asking for
20 might trigger different relief, okay? To have the rooftop hatch
21 and the way you're doing it now or thinking about doing it now,
22 it might trigger other relief that I'm not clear upon and so the
23 Zoning Administrator would be able to tell you if this is
24 triggering other relief that you need, right, for the thing.

25 And then you would have to go back to the Office of

1 Planning and they would review what the Zoning, you'd have to
2 give us a new burden of proof. You'd have to make your argument
3 that what the Zoning Administrator says you need relief from, you
4 can have relief from, right? Like, your architect might be able
5 to help you with this. I'm not sure, right? Actually, I forget.
6 Are you the architect too?

7 MS. ALEXANDER-BENONS: I'm not the architect but I do
8 have some questions when you're done.

9 CHAIRPERSON HILL: Sure. So that's kind of it unless.
10 I'm looking at my Board members. Did I kind of explain that
11 well? Okay. Everybody seems to be staying quiet.

12 Go ahead, Ms. Alexander-Benons.

13 MS. ALEXANDER-BENONS: Yeah. I'm a little bit confused
14 about, so what we've gone ahead and done is revise our plans. I
15 think there's a distinction that I'm a little bit unclear about
16 as to, like, revised versus, like, changed.

17 In our, from our perspective this is an updated plan
18 and so we've done a few things. The last time we met we had an
19 outstanding item to determine what the setback requirement was.
20 You guys sent us to converse with DOB and the Office of Planning
21 to clarify what that requirement was. So we worked with Edwin
22 Andino, who's been our sort of DOB officer and he provided some
23 very clear illustration of what that setback requirement was and
24 that is included in Exhibit 60. And in that --

25 CHAIRPERSON HILL: Sixty? Six zero?

1 MS. ALEXANDER-BENONS: Six zero. Correct.

2 CHAIRPERSON HILL: I don't see an Exhibit 60.

3 MS. ALEXANDER-BENONS: Oh. That's what it's called for
4 me. I believe it is, maybe it might be 42A. When I open it it
5 gives me a different number. I apologize. Yes, 42A.

6 CHAIRPERSON HILL: Okay.

7 MS. ALEXANDER-BENONS: So if we look at, once you're
8 open let me know.

9 CHAIRPERSON HILL: It's open.

10 MS. ALEXANDER-BENONS: If we look at the bubbles
11 section towards the top right of the, sort of the main panel --

12 CHAIRPERSON HILL: Yes.

13 MS. ALEXANDER-BENONS: -- there is a vertical and
14 horizontal dimension. That is the dimension that the Department
15 of Buildings person that we worked with provided and basically
16 for the setback requirement had to be a one-to-one ratio, meaning
17 that that horizontal measure needs to be equal to or greater than
18 the vertical measure.

19 And so we've gone ahead and updated our plans to move
20 it back and provided this documentation here. At that point he
21 had provided assurances on an email including Office of Planning,
22 which I believe they consolidated into their updated memorandum,
23 that we no longer would be seeking and, again, I'm using the
24 wrong words, but seeking an exception for the rooftop elements
25 because we are now in compliance with those elements. So the

1 two rooftop items were the height of the building because we had
2 that pop-up for the stairwell. We've removed that to have the
3 hatch element and then we modified the setback and it is now more
4 than the one-to-one ratio required.

5 So our intention is to move forward with these plans
6 as they are written and as they've been confirmed to now be
7 compliant. So that would reduce our, the exceptions that we're
8 requesting from six to four.

9 CHAIRPERSON HILL: Okay.

10 MS. ALEXANDER-BENONS: But just didn't know if we were,
11 that's my understanding. I think that was my confusion with what
12 was mentioned before.

13 CHAIRPERSON HILL: No problem. Give me a second.

14 Mr. Young, can you pull up that exhibit, please? It's
15 42A, as in apple.

16 (Pause.)

17 ZC VICE CHAIRPERSON MILLER: Mr. Chairman, whilst he's
18 doing that I just wanted to read a sentence from our counsel.
19 "The relief required in connection with the alternative proposal
20 has not been requested by self-certification or by ZA referral."
21 So we need a new self-cert form saying that she only needs the
22 four areas of relief that she just referenced and not the
23 penthouse use or the penthouse setback relief. You need a
24 referral or a new self-certified form so that the application,
25 that's the application before us.

1 CHAIRPERSON HILL: Ms. Alexander-Benons, I'll clarify
2 what Vice Chair Miller was speaking about in one second.

3 So, Mr. Blake, that bubble, I think it's easier,
4 actually it's easier if you pull it up on your computer, but you
5 want to explain that bubble again, please, Ms. Alexander-Benons?

6 MS. ALEXANDER-BENONS: Yeah, I'm happy to.

7 So it's the bubble in the middle. Toward the right
8 side of the bubble where there's a sort of a triangle icon, there
9 are two measurements. There's a horizontal measure and a vertical
10 measure. So those lines were provided to us as guidelines from
11 DOB after the last time we had spoken. That was the sort of
12 clarifying item that you guys sent us to seek information about.

13 And so the information from DOB was that the horizontal
14 measure needs to be greater than or equal to the vertical measure,
15 and that's essentially what the one-to-one setback requirement
16 is. And so as you can see here, our horizontal measure, it's
17 about ten feet and our vertical measure is about five feet, and
18 so that puts us well above the one-to-one setback requirement
19 that is per zoning regulations.

20 And so this was the main item when leaving the last
21 call that I believe you guys had asked for as an open item and
22 to have this update and clarification be made. And so we had an
23 email provided with our DOB counterpart Office of Planning and
24 it was confirmed that with the updated plans, one thing I also
25 didn't mention now that we're looking at it is that we also

1 removed the pop-up and if you remember we had a stairwell
2 structure that extended past the railing parapet. And so in the
3 old plans that railing caused us to greatly exceed the 35 foot
4 building requirement, but now we no longer are, 1) because the
5 height of the parapet is within --

6 CHAIRPERSON HILL: Got it.

7 Ms. Alexander-Benons, I've just got to interrupt you
8 real quick.

9 MS. ALEXANDER-BENONS: Okay.

10 CHAIRPERSON HILL: Because what I'm going to do, I'm
11 going to go talk to legal real quick because I just want to make
12 sure we don't give the wrong advice here.

13 MS. ALEXANDER-BENONS: Okay.

14 CHAIRPERSON HILL: Or not even advice. Like, I think,
15 Ms. Alexander-Benons, what is unclear to us first of all, and I
16 know you don't do this every day so it's okay. Like, you're
17 asking for the same stuff that you asked for before, right? And
18 so I, just give me a second, you haven't changed your request
19 yet, right, officially?

20 MS. ALEXANDER-BENONS: Okay.

21 CHAIRPERSON HILL: And so then the other thing is kind
22 of making sure that the plans are all in a place where it's kind
23 of easy for us to figure out what -- I know you put the alternate
24 hatch details in there but it's like you have to kind of say
25 these are the plans that I'm, this is what I want and this is

1 | what I'm going to build, right, and then the Board can make a
2 | decision.

3 | MS. ALEXANDER-BENONS: Okay.

4 | CHAIRPERSON HILL: But let me make sure that you can
5 | do this on your own and, or how you get to this point is what
6 | I'm trying to figure out.

7 | Mr. Young, could you drop that screen real quick,
8 | please? All right. If you all will bear with me I'm just, we're
9 | going to go talk to legal real quick, legal counsel, okay?

10 | So as Chairperson of the Board of Zoning Adjustment for
11 | the District of Columbia and in accordance with 407 of the
12 | District of Columbia Administrative Procedures Act, I move that
13 | the Board of Zoning Adjustment hold a closed emergency meeting
14 | on 4/9/2025 for the purpose of seeking legal counsel on
15 | Application 21226, deliberate but not vote on 21226.

16 | Is there a second? Mr. Blake?

17 | VICE CHAIRPERSON BLAKE: Second.

18 | CHAIRPERSON HILL: Motion made and seconded. Madam
19 | Secretary, can you take a roll call, please.

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

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: Commissioner Miller?

3 ZC VICE CHAIRPERSON MILLER: Yes.

4 MS. MEHLERT: Voted four to zero to one. Motion passes.

5 CHAIRPERSON HILL: Okay. Great. Thanks.

6 And just to let everybody know we're still going to go
7 through the portion of the hearing where there's public testimony
8 and we're still going to work through the process. We're coming
9 back. Okay? So we'll come back in a minute. I'm going to excuse
10 ourselves, or excuse me. You all stay here.

11 (Whereupon, there was a recess for a closed emergency
12 meeting with legal counsel.)

13 CHAIRPERSON HILL: Okay. Madam Secretary, could you
14 please call us back in?

15 MS. MEHLERT: The Board is returning from an emergency
16 closed meeting with OZ legal and is returning to case 21226.

17 CHAIRPERSON HILL: Okay.

18 Ms. Alexander-Benons, can you hear me?

19 MS. ALEXANDER-BENONS: I can hear you.

20 CHAIRPERSON HILL: Okay. Great. Thanks.

21 So what I need you to do is provide a self-certification
22 of what it is you're requesting us to do and the way you could
23 do that is I guess you can go back to the Department of Buildings
24 and they can give you a revised memo, because it seems like you've
25 already been talking with them, as to what kind of relief you

1 | may be needing. Okay?

2 | And, or you could go to the Zoning Administrator and
3 | get a revised memo that will clearly say what you are needing,
4 | right? And the reason why I'm parsing this properly is that I
5 | don't exactly know what you need and the Department of Buildings
6 | will be able to tell you or I guess the Zoning Administrator will
7 | be the best person. Like, you don't want to come here and get
8 | approved for something, go to the Department of Buildings and
9 | find out you're not approved for the right stuff, right?

10 | So that's what I need to do, and also then you need to
11 | tie your request to whatever, like, put in all the plans that
12 | says this is what you're going to build, right? You know, having
13 | the roof hatch and the penthouse the way it is and the setback
14 | the way it is, whatever, right? We need to have the plans that
15 | we're actually looking at for what you're proposing. Okay?

16 | MS. ALEXANDER-BENONS: Okay.

17 | So the plans that are on the record now are what we are
18 | proposing. Is there a different format in which you would like
19 | for it to be --

20 | CHAIRPERSON HILL: Well, you've got the hatch detailed
21 | in one place and then you got the plans in another place, but I
22 | don't see the plans that have the whole thing I guess is what
23 | I'm trying to get. The plans that you have have the penthouse.

24 | MS. ALEXANDER-BENONS: Okay.

