

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

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WEDNESDAY

JULY 29, 2026

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 10:09 a.m. EDT, Michelle Pourciau, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MICHELLE POURCIAU, Chairperson
PAUL GOLDSTEIN, Vice-Chairperson
MELISSA LINDSJÖ, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

SARAH BARDIN, DIRECTOR
KEARA MEHLERT, Zoning Specialist
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

PHILIP BRADFORD
SHEPARD BEAMON
PHILIP ISAIAH
JOSHUA MITCHUM
CRYSTAL MYERS

1 OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

2 SARAH BAJAJ, ESQ.
3 CARISSA DEMARE, ESQ.
4 JORDANE WONG, ESQ.

5 The transcript constitutes the minutes
6 from the Regular Public Hearing held on Wednesday,
7 July 29, 2026.
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Adjourn	

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

2 10:56 a.m.

3 BZA CHAIR POURCIAU: And our first case for
4 the virtual hearing is Case Number 21466,
5 Application Number.

6 Madam Secretary, are you ready to read that
7 into the record, please?

8 MS. MEHLERT: Yes. This is the Board --
9 and the Board's hearing session. Next is
10 Application Number 21466 of Jordan Cotton and
11 Caitlin Hartman.

12 This is a self-certified application
13 pursuant to Subtitle X, Section 91.2 for a special
14 exception under Subtitle E, Section 5201 for the lot
15 occupancy requirements of Subtitle E, Section 210.1.

16 This is for a one-story rear addition to an
17 existing two-story road dwelling located in the R1
18 Zone at 20 R Street, Northwest, Square 3101, Lot
19 811.

20 BZA CHAIR POURCIAU: Good morning. I see
21 we're joined by the agent for the applicant. Mr.
22 Putnam, how are you today?

23 MR. PUTNAM: I'm doing well, thank you very
24 much.

25 BZA CHAIR POURCIAU: You're welcome. Are

1 you ready to read your report or your presentation
2 for this case?

3 MR. PUTNAM: Yes, I am.

4 BZA CHAIR POURCIAU: Please proceed.

5 MR. PUTNAM: My clients, Jordan Cotton and
6 Caitlin Hartman, are the owners at 20 R Street,
7 Northwest, are requesting a special exception for
8 lot occupancy requirements for a one-story addition
9 in the rear yard.

10 The existing -- let's see, can I have the
11 first slide, please, showing the site plans? Thank
12 you.

13 The -- as you can see, there's an existing
14 rear deck that they would like to enlarge the
15 footprint of by three feet, and enclose it as a
16 screen porch.

17 You can see the two adjacent properties
18 also have decks, and that are considerably larger,
19 and take up more lot occupancy than this property.

20 Right now, the lot occupancy for our
21 property is 65.5 percent, the addition would
22 increase that to 68 percent. We have both support
23 from the ANC and from the two adjacent neighbors as
24 well. We believe that the size won't interfere with
25 the harmony of the zoning regulations in any way.

1 Many of the properties on this alley have rear decks
2 or porches, and we won't be affecting the neighbors
3 adversely in any way.

4 As you can see, like I said, the existing
5 decks are significantly larger, and even larger than
6 what our proposed porch will wind up being. And we
7 won't be affecting the light air or privacy of our
8 neighbors any more than what is there now with the
9 decks.

10 If we can go to the next slide? I can just
11 run you through the drawings. This is the existing
12 conditions, so, we have a plan, as well as an alley
13 elevation of the three properties, ours is the
14 middle house there.

15 The next slide, please? These are the
16 proposed plans showing at grade at the first floor
17 and then, a roof plan as well.

18 Next slide, please? And here's an
19 elevation -- three elevations of the side as well as
20 the alley elevation, again, showing our neighbors
21 and the relationship to their decks.

22 And that is our presentation.

23 BZA CHAIR POURCIAU: Thank you so much,
24 thank you for keeping it short and sweet.

25 I'd like to call on the Board to see if

1 they have any comments or questions for you.

2 I'll start with Vice Chair Goldstein?

3 VICE CHAIR GOLDSTEIN: Thank you. I think
4 it's a very modest proposal, I think it looks very
5 nice. It is barely increasing the lot occupancy.
6 OP is supportive. I believe the record shows ANC 5E
7 supports as well as adjacent neighbors.

8 Anyone else can correct me if I have a --
9 if my information isn't right. I think it's pretty
10 straightforward, so, I don't have any additional
11 questions for the Applicant.

12 BZA CHAIR POURCIAU: Thank you, Vice Chair.
13 Board Member Lindsjo, any comments or
14 questions?

15 MEMBER LINDSJO: None at this time, thank
16 you for your presentation.

17 BZA CHAIR POURCIAU: Thank you. Chairman
18 Hood, any comments or questions?

19 ZC CHAIR HOOD: Yes, I do want to thank Mr.
20 Putnam for his case presentation, and I think this
21 is well documented. And I don't have any support, I
22 think it's very de minimis, as the Vice Chair has
23 already mentioned.

24 I'll be voting to support it.

25 Thank you, Madam Chair.

1 BZA CHAIR POURCIAU: Thank you. With that,
2 we'll move on to Office of Planning to hear their
3 report, I see Mr. Mitchum is here.

4 MR. MITCHUM: Hi, yes, good morning, Madam
5 Chair, members of the Board. My name is Joshua
6 Mitchum with Office of Planning. We want to
7 reiterate support for the subject application, and
8 are willing to rest on the report in the record.

9 And I'm available for any questions, if
10 necessary. Thank you.

11 BZA CHAIR POURCIAU: Thank you. Any
12 questions from the Board for Office of Planning?

13 No, I don't see any, so, we'll move on to -
14 - there's no other District agencies present. We
15 received information in the file from the ANC, and
16 they are not present, unless I hear Mr. Young say,
17 yes, they are.

18 (No audible response.)

19 BZA CHAIR POURCIAU: So, they're not
20 present. We don't have any parties on this case,
21 either in support or opposition, and no individuals
22 are here, but we do have supporting documentation in
23 the record.

24 Would the Applicant like to make a closing
25 statement at this time?

1 MR. PUTNAM: No, thank you, Madam Chairman.

2 BZA CHAIR POURCIAU: Thank you. So, the
3 Board is ready to deliberate.

4 Would you please close the hearing and the
5 record, and then we'll deliberate, discuss the case
6 and move on to hopefully make a motion? Thank you.

7 Is there any further deliberation or would
8 someone like to offer a motion on this item?

9 VICE CHAIR GOLDSTEIN: I think I'm happy to
10 offer a motion. I almost began deliberating too
11 early, I just thought it was that approvable. The
12 record is full, there's lots of support. The level
13 of addition is minimal.

14 So, I would make a motion to approve Case
15 Number 21466 at 20 R Street, Northwest, as read by
16 the Secretary and captioned.

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

18 BZA CHAIR POURCIAU: Madam Secretary, would
19 you call a vote, please?

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

22 Chair Pourciau?

23 BZA CHAIR POURCIAU: Yes.

24 MS. MEHLERT: Vice Chair Goldstein?

25 VICE CHAIR GOLDSTEIN: Yes.

1 MS. MEHLERT: Board Member Lindsjo?

2 MEMBER LINDSJO: Yes.

3 MS. MEHLERT: Chairman Hood?

4 ZC CHAIR HOOD: Yes.

5 MS. MEHLERT: Staff would record the vote
6 as four to zero to one to approve Application Number
7 21466 on the motion made by Vice Chair Goldstein and
8 seconded by Chairman Hood.

9 BZA CHAIR POURCIAU: Excellent, thank you
10 so much.

11 We'll move on to our next Application,
12 Number 21467.

13 Madam Secretary, would you please read it
14 into the record?

15 MS. MEHLERT: Next is Application Number
16 21467 of Paramount Estate Limited Liability Company.

17 This is a self-certified application pursuant to
18 Subtitle X, Section 1002 for a use variance from
19 Subtitle U, Section 201.1 to allow a new six-unit
20 apartment house use in an existing four-story
21 building.

22 It's located in the R3 Zone at 2201 R
23 Street, Northwest. It's for 2516, Lots 65 and 66.

24 As -- the Applicant has proffered two
25 expert witnesses, one is Eric Colbert, as an expert

1 in architecture who has been previously recognized,
2 and the other is Megan Mitchell, as an expert in
3 architecture who has not been recognized by the
4 Board.

5 BZA CHAIR POURCIAU: Madam Secretary, do we
6 need to recognize Ms. Mitchell prior to proceeding?

7 MS. MEHLERT: If you would like for her to
8 be recognized as an expert witness, her resume is in
9 Exhibit 12.

10 BZA CHAIR POURCIAU: I guess I could ask
11 Mr. Freeman, do you expect Ms. Mitchell to speak in
12 this?

13 MR. FREEMAN: Good morning, Madam Chair.

14 BZA CHAIR POURCIAU: Good morning.

15 MR. FREEMAN: This is Kyrus Freeman with
16 the law firm of Holland and Knight.

17 Yes, Megan Mitchell would be our witness
18 today, so we would request that the Board accept her
19 as an expert.

20 BZA CHAIR POURCIAU: Okay.

21 Has anyone looked at her resume yet? I
22 have not.

23 VICE CHAIR GOLDSTEIN: I'm looking at it
24 now, and I would be supportive of recognizing her as
25 an expert.

1 BZA CHAIR POURCIAU: Thank you so much, Mr.
2 Vice Chair.

3 So, with that, Mr. Freeman.

4 ZC CHAIR HOOD: I do have a question, I do
5 have a question, Madam Chair.

6 BZA CHAIR POURCIAU: Yes, please proceed.

7 ZC CHAIR HOOD: Mr. Freeman?

8 BZA CHAIR POURCIAU: Thank you.

9 ZC CHAIR HOOD: First of all, Mr. Freeman,
10 good morning.

11 MR. FREEMAN: Good morning.

12 ZC CHAIR HOOD: She is licensed -- I
13 believe she's licensed in the District of Columbia,
14 I know she's licensed in Maryland. Is she licensed
15 in the District of Columbia?

16 MR. FREEMAN: I believe so.

17 Megan, if you could unmute yourself,
18 please?

19 Or if someone can unmute Megan?

20 (Pause.)

21 ZC CHAIR HOOD: That's all right.

22 You know what? I'm going to move on, she's
23 definitely credentialed, so I don't -- wanted to
24 know.

25 MS. MITCHELL: Okay, I just found the mute

1 button, sorry about that.

2 Good morning, everyone, I am not licensed
3 in the District of Columbia, but I'm licensed in
4 Maryland.

5 But Eric Colbert, would be the licensing
6 entity on the project.

7 ZC CHAIR HOOD: Okay, all right, thank you.

8 Thank you, Madam Chair, and thank you, Ms.
9 Mitchell.

10 MR. FREEMAN: I might have been mistaken,
11 but I know Megan has testified in a couple cases
12 before the Board of Zoning Adjustment and the Zoning
13 Commission, Mr. Chairman.

14 MS. MITCHELL: Yes.

15 MR. FREEMAN: Mr. Chairman Hood, I'm sorry.

16 ZC CHAIR HOOD: All right, thank you.

17 BZA CHAIR POURCIAU: Excellent, thank you
18 for that.

19 And I believe we're ready to proceed, so
20 Mr. Freeman, if you would like to introduce your
21 case and your report?

22 MR. FREEMAN: All right. Good morning
23 again, my name is Kyrus Freeman with the law firm of
24 Holland and Knight on behalf of the Applicant. Our
25 primary witness will be Ms. Mitchell. Also online

1 and available to answer any questions are Mr. Khan,
2 who's the owner; Steven DuPont, who's the owner's
3 rep to help us engage in some community outreach.

4 I don't know if Madeline Williams signed
5 up, but she's an associate with Holland and Knight
6 and has been working with me on this case.

7 Mr. Young, if you could pull up our slide
8 presentation? Thank you. As the Board is aware,
9 we're here for a use variance.

10 Next slide, please. Regarding 2201 R
11 Street, which is Square 2516, Lot 65 and 66.

12 Next slide. Our application was filed in
13 March. Again, our use variance is to -- a six-unit
14 multiple-dwelling building in the R3 Zone within an
15 existing building. We're renovating a vacant four-
16 story existing building to provide six new
17 residential units. There's no expansion of the
18 existing building footprint.

19 We're meeting the parking, low bike parking
20 requirements, and we've designed what we think is a
21 nice new residential building that will be an
22 amenity both for residents and the neighbors.

23 Next slide. Neighborhood, I should say.

24 With that, I'll turn it over to Ms.
25 Mitchell to walk us through the plans. And then

1 I'll come back and kind of hit how we meet the
2 standards for relief.

3 MS. MITCHELL: Thanks, Kyrus. Good
4 morning, everyone.

5 So, the first images we're looking at are
6 the existing exterior street-facing facades, and you
7 can see that it's a beautiful building. It's been
8 sitting there vacant for the past 20 years.

9 There's no landscape, the buffer between
10 the building and the public sidewalk is hard
11 pavement and weeds.

12 And so, we are obviously going to, you
13 know, propose something to improve that.

14 We can go to the next slide, please. And
15 then, these are the views of the interior of the lot
16 showing the neighboring retaining walls, and the
17 existing condition of the neighbors, creating a
18 situation for this particular building that is
19 making it not private at all.

20 So, it's kind of a unique property, in that
21 it is close to the corner and to the street, and
22 then, the rear of the property is also kind of open
23 to the view of all of the neighbors. And again, no
24 landscaping, lots of hard surface.

25 We can go to the next slide. These are

1 some of the interior views, you can see that the
2 building has some really beautiful architectural
3 features.

4 This is the second floor of the building on
5 the left and then the existing stairway on the
6 right. You can imagine these would -- this would
7 transform into a beautiful apartment.

8 Next slide. These are images of the ground
9 floor of the building. And here, we're going to
10 propose amenity spaces and a parking area under the
11 -- there's kind of an addition piece that we'll look
12 at in the plan. But still, some features remaining
13 that we will try to preserve as much as we can.

