

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

OCTOBER 22, 2025

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via videoconference, 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 BLAKE, Vice-Chairperson

ZONING COMMISSION MEMBER PRESENT:

ANTHONY J. HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

KEARA MEHLERT, Secretary
PAUL YOUNG, A/V Production Specialist

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.
CARISSA DEMARE, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on October 22, 2025.

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

2 (9:36 a.m.)

3 BZA CHAIR HILL: Good morning, ladies and
4 gentlemen. The Board of Zoning Adjustment's 10/22/2025
5 public hearing please come to order. My name is Fred
6 Hill, Chairman of the District of Columbia Board of
7 Zoning Adjustment. Joining me today are Board Members
8 Carl Blake and Chairman Anthony Hood. Today's meeting
9 and hearing agenda are available on the Office of
10 Zoning's website.

11 Please be advised that this proceeding is
12 being recorded by a court reporter and is also webcast
13 live via WebEx and YouTube Live. The video of the
14 webcast will be available on the Office of Zoning's
15 website after today's hearing. Accordingly, everyone
16 who is listening on WebEx or by telephone will be muted
17 during the hearing.

18 Also, please be advised that we do not take
19 any public testimony at our decision meeting session.
20 If you're experiencing difficulty accessing WebEx or
21 with your telephone call-in, then please call our OZ
22 hotline number at 202-727-5471 to receive WebEx login
23 or call instructions.

24 At the conclusion of a decision meeting
25 session, I shall, in consultation with the Office of

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

9 In today's hearing session, everyone who is
10 listening on WebEx or by telephone will be muted during
11 the hearing, and only persons that have signed up to
12 participate or testify will be unmuted at the
13 appropriate time.

14 Oral presentations should be limited to a
15 summary of your most important points. When you're
16 finished speaking, please mute your audio so that your
17 microphone is no longer picking up sound or background
18 noise. Once again, if you're experiencing difficulty,
19 please call the hotline number listed on the screen.

20 All persons planning to testify either in
21 favor or in opposition should have signed up in advance.

22 They will be called by name to testify. If this is
23 an appeal, only parties are allowed to testify. By
24 signing up to testify, all participants completed the
25 oath or affirmation as required by Subtitle Y, 408.7.

1 Requests to enter evidence at the time of an
2 online virtual hearing, such as written testimony or
3 additional supporting documents, other than live video,
4 which may not be presented as part of the testimony,
5 may be allowed pursuant to Subtitle Y 103.13, provided
6 that the person making the request to enter an exhibit
7 explain, (a) how the proposed exhibit is relevant, (b)
8 the good cause that justifies allowing the exhibit into
9 the record, including an explanation of why the
10 requester did not file the exhibit prior to the hearing
11 pursuant to Y 206, and how the proposed exhibit would
12 not unreasonably prejudice any parties. The order of
13 procedures for special exceptions and variances are
14 pursuant to Y 409.

15 At the conclusion of each case, an individual
16 who was unable to testify because of technical issues
17 may file a request for leave to file a written version
18 of the planned testimony to the record within 24 hours
19 following the conclusion of public testimony of the
20 hearing.

21 If additional written testimony is accepted,
22 then parties will be allowed a reasonable time to respond
23 as determined by the Board. The Board will then make
24 its decision at its next meeting session, but no earlier
25 than 48 hours after the hearing. Moreover, the Board

1 may request additional specific information to complete
2 the record.

3 The Board and staff will specify at the end
4 of the hearing exactly what is expected and the date
5 when persons must submit the evidence to the Office of
6 Zoning. No other information shall be accepted by the
7 Board.

8 Finally, the District of Columbia
9 Administrative Procedures Act requires that a public
10 hearing on each case be held in the open before the
11 public. However, pursuant to 405(b) and 406 of that
12 Act, the Board may, consistent with its rules and
13 procedures and the Act, enter into closed meeting on
14 a case for purposes of seeking legal counsel on a case
15 pursuant to D.C. Official Code Section 2-575(b)(4)
16 and/or deliberate on a case pursuant to D.C. Official
17 Code 2-575(b)(13), but only after providing necessary
18 public notice, and in the case of an emergency closed
19 meeting, after taking a roll call vote.

20 Madam Secretary, do we have any preliminary
21 matters?

22 MS. MEHLERT: Good morning, everyone. Today
23 for the schedule application Number 21351 of James
24 Williams has been withdrawn. Also, the Chairman has
25 reviewed and granted waivers to allow late filings into

1 the applicable case records pursuant to Subtitle Y,
2 Section 206.7 and Section 103.13.