25 | So you want to, because I thought that based on the

1 last conversation we had that the penthouse was the outstanding
2 item that you guys needed some additional detail on. So it sounds
3 to me like we need a consolidated exhibit of --

4 CHAIRPERSON HILL: I'd consolidate the exhibit into one
5 place.

6 MS. ALEXANDER-BENONS: Got it. Okay.

7 CHAIRPERSON HILL: Because, again, we need to know what
8 exactly it is you are asking for. Okay?

9 MS. ALEXANDER-BENONS: Uh-huh.

10 CHAIRPERSON HILL: Before I go through testimony, is
11 there any other clarification the Board would like to give?

12 (Pause.)

13 CHAIRPERSON HILL: Okay.

14 Is the Office of Planning here?

15 MR. BRADFORD: Good morning, Chair Hill. Philip
16 Bradford with the Office of Planning. Yes, we are in attendance.

17 CHAIRPERSON HILL: Great. Thanks, Mr. Bradford.

18 Did I miss anything or did you hear me say anything
19 that could be more helpful?

20 MR. BRADFORD: I feel like it was clear. The only
21 thing I personally had some confusion on is since this was I
22 believe a self-certified application, does that create any issues
23 with going to a referral format from DOB?

24 CHAIRPERSON HILL: Right. Now, I'm confused. I
25 thought --

1 MR. BRADFORD: It was, right, or unless I'm getting
2 confused.

3 CHAIRPERSON HILL: (Indiscernible.)

4 MS. MEHLERT: (Indiscernible) referred from the ZA.

5 MR. BRADFORD: Right. Yeah, it is, yes.

6 CHAIRPERSON HILL: That's okay, Mr. Bradford.

7 So what I said, Ms. Alexander-Benons, is still correct.

8 Okay?

9 MS. ALEXANDER-BENONS: Okay.

10 So a self-certification or rather you need an updated
11 memorandum from the Office of Zoning, or from the Zoning
12 Administrator?

13 CHAIRPERSON HILL: You have some choices.

14 MS. ALEXANDER-BENONS: Okay.

15 CHAIRPERSON HILL: Contact Department of Buildings, see
16 if you can get a revised memo.

17 MS. ALEXANDER-BENONS: Okay.

18 CHAIRPERSON HILL: And the memo will help you put
19 together a self-certification. An architect can also help you
20 with this, okay? Self-certification, and then if the Office of
21 Planning would like to provide another report on that would be
22 helpful.

23 MS. ALEXANDER-BENONS: Okay.

24 CHAIRPERSON HILL: Along with self-certification.

25 MS. ALEXANDER-BENONS: And so in the self-certification

1 | it would have the plans that we would like to put forward which
2 | is essentially a consolidated view of documents already on the
3 | record?

4 | CHAIRPERSON HILL: Yes.

5 | MS. ALEXANDER-BENONS: Okay. And I believe, and I'm
6 | asking these questions just for the hope that whatever the next
7 | meeting would be we could have a closer timeline. I do believe
8 | that the current memo from the Office of Planning, and you can
9 | correct me if I'm wrong, Philip, is based on the current plans
10 | that we've put forward.

11 | MR. BRADFORD: Yes, that is correct. I wrote the
12 | supplemental memo based on the revised plans and the email
13 | confirmation from DOB saying that it removed the need for the
14 | relief for the penthouse and the setback, or the height and the
15 | setback.

16 | MS. ALEXANDER-BENONS: Perfect. So that's my
17 | understanding. So I just say that I'm hoping that the Board
18 | would allow for us to have a sooner meeting if we don't need to
19 | get a re-write of that memo because I think what Philip's done
20 | to this point is as of our final --

21 | CHAIRPERSON HILL: Yeah, yeah, yeah. You're right.
22 | You're right. I'm sorry. Their report speaks to that.

23 | MS. ALEXANDER-BENONS: Okay. Perfect.

24 | CHAIRPERSON HILL: I don't need another report from the
25 | Office of Planning.

1 MR. BRADFORD: Okay.

2 MS. ALEXANDER-BENONS: Thank you for that. Okay.

3 And so needing to go back to Department of Buildings
4 for a revised memo, either that or you said something about the
5 administrator. Is that the same thing?

6 CHAIRPERSON HILL: No.

7 MS. ALEXANDER-BENONS: Okay.

8 CHAIRPERSON HILL: It's different things. I think you
9 can do either/or.

10 MS. ALEXANDER-BENONS: Either/or. Okay. So A is the
11 revised memo from DOB and can you repeat to me what B is. I
12 didn't get that clearly.

13 CHAIRPERSON HILL: B is going back to the Zoning
14 Administrator again --

15 MS. ALEXANDER-BENONS: Back to the Zoning.

16 CHAIRPERSON HILL: -- with these plans and finding out,
17 Madam Secretary, can you help me out?

18 MS. MEHLERT: Sure. So it's either, yeah. It's either
19 a revised memorandum from the Zoning Administrator or you would
20 go to a licensed D.C. architect or attorney and they would certify
21 what relief is needed based on the revised plans. So it's --

22 MS. ALEXANDER-BENONS: Okay.

23 MS. MEHLERT: Yeah. Either from DOB or separately from
24 a architect or attorney.

25 MS. ALEXANDER-BENONS: Okay. And so the current, we

1 have email correspondence --

2 CHAIRPERSON HILL: Wait, wait. Ms. Alexander=Benons,
3 why don't you do this?

4 MS. ALEXANDER-BENONS: Yes.

5 CHAIRPERSON HILL: The secretary has offered to I guess
6 maybe help, okay, and clarify what you may or may not be able to
7 do. We need to get a self-certification back here that shows us
8 what you're asking for and then the plans that correspond with
9 what you're asking for.

10 MS. ALEXANDER-BENONS: Uh-huh.

11 CHAIRPERSON HILL: Okay? And the Office of Zoning can
12 help you understand. Okay?

13 MS. ALEXANDER-BENONS: Yeah. But my, I guess as a
14 question/comment, is that based on correspondence with the
15 Department of Buildings and our zoning sort of liaison, Mr.
16 Andino? We have via email that Philip referred to from Office
17 of Planning that we've satisfied those two exceptions and there
18 aren't any additional ones based on the changes that we've put
19 forth. So I'm just wondering if that email correspondence would
20 be information enough for you. I did not upload that to the
21 record, but I do have email correspondence that I can. I wasn't
22 aware --

23 CHAIRPERSON HILL: Well --

24 MS. MEHLERT: I think if you can revise, like, based
25 on that we, the Board would need a completely new ZA memo

1 showing --

2 CHAIRPERSON HILL: Let me, I appreciate, Ms. Alexander-
3 Benons. I understand. I'm trying to help you and I'm also trying
4 to move us along. So --

5 MS. ALEXANDER-BENONS: Okay.

6 CHAIRPERSON HILL: -- go ahead and talk to the Office
7 of Zoning. They'll help explain what I'm not really doing a very
8 good job explaining. Okay?

9 MS. ALEXANDER-BENONS: No, you are. I'm just --

10 CHAIRPERSON HILL: I'm doing a so-so job. It's okay.
11 I'm doing a so-so job. It's okay.

12 MS. ALEXANDER-BENONS: No, you're doing a good job. I
13 just was wondering if things that we already have could work but
14 it just sounds like no. Let me just go back to them and get a
15 revised memo. I got it.

16 CHAIRPERSON HILL: Okay. Great.

17 MS. ALEXANDER-BENONS: Yes.

18 CHAIRPERSON HILL: All right.

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

20 MR. YOUNG: Yes, we do. We have the Commissioner who's
21 calling in by phone and we also have Mark Stilp.

22 CHAIRPERSON HILL: Okay.

23 Let me hear from the Commissioner first. Who's the
24 Commissioner?

25 ANC COMMISSIONER ROBLIN: Hi. This is Anna Roblin.

1 CHAIRPERSON HILL: Oh, hi, Commissioner Roblin. How
2 are you?

3 ANC COMMISSIONER ROBLIN: Good. How are you?

4 CHAIRPERSON HILL: Good.

5 ANC COMMISSIONER ROBLIN: So I don't really have
6 anything specific to say. The ANC decided not to do a re-vote
7 and, yeah. I guess that's all I wanted to say.

8 CHAIRPERSON HILL: Okay. Okay. Well, thank you
9 Commissioner.

10 And so, again, what is happening here is we are going
11 to have a revised request for relief and then new plans and if
12 the ANC wants to comment on all that they will have the
13 opportunity to do so because it's in with the regulations and
14 it'll be an appropriate amount of time put forward.

15 Basically they're trying to adjust these plans, and I
16 still don't know whether or not they're going to get what they
17 want but they're trying to adjust the plans to remove that
18 penthouse. Okay?

19 ANC COMMISSIONER ROBLIN: Yeah.

20 CHAIRPERSON HILL: Okay.

21 ANC COMMISSIONER ROBLIN: That sounds great.

22 CHAIRPERSON HILL: Mr. Stilp, can you hear me?

23 MR. STILP: Yes, I can. Thank you.

24 CHAIRPERSON HILL: Could you introduce yourself for the
25 record?

1 MR. STILP: Yes. Hi, everyone. My name is Mark Stilp.
2 I live on Staples Street across the street from the Applicant's
3 property.

4 CHAIRPERSON HILL: Got it. Mr. Stilp, as a member of
5 the public you'll have three minutes to give your testimony and
6 you can begin whenever you like.

7 MR. STILP: Great. Thank you all very much. I'll keep
8 it brief, hopefully less than the three minutes.

9 I'm eager to see the new consolidated and complete
10 application. I think that will be helpful to allow me and my
11 neighbors to take a closer look and understand exactly what's
12 being requested. I will say that I find that the modifications
13 that have been made are nice to see. I think it's much more in
14 harmony with the neighborhood and the other recent projects by
15 removing the railing or the fence from the rooftop balcony and
16 moving it back so it's out of sight, I think it would have been
17 the fourth story stairway, is also a major improvement.

18 I do still have concerns with the going beyond the 60
19 percent or beyond the limit of the lot size and going beyond ten
20 feet beyond adjacent neighbors. I think, I don't think that's
21 consistent with the intent of the zoning regulations. I don't
22 see any burden of proof that's been met in the applications as
23 to why this would be justified and I would just like to point
24 out that the Applicant's presentation made, I believe at the last
25 BZA meeting, included multiple pictures of neighboring homes,

1 presumably in support of these or the remaining exceptions, but
2 all of those photo'd homes were built by-right. None of them
3 required special exceptions.

4 So I think it's maybe a little disingenuous to use
5 those homes to support, or those photos to support the application
6 for these special exceptions. They were done by-right either
7 before the current zoning regulations were in place or many of
8 them more recently just in the past handful of years which is
9 done by-right. They were single family homes converted to two
10 family third floor pop-up. They're on the same lot size. They're
11 on, you know, very similar existing homes and those developers
12 chose to proceed without any special exceptions and I think that's
13 best for the neighborhood. I think that's best for me as a
14 property owner and I think that's what is intended by the Zoning
15 Commission's regulations that were implemented.