14 Next slide. And then, this is showing the
15 existing position of the building on the site,
16 existing building is crossing over Lot 65 and 66 and
17 then, Lot 56, just to the west of it, is -- provides
18 access to the site currently.

19 There's also a pass-through driveway that
20 connects from 22nd Street to R Street, and we would
21 be proposing to close that off to restore the
22 landscape around the perimeter of the corner.

23 Next slide. And then, this is what we're
24 proposing. So, the site plan is showing the in-fill
25 driveway. We're showing the shared driveway

1 easement that will be required for this site. So,
2 it's -- it's creating a situation where that is the
3 only access to the site.

4 There is a small public alley behind the
5 site, but it's up on a very high level, you'll see
6 that later in the presentation.

7 And so, this is the only access into the
8 site, is through Lot 56.

9 We're proposing a new landscape along the
10 rear, the north side of the building with a
11 beautiful garden and swimming pool, and restoring
12 all of the landscape around the face of the
13 building.

14 Next slide. And then, looking at the
15 units, the ground floor plan would serve as two
16 parking spaces. And then, entry, mail, package
17 room, circulation space, a fitness room, amenity
18 space that opens out to the garden and pool.

19 And then, the floors above, the second
20 floor being the floor with the tallest ceiling, we
21 have two units on each floor, two two-bedroom units
22 that we're trying to take advantage of all of the
23 existing architectural details.

24 Next slide. And then, the third floor and
25 fourth floor are also very similar to the second

1 floor, just a few changes within the units here and
2 there, to accommodate existing fireplaces and things
3 like that.

4 Next slide. And then, this is showing the
5 section of the building, again, with the amenity
6 spaces on the bottom, the tall second floor which
7 has the grand ballroom spaces in it and then, the
8 two floors above.

9 Next slide. And then, we are calling out
10 in this image all of the effort to be made to
11 restore the existing facade. We will try to restore
12 windows where we can, and restore all of the brick
13 and repointing, and bring it back to its original
14 state.

15 Next slide? And then, we have some
16 renderings of showing with some landscaping --
17 excuse me -- and looking at what, you know, what
18 this building could be.

19 Sorry, I need to take a sip. So, showing
20 what this -- what the building can be with a
21 beautiful new update to the facade and the
22 landscape.

23 And then, the next slide? And this is the
24 side view which is facing 22nd Street, and you can
25 see how the grade changes here.

1 And so, the first floor becomes kind of
2 buried, so that the floors above really are elevated
3 above the ground and there is a bit of privacy for
4 the apartments. And then a reconnection to the
5 neighborhood with a nice landscape and street trees.

6 So that is it.

7 MR. FREEMAN: Thank you, Megan. I'll run
8 through how we meet the use variance test.

9 As the Board knows, it's a three-part test.

10 One, that there's an exceptional condition or
11 situation affecting a property. In this case, since
12 it's a use variance, we have to demonstrate an undue
13 hardship. And then, the third prong is generally no
14 substantial detriment.

15 So next slide, please. We've indicated a
16 number of factors that are unique about our site,
17 I'm not going to read through the slides, I will
18 just hit the highlights.

19 Again, all of this is in greater detail in
20 the record and in our statement, but for the
21 purposes of time today, as Ms. Mitchell showed, our
22 property actually has no direct street or alley
23 access.

24 The only access to this site is through an
25 adjacent lot, Lot 55, which is a uniqueness that

1 doesn't impact other properties. The topography of
2 our site changes, you saw that some in the drawings.
3 There's about a 10-foot change in grade.

4 You saw and heard Ms. Mitchell talk about
5 the extensive open space on the site, both to the
6 north and west, which creates a substantial amount
7 of open space, and generally, lack of privacy, that
8 one would want for some of the matter of right uses,
9 such as a home or an embassy.

10 Next slide, please. It's a large building,
11 the existing building is over 16,000 square feet,
12 which is exceptionally large, particularly if it
13 were to be, for example, a single family home.

14 In this case, the actual use and history of
15 this site of the building is unique, in that it was
16 previously owned, built as a single family home,
17 then used as housing for foreign diplomats, and it's
18 been vacant for over 20 years. And the condition of
19 the building has deteriorated over that time period.

20 Since our Applicant -- our client purchased
21 the property, he's had to spend a substantial amount
22 of funds just to get it in a safe condition because
23 of the deterioration over the years.

24 And last but not least, this site is a
25 contributing building within a historic district,

1 right? So, that limits what we can do, what we
2 can't do at the site. So, those are, we would
3 posit, some of the characteristics that make this
4 site unique.

5 Next slide, please. What's the undue
6 hardship here? We looked at what the matter of
7 right uses are, right, in order to get our
8 application approved, we have to show that we can't
9 use it for any of the matter of right purposes.

10 And there's no market for matter of right
11 uses at the property, despite extensive market
12 efforts to develop the property over the past 20
13 years, again, this has been a long-term issue.

14 From 2012 to '23, there were multiple tax
15 liens that deferred potential buyers.

16 The property was owned by the Government of
17 Pakistan, so that created some additional challenges
18 in terms of the ability to purchase the property
19 from the Government of Pakistan.

20 Next slide, please. We have in the record
21 an affidavit from the broker who actually sold our
22 client the property. The affidavit talks about his
23 experience, his efforts to try to sell the property.

24 A couple of points I would highlight from
25 the affidavit. He says that, due to the

1 significantly deteriorated condition, maintenance
2 and outdated building systems, the property was in
3 need of complete gut renovation.

4 The scope of work required to restore the
5 property to habitable single family residents would
6 have been extensive and cost prohibitive relative to
7 comparable single family homes in the area.

8 He listed the property and actively
9 marketed the property. The only interest that he
10 received was actually from multi-family development,
11 despite his extensive marketing efforts. And we
12 believe that's a reflection of the lack of matter of
13 right interest in using the property for matter of
14 right uses.

15 Next slide? We also looked at what some
16 other single family homes would want, right, if you
17 were to kind of purchase this for single family use.

18 And the property itself cannot be reasonably
19 adapted for single family residential use. Its
20 size, its internal layout, the configuration are
21 functionally obsolete for a single family dwelling,
22 and would require substantial structural
23 reconfiguration.

24 I would add that the property's physical
25 characteristics further limit its viability as a

1 single family residence.

2 Again, there's a substantial amount of
3 openness that, if you were paying what it would take
4 to purchase this property, you would have kind of
5 limited privacy compared to what someone spending
6 that amount of money would expect for a property of
7 this size, particularly given it's not just its
8 openness to the north and west, but it's right on
9 22nd and R Street, which are, you know, I wouldn't
10 call them heavily trafficked streets, but they are
11 public streets.

12 We also looked at economic feasibility.

13 Next slide, please. In the Exhibit 27C3,
14 we had an analysis prepared by Feldman Ruel, which
15 is a commercial real estate services firm in D.C.
16 They specialize in investment sales, property
17 management, and advisory services.

18 There's a thorough report in the record
19 from them, but just to highlight some of their
20 conclusions. They looked at kind of our proposed
21 development compared to a matter right development
22 in terms of feasibility.

23 Our proposed six units development, there's
24 a market for that either for sale or rental. A one
25 unit single family home, there's essentially a near

1 empty market for that for sales and for rental,
2 right?

3 So, that's the first point that we would
4 highlight from their analysis.

5 Next slide, please. We also looked at kind
6 of financial feasibility, and on the right, you can
7 see an explanation of why the single family pass
8 fails.

9 I'm not going to go through all of the
10 details there, but essentially it doesn't pencil,
11 right, the cost that it would take to renovate and
12 sell that building, it doesn't pencil out.

13 The buyer pool is nearly empty, only five
14 D.C. homes of this size have sold in two years.
15 It's taken 14 months to 5 years of marketing.
16 Whereas, what we're presenting is actually an
17 executable buildable plan.

18 Next slide? Next slide?

19 BZA CHAIR POURCIAU: Mr. Freeman?

20 MR. FREEMAN: Yes, ma'am?

21 BZA CHAIR POURCIAU: The time that we have
22 allotted has expired.

23 Do you have many more slides?

24 MR. FREEMAN: So, I will just make two more
25 points, Madam Chair.

1 Again, all of this is in the record the --
2 we demonstrate that a single family home use is not
3 viable.

4 We looked at the no detriment, I think the
5 Office of Planning report clearly indicates that how
6 our proposed use is modest in terms of the comp plan
7 designation, in terms of the character of the
8 neighborhood.

9 If we could go to slide 28, please. I
10 think what's important here, similar to what I heard
11 the Board say in the last case about the lots of
12 support.

13 Mr. Young, if you could go to slide 28? We
14 spend a substantial amount of time, outreach to the
15 community.

16 Next slide, please? We presented to the
17 ANC multiple times. Next slide is slide 28. We
18 have seven letters in support at Exhibits 16 through
19 22.

20 We have OP support at Exhibit 29. We have
21 DDOT support at Exhibit 30. So, we believe the
22 record is full. We clearly meet the standards.
23 There's a lot of support. So, we would request that
24 the Board approve our application.

25 Thank you, Madam Chair.

1 BZA CHAIR POURCIAU: Thank you. Sorry, you
2 had to rush through that a little bit, but your
3 presentation was very thorough, we appreciate that.

4 Are there questions from the Board, Vice
5 Chair Goldstein?

6 VICE CHAIR GOLDSTEIN: Thank you very much,
7 Madam Chair, and thank you, Mr. Freeman, for the
8 helpful presentation.

9 I really do think that you've provided a
10 lot to the record, too, in support of your case,
11 that's very useful and I'm appreciative that the
12 record is as full as it is.

13 I do want to ask you a couple questions.
14 One, you've certainly spent a fair amount of time
15 talking about why it is not adaptable to a single
16 family use.

17 Could you discuss a bit why it's not
18 adaptable to any other matter of right use in the
19 zone, and how it had been marketed for a variety of
20 uses in the past, and that this is the best
21 potential use of the property?

22 I understand the broker -- I don't know if
23 the broker is here as part of your applicant team,
24 but I'm hoping that someone with, you know, direct
25 knowledge can sort of testify to that.

1 MR. FREEMAN: So, a couple things I would
2 say. We looked at other embassies, at one point the
3 property was under contract with an embassy and that
4 embassy decided to not move forward. I'd say, you
5 know, the Embassy of Pakistan has moved to other --
6 another location. So, that's another matter of
7 right use, right?

8 There has been extensive effort to market
9 it to all types of users. We -- they talked to
10 embassies that they -- that did not move forward.
11 They've talked to museums that did not move forward.

12 I think in our -- don't think I know, we
13 also looked at other matter of right uses that we
14 don't believe kind of make the most sense here,
15 right, like a public recreation center, a -- it's in
16 one of our slides here.

17 So, there are also other matter of right
18 uses that, you know, we looked at, but they just
19 wouldn't be appropriate for this neighborhood.

20 And the broker opinion goes through the
21 fact that he marketed it for any -- almost anybody
22 who wanted it to use it for any use.

23 I think another important part to think
24 about is that it's been vacant for 20 years, so
25 there's that additional cost that deters potential

1 users from being interested in a property.

2 VICE CHAIR GOLDSTEIN: Thank you. I've got
3 another question or two. I'm a little interested in
4 this lot configuration issue and the emphasis on the
5 easement.

6 So, the application is just for the lot
7 that the building is on, is that correct? But there
8 are additional lots owned by the same Applicant, is
9 my understanding correct?

10 MR. FREEMAN: Your understanding is
11 correct. If you pull up a site plan, the building
12 is on Lot 65 and 66, starting from right corner
13 left, the building's on 65 and 66.

14 Lot 55, which is also owned by the
15 Applicant, will provide an easement to access Lot 66
16 and 65. There is no direct access to 65 and 66, the
17 only way to access 65 and 66 is through 55.

18 VICE CHAIR GOLDSTEIN: And that would be a
19 new easement that you're proposing?

20 MR. FREEMAN: To be created, yes, sir.

21 VICE CHAIR GOLDSTEIN: Just to ask, is the
22 idea that, in the future, that lot could be sold to
23 someone else, which is what the reason is for the
24 easement?

25 MR. FREEMAN: It could potentially be sold,

1 it's not technically a part of this application, it
2 could potentially be sold. It could potentially be
3 developed as a matter of right. So, yes, the -- in
4 the future, that site could be sold, which is why
5 the easement would be created.

6 VICE CHAIR GOLDSTEIN: Okay. So, you're
7 not proposing that it's going to combine, that this
8 will all be one giant lot?

9 MR. FREEMAN: No, we're not proposing to
10 subdivide these all into one single lot, no, sir.

11 VICE CHAIR GOLDSTEIN: And the easement is
12 also critical for your satisfaction of the parking
13 requirement, is that right?

14 MR. FREEMAN: So, the easement is critical
15 because otherwise you won't be able to access the
16 site. There would be no way for vehicles to access
17 it at all.

18 So, from that perspective, yes, it's
19 critical to satisfy the parking requirement and
20 actually have vehicles access the site at all.

21 VICE CHAIR GOLDSTEIN: Yes, the two go hand
22 in hand. You saw DDOT's report, and do you have --
23 can you help us understand how you're responding to
24 what DDOT recommended?

25 MR. FREEMAN: So, I'm not sure which part

1 you're referring to. So, right now, the site has
2 multiple curb cuts, and we will be closing those
3 curb cuts and bringing that space. Kind of today,
4 it's like a lay-by situation.

5 We are closing those curb cuts, and
6 improving that space, and returning it to true
7 public space use along the eastern frontage of the
8 site, it's paved like asphalt.

9 Cars, at one point, parked there, that will
10 no longer be happening. And we're bringing that
11 back to kind of standard public space condition,
12 which, again, we describe as part of how we meet the
13 variance test because that is a somewhat unique
14 condition in the District of Columbia.