3 Any other late filings during the course of
4 today's live hearing should be presented before the
5 Board by the applicant, parties, or witnesses after the
6 case is called. Any other pertinent matters will be
7 noted when the case is called.

8 BZA CHAIR HILL: Okay. Thank you. Good
9 morning, everybody. Sorry, my allergies are killing
10 me today, so it's going to be -- I'm going to hopefully
11 get through it okay.

12 So let's see. The first -- we're going to
13 have a long day, I think, also just so everybody knows.

14 And we'll try to get through it as best we can.

15 Do you want to call our first item of business,
16 Madam Secretary?

17 MS. MEHLERT: Yes. In the Board's meeting
18 session, first is Application Number 21157A of 3428 O
19 Street, LLC, special exception application pursuant to
20 Subtitle X, Section 901.2 for a special exception under
21 Subtitle U, Section 254.14 to allow a corner store use
22 and pursuant to Subtitle X, Section 1002 for an area
23 variance from the location requirements of Subtitle U,
24 Section 254.6(g). This is for a corner store use
25 operated as a prepared food shop on the first floor and

1 basement levels of an existing two-story building with
2 residential use on the second floor. It's located in
3 the R-3/GT Zone at 3428 O Street Northwest, Square 1228,
4 Lot 76. And before the Board today is a motion for
5 reconsideration and rehearing filed on September 19th
6 by a party in opposition, Melinda Roth. The order
7 approving the application was issued on September 9th.

8 Participating in that hearing and vote were Chairman
9 Hill, Vice Chair Blake, Board Member Smith, and Chairman
10 Hood.

11 BZA CHAIR HILL: Okay, great. Thank you.
12 Well, it's appropriate that Chairman Hood is here for
13 this. So we've all had a chance to look at this and
14 what I've been advised is that due to the fact there's
15 apparently an appeal at the Court of Appeals on this
16 order, so the order was issued September 9th, 2025 and
17 due to the appeals under Y 700.4, we're not able to do
18 anything while there's a current appeal, so we're not
19 even going to be able to talk about this motion for
20 reconsideration. And it's not waivable apparently.
21 So I'm going to go ahead and if anyone has anything else
22 to say, I'm just going to make a motion to dismiss this
23 motion for reconsideration because we're not able to
24 do it.

25 Not saying anything? All right. I'm going

1 to make a motion to dismiss the motion for
2 reconsideration for Application Number 21157A and ask
3 for a second. Mr. Blake?

4 You're on mute, Mr. Blake. I can't hear you.
5 Chairman Hood, would you second my motion?

6 ZC CHAIR HOOD: I'll second the motion.

7 BZA CHAIR HILL: Okay, now I'm just waiting
8 to see what Mr. Blake -- when he gets online here.

9 MS. MEHLERT: Do you want me to take the roll
10 call vote?

11 BZA CHAIR HILL: Yes, you can, but you can't
12 hear from Mr. Blake yet.

13 MS. MEHLERT: Okay.

14 BZA CHAIR HILL: You can get it started, sure.

15 MS. MEHLERT: Please respond to the Chair's
16 motion to dismiss.

17 Chairman Hill?

18 BZA CHAIR HILL: Yes.

19 MS. MEHLERT: Vice Chair Blake?

20 BZA CHAIR HILL: We can't hear you.

21 MS. MEHLERT: I can't hear you.

22 BZA CHAIR HILL: Do you want to stick your
23 thumb up? Okay. For the record, Mr. Blake has
24 indicated with a thumbs up that he approves the motion.

25 Chairman Hood?

1 ZC CHAIR HOOD: Yes.

2 BZA CHAIR HILL: Okay.

3 MS. MEHLERT: Staff would record the vote as
4 to 3 to 0 to 2 to dismiss the motion for reconsideration
5 in Application Number 21157 on the motion made by
6 Chairman Hill and seconded by Chairman Hood.

7 BZA CHAIR HILL: And again, for the record,
8 there was a technical issue with Vice Chair Blake's
9 microphone, but he visually indicated his support.

10 Now we're going to wait still for Mr. Blake
11 now.

12 Okay, Mr. Blake has indicated he'll need five
13 minutes to fix his issues, so let's come back in five
14 minutes. Thank you.

15 (Whereupon, the above-entitled matter went
16 off the record at 9:45 a.m. and resumed at 9:51 a.m.)