16 And so I hope that a careful look is taken at the
17 application and new certification is submitted because I do have
18 significant concerns with going beyond the 60 percent, going
19 beyond ten feet behind neighbor's homes. I don't think the
20 neighbors fully understand and have the resources and the
21 knowledge to understand that they're going to look out their back
22 door, the back window and see a 40 foot by ten foot solid wall
23 instead of open space and trees that they currently look at.

24 It just reminds me of one of my favorite movies, "The
25 Big Lebowski," where they say, "This is not 'Nam, there are

1 rules." You know, they're over the line. So I would just prefer
2 that we follow the rules and (indiscernible) --

3 CHAIRPERSON HILL: Okay. All right, Mr. Stilp. Thanks.
4 I'm sorry. You've kind of run out of your time there.

5 Mr. Blake, you had your hand up?

6 VICE CHAIRPERSON BLAKE: Yes. I just wanted to make
7 sure (audio interference) across the street from the property on
8 the other side, right, on Staples?

9 MR. STILP: Correct. I look pretty much directly
10 across. It's (indiscernible).

11 VICE CHAIRPERSON BLAKE: And your prior testimony at
12 the last hearing focused primarily on the visual intrusion from
13 the front of the house, correct?

14 MR. STILP: Yes. That was the primary concern I raised
15 in my limited time.

16 VICE CHAIRPERSON BLAKE: Okay. And now you're saying
17 you feel more comfortable with what you see there but you have
18 some concerns with the rear yard and the overall size of the
19 building. Okay. But that's not going to necessarily be directly
20 in your face, that's more -- you're to some extent kind of
21 representing those that aren't here. Is that what you're saying,
22 to some extent?

23 MR. STILP: Right. I just, in my understanding of the
24 zoning regulations and special exemptions, there should be some
25 burden that the Applicant has to satisfy to show us why these

1 special exemptions are warranted, exceptions are warranted. I
2 don't see that in the application and I was, you know, I've been
3 in D.C. for 20 years. I remember when the V Street middle finger
4 house went up and I remember when the zoning regulations were
5 implemented and I'm concerned that if we give, you know, if we
6 go over the line again and we continue to do this, what's the
7 point of these zoning regulations? They're there to keep the
8 integrity of our neighborhood as is and multiple other developers
9 in the very recent past few years have taken nearly identical
10 properties --

11 CHAIRPERSON HILL: Okay. Mr. Stilp, I'm just, I think
12 you answered Mr. Blake's question. Does the Board have any more
13 questions? Okay.

14 Mr. Stilp, I'll just let you know. This is the process
15 as to how we determine whether or not special exceptions are made
16 or not and so if you go take a look at the Office of Planning's
17 report, if you listen to the testimony that obviously you've been
18 listening to, there are criteria that we're trying to figure out
19 whether or not this can or can't be approved and the regulations
20 allow this to happen, this process to take place and so just to
21 let you know.

22 MR. STILP: Understood. Thank you.

23 CHAIRPERSON HILL: Okay. All right. Thank you, Mr.
24 Stilp. Thank you for your testimony. All right. Mr. Young, if
25 you can excuse Mr. Stilp? Okay.

1 If you, Ms. Alexander-Benons, if you can try to get
2 this, do you think you can get all this information by the 22nd
3 of April?

4 MS. ALEXANDER-BENONS: So it seems like the information
5 I need to get is the revised memo from DOB and a consolidated
6 list of plans. Consolidated list of plans, it's within my
7 control, yes, I can. I do know that when I spoke to Mr. Andino
8 from the DOB, that getting the memo may take some time so I will
9 try, if that's okay.

10 CHAIRPERSON HILL: Okay. I got you. I know you're
11 trying to do what you're trying to do . So I, go ahead. I
12 forgot. Talk to the Office of Zoning, right? I guess the
13 secretary, Ms. Mehlert, will hopefully reach out to you also or
14 try to reach Ms. Mehlert.

15 Ms. Mehlert, if you can reach out to Ms. Alexander-
16 Benons? Okay. Great.

17 So we'll see if you can get what we need by the 22nd,
18 okay, of this month, right? If you can't then you'd have to
19 request for a postponement. Okay? And so that will give the
20 ANC, and the Commissioner may or may not still be online, until
21 the 29th of April to respond to whatever you put in there on the
22 22nd. Okay? And then we'll come back here on the 30th where
23 you can, again, give us a presentation as to what you're trying
24 to do.

25 MS. ALEXANDER-BENONS: Okay.

1 CHAIRPERSON HILL: Okay?

2 MS. ALEXANDER-BENONS: So I know you're trying to move
3 along. So what, the new exhibits that I uploaded, we did include
4 it and send it to the ANC for their response. So we would be
5 sending them the same information again for a response?

6 CHAIRPERSON HILL: They, the ANC, have a week to respond
7 to anything we put in the record.

8 MS. ALEXANDER-BENONS: Okay.

9 CHAIRPERSON HILL: So that's why we're giving them a
10 week. They may or may not make any response.

11 MS. ALEXANDER-BENONS: Sounds good.

12 CHAIRPERSON HILL: Okay? Am I missing anything? Madam
13 Secretary.

14 MS. MEHLERT: Would you like them to submit a revised
15 burden of proof?

16 CHAIRPERSON HILL: If they can. Yes.

17 MS. ALEXANDER-BENONS: Sounds good.

18 CHAIRPERSON HILL: Okay.

19 MS. ALEXANDER-BENONS: Cool. And then we'll reach out
20 to you, Ms. Mehlert, to see if there's any additional
21 documentations or forms that I need to upload to the record as
22 well. Cool. Thank you.

23 CHAIRPERSON HILL: Okay. Great.

24 Ms. Mehlert's smarter than I am and she can try to help
25 you. Okay. Let's see. Okay. All right.

1 I'm going to, Mr. Miller, do you have anything?

2 ZC VICE CHAIRPERSON MILLER: Just looking for my
3 cursor. No, I don't have anything.

4 Thank you.

5 CHAIRPERSON HILL: Okay. All right.

6 I'm going to close the, oh, sorry. Go ahead, Mr. Smith.

7 COMMISSIONER SMITH: I don't have anything but I'll
8 just make a statement.

9 Exhibit 42B, your alternative exhibit. Take a look at
10 the, how it's dimensioned again because it does read as the, I
11 know you put in the rooftop hatch and it's being set back. Can
12 you make sure that the height that's reading correctly because
13 I'm sure, I'm assuming you probably can't see the full amount of
14 the railing from the street. That's what I was hoping.

15 Just from an illustrative standpoint, just take a look
16 at that because to me it's still, it's fairly overwhelming, to
17 Mr. Stilp's point. So take a look at that again to make sure
18 that your, that the bulk is being accurately reflected in your
19 exhibit.

20 MS. ALEXANDER-BENONS: So to that point we were
21 requested to add in that line item that says the proposed roof
22 is set back by the amount of feet since this is a 2D drawing. Is
23 that not sufficient, or do you want another representation of
24 that?

25 COMMISSIONER SMITH: My assumption is, the original

1 drawing is my assumption. So you got your architect to add that
2 caveat and he clouded it out, but it would probably be better,
3 more beneficial to you for them to take a look at that again to
4 make sure it's dimensioned correctly --

5 MS. ALEXANDER-BENONS: Okay.

6 COMMISSIONER SMITH: -- and not just put that little
7 caveat up there.

8 MS. ALEXANDER-BENONS: Okay.

9 These are new plans so I can give them the feedback.
10 I'm just not sure how else to represent it, just because it's
11 2D. Maybe a 3D image would help or the --

12 COMMISSIONER SMITH: Or it could be because, it may be
13 correct. But to your point I could probably on the front see,
14 you know, a 42 inch tall fence from the front. Maybe it wouldn't
15 be accurate but just take a look at it because the 2D may be
16 correct. But have them take a look at that again for your
17 benefit.

18 MS. ALEXANDER-BENONS: Sounds good.

19 CHAIRPERSON HILL: You can ask your architect what's
20 helpful. They can show us the sight line.

21 MS. ALEXANDER-BENONS: Okay.

22 CHAIRPERSON HILL: Like, you know, if you're standing
23 on the street they show a little line that shows you can't see
24 the thing from the street because it's set back.

25 COMMISSIONER SMITH: Right.

1 MS. ALEXANDER-BENONS: Okay. Cool. That's helpful.

2 CHAIRPERSON HILL: Okay?

3 MS. ALEXANDER-BENONS: Uh-huh.

4 CHAIRPERSON HILL: Okay. All right. Anything else
5 before we go? Okay.

6 I'm going to close this portion of the hearing and the
7 record except for the information that we've requested from the
8 Applicant and then we'll come back for a continued hearing on
9 4/30. Okay?

10 MS. ALEXANDER-BENONS: Yes. Thank you so much.

11 CHAIRPERSON HILL: Thank you. Mr. Miller, I think
12 you're done with us, right?

13 ZC VICE CHAIRPERSON MILLER: I am done with you. Thank
14 you very much. Have a great day.

15 CHAIRPERSON HILL: Thank you. All right.

16 Let's take a break. It's 11:20. Let's come back at
17 11:35. Okay? Thank you.

18 (Whereupon, there was a brief recess.)

19 MS. MEHLERT: The Board is back from a quick break and
20 returning to its hearing session. Would you like me to call the
21 next case?

22 CHAIRPERSON HILL: Yes, please. Thank you.

23 MS. MEHLERT: Next is Application No. 21255 of Paul
24 Wallace, as amended. This is a self-certified application
25 pursuant to Subtitle X, Section 901.2 for special exceptions

1 | under Subtitle E, Section 5201, from the rear yard requirements
2 | of Subtitle D, Section 207.1 and the location requirements of
3 | Subtitle D, Section 5004.1(a) to allow an accessory building in
4 | a required rear yard.

5 | This is for a two-story rear addition to an existing
6 | two-story detached principal dwelling with an existing one-story
7 | accessory building in the required rear yard. It is located in
8 | the R1-B zone at 4725 Yuma Street, Northwest, Square 1534, Lot
9 | 33.

10 | CHAIRPERSON HILL: Great. Thank you.

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

13 | MR. WALLACE: Hi. This is Paul Wallace at 4725 Yuma
14 | Street, Northwest, 20016 and our architect, David Bagnoli, is on
15 | as well.

16 | CHAIRPERSON HILL: Okay. Great.