15 So, if those are the two points you're
16 referring to in the DDOT report, that is what we're
17 doing.

18 I think Ms. Mitchell just indicated that
19 somewhat in her presentation, but obviously, we
20 would have to go through a DDOT public space process
21 to close those curb cuts and improve those spaces.

22 VICE CHAIR GOLDSTEIN: Okay. I think that
23 sounds like it'll be a real improvement to the
24 public space, and those are more type of issues.

25 MR. FREEMAN: I'm sorry, it's something

1 that we heard folks in the community were happy
2 about.

3 VICE CHAIR GOLDSTEIN: Okay. I just have
4 one more set of questions I'd love to ask Ms.
5 Mitchell about them.

6 Could you just help me understand what --
7 how big are these apartments? Why -- I'm just
8 curious, why six? Just what led to sort of this
9 outcome for you?

10 MS. MITCHELL: We do a lot of multifamily
11 housing here in our office. And so, we know what is
12 marketable for the most part and what fits in the
13 footprint of the building with the given layout of
14 the existing building is two-bedroom units per
15 floor, and that's -- and two-bedroom units are very
16 marketable. So, that's why we went that way.

17 We also discussed this with the owner and
18 with all of our consultants on this project to make
19 sure that that was a viable way to lay out the
20 building. But it also helps to preserve the
21 existing architecture on the interior, which we felt
22 strongly about.

23 VICE CHAIR GOLDSTEIN: Okay.

24 Thank you very much, that's helpful.

25 No further questions at this time.

1 BZA CHAIR POURCIAU: Thank you, Vice Chair
2 Goldstein.

3 Are there questions from Board Member
4 Lindsjo?

5 MEMBER LINDSJO: Not at this time, but
6 thank you for your thorough presentation.

7 BZA CHAIR POURCIAU: Thank you. Chairman
8 Hood, do you have questions for this Applicant?

9 ZC CHAIR HOOD: Yes, I have a few comments
10 and questions. But first, I want to give Mr.
11 Freeman a chance, I know under Subtitle Y-48.2, you
12 actually have 60 minutes to give us a presentation,
13 and I know you were almost finished.

14 So, I want to, first -- and we do this 15
15 minutes, too, but we all always know that the
16 regulations say you have much more time, but we do
17 this to try to make sure that we're respectful of
18 others who are coming behind you.

19 But let me ask you, Mr. Freeman, did you
20 have any additional information? Because I think
21 one of the questions that the Vice Chair asked you,
22 you didn't get a chance to get to that slide, but
23 did you have anything you wanted to finish in your
24 presentation? If not, I will ask my questions.

25 MR. FREEMAN: Thank you, Mr. Chairman. The

1 part that I didn't get through as much was how we
2 meet the third part of the variance test, the no
3 detriment.

4 But, you know, we covered that, I think, in
5 some of the questions, which is why I kind of jumped
6 to the ANC piece. I'm sure the Office of Planning
7 will present their report.

8 And then, again, the -- I think the Vice
9 Chair asked the question about the marketing
10 efforts.

11 I just wanted to refer back to Exhibit 27B,
12 which I summarized a little bit but, it details a
13 little bit more what efforts were taken.

14 Again, and it's been vacant for 20 years
15 so, it's not the case that, I don't know, the proof
16 is in the pudding, I would say, I don't know if
17 that's still a phrase that people use, but it's been
18 vacant for a long time, despite efforts to try to
19 get the property back into use.

20 ZC CHAIR HOOD: Okay, thank you, Mr.
21 Freeman.

22 I'm going to bring you up to speed on what
23 the young folks are saying, and they're not
24 necessarily saying the proof is in the pudding.

25 I would also say I want to commend you on

1 showing -- I just mentioned another case about
2 showing your homework, when you talk about the land
3 values and what some of the scenarios are and why we
4 got to where we are, I want to thank you all for
5 doing, that was very well helpful, which can cut
6 down on me asking a lot of questions.

7 And also, I appreciate Mr. Colbert, who's a
8 household name in architecture in this city, and
9 glad to know that Ms. Mitchell is working along with
10 him.

11 So, I don't have any questions, I think you
12 all have done a good job at least presenting in
13 front of the Board of Zoning Adjustments in this
14 particular case.

15 Thank you. Thank you, Madam Chair.

16 BZA CHAIR POURCIAU: Thank you so much. My
17 apologies for rushing you, Mr. Freeman, but you did
18 a fabulous job of moving through.

19 If there are no more questions right now, I
20 think we'll move on to the report from the Office of
21 Planning, Mr. Bradford?

22 MR. BRADFORD: Good morning, Chair
23 Pourciau, members of the Board. For the record,
24 this is Philip Bradford with the Office of Planning.

25 OP is recommending approval of the requested use

1 variance, as shown in the report in Exhibit 29.

2 The Applicant faces an exceptional
3 condition or situation, and while there are many
4 factors noted by the Applicant, OP would like to
5 focus on the following factors. The existing
6 building is exceptionally large, limiting potential
7 matter of use -- or matter of right uses on site.

8 Its past longstanding uses of chancery
9 result in a configuration that resembles multifamily
10 housing, and the building is a contributing
11 structure in the Sheridan-Kalorama Historic
12 District, thus adding complexity in the renovation
13 and reuse.

14 When considering exceptional, practical
15 difficulties, or undue hardship facing the
16 Applicant, OP concurs with the Applicant that the
17 size, cost, and market for finding a buyer for the
18 property as a single unit dwelling is extremely
19 limited.

20 The property has been marketed extensively
21 without finding a buyer for any matter of right R-3
22 use. And there is no path forward through a map
23 amendment, as the comprehensive plan would not
24 support it, and the size of the property is not
25 large enough to utilize the PUD process.

1 The record shows that the public and the
2 ANC is in support of the use variance, and the
3 renovation of a historic building of this size would
4 be in the public's best interest.

5 Given the size, massing, and uses of the
6 adjacent buildings, allowing a six unit building in
7 this location would not be out of character with the
8 area and would fit the context of the neighborhood.

9 That concludes my testimony and I'm
10 available for any questions.

11 Thank you.

12 BZA CHAIR POURCIAU: Are there questions
13 from the Board? I'll start with Vice Chair
14 Goldstein.

15 VICE CHAIR GOLDSTEIN: I don't have any
16 questions.

17 Thank you for your report and presentation.

18 BZA CHAIR POURCIAU: Board Member Lindsjo,
19 do you have any questions?

20 MEMBER LINDSJO: I do not have any
21 questions.

22 BZA CHAIR POURCIAU: Thank you.

23 Okay, and Chairman Hood, any questions?

24 ZC CHAIR HOOD: Thank you, Mr. Bradford,
25 for your report.

1 And Madam Chair, I have no questions.

2 BZA CHAIR POURCIAU: Thank you. Thank you,
3 Mr. Bradford. The next item, we don't have any
4 witnesses from any other government agencies. The
5 ANC, I believe, is not present but has approved this
6 application. There were no parties, either in
7 support or opposition, who signed up or individuals
8 who signed up to testify.

9 And so, with that, I'd like to ask the
10 applicant if he has any closing remarks?

11 MR. FREEMAN: Thank you for your time
12 today, again, we think the record clearly indicates
13 that the -- we meet the standard. So, we would
14 request that the Board approve our application as
15 expeditiously as possible, and thank you.

16 BZA CHAIR POURCIAU: All right, any final
17 questions or comments from the Board for the
18 Applicant or OP?

19 No, I don't see any. All right, we have
20 completed our questions and answers and are ready to
21 deliberate.

22 I want to thank you all for coming in today
23 and for your application. I would like to please
24 close the hearing and the record, and witnesses can
25 now be excused, and we will deliberate the case.

1 Are there any items left to discuss or
2 would someone like to make a motion on this case?

3 (No response.)

4 BZA CHAIR POURCIAU: I do want to say, I'm
5 pleased to hear that they are agreeing to comply
6 with the DOT recommendation, or DOT request, to
7 close the two curb cuts and the driveway in the
8 front, and to return that to public use. And it
9 sounds like they're going to do some nice
10 landscaping all around the property. So, that seems
11 like another improvement that would be worthwhile.

12 Anybody have anything else to add?

13 (Simultaneous speaking.)

14 VICE CHAIR GOLDSTEIN: I'm sorry, Chairman
15 Hood.

16 ZC CHAIR HOOD: No, no, no, you go ahead
17 because I was going to make a motion, you go right
18 ahead.

19 VICE CHAIR GOLDSTEIN: Oh, okay. I'll cue
20 you up when I'm done.

21 I think the ANC -- so the ANC supports it,
22 OP supports it, there's a number of letters in
23 support. I think there's no doubt this is an
24 exceptional or unique circumstance.

25 Use variances are difficult and we've had a

1 couple that have created some challenging analysis.

2 This one I think is pretty straightforward, in my
3 mind. I think the record's very full about why a
4 use variance -- why it's necessary, how there would
5 be an undue hardship in this case.

6 I think the broker report, the submissions
7 were very helpful in supporting that position. The
8 vacancy, the attempts to market it for something
9 else and the like. I also -- I think they meant the
10 prongs of the variance test, and I would be
11 supportive of it.

12 Chairman Hood, off to you.

13 ZC CHAIR HOOD: I don't know if I should
14 follow that one, but that was very good. And I,
15 too, have -- and I appreciate the analysis on the
16 land use, as I mentioned and you mentioned that too,
17 Vice Chair.

18 I looked at the court cases and how we can
19 do, as you mentioned about the use variance, it is a
20 hard hill to climb, and I think they have met that
21 case. And I think, for me, that basically made
22 their case, they made the case.

23 So, with that, I would move that we grant
24 the relief requested in Application Number 21467,
25 the relief of Subtitle X-1002 as well as Subtitle U-

1 201.1 with all information captured and the
2 discussion, and ask for a second or any further
3 discussion.

4 Well, let me -- I'm not running this so let
5 me -- I'll just -- and I'll ask for a second.

6 MEMBER LINDSJO: I second that motion.

7 BZA CHAIR POURCIAU: I happily yield to
8 you, Chairman Hood, you can -- you if you want to
9 start --

10 ZC CHAIR HOOD: No, I have enough -- I have
11 my own work to do so, let me be quiet.

12 BZA CHAIR POURCIAU: Thank you for that
13 motion and second.

14 Madam Secretary, would you please call the
15 vote?

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

18 Chair Pourciau?

19 BZA CHAIR POURCIAU: Yes.

20 MS. MEHLERT: Vice Chair Goldstein?

21 VICE CHAIR GOLDSTEIN: Yes.

22 MS. MEHLERT: Board Member Lindsjo?

23 MEMBER LINDSJO: Yes.

24 MS. MEHLERT: Chairman Hood?

25 ZC CHAIR HOOD: Yes.

1 MS. MEHLERT: Staff would record the vote
2 as four to zero to one to approve Application Number
3 21467 on the motion made by Chairman Hood and
4 seconded by Board Member Lindsjo.

5 BZA CHAIR POURCIAU: Thank you.

6 I don't want a break for lunch yet, but I
7 would like to take a ten minute break.

8 Are you all in agreement with that?

9 (NO AUDIBLE RESPONSE)

10 BZA CHAIR POURCIAU: Yes?

11 Okay, so I'll see you back here at 11:55.

12 Thank you.

13 (Whereupon, the above-entitled matter went
14 off the record at 11:45 a.m. and resumed at 11:56
15 a.m.)

16 BZA CHAIR POURCIAU: Okay, I see Ms.
17 Lindsjo is back, I think she might have pushed the
18 wrong button. Welcome back, we are ready to proceed
19 with Application No. 21468. Madam Secretary, would
20 you please read it into the record?

21 MS. MEHLERT: As the board has returned
22 from a quick break, and back to its hearing session,
23 next is Application No. 21468 of Kevin Alonzo and
24 Jane Luxner. As amended, this is an application
25 pursuant to Subtitle X, Section 901.2 for a special

1 exception under Subtitle D, Section 5201 from the
2 alley center line setback requirements for an
3 accessory building under Subtitle D, Subsection
4 5004.1A.

5 This is for a new one story accessory
6 structure in the rear part of an existing two story
7 dwelling. It is located in the R1B zone at 5020
8 Belt Road Northwest, Square 1756, Lot 844.

9 BZA CHAIR POURCIAU: Thank you. I see we
10 are joined by the applicant, I believe, Mr. Alonzo,
11 how are you today?

12 MR. ALONZO: Yes, good, how are you doing?

13 BZA CHAIR POURCIAU: Really good, we are
14 ready to hear your report, or presentation.

15 MR. ALONZO: Sure, thank you. Yeah, I,
16 Kevin Alonzo, along with my wife, Jane Luxner, are
17 the owners at 5020 Belt Road Northwest. In order to
18 build a shed in our backyard we're requesting
19 special exemption to the alley central line rear
20 yard requirements, where it's seven and a half feet
21 are required, and we're proposing five feet.

22 However, I did get a notice from the Office
23 of Planning today, I was advised of the recent
24 amended regulation changed on July 10th, so I'm
25 updating my testimony to officially request the

1 additional relief of the side setback requirements
2 for accessory buildings of Subtitle D, Section
3 5005.3, 3 feet required existing, not applicable, 6
4 inches proposed.

5 I also wanted to note that there is no
6 change to the original request, and the six inch
7 side setback continues to match what's depicted on
8 the plot at Exhibit No. 2. I submitted a PowerPoint
9 with a couple of slides, the third slide has the --
10 on the third slide that's where I have the existing,
11 it's a tarp storage, and that's where the new shed
12 would be placed. And you can see there is the alley
13 in the back, butting up against my rear yard.

14 So, it's a ten foot alley, and that's where
15 I'm requesting from the center line to be five feet,
16 because I wanted to build the shed right up next to
17 where the fence is. And I also didn't want to move
18 it further to the right, because we have a Japanese
19 maple tree, so it prevents us from having to cut
20 into that Japanese maple, it provides for secure
21 storage.