17 BZA CHAIR HILL: All right. Go ahead, Madam
18 Secretary, and call our next order of business.

19 MS. MEHLERT: Okay, next in the Board's
20 meeting session is Application Number 20943-A of WCP
21 1207 H Street, LLC. This is a request pursuant to
22 Subtitle Y, Section 705.2 for a two-year time extension
23 of the validity of the order in Application Number 20943
24 issued on October 3rd, 2023. This is for a new six-story
25 detached building with 184 to 210 dwelling units, above

1 ground floor retail, below grade parking, and penthouse.

2 It's located in the NMU-7B/H-A Zone at 1208 H Street
3 Northeast, Square 1004, Lot 342, and I'll note that the
4 OP report was filed into the record yesterday in Exhibit
5 6.

6 BZA CHAIR HILL: Great. Thank you. Let's
7 see. So I had a chance to review the file and per Exhibit
8 5, the applicant's statement as to why they believe they
9 needed this extension, I will agree with what their
10 argument is. I also understand, I appreciate the
11 breakdown that they've shown in terms of how much money
12 they've already spent on this project in terms of the
13 \$325,000 and also I will note giving great weight to
14 the OP report that I do appreciate the Office of Planning
15 putting in the record for us and I'll be voting in favor
16 of this time extension.

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

19 VICE CHAIRPERSON BLAKE: Mr. Chair, the
20 record's showing good cause. I'll be supporting the
21 application's request for a two-year extension.

22 BZA CHAIR HILL: Thank you. Chairman Hood?

23 ZC CHAIR HOOD: I too, Mr. Chair, would agree
24 with both of you all's assessment. I think what's been
25 presented warrants the request by the applicant. Thank

1 you.

2 BZA CHAIR HILL: Okay. Thank you. I'll make
3 a motion to approve the time extension for Application
4 Number 20943A up until October 3rd, 2027 and ask for
5 a second.

6 Mr. Blake?

7 VICE CHAIRPERSON BLAKE: Second.

8 BZA CHAIR HILL: The motion has been made and
9 seconded. Madame Secretary, we'll take a roll call.

10 MS. MEHLERT: Please respond to the Chair's
11 motion to approve the time extension.

12 Chairman Hill?

13 BZA CHAIR HILL: Yes.

14 MS. MEHLERT: Vice Chair Blake?

15 VICE CHAIRPERSON BLAKE: Yes.

16 MS. MEHLERT: Chairman Hood?

17 ZC CHAIR HOOD: Yes.

18 MS. MEHLERT: Staff will record the vote as
19 3 to 0 to 2 to approve Application Number 20943A on the
20 motion made by Chairman Hill and seconded by Vice Chair
21 Blake.

22 BZA CHAIR HILL: Great. Thank you. Please
23 call our next case or next item.

24 MS. MEHLERT: Next is an advanced party status
25 request in Application Number 21361 of Moshood Olayinka,

1 as amended. It's a self-certified application pursuant
2 to Subtitle X Section 901.2 for special exceptions under
3 Subtitle E Section 207.5 to allow the rear wall of a
4 semi-detached building to extend farther than 10 feet
5 beyond the farthest rear wall of any adjoining principal
6 residential building on any adjacent property under
7 Subtitle A Section 8201 from the side yard requirements
8 of Subtitle E, Section 208.3 and under Subtitle U Section
9 320.2 to allow the conversion of an existing residential
10 building to an apartment house.

11 This is for a three-story rear addition to
12 an existing semi-detached building and conversion to
13 a four-unit apartment house located in the RF-1 zone
14 at 1253 Morse Street Northeast, Square 4069, Lot 0058.

15 And there are advanced requests for party status in
16 opposition from Natalie Martinez, Andrew Karay, and Dawn
17 Boutelle. And then I'll also note that on October 20th,
18 the ANC submitted a request to postpone the hearing
19 scheduled for next week on October 29th, although I don't
20 believe it has been served to the applicant yet.

21 BZA CHAIR HILL: Okay. Thank you. All
22 right, so I'm looking to the Board right now in terms
23 of this item that's before us. Per the regulations and
24 as people -- sorry -- that the applicants are showing
25 that they have more of an interest in the case than the

1 general public, I've always been a little bit differing
2 upon the approach in this party status in terms of
3 whatever the project might happen to be as to whether
4 or not I think in my opinion people have more of an
5 interest than the general public.