17 | Mr. Wallace, are you going to be presenting to us or
18 | your architect?

19 | MR. WALLACE: Our architect, David.

20 | CHAIRPERSON HILL: Okay. Great.

21 | Mr. Bagnoli, can you please introduce yourself for the
22 | record.

23 | MR. BAGNOLI: Yes. David Bagnoli. I'm joined by Sasha
24 | Petersen.

25 | CHAIRPERSON HILL: Okay. Great.

1 Mr. Wallace, you want to introduce the lady that's
2 right there?

3 MR. WALLACE: Yes. This is my wife, Kirsten. Sorry.

4 MS. WALLACE: Hi.

5 CHAIRPERSON HILL: That's okay. Welcome. Okay.

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

11 MR. BAGNOLI: Thank you. Mr. Young, if you could pull
12 up our presentation.

13 Just to give you a little bit of background where all
14 this is coming out of. We submitted and obtained a building
15 permit for this addition and at the time of submission for that
16 permit we proposed razing an existing accessory structure that
17 is off of the rear alley in this single family neighborhood
18 (indiscernible) Park. Our thinking now is to come back and ask
19 for relief to keep the existing garage now that the building
20 permit has been achieved and so we're looking for relief on the
21 accessory structure within the rear yard.

22 So if I can just kind of point some things out. This
23 is a view from the alley. The subject property with the proposed
24 addition is shown here in that rendering with the sloped roof
25 that you see kind of standing in the middle. It is abutted by

1 two single family homes, both of which have exterior accessory
2 structures there off the alley as well. And then we can just go
3 forward and I'll show you some photos of what it looked like when
4 we originally submitted.

5 So this is the front of the house with the setbacks
6 compliant with the existing zoning on both sides and the front.
7 Next slide.

8 Here's the rear. Prior to that addition you can see
9 the addition to the right, the kind of yellow siding and then
10 I'll show you the house to the left. We can go to the next slide.

11 That is the accessory structure that is existing that
12 we proposed to demolish but now we're looking for relief to
13 continue to keep that. I'll get into some of the reasons why.
14 Next slide.

15 That's the rear yard. You can see the structures exist
16 across the alley. So that is our accessory structure. The
17 building directly across from it is the accessory structure of
18 the neighbor. Next slide.

19 There's the houses across the alley. Next slide.

20 You can see there's quite a degree of slope to the
21 site. There is a retaining wall off of the alley. This is the
22 rear of that accessory structure. You can see down the alley
23 these accessory structures occur not only on this block but on
24 the adjacent blocks, so we're certainly in keeping with the
25 character of the neighborhood. Next slide.

1 And here's just the neighbor's existing additions.

2 Next slide.

3 There it is kind of dead on. You can there the
4 accessory structure roof through that maple tree. Next slide.

5 And then here's the neighbor on the north side, and the
6 one house, I'm sorry, not on the north side, on the east side
7 and one further up the block. Next slide.

8 And then this is just a setback diagram. You can see
9 in the top left of the site plan there, that is the existing
10 garage we're proposing now to retain. Our proposed addition that
11 you saw in that first rendering is the 19 foot one and the 25
12 foot rear yard setback off of the new addition is shown there
13 with the dashed line. So we have a 42 foot six or so rear yard
14 of which the existing garage would occupy maybe ten percent of
15 our rear yard setback. We also reached out to the neighbors.
16 Paul and Kirsten reached out to the neighbors and just have some
17 documents in here that I'll share with you. Next slide.

18 This shows the letter that was sent and then some email
19 correspondence from the two abutters. Next slide.

20 Just to kind of show that they have no concerns
21 maintaining the existing garage, and then the next slide is the
22 last, of the adjacent neighbor on the other side with no
23 objections. We don't believe that we're impacting anybody's
24 light and air with either the proposed addition. It's been
25 permitted and is under construction, nor with retaining the

1 existing structure. We also think that, you know, the privacy
2 concerns that may come up on occasions like this, they're also
3 not a concern from the neighbors and, again, keeping in character
4 with the neighborhood.

5 So I'm happy to stop there and answer any questions,
6 unless you have other documents that you wanted us to share.

7 Thank you.

8 CHAIRPERSON HILL: Thank you, Mr. Bagnoli, and thank
9 you for your presentation.

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

12 MS. BROWN-ROBERTS: Good morning, Mr. Chairman and
13 members of the BZA. Maxine Brown-Roberts representing the Office
14 of Planning.

15 As stated in our report, we do not believe that the
16 rear yard relief is necessary. As with the addition, the property
17 continues to meet the rear yard requirements. The necessary
18 relief is that the accessory building is now within the rear yard
19 with the addition.

20 However, we did analyze both the requested relief and
21 felt that the proposed addition would not unduly affect the light,
22 air and privacy of the adjacent properties, would not visually
23 intrude on the character when viewed from Yuma Street or the
24 alley and would continue to be used as a single family dwelling
25 and would continue to meet the intent of the R1-B zone. The

1 Office of Planning therefore recommends approval of the requested
2 special exception.

3 Thank you, Mr. Chairman, and I'm available for
4 questions.

5 CHAIRPERSON HILL: Thank you, Ms. Brown-Roberts.

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

7 MR. YOUNG: We do not.

8 CHAIRPERSON HILL: Okay. Great. Let's see.

9 Does the Board have any questions of the Office of
10 Planning or the Applicant?

11 (Pause.)

12 CHAIRPERSON HILL: Okay.

13 Mr. Bagnoli, I guess whether the, I mean I'm fine with
14 the analysis that the Office of Planning has put forward in terms
15 of whether or not you need that rear yard requirement or not. I
16 think that it's a possibility that DOB might have something I
17 guess is why you're asking for that relief and so I'm comfortable
18 analyzing it with that relief as well.

19 But I just wanted to hear. Mr. Bagnoli, do you have
20 anything you'd like to add?

21 MR. BAGNOLI: Just that we have been in communication
22 with DOB when we submitted the original building permit and they
23 cited both of those as things we should address. So that's why
24 we included both in our application. We are in agreement with
25 Ms. Maxine Brown, I'm sorry, with Ms. Brown-Roberts that only one

1 is required but DOG suggested we propose both.

2 CHAIRPERSON HILL: Okay. All right. I'm comfortable
3 with that. All right.

4 Does the Board have any final questions?

5 (Pause.)

6 CHAIRPERSON HILL: All right.

7 Thank you, Mr. Bagnoli, Mr. and Mrs. Wallace. You all
8 have a good day. I'm going to close the hearing and the record.

9 (Pause.)

10 CHAIRPERSON HILL: Okay.

11 I didn't have any issues with this application. I
12 thought it was relatively straightforward. I don't know exactly
13 why DOB is asking for that rear yard relief but I'm comfortable
14 granting it as I see they are still meeting that criteria.

15 I will cite the Office of Planning's report and their
16 analysis. I also do appreciate that the Applicant has reached
17 out to their neighbors to get their input and it's nice to see
18 that they also are fine with the project and also that the ANC
19 has put forth their resolution in support. So I'll be voting in
20 support of this application.

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

22 COMMISSIONER SMITH: I have nothing to add. I agree
23 with your assessment of this case as well as the Office of
24 Planning's assessment on the reasons why they meet the criteria
25 for us to grant the special exceptions and will support as well.

1 CHAIRPERSON HILL: Thank you.

2 Mr. Blake?

3 VICE CHAIRPERSON BLAKE: Mr. Chair, I'm in support of
4 the application and I have no additional comments to add.

5 Thank you.

6 CHAIRPERSON HILL: Thank you.

7 Chairman Hood?

8 ZC CHAIRPERSON HOOD: Thank you, Mr. Chairman.

9 I too am in support and I have no additional comments.

10 CHAIRPERSON HILL: Thank you. All right.

11 I'm going to make a motion to approve Application No.
12 21255 as captioned and read by the secretary, and ask for a
13 second. Vice Chair Blake?

14 VICE CHAIRPERSON BLAKE: Second.

15 CHAIRPERSON HILL: Thank you.

16 Motion is made and seconded. Madam Secretary, if you
17 could take a roll call, please.

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

20 Chairman Hill?

21 CHAIRPERSON HILL: Yes.

22 MS. MEHLERT: Vice Chair Blake?

23 VICE CHAIRPERSON BLAKE: Yes.

24 MS. MEHLERT: Mr. Smith?

25 COMMISSIONER SMITH: Yes.

1 MS. MEHLERT: Chairman Hood?

2 ZC CHAIRPERSON HOOD: Yes.

3 MS. MEHLERT: Staff would record the vote as four to
4 zero to one to approve Application 21255 on the motion made by
5 Chairman Hill and seconded by Vice Chair Blake.

6 CHAIRPERSON HILL: Thank you.

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

9 MS. MEHLERT: Next is Application No. 21256 of Sofia
10 M. Ahmed and Abubaker F. Suliman. This is a self-certified
11 application pursuant to Subtitle X, Section 901.2 for special
12 exceptions under Subtitle E, Section 207.5 to allow the rear wall
13 of a semi-detached building to extend farther than ten feet beyond
14 the farthest rear wall of any adjoining principal residential
15 building on any adjacent property, and under Subtitle U, Section
16 320.2 to allow conversion of an existing residential building to
17 a three-unit apartment house use.

18 This is for a new third floor and three-story rear
19 addition with cellar to an existing two-story semi-detached
20 principal dwelling and conversion to a three-unit apartment
21 house. It's located in the RF-1 zone at 2710 Sherman Avenue,
22 Northwest, Square 2858, Lot 52.

23 CHAIRPERSON HILL: Great. Thank you.

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

1 MR. DALEY: Hi. Good morning, Chairman Hill and members
2 of the Board. My name is Patrick Daley. I'm project manager at
3 Eustilus Architecture and our address is 800 North Rosser Street,
4 Alexandria, Virginia.

5 CHAIRPERSON HILL: Okay. Great.

6 Mr. Daley, are you going to be presenting to us?

7 MR. DALEY: Yes, sir.

8 CHAIRPERSON HILL: If you want to go ahead and walk us
9 through your client's presentation and why you believe they're
10 meeting the criteria for us to grant the relief requested. I'm
11 going to put 15 minutes on the clock so I know where we are, and
12 you can begin whenever you like.

13 MR. DALEY: Thank you. Mr. Young, if you could please
14 pull Exhibit No. 25.

15 So we are the architects for Sofia M. Ahmed and Abubaker
16 F. Suliman, the owners of 2710 Sherman Avenue, Northwest. Their
17 son, Samir Suliman, will be managing this project to construct a
18 third-story and rear yard addition and convert the property from
19 one to three units.