22 On the first slide you can see the -- I'm
23 going to work with Tuff Shed, that's what the shed
24 looks like on the right side, it's a ten by ten
25 shed, it's not a car garage. It would be used just

1 for scooters, bikes, shovels, and gardening
2 equipment, it would prevent damage to the Japanese
3 maple. It doesn't burden neighbors with the light,
4 air, and noise, it fits into the character with the
5 rest of the neighborhood, and it would be placed on
6 an existing flagstone patio.

7 So, it wouldn't result in any loss of
8 permeable space, and yeah, we have support from the
9 Office of Planning. I had a meeting with the ANC
10 just a few days ago, they supported it. On slide
11 two I have a letter of their support, along with
12 signatures from five adjacent neighbors also
13 supporting the shed being placed there. That is all
14 I have.

15 BZA CHAIR POURCIAU: Thank you so much, Mr.
16 Alonzo, that was brief, and succinct, and thorough,
17 I want to thank you for that. And I would like to
18 say on the record that I have been advised that it
19 is not a shed, but it looks like a shed to me, so
20 maybe our definition of a shed might be another
21 thing that needs updating. And speaking of
22 updating, thank you for updating your request based
23 on the change to the zoning regulations.

24 We have the chair of the zoning commission
25 here, and I think they thought they were making it

1 easier for folks, but for you maybe it was just a
2 little harder, but not hard enough to maybe make a
3 significant difference. So, thank you for that.
4 Are there questions for the applicant from the
5 Board? Vice Chair Goldstein?

6 VICE CHAIR GOLDSTEIN: Thank you very much.
7 I think it seems very straightforward, the project
8 itself, I also appreciate you being nimble to sort
9 of update the relief requested. We're in this
10 period of transition where some new rules took
11 effect, and your application kind of straddles that
12 time, so thank you for being sort of open and
13 flexible to it. One thing, just regarding the
14 relief request.

15 I don't anticipate any notice issues, and I
16 just want the Board to know that, and if anyone
17 objects, the project hasn't changed, it's the same
18 thing, it's the same placement, it's just part of
19 the special exception relief. So, I don't see any
20 notice concerns. I do think the applicant may need
21 to update their self-certification.

22 I believe it was originally a DOB referral,
23 but I think that the applicant may need it as just
24 something to provide to the Office of Zoning as part
25 of their case file, just the updated relief being

1 requested in a self-certification. Otherwise I
2 don't have any more questions for the applicant, I
3 think he did a great job.

4 BZA CHAIR POURCIAU: Thank you for that.
5 Ms. Lindsjo, do you have any questions or comments
6 for the applicant?

7 MEMBER LINDSJO: I don't have any questions
8 or comments, just thank you for a quick
9 presentation.

10 BZA CHAIR POURCIAU: Thank you. Chairman
11 Hood?

12 ZC CHAIR HOOD: Thank you, Madam Chair. I
13 would also agree with what I heard so far from my
14 colleagues. I will tell you, we had 24 things on
15 our omnibus bill, and the aim was to make it easier,
16 but then again that's exactly what the Board of
17 Zoning is supposed to do, give you exceptions, and
18 variants, so I think it's working. We may not
19 agree, there is only three of us, so we work hard
20 because others were on furlough with the government.

21 But I will tell you, I appreciate your
22 application, and I will tell you, you will love that
23 Tough Shed, I have one, and I will tell you this, I
24 do have my permits, but I will tell you this, Mr.
25 Alonzo, you are going to love it. So, I'm sure I

1 don't see any reason that I would be against this
2 project moving forward. So, hopefully we didn't put
3 you through too much inconvenience, and again, thank
4 you for updating your application. Thank you, Madam
5 Chair.

6 BZA CHAIR POURCIAU: Thank you. I was
7 ready to call the vote, but I think we have to go
8 through this process here. All right, so I would
9 next like to recognize Office of Planning, and I
10 think we have with us Mr. Isaiah today.

11 MR. ISIAH: Thank you, Madam Chair. For
12 the record this is Philip Isaiah on behalf of the
13 Office of Planning. I will be taking a bit more time
14 based off of the updated application. The Office of
15 Planning does recommend approval of the requested
16 alley line center line setback for leave in Subtitle
17 D, Subsection 5004.1A as noted in the staff report
18 that is contained in Exhibit No. 17 of the record
19 dated July 17th, 2026.

20 Of course there is more because of the
21 omnibus text amendment that was passed by the Zoning
22 Commission, and was published in the District of
23 Columbia Register on July 10th. There is a new
24 standard from which the subject project needs
25 relief, now in Subtitle D, Subsection 5005.3, which

1 requires now that in the R1 and R2 zones, accessory
2 buildings other than sheds, now of course a shed is
3 less than 50 square feet, this is 100 square feet.

4 Therefore this appears to be a shed, but it
5 is an accessory building for zoning purposes, shall
6 be set back three feet from the side lot line. The
7 location of the accessory building, as originally
8 requested by the applicant, is located six inches
9 from the side lot line, where there was formerly no
10 side setback requirement. And as such there is no
11 change to the subject application as enumerated by
12 the applicant.

13 And as such, OP also recommends approval of
14 the additional side setback relief requirements of
15 Subtitle D, Subsection 5005.3 to be located six
16 inches from the side lot line where the required set
17 back is three feet. To supplement this
18 recommendation, the Office of Planning will, for the
19 Board's consideration, enumerate how this continues
20 to meet the special exception standards in Subtitle
21 D, Subsection 5201, and Subtitle X, Subsection 901.2
22 of the zoning regulations.

23 While the Office of Planning can mostly
24 rest on the report in that the shed is clearly
25 subordinate to the subject property's use as a

1 single family dwelling, the Office of Planning also
2 notes that because of the placement of the shed at
3 the rearest point of the rear yard, and the location
4 of a wood board on board fence that's located
5 between the subject property and the neighboring
6 property on Lot 843, the Office of Planning finds
7 that those two subsections continue to be satisfied.

8 Such that the shed will not cause an undue
9 adverse impact in its placement six inches from the
10 side lot line in terms of either light, or air, or
11 adverse effect in terms of privacy. On this
12 recommendation, as supplied to the Board and the
13 staff report, staff recommends approval of both
14 requested special exceptions, and is available for
15 questioning. This concludes OP testimony, thank
16 you.

17 BZA CHAIR POURCIAU: Thank you for putting
18 that comprehensive record on the record. Are there
19 questions for OP?

20 ZC CHAIR HOOD: I do have a quick question
21 of OP, and it's very straight forward. The Zoning
22 Commission in the omnibus bill, did we add more
23 fluff -- I'm not going to say fluff, did we add more
24 stuff to residents, or did we make it easier in your
25 opinion? Because the recommendation came from OP to

1 us.

2 MR. ISAIAH: I was not directly involved
3 with the changes that were made to the omnibus bill,
4 of course my tenure started in the middle of the
5 approval process. And so I can't exactly answer
6 whether it would technically be easier or more
7 difficult. I would of course rest on the
8 experiences of applicants that will take places as
9 we start to understand, of course the applicant in
10 this case was caught up in where there was
11 previously no side setback requirement, and now of
12 course there is, and by 19 days.

13 ZC CHAIR HOOD: So, what I'm going to do,
14 I'm going to ask Ms. Mehlert to help me to convert
15 this situation over to Sharon, and I want the Zoning
16 Commission to take another look at this. Because if
17 you could help me, Ms. Mehlert, to remember to take
18 that over to Ms. Schellin, then I'm going to bring
19 it over to the commission. So, thank you very much,
20 I appreciate it, thank you.

21 BZA CHAIR POURCIAU: Okay, any other
22 questions for OP? I don't think so.

23 VICE CHAIR GOLDSTEIN: I just want to say
24 thank you very much, that was terrific work on being
25 flexible in addressing the additional standard, and

1 the impact, I really appreciate the analysis, and
2 also your work with the applicant to update, and
3 make sure that they technically meet the standards,
4 although the project itself isn't changing. So,
5 thank you very much for that.

6 BZA CHAIR POURCIAU: Thank you. I think I
7 got your name right this time too, Mr. Isaiah. All
8 right, next we will -- there is no one here to
9 testify on behalf of any other district agency, the
10 ANC is not present, but has provided approval, and
11 there are support letters, but there are no parties
12 or individuals in support or opposition present.

13 MR. YOUNG: Sorry, we do have one witness
14 signed up.

15 BZA CHAIR POURCIAU: Very good, all right,
16 let's hear from that witness. That is Benjamin
17 Nussdorf.

18 MR. NUSSDORF: Can you see and hear me?

19 BZA CHAIR POURCIAU: We do, we see and hear
20 you now, Mr. Nussdorf. Did I say that correctly?

21 MR. NUSSDORF: As good as it's ever going
22 to get.

23 BZA CHAIR POURCIAU: I know how that is.

24 MR. NUSSDORF: Thank you very much, thank
25 you for the opportunity to be here today. I am a

1 neighbor of Kevin and Jane, I live directly across
2 the street at 5005 Belt Road, and I wanted to
3 testify today in support of their application. Like
4 Kevin said, it will not present any kind of noise
5 issue in the neighborhood, any kind of sight issue
6 in the neighborhood, and we're all very supportive
7 of this.

8 I'm so supportive of it, I just gave him a
9 bike to put in that shed. And so I'm hoping that
10 this application can be voted on favorably, and
11 thank you very much for your time.

12 BZA CHAIR POURCIAU: Thank you for the time
13 to come on behalf of your neighbor, what a
14 neighborly thing to do. Are there any questions
15 from the Board for this witness? No? Thank you
16 again, Mr. Nussdorf, or I'll just say Benjamin. At
17 this point we'd like to hear concluding remarks from
18 the applicant. Mr. Alonzo, do you have any
19 concluding remarks you'd like to make?

20 MR. ALONZO: That was all from me, I just
21 appreciate everybody's time and support through
22 this, thank you.

23 BZA CHAIR POURCIAU: Excellent. And so the
24 Board will now deliberate, please close the hearing,
25 and the record. Witnesses will be excused, and then

1 we will deliberate, and vote on this case. All
2 right, so is there further discussion, or would
3 someone like to make a motion? I will call on Mr.
4 Goldstein first.

5 VICE CHAIR GOLDSTEIN: Sure, thank you so
6 much. I think the applicant has met their burden as
7 also amended in the relief that they requested
8 during their testimony today. I don't think that
9 there's any adverse notice issue, or the like. The
10 project is really a restrained project, it hasn't
11 changed, the notice about that additional relief
12 request in my mind is not consequential in any way.

13 I would encourage the applicants to talk to
14 OZ staff after about whether they need any
15 additional documentation about the added relief that
16 they requested. So, I'd just like the applicant to
17 see if that is necessary or not after today's
18 hearing. I am prepared to vote in favor of the
19 relief.

20 BZA CHAIR POURCIAU: Thank you, vice chair.
21 Are there any additional comments? Would someone
22 like to make a motion on this application?

23 VICE CHAIR GOLDSTEIN: I'm happy to, and
24 hopefully Ms. Mehlert can tell me if I get this
25 right. I'd like to make a motion to approve 21468

1 as captioned and read by the secretary, and as
2 further amended by the applicant in their testimony
3 today. So, that would be alley center line setback
4 requirements, and side yard setback requirements,
5 and I move to approve. Hopefully, Ms. Mehlert, that
6 covered it.

7 MEMBER LINDSJÖ: I second that motion.

8 BZA CHAIR POURCIAU: Thank you for that.
9 The motion has been passed and seconded. Madam
10 Secretary, will you please call the vote?

11 MS. MEHLERT: Please respond to the vice
12 chair's motion to approve the amended application.
13 Chair Pourciau?

14 BZA CHAIR POURCIAU: Yes.

15 MS. MEHLERT: Vice Chair Goldstein?

16 VICE CHAIR GOLDSTEIN: Yes.

17 MS. MEHLERT: Board Member Lindsjö?

18 MEMBER LINDSJÖ: Yes.

19 MS. MEHLERT: Chairman Hood?

20 ZC CHAIR HOOD: Yes.

21 MS. MEHLERT: Staff would record the vote
22 as four, to zero, to one to approve Application No.
23 21468 on a motion made by Vice Chair Goldstein, and
24 seconded by Board Member Lindsjö.

25 BZA CHAIR POURCIAU: Thank you so much, and

1 we are ready to proceed to Application No. 21470.
2 Madam Secretary, would you please read it into the
3 record?

4 MS. MEHLERT: Yes. Next is Application No.
5 21470 of Jannick Damgaard and Tanja Larsen. This is
6 a self-certified application pursuant to Subtitle X,
7 Section 901.2 for a special exception under Subtitle
8 E, Section 5201 from the rear yard requirements of
9 Subtitle E, Section 207.1, and pursuant to Subtitle
10 X, Section 1002 for area variances from Subtitle C,
11 Section 22.2 to allow enlargement of a non-
12 conforming structure, and from the lot occupancy
13 requirements of Subtitle E, Section 210.1.

14 This is for a first floor rear deck
15 addition to an existing three story attached
16 building located in the RF1 zone at 1708 Kilbourne
17 Place Northwest, Square 2600, Lot 83.

18 BZA CHAIR POURCIAU: Thank you. I see, I
19 guess we have Mr. Hoffland on board, I thought I saw
20 the applicant as Mr. Alonzo, so maybe you can
21 clarify. Yeah, the applicant, you can clarify what
22 I'm seeing here from my witness list, would that be
23 Mr. Hoffland, or Mr. Damgaard who will clarify?

24 MR. HOFFLAND: Sure, hi Board, this is Erik
25 Hoffland, the architect for the project, and I can

1 introduce also the client and owner, Jannick
2 Damgaard, who I believe is also on here as well, I
3 see him there.

4 BZA CHAIR POURCIAU: Okay, very good. And
5 so would you like to -- are there any details that
6 we need to address, Madam Secretary, or am I just
7 not seeing things correctly? I'm trying to open my
8 --

9 MS. MEHLERT: No, I don't believe there is
10 any preliminary matters, I think that just the
11 PowerPoint presentation was submitted late, so I
12 know you mentioned staff had provided us with the
13 record.