6 In this particular case, there is one person
7 who is two doors away I think from the project and another
8 person who is three doors away from the project. And
9 so really, to me, what it kind of comes down to is how
10 this project is necessarily affecting them any different
11 than anyone else on that block or particularly in the
12 area. And I've got to say I was a little torn on both
13 of them. However, because one of the people that have
14 shown interest in this project tried to have party status
15 on something else and they were late, and even this
16 particular application for that person was a little bit
17 -- I think it was a day filed late or something like
18 that. But in this particular instance, I guess I'll
19 go ahead -- or would vote, if the rest of the Board
20 follows me, to give party status to both parties and
21 I can explain what that means after this vote if we end
22 up going that way.

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

25 VICE CHAIRPERSON BLAKE: Thank you, Mr.

1 Chair. I, too, struggled with this because neither
2 party is abutting the subject property, but they're both
3 within 200 feet and they both have demonstrated that
4 they will be more affected than the general public,
5 especially when you consider this is a 20-foot addition,
6 adding 10 additional feet beyond the 10-foot rule and
7 this is a second such conversion in the neighborhood.

8 The 1251 next door also went through a similar
9 conversion, as you mentioned, and one of the persons
10 here asking for party status had attempted to be on that.

11 That is actually I think much closer to that property.

12 And I'm also noting that there has been no
13 issue from the applicant with the granting of party
14 status, for either of these parties. So for that
15 reason, I'm comfortable granting party status to both.

16 BZA CHAIR HILL: Thank you. Chairman Hood.

17 ZC CHAIR HOOD: I too, Mr. Chair, would be
18 comfortable. I know it's sometimes a struggle trying
19 to figure things out, and are they more aggrieved than
20 the general public. I struggle with that as well, but
21 I think the proximity, as Vice Chair Blake has mentioned,
22 also adds to my support. So I would not have any issues
23 with granting both of them party status.

24 BZA CHAIR HILL: Thank you. All right, now
25 I'm going to make a motion to grant party status to

1 Natalie Martinez and Andrew Karay, as well as Dawn
2 Boutelle, and ask for a second.

3 Mr. Blake?

4 VICE CHAIRPERSON BLAKE: Second.

5 BZA CHAIR HILL: The motion has been made and
6 seconded.

7 Madam Secretary, can we take a roll call?

8 MS. MEHLERT: Please respond to the Chair's
9 motion to grant party status in opposition to Natalie
10 Martinez and Andrew Karay and Dawn Boutelle.

11 Chairman Hill?

12 BZA CHAIR HILL: Yes.

13 MS. MEHLERT: Vice Chair Blake?

14 VICE CHAIRPERSON BLAKE: Yes.

15 MS. MEHLERT: Chairman Hood?

16 ZC CHAIR HOOD: Yes.

17 MS. MEHLERT: Staff would record the vote as
18 3 to 0 to 2 to grant party status in Application Number
19 21361 on the motion made by Chairman Hill and seconded
20 by Vice Chair Blake.

21 BZA CHAIR HILL: Okay, great. Thanks. Now
22 in terms of the postponement, I mean again, as the
23 Secretary just mentioned, I don't know if even the
24 parties were served the postponement or not yet, the
25 request. I read the postponement request and it seems

1 as though the ANC is not clear on some of the issues
2 concerning the project and then they offered up some
3 ideas as to how they might have more time to look at
4 the project. However, some of the things that they were
5 saying was going to push the project -- or I'm sorry,
6 push the hearing out to maybe February and so that seems
7 a little bit -- what's the word? Anyway, I don't think
8 that's going to be very effective. And so I think what
9 we should do is go ahead and have the hearing next week,
10 then the ANC can also participate and also we can get
11 more of the ANC's questions answered at that time and
12 then after the hearing determine whether or not we need
13 to postpone for a little bit of time for the ANC to look
14 at that a little bit more and then vote accordingly.

15 So those are my thoughts. Mr. Blake, do you
16 have any thoughts?

17 VICE CHAIRPERSON BLAKE: Mr. Chair, I'm
18 comfortable supporting that, your logic and reasoning
19 there. It would be nice to have a full report from the
20 ANC having met and convened prior to the meeting, but
21 I think that would be -- as long as they were represented
22 at the meeting, we can get some feedback from them.
23 I appreciate that. So I'm comfortable with that.

24 BZA CHAIR HILL: Thank you. Chairman Hood?

25 ZC CHAIR HOOD: Thank you, Mr. Chairman. I'm

1 comfortable with -- even though I won't be on this case
2 next week, I'm going to speak for Commissioner Wright.