20 We're here today to request two reliefs from the Board.
21 The first is the ten foot rule to extend more than ten feet beyond
22 an adjacent neighbor's rear wall in the RF-1 zone. We are
23 requesting to extend 19 feet past the neighbor, so we are
24 requesting an additional nine feet past that ten foot rule.

25 The second relief is to construct more than two

1 dwelling units in the principal structure in an RF-1 zone. We
2 are proposing three dwelling units, 900 square feet of land area
3 is required for each existing and proposed dwelling unit. We
4 have a 3,000 square foot lot and that means that we need at least
5 2,700 square feet to be required for three dwelling units to ask
6 for this relief, and our proposed design meets all the other
7 zoning and bulk regulations beside the ten foot rule. The owner
8 has received verbal support from both the adjoining neighbors.
9 We haven't received written letters of support from them but we
10 did present the project to ANC 1A and received their unanimous
11 support.

12 So looking at the slide here you can see that we are,
13 our proposed design does conform to all the zoning and bulk
14 regulations with the exception of the ten foot rule. Everything
15 else is by-right. If you go to the next slide, please.

16 So here's a few views of the existing property looking
17 at it from Sherman Avenue, Northwest. This is a semi-detached
18 row house. You can see the neighbor, the attached neighbor has
19 already done a third-story pop-up and a rear yard addition very
20 similar to what we are proposing. Next slide, please.

21 Here you have some more views. You can see the
22 attached, view No. 1 here you can see the attached neighbor has
23 a rear yard extension and a pop-up. Actually if you look at
24 photo No. 2, that building, the detached building is the one we
25 are extending 19 feet past. The next slide, please.

1 Here's our vicinity plan. So just breaking up the
2 building into its parts. You see that we have the existing
3 covered porch, the proposed third-story addition. There's a
4 little cut-out No. 4 there for stairs up to the roof deck and
5 that's only a two-story part of the structure and then No. 5 is
6 our proposed two-story deck in the rear. The next slide, please.

7 These are demolition plans. It basically shows this
8 is a full interior gut of the existing building and the cellar
9 level one and level two. We're demolishing the existing rear
10 wall so that we can do a rear yard extension. Next slide, please.

11 And same thing on the second floor. Next slide, please.

12 Here are our proposed plans. So we are proposing three
13 dwelling units. The first unit will be entirely contained to the
14 cellar level. The next slide, please.

15 Here we have unit B. So you can enter from the front
16 and there's a little foyer where you can either enter unit B or
17 you can go up to unit C. The next slide, please.

18 The second floor is split between unit B and unit C.
19 The next slide, please.

20 And here we have our third floor which has all the
21 bedrooms for unit C and then there are stairs leading up to the
22 roof deck which is on the next slide.

23 And here you have our proposed roof deck. The next
24 slide, please.

25 Here you just have some elevations. You can see that

1 we're proposing very similar height to what our attached neighbor
2 has done and you can see that we do have an additional story as
3 compared to the detached neighbor. The next slide, please.

4 Site elevation just giving you an idea of the massing.
5 Next slide, please.

6 The elevation on the attached side. You can see that
7 the height of the building is very similar but we are extending
8 that additional 19 feet past them, nine feet past the ten foot
9 rule. The next slide, please.

10 And here's just a building section showing how the
11 building is divided up into its various units. The next slide,
12 please.

13 Another similar section just showing how it's split up
14 into the units. The next slide, please.

15 So here are our shadow studies. The first slide here
16 is at 9 a.m. on a summer solstice and you can see that our
17 neighbor on the south side does get some additional shading at
18 this time, but that it's minimal. The next slide, please.

19 And you can see the summer solstice at 12 p.m., there's
20 very little additional shading. The next slide, please.

21 At 3 p.m., the neighbor on the detached side does get
22 a little bit of additional shading but even less. The next slide,
23 please.

24 You can see here 9 a.m. on the winter solstice, there
25 are a lot of shadows already. Nothing really additional. The

1 next slide, please.

2 The same thing here, the winter solstice at 12 p.m.
3 There's really not much of a difference. The next slide, please.

4 And here you can see, we just have a very small sliver
5 in the back of the rear yard on the detached side where we do
6 have additional shading as compared to the matter-of-right.

7 And I believe that's the last slide. Oh, well here are
8 3D images. So just gives you an idea of where all (audio
9 interference), how it fits into the neighborhood, and I believe
10 that should be the last slide.

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

12 Before I turn to the Board, can I hear from the Office
13 of Planning?

14 MS. THOMAS: Yes. Good afternoon, Mr. Chair. Karen
15 Thomas.

16 The Office of Planning is in support of this
17 application including the requested conversion which proposes
18 three units as the property is 3,000 square feet which is
19 consistent with the requirement of 900 square feet of land area
20 for each unit.

21 With respect to the addition, we believe that the
22 addition itself would be in harmony with the general purpose and
23 intent of the regulations and meet that requirement. We see from
24 the sun study there is not much shadowing based off of the matter-
25 of-right proposal and with that we are in support of the project

1 as proposed.

2 I'd be happy to take any questions.

3 Thank you.

4 CHAIRPERSON HILL: Thank you.

5 Mr. Daley, again just to clarify. The massing is,
6 you're not, again, requesting any relief from the height,
7 correct?

8 MR. DALEY: That's correct. The only two reliefs we're
9 requesting are the ten foot rule and to go to three units.

10 CHAIRPERSON HILL: Yes. Okay. Great. Thank you.

11 Does the Board have any questions of the Office of
12 Planning or the Applicant?

13 Mr. Blake?

14 VICE CHAIRPERSON BLAKE: Just a quick clarification.

15 The letter in the record from the neighbor across the
16 street concerned about shading. It didn't appear to be anything
17 from that sun study that you showed me that would indicate any
18 adverse impact on that neighbor. Could you just elaborate on
19 that comment so I can be clear?

20 MR. DALEY: Yes.

21 So we didn't actually see that letter of opposition
22 until this morning just before the hearing. I think it may have
23 been entered last night. We hadn't had any opposition to the
24 project before this and I saw that that neighbor is on the other
25 side of Sherman Avenue which is a very wide right-of-way. I'm

1 not sure exactly what the number is but I think it's at least a
2 50 foot right-of-way with a median in the middle and from our
3 shadow study we didn't see any shading going that way, and even
4 if there was it wouldn't reach all the way across the right-of-
5 way and cause any undue impact on their property.

6 VICE CHAIRPERSON BLAKE: Second question I have with
7 regard to the ANC. I don't believe there's a full report from
8 the ANC although there's a letter from the Chair. Could you just
9 discuss exactly what transpired at the ANC.

10 MR. DALEY: Yes.

11 The ANC, it was a little bit different from the ANC
12 meetings that I've attended in the past which is normally they
13 close the meeting and then they hold a vote. They didn't actually
14 do a vote. They kind of said, they said that they supported our
15 project but they didn't actually hold a vote and say we would
16 unanimously support this.

17 So I was a little but surprised by that (audio
18 interference). I'm used to it going in other ANCs. But then
19 after we reached back out to them they did send us that letter
20 of support which I believe they did have a copy to the Office of
21 Zoning.

22 VICE CHAIRPERSON BLAKE: Okay. Thank you.

23 CHAIRPERSON HILL: Okay. Thank you.

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

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

1 CHAIRPERSON HILL: Okay. Great.

2 Could you tell me that person's name, please?

3 MR. YOUNG: It is Erwan Belpaume.

4 CHAIRPERSON HILL: Okay. Great.

5 Mr. Belpaume, can you hear me?

6 MR. BELPAUME: Yes. Can you hear me?

7 CHAIRPERSON HILL: Yes.

8 Could you please introduce yourself for the record?

9 MR. BELPAUME: Yes. My name is Erwan Belpaume and I
10 live directly across the street at 2709 Sherman Avenue,
11 Northwest. I bought the house two years ago with my wife.

12 CHAIRPERSON HILL: Okay. Great. Thank you.

13 Mr. Belpaume, as a member of the public you'll have
14 three minutes to give your testimony and you can begin whenever
15 you like.

16 MR. BELPAUME: Thank you. Good morning everyone and
17 thank you for the opportunity to speak.

18 I'm here to respectfully oppose the proposed first-
19 story addition and conversion of the property into three units
20 across four floors and a roof deck with guard rails. My strongest
21 concern is the loss of sunlight which will affect multiple rooms
22 in my home. The first floor would block 30 minutes to an hour
23 of direct sunlight every day depending on the season, not just
24 in our main living space but also in our kitchen, our porch and
25 our upstairs bedroom. These are rooms we use every day. In

1 | spring and summer we spend hours on our porch in the afternoon
2 | and evening. That sun is a key part of how we enjoy and use our
3 | home.

4 | When we bought our house two years ago we chose it
5 | specifically because it faces west. The afternoon and evening
6 | light was a major factor in our decision, both for daily life
7 | and as part of the home's long term value. This addition would
8 | take away not just from us but from at least three, possibly all
9 | six, of the adjacent row houses across the street, houses owned
10 | by long time families who have been part of this community for
11 | years. It's a shared and lasting impact on the block.

12 | I fully understand the importance of housing and
13 | respect the right to invest, but in this case the property owners
14 | do not live here and are not developing this project to meet
15 | their home needs. Their right to seek profit, while legitimate,
16 | should not override the right of families like mine to sunlight,
17 | beauty and livability. The freedom to build must come with
18 | responsibility. It must not lead to uglier blocks,
19 | degentrification and reduce quality of life for existing
20 | residents, and that's exactly what this project would do.

21 | This property was purchased at a very low price in 2001
22 | and has been rented ever since. The proposal to bring three
23 | extra units on four floors and a roof deck is clearly designed
24 | to maximize financial reasons, not to serve the neighborhood. A
25 | smaller two-unit project on three levels would already be quite

1 profitable and far less destructive to the homes around it.

2 Moreover, the design is visually out of character with
3 the (indiscernible) row houses. It will cater to a higher income
4 demographic pushing out students from Howard University, working
5 families and long time residents. This undermines the social and
6 architectural identity of the neighborhood which is part of what
7 makes this area so special. The property's building rights is
8 listed as 33 feet and ten inches, however there is a building
9 code. A residential roof top deck must have guard rails of at
10 least 36 inches high. This means the actual building structure
11 will reach 36 width and ten inches exceeding the 35 foot maximum
12 height limit set by the D.C. zoning regulation.

13 This violation should be taken into account when
14 evaluating the project compliance with roof top code. In
15 practical terms the proper design creates four full floors plus
16 a roof top deck, almost five levels of vertical massing in a row
17 of modest two-story homes. D.C. zoning rules (indiscernible) a
18 special exception must not cause substantial harm to the use or
19 enjoyment of neighboring properties and must remain in harmony
20 with the surrounding area. This proposal fails both tests.