14 BZA CHAIR POURCIAU: Okay. All right, very
15 good, let's proceed with Mr. Hoffland, do you have a
16 report, or a presentation you'd like to present to
17 us today?

18 MS. MEHLERT: Yes, and I apologize, the
19 presentation I submitted late is just a compilation
20 of materials that are already submitted into the
21 record into one PDF. So, Mr. Young, if you have
22 that? Okay, there it is. Okay, so the project here
23 is a deck onto the rear of a row house in the Mount
24 Pleasant neighborhood, and this here shows the
25 property, what you can note here is that the lots on

1 this particular row are exceptionally shallow
2 compared to all of the other surrounding lots on the
3 block, and relatively to the neighborhood as well.

4 The lot actually is underneath the 1800
5 square foot minimum required lot size for the RF1
6 zone, and you can see there are five identical
7 houses on this row that were all built by the same
8 developer in 1910 with generally the same lot size.

9 Next. Here is just a photograph of the front of
10 the houses, our subject property is the one on the
11 far right of this section five in the middle here,
12 adjacent to the alley to the right.

13 Next. Again, close up of the front, next.

14 And you can see coming down to the side alley
15 there, next. Here is the rear of the property, and
16 if you'll see in the background there, there are two
17 other decks, and if we go to the next slide? Okay,
18 this is our property again, next. Okay, and then
19 this is at the opposite end of the alley, just down
20 that row.

21 This black deck was approved previously by
22 the BZA, Case No. 18679 about eight years ago.

23 Next. And there is another picture of it. And

24 next. And then directly next to it is the same

25 size, these are both decks that project 16 feet from

1 the property. Our deck is proposed to be exactly
2 the same footprint as these decks. Next. Here is
3 the existing condition, there is a parking pad, and
4 there is no rear deck off of the main floor of the
5 house.

6 So, the main floor of the house only has
7 the small front porch. Next. And then here you can
8 see where we're proposing the deck off of the main
9 level of the house to the rear. Again, identical to
10 the other two on the row, one of which was
11 previously approved by the Board. Next. I'm sorry,
12 this is sideways, but this just shows the side
13 elevation, and the deck, I apologize for that.

14 So, we're asking for three different things
15 for variance, for the non-conforming structure
16 because the existing lot is under this 1800 square
17 feet. We're asking for variance relief for the lot
18 occupancy since this would exceed the 70 percent, or
19 the 60 and 70 percent that would be allowed by
20 special exception. And then special exception for
21 the rear yard setback, because obviously this would
22 go beyond this 20 foot setback requirement.

23 We have letters of support from the ANC, we
24 have no objection from DDOT, and we have letters of
25 support from two neighbors on the row, one of them,

1 and probably the most important being the immediate
2 adjacent neighbor, which would be most directly
3 affected by the deck. And I think the Office of
4 Planning will speak that they have no objection to
5 the special exception for rear area setback, or the
6 non-conforming structure aspect.

7 What they are concerned about is the lot
8 occupancy, I believe that what we're trying to do
9 here is in keeping with the intent of the
10 neighborhood to have space for the occupants to
11 enjoy their house, and the rear yard. This is a very
12 small lot, and so they have parking lot at the lower
13 level, so kind of using that as a patio would
14 preclude them from having off street parking.

15 So, the deck is really the only place on
16 this small lot that they could have that use and
17 enjoyment. And also the lower level, the basement
18 is a rental unit, separate sealed rental unit as
19 well, so hard to get down there and use that. And
20 again, this is consistent with the other decks along
21 the row, we're not asking for anything unusual in
22 that regard.

23 And then I guess the last thing I would say
24 is that something that was brought up with the
25 previously approved variance for the other deck,

1 that black deck that I showed you, was that there is
2 a decent amount of crime in this area, especially as
3 it's so close to Mount Pleasant Street, where there
4 is a lot of people, maybe not necessarily in the
5 neighborhood that kind of filter off into the
6 residential areas.

7 And having a deck here really helps with
8 kind of keeping eyes on the alley so to speak, to
9 prevent or at least deter crime. And this property
10 is kind of unique in the position that it's right at
11 the confluence of three alleys, so you really get a
12 good visual of a lot of what is going on in the
13 alley. And so that was something that the Board
14 found to be a compelling argument in support of the
15 deck in the previous variance application, and we
16 submit that for this one as well.

17 And I am open to any questions, or if
18 Jannick has anything additional to add at this
19 point, I'll finish my formal presentation for now.

20 BZA CHAIR POURCIAU: Thank you. Was there
21 anything that anyone from the applicant's team would
22 like to add? No? Okay, that's good.

23 MR. DAMGAARD: Yeah, I think Erik laid out
24 the case really well, thank you so much, Erik. And
25 thank you so much for considering our case, it would

1 really mean a lot for us to have some outdoor space.

2 We have three kids, and they have friends over all
3 the time, so it would be nice to have a little bit
4 more space, because now we only have a small front
5 porch, and it would be really, really helpful for us
6 to have more outdoor space. So, thank you very much
7 for considering our request.

8 BZA CHAIR POURCIAU: Thank you for adding
9 that, that was helpful. Are there questions or
10 comments from the Board? I think Vice Chair
11 Goldstein, you had some comments about this one.

12 VICE CHAIR GOLDSTEIN: Thank you very much.
13 And my first question is kind of a technical
14 question, you requested area variance for leave from
15 the non-conforming structure requirement of C202,
16 and I'm guessing you've reviewed the OP report,
17 which says that it's not needed. That's just, in my
18 observation, I think that applicants have tended not
19 to request that as unnecessary. But I'm curious
20 what your thoughts are on that request that you
21 made.

22 MR. HOFFLAND: I guess my understanding,
23 and maybe I misunderstood the zoning requirements,
24 which is often the case, because I'm not as versed
25 in it as some of you, I thought that since the lot

1 is too small, so therefore the structure on it is
2 non-conforming, that any extension to that would
3 need a variance. But if that's not the case, then
4 obviously we can remove that request from the
5 application.

6 VICE CHAIR GOLDSTEIN: Okay. I would ask
7 the Office of Planning to really address that, and
8 we can sort of circle back to it. I mean, you're
9 the applicant, so you're entitled to request things,
10 but it appears that it may not be needed, so that
11 will be potentially one fewer thing you need to
12 request, but they can speak to it further in their
13 testimony, and you can adjust if you feel it's
14 appropriate.

15 Now, the Zoning Commission recently
16 adopted, and you were probably in process long
17 before the omnibus Zoning Commission case was
18 adopted and became effective, but my understanding
19 of the goal was that 200 square feet of deck space
20 could be exempted from lot occupancy as a way to
21 accommodate applicants, and the desire for more deck
22 space.

23 And so I'm just hoping you can talk about
24 why 200 square feet in your view didn't work for
25 this application, which would have just been

1 permitted under the zoning regulations, why it
2 needed to be bigger, and to seek the area variance
3 relief.

4 MR. HOFFLAND: I will address that briefly,
5 and then maybe Jannick wants to add something as
6 well. We did apply for this well before that
7 omnibus amendment was amended, so at the time of
8 this application, that 200 square foot exemption did
9 not exist. So, that wasn't even on the table. OP
10 did bring it to our attention, I think in general
11 one thing is that we would still, I think Jannick
12 would prefer the larger deck for his family since it
13 is really -- there is no additional yard space
14 beyond what this deck can give them.

15 And so that deck space would allow room for his
16 family, and their children, and guests to use in a
17 good way. And the other thing I think would be that
18 again, there are two other decks of the same size on
19 the same size lot with the same house on this row.
20 One of them was previously approved by the BZA, and
21 so I think we are just trying to follow in line with
22 that.

23 And that is in fact why we suggested this
24 particular size, and not going all the way to the
25 property line, or anything else, hoping that we

1 could kind of piggy back on the same kind of thought
2 process, and outcome that the BZA had on that case
3 as well.

4 VICE CHAIR GOLDSTEIN: Thank you. And I'm
5 hopeful maybe the owner can also speak to it a
6 little bit, nearly 100 percent occupancy is a high
7 number that we're seeing here, so I just really
8 would like to understand what is it about the
9 property that is lending itself to this much lot
10 coverage, and a deck this size.

11 MR. DAMGAARD: Yeah, so I'm not the
12 technical expert, so I can just tell you about why
13 we would like that from our family's perspective.
14 As I said before, we have three kids, they often
15 have friends over, 200 square feet would of course
16 be better than nothing, but also when we have
17 neighbors over, the family right next door, they
18 have three kids as well, ten people filling that
19 into a smaller deck would be difficult.

20 An alternative, which is what our next door
21 neighbor has, they have a patio on the ground level,
22 so you could also have that, but that means that the
23 parking space would be gone, and basically we need
24 to park on the street, and it's not that we have a
25 lot of street parking in that part of Mount

1 Pleasant, so that would add to the problem of the
2 neighborhood of limited parking.

3 So, that would make it even more difficult.

4 But for us that's really, except for a very small
5 front porch, that is the only outdoor space that
6 we'll have. So, it would be nice to have, of course
7 we could probably fit a family of five around a
8 dinner table on the smaller deck, but if we just
9 had, it's not like we are having crazy parties, but
10 even just having a few friends over, we would
11 probably need a little bit more space so we wouldn't
12 be totally crammed together.

13 So, that is why we are looking for it, and
14 also we have two support letters, but we have been
15 talking to all the neighbors, and they were all very
16 supportive. It's just because now we were
17 traveling, so we could only get two letters on short
18 notice, they all supported it. Many other neighbors
19 have similar sized decks, and they enjoy that deck,
20 so they think that we should be able to enjoy the
21 same deck.

22 And our neighbors, which is probably those
23 who would be affected the most, they fully support
24 it, and they say well it's your property, you should
25 be able to do whatever you want on your property

1 within reason of course. And basic laws of privacy,
2 whether it's 200 square feet or bigger, that doesn't
3 really make any difference. And I guess you could
4 also say that there is already a precedent.

5 So, when you look at it from a structural
6 point of view, it looks more, I don't know,
7 symmetric if it's kind of the same everything. But
8 I think the most important thing is for our family,
9 a family of five, it would be nice to have, it's the
10 only outdoor space we have, it would be nice to have
11 a little bit more. And as Erik said, we are not
12 trying to go beyond what the neighbors already have.

13 And the neighbors have similar lot sizes,
14 and they got it, so we were hoping we could get the
15 same, so that's the background for the application.

16 Thank you so much.

17 VICE CHAIR GOLDSTEIN: Thank you.

18 MR. HOFFLAND: And one other thing, Board,
19 if I could just add, is that if you again look at
20 the surrounding lots, not just this row of five, but
21 the entire rest of the block, much deeper lots, this
22 size deck would be a by right deck on any of those
23 lots. So, it's really just the fact of the very
24 small lot that we have here that brings us to the
25 nearly 100 percent lot occupancy, and that's really

1 the kind of constricting factor here with the
2 smaller lot.

3 Especially one that is even under the 1800
4 square foot minimum for this zone. So, to me it's
5 somewhat of a numbers game, but I leave that to the
6 board, and OP, and everybody to discuss as well.

7 BZA CHAIR POURCIAU: Thank you. Vice
8 chair, you're done? Board Member Lindsjo, do you
9 have any comments or questions for the applicant?

10 MEMBER LINDSJO: I don't have any
11 questions, I appreciate your answers previously, and
12 your presentation, thank you.

13 BZA CHAIR POURCIAU: Thank you. Chairman
14 Hood, any questions or comments?

15 ZC CHAIR HOOD: No, I don't have any
16 questions. I think in this case the omnibus, I know
17 that the applicant chooses to do it a little
18 further, and that's his right. So, I don't have any
19 questions, I think for me they've made the case.
20 Thank you.

21 BZA CHAIR POURCIAU: Excellent. We'll move
22 on to the next presenter, which is Mr. Beamon from
23 Office of Planning.

24 MR. BEAMON: Yes, and thank you, good
25 afternoon board members. For the record, Office of

1 Planning. OP has reviewed the application for the
2 requested area variance for leave from lot
3 occupancy, and finds that the request has not met
4 the criteria for Subtitle X, Section 1000, therefore
5 OP recommends denial, as we have found that the
6 substandard lot size, and existing over development
7 of the lot are not an exceptional situation, as
8 there are other lots with similar characteristics in
9 the area.

10 And denial of the variance should not
11 result in practical difficulty for the owner, as
12 this would not preclude use of the rear yard. OP
13 recommended to the applicant to reduce the proposed
14 deck to a maximum of 200 square feet, which would be
15 exempt from lot occupancy, per the omnibus text
16 amendment. If the Board should determine that the
17 applicant has met the area variance test for the lot
18 occupancy, OP has no objection to the requested
19 special exception relief for the rear yard.

20 And to address Vice Chair Goldstein's
21 comments in regards to C202, there are no specific
22 special exception or variance review criteria for
23 that section. That section just states that if
24 there is an addition on a non-conforming structure,
25 you can't request relief from the development

1 standards that cannot be conformed to. And then
2 I'll have one additional correction to OP's report.

3 That the applicant was requesting to
4 increase lot occupancy from 69.4 percent to 96.1
5 percent, I think we have it to 100 percent, but it
6 should be 96.1. And with that I will conclude, and
7 take any questions.

8 BZA CHAIR POURCIAU: Thank you. Vice Chair
9 Goldstein, questions for OP?

10 VICE CHAIR GOLDSTEIN: Yes, thank you, I do
11 have a couple of questions. Thank you for your
12 testimony and report. One other thing I'd like to
13 ask you on the first page of your report, I just
14 want to see if this might fall in the same category
15 as the correction for lot occupancy, but it says
16 rear yard 20 feet required, 10 existing, 0 proposed,
17 is the 0 proposed not an accurate reflection of
18 what's being proposed?