3 I'm comfortable moving it to -- I mean to hearing it
4 next week in the format that you have mentioned.

5 BZA CHAIR HILL: Okay, great. Thanks. Mr.
6 Young, is the two party status people here? Can you
7 bring that in here? Can you bring them in, please?

8 MR. YOUNG: Do you have the names of the two
9 people?

10 BZA CHAIR HILL: Yes, Natalie Martinez and
11 Andrew Karay would be one and then the other one would
12 be Dawn Boutelle.

13 MR. KARAY: Hello, Commissioners, can you
14 hear me?

15 BZA CHAIR HILL: Yes, who just spoke?

16 MR. KARAY: Andrew Karay.

17 BZA CHAIR HILL: Great. Okay. Mr. Karay,
18 could you just introduce yourself for the record,
19 please?

20 MR. KARAY: Yes, of course. Hi, good morning,
21 Chairperson, members of the Board. My name is Andrew
22 Karay, me and my wife, Natalie Martinez, we own 1257
23 Morse Street, Northeast.

24 BZA CHAIR HILL: I'm sorry, I didn't mean to
25 cut you off. That's all the information I needed.

1 Thank you, Mr. Karay.

2 Ms. Boutelle, can you hear me?

3 MS. BOUTELLE: Yes, I can. Hi, members of the
4 Board. My name is Dawn Boutelle and I am a resident
5 at 1247 Morse Street.

6 BZA CHAIR HILL: Okay, great. Thanks. So
7 just to let you guys know, I just want to bring you in,
8 so what happens when you get party status is the
9 applicant will come in and they will go ahead and give
10 their case as to why they believe they're meeting the
11 criteria for us to grant the relief that's being
12 requested. And then the party status people get a
13 chance to give their case and they get about the same
14 amount of time as the applicant.

15 So if you guys can work together and present
16 together, that would be great. Or if you want to present
17 separately, that's fine, but just try not to repeat
18 everything, but at the same time, you guys aren't land
19 use people I would assume and so however we get through
20 this is how we get through this. But I just want to
21 let you know that's kind of the format.

22 And then what happens next is the Office of
23 Planning will give us their report and then we come back
24 and have questions from all the parties. And then we
25 also see if there's any people out in the public that

1 have anything they'd like to say. Then the applicant
2 has an opportunity to ask questions of the party status
3 people and the party status people have questions to
4 ask of the applicant, and also the party status people
5 have questions to ask the Office of Planning and then
6 afterwards we each give a small, little conclusion and
7 then the Board during the time is obviously trying to
8 figure out what the Board thinks of it. So I just want
9 to let you guys know how the process works.

10 Do either of you have any questions?

11 MS. BOUTELLE: Hi, this is Dawn. If we have
12 any pictures or kind of anything that we want to present,
13 I'm assuming we work with your office to send them in
14 ahead of time?

15 BZA CHAIR HILL: Yes, Madam Secretary? Can
16 you advise that question?

17 MS. MEHLERT: Can you repeat the question,
18 it cut out for a second?

19 MS. BOUTELLE: Yes, sure. If we have any
20 pictures or any documentation that we would like to
21 present to the Board, I guess we coordinate and send
22 that in to your office ahead of time?

23 MS. MEHLERT: Yes, yes. You can submit that
24 to the record either through the IZIS portal or through
25 bzasubmissions@dc.gov.

1 MS. BOUTELLE: Okay, great. Thank you so
2 much.

3 BZA CHAIR HILL: Thanks and if you can, Ms.
4 Boutelle, the sooner you get that in the better because
5 what needs to happen is the applicant needs to have an
6 opportunity to take a look at whatever it is that you
7 submit so that everyone is on the same page.

8 MS. BOUTELLE: Thank you for that advice.

9 BZA CHAIR HILL: Okay, great. All right,
10 then we will see you guys next week.

11 MS. BOUTELLE: Sounds good. Thank you so
12 much.

13 BZA CHAIR HILL: Thank you. Okay, all right.
14 Let's see, you may call our first case I believe, Madam
15 Secretary.

16 (Whereupon, the above-entitled matter went
17 off the record at 10:05 a.m.)

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1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript was
3 duly recorded and accurately transcribed under my
4 direction; further, that said transcript is a true and
5 accurate record of the proceedings; and that I am neither
6 counsel for, related to, nor employed by any of the
7 parties to this action in which this matter was taken;
8 and further that I am not a relative nor an employee
9 of any of the parties nor counsel employed by the
10 parties, and I am not financially or otherwise
11 interested in the outcome of the action.

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Brandon Paterson

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