21 I respectfully ask the Board to consider requiring
22 significant changes, ideally starting with the elimination of the
23 third-story to preserve sunlight, scale and the spirit of our
24 neighborhood.

25 Thank you for your time and consideration.

1 CHAIRPERSON HILL: Thank you, Mr. Belpaume.

2 Mr. Blake, you have a question?

3 VICE CHAIRPERSON BLAKE: Yes. I have a question for
4 the person giving testimony.

5 Could you explain to me how you determine the loss of
6 light to your property? What was the mechanism you used to make
7 that determination of the 30 minute (audio interference)?

8 MR. BELPAUME: Yes. I was behind my, so I checked on
9 the internet. I asked them to check how the sunlight will be on
10 the next house. You just have to put some, input some
11 measurements to get the numbers. But to be honest I was on my
12 porch yesterday and I was checking on the sun and I was imagining
13 that the third floor would be on top. At 6:15 there would be no
14 sun when the sun set at 7:40 yesterday, and if there was no story
15 I've got the sun until like 6:55 to 7, then after it go behind
16 the next houses. But it's still like 30 minutes in spring and
17 in winter it's even more.

18 CHAIRPERSON HILL: Mr. Belpaume, you're at 2709,
19 correct?

20 MR. BELPAUME: Exactly.

21 CHAIRPERSON HILL: You're across the street, correct?

22 MR. BELPAUME: Yes.

23 CHAIRPERSON HILL: Okay. All right.

24 Anyone have any questions for the witness?

25 (Pause.)

1 CHAIRPERSON HILL: Okay. Mr. Belpaume, thank you for
2 your testimony.

3 MR. BELPAUME: Thank you very much. Have a good day.

4 CHAIRPERSON HILL: You too. Bye bye. Okay.

5 Mr. Daley, can you tell me again? You guys got, you
6 reached out to the neighbors either side, right?

7 MR. DALEY: Yes. We did reach out to the neighbors on
8 either side, or the owner did and he did receive verbal support
9 for the project. Unfortunately he never got around to receiving
10 letters of support from them.

11 CHAIRPERSON HILL: Got it. And, again, you didn't get
12 the vote from the ANC but you have the letter from the SMD and
13 the Chair, correct?

14 MR. DALEY: That's correct.

15 CHAIRPERSON HILL: Okay.

16 Did you, I got a little lost in your presentation. I'm
17 sorry. Did you present to the ANC?

18 MR. DALEY: We did. I did present to the ANC and I
19 thought they would take a vote at the end but they didn't. I
20 guess that's just how that ANC operates, but they did tell us
21 that they were in support of the project and once we reached back
22 out to them they provided that letter.

23 CHAIRPERSON HILL: Okay. Okay.

24 MR. DALEY: But a vote was not taken during the meeting.

25 CHAIRPERSON HILL: Okay.

1 Does anybody have any further questions for the
2 Applicant?

3 (Pause.)

4 CHAIRPERSON HILL: Right.

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

7 (Pause.)

8 CHAIRPERSON HILL: Okay. Thank you.

9 I'm a little confused by the party in opposition in
10 that I don't think that the shadowing can get over there on to
11 that side and I think that, I think they might be confused as to
12 how high this is. But I do agree with the shadow studies that
13 have been provided in the record and how the architect is getting
14 to those shadow studies.

15 I also think that what they are here for in terms of
16 the rear wall and the conversion, I think they have enough square
17 footage for the conversion. I don't think they're going past the
18 allowed height as dictated by the plans and I think that the
19 shadow studies seem reasonable in terms of the impact on either
20 side of the project.

21 I also will cite that the Applicant has provided oral
22 testimony that they have reached out to the property owners. I
23 assume that is accurate and that if there was any concern for
24 the property owners, the placard would have, as well as all the
25 other information that we usually send out to people concerning

1 new projects, they would have reached out to us in some capacity.
2 So I'm going to agree with the Office of Planning's report and
3 their analysis in this case and also vote to approve.

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

5 COMMISSIONER SMITH: I have nothing to add. I agree
6 with your position on the party in opposition. Sherman Avenue
7 is a fairly wide street here, so I can't, I'm struggling to arrive
8 at how shadowing will, you know, impact the party in opposition
9 and the height to me seems, based on what's in the record, seems
10 fairly comparable to the adjacent attached dwelling unit that is
11 to the south of the property on the left.

12 So it seems fairly compatible with what is already
13 existing that's attached and I think it seems fairly, to me, in
14 character with the surrounding properties despite the height. I
15 think the height is fairly reasonable. Other than that I do
16 agree with the Office of Planning's assessment of this case and
17 will support as well.

18 CHAIRPERSON HILL: Thank you.

19 Vice Chair Blake?

20 VICE CHAIRPERSON BLAKE: Yes, Mr. Chair.

21 I'm in agreement with the comments that you and Board
22 member Smith have made. I also agree with the analysis provided
23 by the Office of Planning. I do not, I think, I was not persuaded
24 by the discussion about the impact on sunlight and so forth. I
25 do believe that it's not undue if there is any, and I would be

1 in favor of the application.

2 The only thing I'd add is we cannot grant great weight
3 to the report provided by the ANC I don't believe, but I do
4 believe that they've adequately vetted it and they've reviewed
5 it. But I don't think we have the proper information provided
6 to do that. But otherwise, I'm in support.

7 CHAIRPERSON HILL: Thank you.

8 Chairman Hood?

9 ZC CHAIRPERSON HOOD: Mr. Chairman, I would agree with
10 all the comments of my colleagues. I am still, as my colleagues
11 were talking, trying to figure out Mr. Belpaume's issues. I
12 understand what he's saying but I just don't understand, I don't
13 see the nexus. So I'm not persuaded in going the way he's going,
14 but I think this case the way it's mitigated it needs -- I'll be
15 voting in favor of this and I approve, I think we should approve
16 this.

17 Thank you, Mr. Chairman.

18 CHAIRPERSON HILL: Thank you, Chairman Hood.

19 I'm going to make a motion to approve Application No.
20 21256 as captioned and read by the secretary, and ask for a
21 second. Mr. Blake?

22 VICE CHAIRPERSON BLAKE: Second.

23 CHAIRPERSON HILL: The motion is made and seconded.
24 Madam Secretary, take a roll call, please.

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

1 approve the application.

2 Chairman Hill?

3 CHAIRPERSON HILL: Yes.

4 MS. MEHLERT: Vice Chair Blake?

5 VICE CHAIRPERSON BLAKE: Yes.

6 MS. MEHLERT: Mr. Smith?

7 COMMISSIONER SMITH: Yes.

8 MS. MEHLERT: Chairman Hood?

9 ZC CHAIRPERSON HOOD: Yes.

10 MS. MEHLERT: Staff would record the vote as four to
11 zero to one to approve Application 21256 on the motion made by
12 Chairman Hill and seconded by Vice Chair Blake.

13 CHAIRPERSON HILL: Thank you.

14 Madam Secretary, if you can call our next case when you
15 get a chance.

16 MS. MEHLERT: Next is Application No. 21266 of Julia
17 Howell and Marco Davis. This is an application pursuant to
18 Subtitle X, Section 901.2 for a special exception under Subtitle
19 D, Section 5201 from the maximum building area requirements for
20 an accessory building of Subtitle D, Section 5003.1.

21 This is for a second story addition to an existing
22 accessory structure in the rear yard of an existing two-story
23 detached principal dwelling for use as a garage and accessory
24 apartment. It's located in the R1-B zone at 1111 Buchanan Street,
25 Northwest, Square 2920, Lot 16.

1 CHAIRPERSON HILL: Great. Thank you.

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

4 MS. HOWELL: Yes, hi. My name is Julia Howell and I'm
5 the owner, one of the owners of the property at 1111 Buchanan
6 Street and --

7 MR. DAVIS: Marco Davis, her husband, also at 1111
8 Buchanan Street, Northwest.

9 CHAIRPERSON HILL: Thank you.

10 MS. HOWELL: And we have a brief remark to make with
11 respect to this, the project. Simply, the project is an existing
12 garage or carriage house. We are looking to use the property,
13 create a fully accessible unit for our aging parents with the
14 hope that we will have somewhere nearby where we can have them
15 live independently while also be nearby.

16 So, anyway, and we also have Greg Upwall here who is
17 our architect, who will be presenting.

18 CHAIRPERSON HILL: Thank you. Thank you, Ms. Davis and
19 Mr. Howell. Mr. Upwall, could you please introduce yourself for
20 the record.

21 MR. UPWALL: Absolutely. Good morning, or I guess it's
22 good afternoon now to all of you. My name is Greg Upwall with
23 Studio Upwall Architects and we are located in D.C., have been
24 for many years and have found that working with Julia and Marco
25 has been a real pleasure. So we're happy to be here today to

1 discuss their project.

2 CHAIRPERSON HILL: All right. Thanks, Mr. Upwall.

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

8 MR. UPWALL: Sure. And does the presentation, does it
9 get pulled up automatically on your end?

10 CHAIRPERSON HILL: No. I don't know which one, do you
11 know, is it in the record?

12 MR. UPWALL: Yeah. It was all submitted.

13 CHAIRPERSON HILL: Which one, which exhibit do you want
14 to pull up or what do you want to pull up?

15 MR. UPWALL: It's labeled presentation for 1111
16 Buchanan Street, Northwest and a zero dash or I can, I have it.

17 CHAIRPERSON HILL: No, you're unable to share. Mr.
18 Young, do you have that?

19 MR. YOUNG: I do not and I don't see that in the file
20 either.

21 CHAIRPERSON HILL: Yeah. That's okay.

22 Mr. Upwall, did you put it in the record or you think
23 you did?

24 MR. UPWALL: Yes, I did and I confirmed with Robert
25 Reid. He was kind of confirming everything.

1 CHAIRPERSON HILL: Okay. No problem. Let's see.

2 Do you remember how many slides were in there?

3 MR. UPWALL: Maybe like ten.

4 CHAIRPERSON HILL: Okay.

5 Why don't you do this? You want to send it to -- Madam
6 Secretary, do you know where that may be?

7 MS. MEHLERT: I'm not sure but if he can just send it
8 to bzasubmissions again we'll get it uploaded right away.

9 MR. UPWALL: Absolutely. Is it just bzasubmissions?
10 Show me and I'll do it right now.

11 MS. MEHLERT: Yes, bzasubmissions, all one word,
12 @DC.gov.

13 (Pause.)

14 CHAIRPERSON HILL: Why don't we all take five minutes
15 while that is getting done and we'll come back in five minutes.