19 MR. BEAMON: Correct, yes, that is
20 incorrect as well, yeah.

21 VICE CHAIR GOLDSTEIN: And the amount
22 should be something, I think it may be on your
23 second page.

24 MR. BEAMON: It is, those are the correct
25 numbers, yes.

1 VICE CHAIR GOLDSTEIN: Okay. For the C202,
2 and I just want to make sure I'm clear, for non-
3 conforming structures, you're stating there's no --
4 you apply for relief from whatever needs relief, but
5 there is no separate criteria for relief from C202
6 itself, is that what you're stating?

7 MR. BEAMON: Correct.

8 VICE CHAIR GOLDSTEIN: So, I kind of leave
9 it to the applicant, but what I'm hearing is that
10 that relief, and you can correct me if I'm wrong,
11 Mr. Beamon, you would view it as not necessary in
12 this application, as you wrote in your report, is
13 that right?

14 MR. BEAMON: That's right.

15 VICE CHAIR GOLDSTEIN: So, I'm trying to
16 understand a little bit, and this is a little bit
17 unfair because it's a new requirement, and I'd
18 really like to understand a bit better how the
19 Office of Planning views it. The 200 square feet of
20 deck is now exempt under lot occupancy. Is it OP's
21 interpreted view that once you go over 200 square
22 feet, the whole deck is included in the lot
23 occupancy calculation?

24 I could imagine another interpretation,
25 where you're exempt for the first 200 square feet

1 from lot occupancy of the deck, and what's over that
2 counts toward your lot occupancy calculation. I'm
3 just wondering, have there been internal discussions
4 at the Office of Planning about the interpretation
5 that's being pursued here, which is that the entire
6 deck now counts towards the lot occupancy?

7 MR. BEAMON: I have not been a part of any
8 internal discussions, nor have I experienced any
9 cases where this has come up as a question of
10 interpretation, so I don't know how to best answer
11 that question for you. But definitely we can look
12 into that more to see if that is an issue that we
13 need to look at further. But it's my understanding
14 that once you exceed that 200 square feet then all
15 that has to apply towards your lot occupancy.

16 VICE CHAIR GOLDSTEIN: I mean that may be
17 right, and it's possible that I'm just not seeing
18 that instruction, or that approach. Just on its
19 face looking at rule 312.4, I can't necessarily tell
20 which way it's intending to go on that point. I
21 mean, in its most extreme form you're at 201 square
22 feet, and instead of counting the 1 toward lot
23 occupancy, you're now counting 201.

24 So, it's a question in my mind about what
25 the appropriate interpretation of this is. I expect

1 that eventually as we see more of these, and as
2 things go to permitting, will need to be clarified.

3 I'll just, Mr. Beamon, one additional question, you
4 heard a bit more from the applicant about why they
5 believe this application should meet the variance
6 test.

7 I'm just wondering, has anything that
8 you've heard from the applicant today compelling for
9 you as a reason that would change your
10 recommendation in any way?

11 MR. BEAMON: Not towards the variance, no.
12 Again, as I mentioned before, the absence of a deck
13 would not preclude them from outdoor space, it's up
14 to them on how it would be used, but they would
15 still have their existing outdoor space, and again,
16 it is again, a substandard lot, we are aware of
17 that, however it's not a unique or an exceptional
18 situation within that area.

19 There are several other lots that have the
20 same exact configuration, lot dimensions,
21 development, so it's difficult to say that this is a
22 unique situation for this specific lot, it's not
23 irregularly shaped, it just so happens to be smaller
24 than what is standard for the RF1 zone.

25 VICE CHAIR GOLDSTEIN: Did you review the

1 cases that the applicant referenced for other decks
2 on the block, or nearby that may have gotten zoning
3 relief? I'm just curious for your thoughts on, if
4 you have, for your thoughts on any of those cases,
5 or more generally for that line of analysis about
6 other cases versus this case.

7 MR. BEAMON: Yes, so the applicant did
8 reference a few cases in their application, two of
9 which were for special exceptions, I believe from
10 the rear yard requirements, but there was no
11 variance included with those applications. And then
12 there was the other case mentioned that is on the
13 same row as the subject property. So, that one, OP
14 again recommended denial for that one, and I believe
15 the other deck that's on that row did not have any
16 BZA case application.

17 But we are pretty consistent with our
18 analysis from the previous case in this case. I
19 think they mentioned there were issues with crime,
20 there was no real indication of that, but there
21 really weren't any significant differences between
22 the two lots on either corner of this row. I think
23 the older case may have been a little bit smaller in
24 lot area, but I think that was the only difference
25 that I observed.

1 VICE CHAIR GOLDSTEIN: Okay, thank you, I
2 don't have any additional questions.

3 BZA CHAIR POURCIAU: Thank you, vice chair.
4 Any questions, Ms. Lindsjo?

5 MEMBER LINDSJØ: Not at this time, thank
6 you.

7 BZA CHAIR POURCIAU: Thank you. Any
8 questions, Chairman Hood?

9 ZC CHAIR HOOD: No, I don't have any
10 questions. Thank you, Mr. Beamon, as always, for
11 your report. I may not always agree with it, but
12 thank you for your report.

13 BZA CHAIR POURCIAU: Thank you, Mr. Beamon,
14 your report was very comprehensive, and provided
15 clarity on the regulations. I do want to -- I have
16 not seen the actual square footage, and the 200
17 square foot had me wondering, so the actual square
18 footage is 201, is that what I heard from Mr.
19 Goldstein, is that correct?

20 VICE CHAIR GOLDSTEIN: I think I was just
21 giving a hypothetical. I did say it, I think --
22 I'll let the applicant speak for themselves.

23 BZA CHAIR POURCIAU: Yeah, what is the
24 actual square footage please?

25 MR. HOFFLAND: Yeah, I believe it's 360

1 square feet, it's 20 feet wide, which is the lot,
2 and then 16 foot deep.

3 BZA CHAIR POURCIAU: Okay, thank you very
4 much.

5 MR. HOFFLAND: I'm sorry, for the whole
6 section, yes, that's right.

7 BZA CHAIR POURCIAU: Thank you again, Mr.
8 Beamon. We will now go to there is no one else
9 present from the government to testify. The ANC has
10 approved this application, and they have received
11 three letters in support, but there are no parties
12 signed up either in support or opposition, or
13 individuals in support or opposition that have
14 signed up to testify. And so at this point I
15 believe we are ready for closing statements from the
16 applicant.

17 MR. HOFFLAND: Yeah, well thank you again
18 for hearing our case. I think I would just like to
19 close by addressing the OP's report. Again, and I
20 appreciate Mr. Beamon's outreach, and he called me,
21 and we had extensive conversations about the
22 project, so I understand his view. His report, as he
23 mentioned, is consistent with the report of the
24 previous case on the row, which ultimately the BZA
25 approved.

1 I would hope they would apply the same kind
2 of thinking on this case. But I think I would just
3 say that I understand Mr. Beamon's report, I think
4 it's a bit severe interpretation to say that, and I
5 quote, denial of the variance will not preclude all
6 use of the existing rear yard, and the current
7 zoning regulations do not clearly indicate that
8 residents are entitled under zoning to private
9 outdoor recreation space on their property.

10 That may be true, I think the spirit of
11 zoning is that people should be allowed to use the
12 rear of their property for their use and enjoyment.

13 And I think there is a burden here with the smaller
14 lot that does not allow a deck by right. I
15 understand the recent zoning amendment would allow a
16 certain sized deck that was not available to us when
17 we applied for this application.

18 But I still do think that the larger deck
19 would not be inconsistent with what's already been
20 approved on the row, and the size of deck that is
21 available in the neighborhood. And so I would hope
22 that the Board would see that this deck is not
23 against the greater good, the detriment of the
24 neighbors who will support it, and that they will
25 take that in consideration when deliberating on this

1 case. Thank you very much.

2 BZA CHAIR POURCIAU: Thank you so much.
3 Any follow ups from the Board for the applicant?
4 I'm not --

5 VICE CHAIR GOLDSTEIN: I do have a quick
6 question, I'm trying to just think through some
7 hypothetical math real quickly here. What does 200
8 square feet represent as lot occupancy for you,
9 versus the 300 plus represent in lot occupancy, just
10 out of curiosity?

11 MR. HOFFLAND: Yeah, let's see, hold on, I
12 should be able to get you that number, if you give
13 me two seconds I can probably give it to you. We
14 are at --

15 VICE CHAIR GOLDSTEIN: Back on the spot as
16 always.

17 MR. HOFFLAND: 83.6 percent.

18 VICE CHAIR GOLDSTEIN: Is with the 200
19 square feet?

20 MR. HOFFLAND: Correct, versus I think it's
21 95 percent that we're requesting, or sorry, 96.
22 Well, I get 95.1 percent, the OP report says 96.1,
23 but I guess that's splitting hairs.

24 VICE CHAIR GOLDSTEIN: Help me out here,
25 roughly 12 percent more in lot occupancy for 200

1 square feet versus the actual deck's proposal size?

2 MR. HOFFLAND: Yes, that's right.

3 VICE CHAIR GOLDSTEIN: Thank you. And I
4 just wanted to hear your reaction to the Office of
5 Planning's discussion of C202, and find out what you
6 would like to do with that relief request.

7 MR. HOFFLAND: We're very happy to remove
8 that request from the application based on what I've
9 heard today from the OP and from yourself.

10 VICE CHAIR GOLDSTEIN: Okay, thank you. I
11 don't have any additional questions.

12 BZA CHAIR POURCIAU: I'd just like to add I
13 really appreciate the additional information you've
14 brought showing the decks at your neighbors, and
15 along the alleyway for the five houses. And I do
16 find consistency, symmetry to be important visually,
17 and not only are the other ones very similar
18 designs, and sizes, and so I do place a high value
19 on that. If there are ---

20 ZC CHAIR HOOD: Madam Chair, I do have
21 another question for Mr. Hoffland. Mr. Hoffland, a
22 lot has been said, I just need you to help me with
23 the statute Subtitle X, 1002, can you explain that
24 again from your point of view, for the variance?

25 MR. HOFFLAND: Sorry, 1002 is the?

1 ZC CHAIR HOOD: Area variance.

2 MR. HOFFLAND: Area variance. Well, in
3 regards to lot occupancy? I'm sorry.

4 ZC CHAIR HOOD: Yeah, what you spoke about,
5 because you know the Office of Planning is
6 recommending denial, I want you to kind of tell me
7 again what you --

8 MR. HOFFLAND: Yeah, I believe the kind of
9 strict reading that Mr. Beamon wrote into his report
10 is that zoning regulations, and I am quoting this
11 from his report, current zoning regulations do not
12 clearly indicate that residents are entitled under
13 zoning to private outdoor recreation space on their
14 property. I guess that's true. Nobody is entitled
15 that by right, but I think that people are entitled
16 to use their rear for their recreation, and that's
17 what we're trying to do here.

18 And again, there is an area at the ground
19 level that could be used as a patio, but is
20 currently being used for parking, and this is a very
21 difficult area to park, because it's only two blocks
22 away from the Mount Pleasant commercial corridor, so
23 there is a lot of commercial parking that spills out
24 into the neighboring streets.

25 So, this is an opportunity, it is a two

1 unit building, so there is one parking space there
2 that is needed by right, by the zoning codes you are
3 required to have one parking spot per two units. If
4 they were to use the alley area for recreation, for
5 a dining table, or a grill or whatever, you wouldn't
6 have the parking, so that would kick that out. So,
7 the deck is where we're trying to build this out.

8 And if the 200 square foot deck per Mr.
9 Goldstein's question, if that is now allowed by
10 right, then are we only asking for an additional 12
11 percent beyond that, or are we asking for something
12 else? I'm not sure right now, because this is such
13 a new text amendment, what the answer to that is.
14 But regardless, we're asking for something beyond
15 the minimum that would allow a larger deck, that
16 would be more consistent with the row, and the
17 neighborhood for the use of Jannick and his family.

18 ZC CHAIR HOOD: Okay, I think we treat that
19 like we did the 10 foot setback as far as 200 feet,
20 but we'll have some more discovery I'm sure at some
21 point, the ZA who is the enforcer of it will have an
22 interpretation, and I know Mr. Goldstein and others
23 are very familiar with that. Anyway, I appreciate
24 your answer to my question, that is what I needed,
25 so thank you very much. Thank you, Madam Chair.

1 BZA CHAIR POURCIAU: Thank you. So, if
2 there are no further questions, the Board will move
3 into deliberation, and voting on this case. Would
4 you please close the hearing, and the record? Thank
5 you to those who have shown up for this case, and we
6 will deliberate, and do our final action on this
7 case. All right, everyone has been excused, and the
8 record is closed. Vice Chair Goldstein, would you
9 like to start off with the discussion?

10 VICE CHAIR GOLDSTEIN: Thank you very much.
11 This one I'm struggling a little with. I feel very
12 sympathetic to the proposal, and the homeowner's
13 desire for more outdoor space. I think a larger deck
14 in their circumstance probably does make a lot of
15 sense for their family, and their desired use. I
16 struggle a bit just because I don't see a lot of
17 uniqueness here, or exceptional situation.

18 There are many small lots in the city, and
19 just because you are small and constrained, it
20 doesn't allow you relief unto itself. And I'm a
21 little bit troubled that we've got this new rule
22 with decks, and I personally don't yet know how to
23 interpret exactly how it's interpreted yet, whether
24 this is really relief for -- I think it would be
25 variance relief regardless in this case, is it

1 relief up to 96 percent, or is it relief to 83.6
2 roughly percent?

3 Maybe that's not a meaningful difference in
4 the area analysis, but it feels like it's different.

5 So, I would love to hear a little bit more of my
6 colleagues. Unfortunately the Office of Planning is
7 recommending denial, which makes this a little bit
8 more challenging as well, so I would love to hear
9 some additional thoughts.