16 MR. UPWALL: Thank you.

17 (Whereupon, there was a brief recess.)

18 CHAIRPERSON HILL: Okay. Great.

19 Madam Secretary, if you can call us back in, please?

20 MS. MEHLERT: The Board is returning to Application
21 21266 and that PowerPoint is in the record at Exhibit 26 now.

22 CHAIRPERSON HILL: Great. Thank you. All right.

23 Mr. Upwall, if you want to go ahead and walk us through
24 your presentation?

25 MR. UPWALL: Absolutely. Okay. Thank you and sorry,

1 I don't know why that wasn't up there before but I'm glad we got
2 it.

3 So the, this is the existing accessory structure in the
4 rear yard of Julia and Marco's home. It's in the, in this
5 neighborhood it's quite uncommon to find an accessory structure
6 of this height and of this character. You know, usually the
7 garage and accessory buildings that we find in these
8 neighborhoods tend to be one-story and kind of more dilapidated,
9 let's say, so we were first of all quite impressed with the
10 condition of what they have. Both the fact that it's brick and
11 clearly an older significant structure, it also is taller than
12 just about any that we see in this neighborhood. Of course you
13 see taller accessory buildings in Capitol Hill and other
14 neighborhoods, but this is technically one-story plus a mezzanine
15 so it's about a one and a half story building.

16 Julia and Marco, as they mentioned, are hoping to get,
17 convert it into an ADU to accommodate, you know, their aging
18 parents and so forth so we've come up with what we think is quite
19 a nice proposal to do that. The reason we're here today is not
20 because we're over the height limit. It's not because we're not
21 meeting any other development standards other than the 450 foot
22 maximum footprint because the existing building is more than
23 that. The existing building is 730, I've got the exact, but
24 something like that.

25 So I've been through five rounds of zoning review and

1 | discussed with several members of the zoning staff and the result
2 | of getting here today is simply because in order, it's not a new
3 | addition, I mean, it's not a new story, I'm sorry. We're not
4 | proposing a second story, it's already one and a half stories
5 | tall. So what we're proposing is called a roof extension. It's
6 | a vertical extension. It's not a full story.

7 | And so that's what, in other words, that's what is
8 | compelling us to come here today because if we were to put the
9 | addition over just a portion of this building, a) proportionately
10 | it wouldn't look that great, it would look kind of choppy and
11 | broken up, and then b) it doesn't create any new detriment to
12 | any of the neighbors by extending the full building up. So if
13 | we can go to the next couple of slides I can kind of describe to
14 | you a little bit better.

15 | CHAIRPERSON HILL: Mr. Uplaw?

16 | MR. UPLAW: Yes.

17 | CHAIRPERSON HILL: I'm going to interrupt you one
18 | second because it is helpful to have the slide presentation and
19 | the slide deck and I have already gone through the slide
20 | presentation now, and so what I'd rather you, just because I know
21 | there's a couple of things the Board is trying to do with you
22 | today, I'm going to go ahead and drop this slide deck.

23 | MR. UPLAW: Great.

24 | CHAIRPERSON HILL: Okay.

25 | I will come back in one moment to the Board. Can I

1 | hear from the Office of Planning?

2 | MR. MITCHUM: Joshua Mitchum with the Office of
3 | Planning.

4 | We are in agreement with, or in support of the
5 | application as presented and we'd also just like to add, in case
6 | the Board wasn't aware, the District Department of Transportation
7 | DDOT, they've also indicated no objections to the application as
8 | presented and we stand by the report that's in the record.

9 | Thank you.

10 | CHAIRPERSON HILL: Okay. Great. Thanks.

11 | Mr. Upwall, I see that you guys went to the ANC and got
12 | their comments on it which is also in approval. Did you all
13 | speak to the next door neighbors?

14 | MR. UPWALL: Yes, yes. They were notified months ago
15 | and Julia might want to speak to that a little bit. She's in
16 | more contact with the neighbors. But the ANC did write us a full
17 | letter of support.

18 | CHAIRPERSON HILL: Right.

19 | Ms. Howell, how were your neighbors' reactions?

20 | MS. HOWELL: I think everybody's fine with it. We
21 | actually do have, one of the properties next door is a former
22 | daycare that's vacant but our other next door neighbors seem to
23 | be fine with it so verbally --

24 | MR. DAVIS: On either side.

25 | MS. HOWELL: -- on either side, yeah, and then across

1 the street folks were excited actually, so.

2 CHAIRPERSON HILL: Okay. All right. Okay.

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

4 MR. YOUNG: We do not.

5 CHAIRPERSON HILL: Great.

6 Mr. Blake, you had your hand up?

7 VICE CHAIRPERSON BLAKE: Yes. I had a question for the
8 Office of Planning.

9 My questions is this. I'm looking at this structure
10 and I want to just kind of clarify the visual intrusion question.
11 I just want to look at it relative to the rest of the alley. It
12 seems fairly large, it's almost a house. Can you tell me, or in
13 itself, can you tell me a little bit about how you would look at
14 that and why you did not find that to be, why that's in harmony
15 with the alley scape?

16 MR. MITCHUM: Sure. Let me just, give me one moment
17 here.

18 So one of the things that we looked at, because it's a
19 larger structure than normal, we were just looking at the
20 potential light and shadow obstructions and so it wouldn't
21 substantially kind of visually intrude upon it because there's
22 no existing, or there's no changes to the existing footprint. It
23 would still be within the maximum height regulations of the R1-
24 B zone and also it would retain a lot of the existing brick facade
25 which is in character with a lot of the other surrounding homes.

1 And the renovations also, in terms of the scale again
2 since it is a little bit of a different kind of structure or a
3 larger than normal structure, we determined that since we didn't
4 have any objections to the light and shadow and then also the
5 actual façade will be remaining largely the same, it would still
6 be in line with other homes in the area.

7 VICE CHAIRPERSON BLAKE: Okay. Thank you.

8 CHAIRPERSON HILL: Okay.

9 Anyone else from the Board?

10 (Pause.)

11 CHAIRPERSON HILL: Okay. Let's see.

12 Mr. Upwall, you have anything to add at the end?

13 MR. UPWALL: No. Just to try to follow up on the
14 comments that were just made is that, you know, the main point
15 is that the existing structure is already of that height and the
16 proposed extension of the roof does not exceed any of the
17 development standards of the zoning. This is all by-right in
18 terms of height. We're not exceeding any height.

19 CHAIRPERSON HILL: Okay. All right.

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

22 (Pause.)

23 CHAIRPERSON HILL: Okay.

24 I mean, I understand the comments that Vice Chair Blake
25 put forward in terms of some questions he had about the project.

1 I am comfortable with it in the fact that it is, the square
2 footage is already, the square feet proposed is already there
3 except they are going up but the up I guess is not violating what
4 the height restrictions are.

5 However, I do think it's kind of a big odd piece of
6 property or project that they have in the back yard there, but I
7 also don't think that it's going to be unduly impacting the light
8 and air or anything concerning the character of that alley enough
9 that I would necessarily vote no against this.

10 I will also agree with the Office of Planning's
11 recommendation and their analysis. I do appreciate that the ANC
12 has put forward their approval and thoughts on this and that the
13 Applicant has actually reached out to the neighbors to get their
14 input and has on the record stated that they didn't hear any
15 objections. I will be voting in favor of this application.

16 Mr. Blake, Vice Chair Blake, is there anything you'd
17 like to add?

18 VICE CHAIRPERSON BLAKE: Mr. Chair, I'm comfortable
19 with the application. I do think that there are a lot of nuances
20 in this particular property that make it interesting. It's a
21 fairly large building. It's very large. I mean, if you thought
22 about an accessory dwelling with inside the building itself it
23 would be, you couldn't do something this big. So it's a very
24 large property, very large building.

25 I understand it does fit in with the community, as the

1 Office of Planning has explained, and it certainly does fit within
2 the development standards. So I do believe it meets the criteria
3 for approval, so I'm going to be in support of the application.

4 CHAIRPERSON HILL: Thank you.

5 Mr. Smith?

6 COMMISSIONER SMITH: I have nothing to add. I agree
7 with both of the comments by you, Chair Hill and Vice Chair Blake,
8 and will support the application.

9 CHAIRPERSON HILL: Thank you.

10 Chairman Hood?

11 ZC CHAIRPERSON HOOD: I too, Mr. Chairman, will be in
12 support of the application. I agree with my colleagues and I
13 think when I look at what's designed I think it is tastefully
14 done, and I'll leave it at that.

15 Thank you, Mr. Chairman.

16 CHAIRPERSON HILL: Thank you. All right.

17 I'm going to make a motion to approve Application No.
18 21266 as captioned and read by the secretary, and ask for a
19 second. Mr. Blake?

20 VICE CHAIRPERSON BLAKE: Second.

21 CHAIRPERSON HILL: Motion is made and seconded. Madam
22 Secretary, if you can you take a roll call.

23 MS. MEHLERT: Please respond to the Chair's motion to
24 approve the application.

25 Chairman Hill?

1 CHAIRPERSON HILL: Yes.

2 MS. MEHLERT: Vice Chair Blake?

3 VICE CHAIRPERSON BLAKE: Yes.

4 MS. MEHLERT: Mr. Smith?

5 COMMISSIONER SMITH: Yes.

6 MS. MEHLERT: Chairman Hood?

7 ZC CHAIRPERSON HOOD: Yes.

8 MS. MEHLERT: Staff would record the vote as four to
9 zero to one to approve Application 21266 on the motion made by
10 Chairman Hill and seconded by Vice Chair Blake.

11 CHAIRPERSON HILL: Great. Thank you, Madam Secretary.
12 You may call our next case when you get a chance.

13 MS. MEHLERT: The last case is Application No. 21271
14 of Biemmmnet S. Eshete. This is a self-certified application
15 pursuant to Subtitle X, Section 901.2 for a special exception
16 under Subtitle U, Section 421 to allow a new residential
17 development in an existing building. This would be the creation
18 of two additional dwelling units in an existing two-story semi-
19 detached building used as a four-unit apartment house.

20 It's located in the RA-1 zone at 5113 2nd Street,
21 Northwest, Square 3399, Lot 25, and as a preliminary matter the
22 Applicant has filed a motion to waive the filing deadline to
23 allow in the plans which are in the record in Exhibit 19A.

24 CHAIRPERSON HILL: Okay. Great. Thank you.

25 Unless the Board has any issues and if so, please speak

1 up, I will allow the plans into the record so we can have a full
2 understanding of what is being put forward. Okay. Hearing none.

3 Can the Applicant hear, I'm sorry. If the Applicant
4 can hear me, if they could please introduce themselves for the
5 record.