10 BZA CHAIR POURCIAU: Thank you for that.
11 Ms. Lindsjo, do you have things you'd like to
12 discuss on this case?

13 MEMBER LINDSJO: No, I think it's an
14 interesting way of how we can interpret it, and I
15 appreciate, vice chair, your questions about the
16 percentages, because I think that kind of speaks to
17 what ultimately they're asking of what's by right
18 and what's not now. But I'm kind of leaning towards
19 approving this, but that's all I want to share,
20 thank you.

21 BZA CHAIR POURCIAU: Thank you. Chairman
22 Hood?

23 ZC CHAIR HOOD: Madam Chair, I am going to
24 yield to you, because you all are going to see these
25 every week, not me. Because I want to make sure

1 that it's right, and again, from my point of view,
2 it's encompassing of it all, I get what the vice
3 chair is saying. But again, I too do not know how
4 what we do a lot of times is interpreted at the ZA,
5 who is enforcing.

6 But from my standpoint, I know when we do
7 the ten foot rule, I would see that carrying
8 something similar to that. That's what I have in my
9 mind, but how it sometimes plays out is not always
10 actually the way it's meant to be. So, I'm trying to
11 figure myself out as well, but I think in this case
12 for me, under the use variance, I would disagree
13 with the Office of Planning.

14 I'm sorry, the area variance, I would
15 disagree with the Office of Planning, and I would
16 ask -- but before I go too far, I want to hear from
17 you what your thoughts are. So, I don't know if it's
18 something that we need to continue to look at. But
19 vice chair, that question that you have, I do want
20 to find out what the legislative intent was for us.
21 Anyway, I yield to you, Madam Chair.

22 BZA CHAIR POURCIAU: Thank you so much. It
23 seems that the 200 square foot rule will be great
24 going forward, it will encourage people to build
25 within those dimensions, and allow for the use of

1 the property as a deck, and an extension on a house,
2 and we see those a lot, and so they will be a way
3 you can proceed with that easily and quickly. Who
4 knows if the rule had been like that, if all the
5 decks among this row of five houses would have been
6 built in that way.

7 But they weren't because that rule did not
8 exist, and so the majority of the decks that exist
9 along that row have been approved for this bigger
10 area as I see it, my approximation based on the
11 photos, they didn't submit any actual plans that
12 show the exact dimensions. But they said, and it
13 appeared that those decks take up most of the area.
14 I tend to agree with the vice chair, and I really
15 value his wisdom, and knowledge on the rules and
16 regulations as they apply to what we do.

17 In this case though I think showing
18 uniqueness is contrary to showing conformity and
19 consistency. And so what I see is they are fitting
20 in with the adjacent uses right here in their five
21 homes, and as they say, the size of the decks that
22 maybe are being built, and previously approved in
23 this neighborhood.

24 So, I am inclined to approve this, to step
25 out a little further than perhaps where OP has gone

1 with the strict application of the rules and
2 regulations, and looking beyond that, and looking at
3 what the Board has done previously, and what I see
4 as a consistent approval, and use of the space
5 behind these homes.

6 ZC CHAIR HOOD: Thank you, Madam Chair. I
7 would agree. I think the continuum, and I know we're
8 not really supposed to be looking at other cases,
9 and bringing us what other people did, because
10 unfortunately some people probably came and did the
11 right process, and some didn't, some probably don't
12 even have a BZA case number, or whatever the case
13 is. But be as it may, I think for me the strict
14 application, looking at that, I think for me they
15 made the case.

16 I do understand what the vice chair is
17 mentioning about the additional 200, but let me just
18 say this. The 200 square feet that we had put in,
19 if I recall correctly, again forgive me if I'm
20 incorrect, but we did that because there were some
21 parts in the city that we were trying to take a
22 burden off the Board of Zoning Adjustment, that's
23 what we were trying to do.

24 And on this one case, now I'm starting to
25 question that. But anyway, I'm sure in the long run

1 the burden will be off, because I know that some
2 areas, and this is what I said even when we were
3 doing this, one size in this city does not fit all.

4 We may zone something over in Columbia Heights
5 where it might not fit in Fort Lincoln. So,
6 sometimes we have to look at the areas, and I said
7 this when we were doing the omnibus bill.

8 But in this particular case, I'm not going
9 to belabor it, I'm in support of this case as well,
10 and I think they have met the tests, even though I
11 know our planners don't believe so, I believe they
12 have. I think that the architect has presented a
13 case that I could support, and get behind, and I
14 think it will be in compliance with our regulations.

15 And then you mentioned character, that is
16 another argument about whether or not character is
17 even in the zoning regulations. I believe it is,
18 some people say it isn't, our legal counsel I
19 disagree because it's in the zoning regulations as
20 far as I'm concerned when I read it, it's about
21 consistent character. So, that's all I'm going to
22 say on that, I am rambling now, so I will turn it
23 back to you, Madam Chair. I'm ready to vote, thank
24 you.

25 BZA CHAIR POURCIAU: All right, Mr.

1 Goldstein, do you have any follow up? I think you
2 presented some things to us that we tried to respond
3 to.

4 VICE CHAIR GOLDSTEIN: Yeah, I continue to
5 be on the fence on this one, not because I'm not
6 sympathetic, or it's a good argument, or the like.
7 I just don't see how we meet the three part variance
8 test. I'm just still not quite there in my mind.
9 The applicant could do a 200 square foot deck, not
10 need lot occupancy relief, it's possible they might
11 still need the special exception for the rear yard,
12 so it could still be a BZA case at that point.

13 But I really am struggling to see how they
14 meet the variance test. If it is indeed a 96
15 percent lot occupancy, I think that's a pretty, even
16 though it's a small lot, there is lots of small lots
17 in the city, and I'm just not quite there yet. I
18 respect my colleagues, and their view of it, but I
19 can't quite get myself over that threshold yet.

20 BZA CHAIR POURCIAU: I think I would like
21 to offer a motion and see where we go with it. So,
22 I would move to approve Application No. 21470 as
23 read into the record by the secretary, with the
24 amendment of eliminating the request for the area
25 variance, Subtitle C, Section 202.2 pursuant to

1 Subtitle X, Section 1002 as found to not be
2 applicable in this situation, and the applicant did
3 not oppose it. That is my motion. Is there a
4 second?

5 MEMBER LINDSJØ: I'll second that motion.

6 BZA CHAIR POURCIAU: Is there further
7 discussion on the motion and the second? Hearing
8 none, I'd like to ask the secretary to call the vote
9 please.

10 MS. MEHLERT: Please respond to the chair's
11 motion to approve the application. Chair Pourciau?

12 BZA CHAIR POURCIAU: Yes.

13 MS. MEHLERT: Vice Chair Goldstein?

14 VICE CHAIR GOLDSTEIN: No.

15 MS. MEHLERT: Board Member Lindsjo?

16 MEMBER LINDSJØ: Yes.

17 MS. MEHLERT: Chairman Hood?

18 ZC CHAIR HOOD: Yes.

19 MS. MEHLERT: Staff would record the vote
20 as three, to one, to one to approve Application No.
21 21470 on the motion made by Chair Pourciau, and
22 seconded by Board Member Lindsjo.

23 BZA CHAIR POURCIAU: Thank you all. We
24 only have one more case, I would like to keep going,
25 but I don't want to assume that's good for all.

1 Does anyone want to break for lunch, or do you want
2 to proceed with this last case? It seems like
3 everybody is okay with proceeding, let's go. All
4 right, our last case for today's agenda is No.
5 21474. Secretary Mehlert, would you please read it
6 into the record?

7 MS. MEHLERT: Yes. Last case is
8 Application No. 21474 of Emory United Methodist
9 Church, it is a self-certified application pursuant
10 to Subtitle X, Section 1002 for an area variance
11 from the rear yard requirements of Subtitle F,
12 Section 207.1. This is for a 7th story addition to
13 an existing 2 story building for use as an 87 unit
14 apartment house.

15 The project is in the RA-4 zone at 1459
16 Columbia Road, Northwest, Square 2672, Lot 718. And
17 the applicant has an expert witness, Jonathan
18 Johnson, as an expert in architecture, not
19 previously recognized by the Board, and his resume
20 is in Exhibit No. 11.

21 BZA CHAIR POURCIAU: Has anyone reviewed
22 his resume yet?

23 VICE CHAIR GOLDSTEIN: I would be
24 supportive of recognizing him as an expert, it looks
25 like an excellent resume to me.

1 BZA CHAIR POURCIAU: Okay, I will agree,
2 and we will enter Mr. Johnson as an expert witness.

3 And so with that, I see we have Mr. Freeman with us
4 again, thank you for staying with us today, Mr.
5 Freeman. Are you ready to present this application?

6 MR. FREEMAN: Yes, Madam Chair. Again, for
7 the record, Kyrus Freeman with the Law Firm of
8 Holland & Knight on behalf of the applicant. Our
9 applicant, Pastor Daniels, had to step away, he had
10 a conflict from 1:00 to 2:15, so hopefully we'll
11 just report some good news to him at 2:15. He was
12 on earlier but had to step off. Jonathan Johnson,
13 who you just recognized as an expert in architecture
14 will present our plans.

15 Dr. Gina Merit is the owner representative,
16 co-developer, she is on to answer any questions, but
17 we don't intend to call her as a witness. And of
18 course again, I had Madeline Williams. I don't know
19 if she's on, working with me on this application.
20 So, as the Board is aware, we are here seeking
21 special exception relief to allow for the
22 construction of a new multifamily building, thank
23 you, Mr. Young, next slide, please.

24 Pastor Daniels was going to kind of
25 describe who the applicant is, it's Emory United

1 Methodist Church, they have appeared before the
2 Board for another project at 6100 Georgia Avenue, I
3 would imagine a lot of folks are probably familiar
4 with the church, and the work they do. They have
5 appeared before the Zoning Commission, Mr. Hood, you
6 may recall Pastor Daniels, they developed, focused
7 on housing and affordable housing.

8 Next slide, please. Again, just a little
9 bit more about the Beacon Properties, which is a
10 501C3 non-profit, again, formed to focus on social
11 justice through real estate development, that is the
12 applicant. Next slide, please. And I will try to
13 get through these much faster. The property is 1459
14 Columbia Road, it's in the Columbia Heights
15 neighborhood zoned RA-4.

16 Next slide, please. We filed this
17 application in March seeking a use and area variance
18 from a rear yard to pursue a multi-family building,
19 87 units including IZ, a portion of the existing
20 church to be integrated into the building design,
21 and residential amenity space. So, with that I'll
22 turn it over to Mr. Johnson to walk through quickly
23 the existing conditions, and our proposed floor
24 plans. We don't want to keep him too much from
25 lunch.

1 MR. JOHNSON: Sure. And thank you once
2 again, for the record my name is Jonathan Johnson,
3 I'm a principal architect at Torti Gallas & Partners
4 and I thank you for allowing me to present this
5 afternoon. So, quickly moving, I would say these are
6 a series of images documenting the existing
7 conditions on site of the current vacant church
8 property at 1459 Columbia Road.

9 Images 1, 2, and 3 show the current
10 conditions as seen from Columbia Road. The church
11 is composed of an original church sanctuary to the
12 west, and actually to the left in the images, that
13 includes the bell tower, along with a 1914 addition,
14 which is seen to the right and east on the images.
15 Images 4 and 5 on the bottom of the page show the
16 existing gymnasium and support spaces for the
17 church, and the adjacent apartment buildings that
18 are built directly abutting the alley to the north
19 of the property.

20 Next slide, please. Pictured here are two
21 renderings of the proposed development as seen from
22 Columbia Road. The project reimagines a vacant
23 church property as an 87 unit multi-family
24 residential community dedicated to much needed work
25 force housing. Our proposed design retains the

1 character and defining elements of the existing 1904
2 church seen to the left with the bell tower.

3 And while honoring the architecture of the
4 1914 addition with a new multifamily building topped
5 by a complimentary contemporary expression. The
6 original 1904 church sanctuary and bell tower will
7 be preserved, and adapted to accommodate many shared
8 spaces, community spaces for the adjacent community,
9 allowing for the original building fabric to remain
10 intact.

11 The iconic tower, as mentioned, will be
12 retained as a visual anchor along the street. Due
13 to practical reasons, the 1914 additions will be
14 demolished and replaced with a new multifamily
15 building. The multifamily building is articulated
16 with a rhythm vertical base and recessed balconies,
17 all set back in deference to the original church.
18 The composition establishes a dialogue between the
19 new and the old.

20 And respecting the scale of the existing
21 texture of the church while expressing a modern
22 residential aesthetic. At street level the project
23 enhances pedestrian activation as seen in the lower
24 right, through a landscaped front yard so it can
25 create a welcoming, human feel edge. The new

1 residential lobby is integrated into the base with a
2 clearly defined address.

3 The upper levels provide apartments with
4 generous windows, outdoor spaces, maximizing light,
5 views, and livability. Next slide, please. This
6 site plan shows the existing conditions on site,
7 identifying the original 1904 church to the left,
8 the lower left corner that still remains, with a
9 cross hatch area to the right, east, identifying the
10 1914 addition, and associated meeting spaces and
11 recreation spaces to be demolished.

12 Next slide, please. This proposed site
13 plan shows the proposed footprint under new
14 multifamily addition in place of the 1914 church
15 addition with the retained sanctuary as stated
16 previously to the left, with amenities that would be
17 repurposed into amenity spaces, and community
18 meeting spaces. The current site as stated earlier
19 is zoned for RA-4, allows for maximum FAR of 4.2,
20 and the proposed development complies by delivering
21 a 4.1 FAR.

22 And approximately 87 units composed of 27
23 studios, 38 one-bedrooms, 10 one-bedroom on the
24 ends, and 12 two-bedrooms. Next slide, please. On
25 the left we see the lower cellar plan with dwelling

1 units and services spaces shown in gray, with the
2 resident units shown in yellow. On the right is the
3 ground floor with an entry lobby, a double height
4 amenity space shown in blue.

5 And repurposed church sanctuary with first
6 floor dwelling units aligning the light court open
7 to the alley to the north, with additional parking
8 spaces shown off the alley, tuck under parking
9 spaces. Next slide, please. Here we have the
10 additional residential floors, including the second
11 floor on the left, and the typical third through
12 seventh floor is shown on the right.