6 MR. SULLIVAN: Thank you, Mr. Chairman. Marty Sullivan
7 with Sullivan & Barros on behalf of the Applicant.

8 CHAIRPERSON HILL: Great. Thank you, Mr. Sullivan.

9 If you can walk us through your client's application
10 and why you believe they're meeting the criteria for us to grant
11 the relief requested. I'm going to put 15 minutes on the clock
12 so I know where we are and you can begin whenever you like.

13 MR. SULLIVAN: Thank you very much. If Mr. Young could
14 please load the presentation and also with me today is the
15 architect, Mr. Gebrekidan, and the owner if the Board has any
16 questions for them. I was going to handle the presentation alone.

17 CHAIRPERSON HILL: Okay.

18 (Pause.)

19 MR. SULLIVAN: So while you're waiting I'll explain
20 that this is a U-421 special exception for RA-1. Here we go.
21 Next slide, please.

22 Address is 5113 2nd Street, Northwest. So RA-1, it's
23 currently improved with a four-unit apartment building and the
24 Applicant's not altering the existing building exterior envelope.
25 The project requires special exception approval subject to U-

1 421. Because we're adding units, it's considered new residential
2 development under the RA-1 zone. We have the support of ANC 4D
3 as well as the Office of Planning. Next slide, please.

4 The general special exception criteria, I'll go over
5 this slide since it's just adding two units in the basement in
6 an existing four-unit building on a block with similar apartment
7 buildings. It meets the general special exception criteria.
8 Next slide, please.

9 And the specific criteria regarding schools, it's
10 expected that area schools will not have an issue with an increase
11 of residents from two additional units. Also as the Applicant's
12 only proposing the two units and providing four parking spaces,
13 the property is located close to the metro and other amenities.
14 The new residents should be adequately served by the surrounding
15 public streets, recreation and other services. And then
16 regarding the Office of Planning I'll defer from 421.3, defer to
17 the Office of Planning report and we have submitted a site plan
18 instead of typical floor plans and elevations per 421.4. Next
19 slide, please.

20 And the additional filing was for a landscaping plan
21 that the Office of Planning requested. So here's the map showing
22 the property. These are all on this block similar apartment
23 buildings. Next slide, please.

24 CHAIRPERSON HILL: Mr. Sullivan?

25 MR. SULLIVAN: Yes.

1 CHAIRPERSON HILL: Do you remember which exhibit the
2 landscaping plan is in?

3 MR. SULLIVAN: I think it's just in the, it's included
4 in the updated architectural plans and elevations on 312 which
5 would be 19A.

6 CHAIRPERSON HILL: Okay. Great. Thank you.

7 MR. SULLIVAN: There's a overhead photo. Next slide,
8 please.

9 Next slide, please.

10 As you can see it's similar apartment buildings in the
11 area. There's the subject property in the front. No changes to
12 the front. No changes to the exterior one below. Next slide,
13 please.

14 And there's the rear property. There will be four
15 parking spaces, four more parking spaces than there are there
16 now. Next slide, please.

17 There's the plat showing the parking spaces in the back
18 and the existing footprint and on the north side there you see
19 the addition of window wells. Next slide, please.

20 Next slide, please.

21 Next slide, please.

22 And this is the floor plan. No, this is the site plan.
23 Sorry. Next slide, please.

24 Again unchanged, and this is the floor plan for the
25 basement. Where there's currently nothing there'll be two units

1 | in the existing basement space. Next slide, please. And that
2 | may be it.

3 | Thank you.

4 | CHAIRPERSON HILL: Thank you, Mr. Sullivan.

5 | I can't find the landscaping plan that you had. Is it
6 | just the tree boxes?

7 | MR. SULLIVAN: Yeah. I'm not sure if it's necessarily
8 | a landscape plan or if that we showed the landscaping on the
9 | plan. Let me see if I can.

10 | CHAIRPERSON HILL: Well, I'll let you come back. Let
11 | me turn to the Office of Planning, please.

12 | MR. SULLIVAN: It's the last page of 19A I'm told.

13 | CHAIRPERSON HILL: Mr. Jesick, do you want to introduce
14 | yourself, please, for the record.

15 | MR. JESICK: Sure. Thank you, Mr. Chairman. Matt
16 | Jesick with the Office of Planning.

17 | And the Office of Planning is happy to rest on the
18 | record in support of this application and we appreciate the
19 | Applicant providing the landscaping plan in conformance with the
20 | requirements of Section U-421.

21 | CHAIRPERSON HILL: Thank you, Mr. Jesick.

22 | You guys were talking about the permeable pavers and
23 | also the, what was the Office of Planning's concern because I'm
24 | curious?

25 | MR. JESICK: Yeah. No, we appreciate the use of the

1 pervious pavers for the parking spaces. That landscaping plan
2 does show the rest of the area behind the building filled in with
3 concrete and we suggested that perhaps the Applicant should
4 examine removing that concrete to improve water infiltration.

5 CHAIRPERSON HILL: Okay.

6 So the Office of Planning is now comfortable with what
7 is in the record?

8 MR. JESICK: We would prefer if that concrete were not
9 there but it did not rise to the level of us objecting to the
10 application.

11 CHAIRPERSON HILL: Okay. Okay. All right.

12 Does -- Mr. Blake?

13 VICE CHAIRPERSON BLAKE: This is actually a quick
14 question for the Applicant.

15 Mr. Sullivan, I'm curious. Is this building currently
16 vacant?

17 MR. SULLIVAN: Let me, maybe we could bring in the
18 owner because I'm not sure of the answer to that question. Ms.
19 Eshete, if she's here if we could bring her in or if Mr.
20 Gebrekidan, if he's here?

21 CHAIRPERSON HILL: Is it Ms. Eshete?

22 MR. SULLIVAN: Yes.

23 CHAIRPERSON HILL: Okay. I see Ms. Eshete and I also
24 see Mr. Gebrekidan.

25 MS. ESHETE: Yes. Thank you very much (audio

1 | interference).

2 | MR. GEBREKIDAN: Okay. Okay, Eshete. Go ahead.

3 | MS. ESHETE: (Audio interference.)

4 | CHAIRPERSON HILL: Great. I'm sorry. Could you
5 | introduce yourself for the record, first.

6 | MS. ESHETE: Good morning. My name is Biemmnet Eshete.
7 | I'm the owner of 5113.

8 | CHAIRPERSON HILL: Okay.

9 | And the question was, right, is it currently occupied?

10 | MS. ESHETE: It is not. It is currently going under
11 | renovation for the four units for a permit that we have approved
12 | already.

13 | VICE CHAIRPERSON BLAKE: Okay. Thank you very much.

14 | Just out of quick curiosity, I mean I understand you're
15 | taking out the washer and dryers and so forth from the basement
16 | and the utility room. Are the other units going to now have all
17 | of that in it, each of those going to have their own? Okay.
18 | Great. Thank you.

19 | CHAIRPERSON HILL: Ms. Eshete, I don't know if you took
20 | the oath or not. Madam Secretary, if you could swear in Ms.
21 | Eshete.

22 | MS. MEHLERT: Ms. Eshete, will you please raise your
23 | right hand?

24 | Do you swear or affirm that the testimony that you will
25 | give or have given today is the truth?

1 MS. ESHETE: I do.

2 MS. MEHLERT: You may consider yourself under oath.

3 CHAIRPERSON HILL: Thank you.

4 And, Ms. Eshete, everything you just said was the
5 truth, correct?

6 MS. ESHETE: That is correct.

7 CHAIRPERSON HILL: Okay. Great. All right.

8 Anyone else have questions?

9 (Pause.)

10 CHAIRPERSON HILL: Okay.

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

12 MR. YOUNG: We do not.

13 CHAIRPERSON HILL: Okay.

14 Mr. Sullivan, do you have anything you'd like to add
15 at the end?

16 MR. SULLIVAN: I do not. Thank you, Mr. Chairman and
17 Board members.

18 CHAIRPERSON HILL: Okay. Great. All right.

19 I'm going to go ahead and close the hearing and the
20 record. Please excuse everyone, Mr. Young.

21 (Pause.)

22 CHAIRPERSON HILL: Okay.

23 It is interesting that the Office of Planning was
24 asking if they could remove that concrete but I guess that they're
25 comfortable with it the way it is. I do appreciate that there

1 are I guess, that the Office of Planning left it, like, permeable
2 pavers and made sure that they were following within the
3 regulations because that's something I would not necessarily know
4 and as far as the relief that's being requested I think that,
5 you know, they're trying to put two more units in a building but
6 they're not changing the envelope of the building. They have the
7 required square footage to put the units in there and so I don't
8 have any issues with the application. I will be voting in favor.

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

10 COMMISSIONER SMITH: Nothing to add.

11 CHAIRPERSON HILL: Mr. Blake? Do you have anything
12 you'd like to add.

13 VICE CHAIRPERSON BLAKE: Thank you, Mr. Chair.

14 I don't have anything to add. I will be in support of
15 the application.

16 CHAIRPERSON HILL: Thank you.

17 Chairman Hood?

18 ZC CHAIRPERSON HOOD: I too, Mr. Chair, having nothing
19 to add and I'll stand on the record.

20 Thank you.

21 CHAIRPERSON HILL: Thank you. All right.

22 I'm going to make a motion to approve Application No.
23 21271 as captioned and read by the secretary, and ask for a
24 second. Mr. Blake?

25 VICE CHAIRPERSON BLAKE: Second.

1 CHAIRPERSON HILL: The motion is made and seconded.
2 Madam Secretary, take a roll call, please.

3 MS. MEHLERT: Please respond to the Chair's motion to
4 approve the application.

5 Chairman Hill?

6 CHAIRPERSON HILL: Yes.

7 MS. MEHLERT: Vice Chair Blake?

8 VICE CHAIRPERSON BLAKE: Yes.

9 MS. MEHLERT: Mr. Smith?

10 COMMISSIONER SMITH: Yes.

11 MS. MEHLERT: Chairman Hood?

12 ZC CHAIRPERSON HOOD: Yes.

13 MS. MEHLERT: Staff would record the vote as four to
14 zero to one to approve Application 21271 on the motion made by
15 Chairman Hill and seconded by Vice Chair Blake.

16 CHAIRPERSON HILL: Okay. Great. All right.

17 Madam Secretary, is there anything else for the Board
18 today?

19 MS. MEHLERT: There is not.

20 CHAIRPERSON HILL: Okay. All right.

21 I hope you all have a good day. Thank you. See you
22 next time. We are adjourned.

23 (Whereupon, the above-entitled matter went off the
24 record at 12:47 p.m.)

25

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

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC BZA

Date: 04-09-25

Place: Videoconferencing

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



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