13 Next slide, please. The rear yard
14 compliance impact on the proposed building, so this
15 applicant is proposing no rear yard. Essentially
16 where a yard of 26 feet 8 inches is required to
17 provide the compliant rear yard while maintaining
18 the structural integrity of the 1914 original
19 church, approximately 17850 square feet of program
20 area, roughly 2550 square feet per floor will be
21 removed from the overall building design, resulting
22 in the loss of approximately 27 dwelling units.

23 The existing building, as well as the
24 adjacent buildings are currently built to the public
25 alley line, and do not provide a rear setback.

1 Given the property constraints, the rear yard
2 compliance will reduce the building's efficiency
3 approximately to 79 percent, where typically a
4 multi-family building in this area would be
5 approximately 85 percent that's typical, and would
6 have a detrimental impact on the proposed units.

7 This would essentially force this into
8 deeper units, bedrooms far from windows, these are
9 assumptions based on not utilizing the rear yard
10 setback, forces into living room spaces without
11 efficient light, awkward, inefficient bedrooms,
12 increased dependence on mechanical ventilation
13 higher energy usage, and increased stagnant,
14 interior air. Next slide, please.

15 These are two floor plans showing in the
16 red crossed area, the dwelling is in red, the
17 dwelling is proposed beyond the compliant rear yard
18 setback. So, this is essentially showing in plan
19 the portions of the building that we are currently
20 proposing being built in the space of the rear yard
21 setback while maintaining the clear area and FAR
22 space that could have been used in the footprint of
23 the existing 1904 church.

24 Next slide, please. And this is a building
25 section cut from north to south with Columbia Road

1 to the south on the left, and the alley to the north
2 on the right showing area, the amount of resident
3 footprint proposed to be built within the compliant
4 rear yard setback. And that is essentially showing
5 that same area shown in plan in section, showing the
6 impact to the building if it was to comply.

7 MR. FREEMAN: So, next slide, please. So,
8 Mr. Johnson walked us through the plans a little
9 bit, I will just summarize some of the highlights,
10 again, all of this is in the record. Three part
11 variance test, next slide, please. So what's our
12 uniqueness? This site is impacted in a couple ways,
13 there is an existing church building, a portion to
14 remain.

15 Which coupled with the building restriction
16 line along the southern portion results in about 28
17 percent of the site area being unusable. So, this
18 existing church building that we're keeping is being
19 preserved, being incorporated into the new
20 development dictates where the mass of the addition
21 goes. Next slide, please.

22 Consistent with kind of historic --
23 although not historic, we've incorporated historic
24 preservation guidelines and concepts into how the
25 project will be developed, which have resulted us

1 shifting all of the mass kind of away from the
2 historic portions to remain. So, not only are we
3 losing that footprint, but we're not able to build
4 above the portions of the church that remain.

5 As a result, we have shifted the mass back.

6 Next slide, please. Third prong, no substantial
7 detriment, we're developing 87 new residential
8 units, work force housing, this project is subject
9 to IZ plus, so we're actually providing more IZ than
10 a quote unquote matter of right development not
11 subject to IZ would provide. We're not changing the
12 character of the neighborhood.

13 Although we don't have a compliant rear
14 yard at the northeast corner of the site, we do have
15 a relatively large open court, which provides 2378
16 square feet of open space, whereas the rear yard
17 required is about 3700. So, we are providing some
18 comparable space in terms of light, air, and
19 ventilation readily available for the units. Next
20 slide, please.

21 In the prior case, I know Madam Chair, you
22 looked at kind of consistency in the neighborhood.
23 If you look at this aerial view, you'll see a lot of
24 buildings in this area don't -- they come right up
25 to the rear yard, which is consistent with what

1 we're proposing, and they have little cut outs, and
2 notches in court. So, what we're proposing is
3 consistent with the actual condition in the square.

4 And although we don't have a compliant rear
5 yard, you can see that the closest building, there
6 is a 20 foot alley, and the closest building, kind
7 of across the way, is over 140 feet away. So, we're
8 not kind of building face on line to another
9 building, there is substantial space between the
10 rear of the building and the properties to our
11 north. Next slide, please.

12 We have worked hard, outreach to the ANC,
13 we have presented to the ANC, the ANC voted in
14 support, we have letters in support from other
15 organizations that support the church, support the
16 mission, and support this application. Importantly
17 there is no opposition to this application. And
18 last but not least, next slide. We have the support
19 of the Office of Planning, which recommends
20 approval.

21 Ms. Myers is on, I'm sure she'll present
22 her report. Next slide. And we have the support
23 from the Department of Transportation at Exhibit No.
24 29. So, we believe the record is clear, indicates
25 how we meet the area variance standard for this

1 case. We would ask -- well, certainly happy to
2 answer any questions the Board has, and we would
3 request that the Board approve our application.
4 Thank you.

5 BZA CHAIR POURCIAU: Thank you, Mr.
6 Freeman, and Mr. Johnson, enjoyed the presentation,
7 it was very thorough. Let me see if there are any
8 questions from the Board. Vice Chair Goldstein?

9 VICE CHAIR GOLDSTEIN: Thank you. And
10 thank you, Mr. Freeman, welcome back again this
11 afternoon. Excellent presentation, as always. Can
12 you help me a little bit more with what in the rear
13 yard is compliant, and what isn't? My review of it
14 is that it's not non-compliant for the entire --
15 well, it's a non-compliant rear yard, but portions
16 of the building are actually set back.

17 I think you're describing as a court, the
18 full what would have been required by the rear yard,
19 is that correct?

20 MR. FREEMAN: So, we are taking the
21 position we have zero rear yard. And we have zero
22 rear yard because, Mr. Young, if you pull up the
23 presentation again, page 10, a rear yard has to do
24 two things. It has to extend for the full length of
25 the building, and it has to be open to the sky. In

1 this case, on the first floor plan where you see
2 those parking spaces, that is all kind of outdoor
3 open space, but it's covered above.

4 So, technically it's covered above from
5 space six or so to the left, to the west. So,
6 technically it's not a rear yard. If you go to the
7 next slide you can see the area where we say light
8 well below, that is a court, and we are treating the
9 area kind of to the north of that as a court. So,
10 for the purposes of zoning, we don't believe we have
11 any confined rear yard.

12 We believe we have courts, and you know in
13 other zones you can have a court in lieu of a rear
14 yard, this is not that type of zone. But
15 technically we don't have any compliant rear yard.

16 VICE CHAIR GOLDSTEIN: Yeah, no, I
17 appreciate that, and there's sort of the technical
18 aspect to that, you don't meet the rear yard
19 requirement then, there's just sort of the what is
20 the massing sort of aspect. And it said light well,
21 that entire sort of northeast corner, that is
22 actually set back from the rear yard line like 26
23 feet, is that right? Am I interpreting that
24 correctly?

25 MR. FREEMAN: It is, on sheet 10 you had

1 the distance correct. So, there's 26 feet, 8
2 inches, which is where kind of at the ground it's
3 adjacent to parking. And then the light well itself
4 is about 28 feet, 9 inches, 4 inches deep.

5 VICE CHAIR GOLDSTEIN: Okay, I think I
6 understand that, but maybe I'll look at the plans a
7 little closer.

8 MR. FREEMAN: I can have Mr. Johnson
9 explain it better if I didn't explain it well
10 enough.

11 MR. JOHNSON: Yeah, it's just the idea is
12 that from the standpoint visually it would be open
13 to the alley, it would look like a courtyard if you
14 were standing in the alley to the north looking
15 south. And yes, a portion of the building, that
16 wall parallel with the alley, that portion of the
17 building gets set back the same 28 feet, 4 inches in
18 this diagram.

19 So, from a pedestrian perspective it would
20 look like a building as a courtyard facing the
21 alley, for a portion of the lot. I don't think we
22 have a dimension east to west, but I would say
23 approximately 40 feet from the eastern edge of the
24 property line, moving west, would be open toward the
25 alley.

1 VICE CHAIR GOLDSTEIN: Okay, I think that's
2 -- technically I understand it's a zero rear yard,
3 and you're absolutely right, Mr. Freeman. The
4 pedestrian experience from the alley would see the
5 first level open, sort of the whole length of the
6 alley, and then for maybe a third of the rear yard
7 it's set back.

8 MR. JOHNSON: Correct.

9 VICE CHAIR GOLDSTEIN: That two thirds of
10 it is at the zero lot line, have I got that right?

11 MR. JOHNSON: Yes, at the ground level in
12 the alley there would be no building face, there
13 would be some pillars supporting the building above,
14 but it would be open at the ground level of the
15 alley if you are looking south.

16 VICE CHAIR GOLDSTEIN: And then for a
17 portion up to the sky, about a third of it, it's
18 actually pushed back from the rear yard?

19 MR. JOHNSON: Correct.

20 VICE CHAIR GOLDSTEIN: Rear lot line, okay.
21 Can you just help me a little bit more, so why not
22 the existing rear yard is about what, four and a
23 half feet, I heard, and I think this is probably a
24 piece of it, and I'd just like to hear you reiterate
25 it, is there a reason you went to zero rear yard, as

1 opposed to even keeping the four and a half feet?

2 I understand intuitively 26 feet would be
3 very challenging given the location of the church,
4 and working around it. Is there something about the
5 design driving a zero rear yard proposal?

6 MR. FREEMAN: I think Mr. Johnson can talk
7 about -- it's really the layout of the units, and
8 their access to windows, and light, and air, but I
9 will let Mr. Johnson talk about it.

10 MR. JOHNSON: Yeah, maintaining the
11 existing church is a challenge, and the idea is
12 trying to get a workable depth, typical depth for
13 resident unit range, 30 feet is the ideal depth for
14 a unit. And so we are trying to achieve essentially
15 a consistent unit depth, plus corridor, plus
16 maintaining the existing church. The idea is to
17 keep the existing 1904 church intact, keep its
18 foundations, and footing in tact as much as
19 possible.

20 And that's obviously from a cost
21 standpoint, but you want to make sure you don't --
22 this is a work force housing development, you don't
23 want to undermine the foundations of the existing
24 church, that's important. The idea is establishing
25 a normal depth for a unit, so we can have two

1 windows, a bedroom and a living room on the glass,
2 and getting a typical depth, plus a corridor.

3 And that is seen on page 11 of the exhibit,
4 you can see on that, that the normal depth of a unit
5 fills up that entire roughly rear setback plus the
6 corridor. So, additional four feet would put
7 constraints on us delivering to conventional depth
8 units.

9 VICE CHAIR GOLDSTEIN: Yeah, okay. And the
10 four feet, I was just acknowledging that that I
11 think was the existing, but you're saying that you
12 really have to maximize that depth because of being
13 sensitive to the church, and creating a layout that
14 works for you. I think that's what I was hearing, I
15 just want to affirm that.

16 MR. JOHNSON: Yeah, it's a balance, yeah,
17 if we had a blank slate it would be much easier to
18 accommodate more space flowing, it's just the
19 maintaining that full depth of the sanctuary, and
20 understanding as a 120 year old building, any time
21 you undermine the footings or foundation you open
22 yourself to a lot of unknowns, and could potentially
23 hurt the viability of the project moving forward.

24 VICE CHAIR GOLDSTEIN: You may have said
25 this, the church is not remaining in the building,

1 it's all going to be converted to residential use?
2 Or maybe you said that and I just didn't hear it.

3 MR. FREEMAN: So, today it's not an
4 operating church, but there will be space within the
5 building that we're working on, kind of amenity
6 space, we're thinking about some type of community
7 use of this space, to invite people in. But as of
8 today it's not -- there are not worship services
9 occurring in the church, nor will they be
10 technically church service within the building.

11 VICE CHAIR GOLDSTEIN: Okay, thank you,
12 those are all the questions I have at the moment.

13 BZA CHAIR POURCIAU: Thank you, vice chair.
14 Board Member Lindsjo, do you have questions for
15 this applicant?

16 MEMBER LINDSJO: I don't have any questions
17 at this time, thank you for your presentation.

18 BZA CHAIR POURCIAU: Thank you. Chairman
19 Hood, any questions or comments for the applicant?

20 ZC CHAIR HOOD: No, I don't have any
21 questions, but I will just make a comment. I want
22 to thank Mr. Freeman, and Mr. Johnson, and also you
23 can send my regards to Pastor Daniels. I do know, I
24 actually was on the BZA when we did the case at 6100
25 or 6200 Georgia, whatever it is, and that has been

1 very successful, and you can let him know that I
2 appreciate his programmatic scheme of development
3 here in the District of Columbia.

4 So, with that, I started to say let's hold
5 it up so we can hear remarks from him, but since he
6 -- I know we went a little longer, and he had other
7 things he needed to do, so I won't do that. Tell
8 him I won't do that this time, try to get the
9 support of our Board members to go along with me,
10 but anyway, just tell him I said great job. It
11 looks like you've met your case as far as I'm
12 concerned.

13 And I appreciate the questions of the vice
14 chair, but I do know his development, programmatic
15 where he's done it in the city, and tell him to keep
16 up the good work, and thank you. That's all I have,
17 Madam Chair.

18 BZA CHAIR POURCIAU: Thank you. I wondered
19 about the inclusionary zoning numbers, what percent,
20 or what number of the units will be under the
21 inclusionary zoning umbrella?

22 MR. JOHNSON: We're at approximately 17
23 units, I can confirm the square footage for you.
24 We're at approximately 17 units, Madam Chair.

25 BZA CHAIR POURCIAU: Thank you.

1 MR. JOHNSON: 17 to 18 units depending on
2 the final layout, and square footages.

3 BZA CHAIR POURCIAU: Okay, all right. If
4 there are no more questions right now, we will move
5 onto the Office of Planning. Ms. Myers, thank you
6 for joining us, would you like to give your report
7 now?

8 MS. MYERS: Sure. Crystal Myers for the
9 Office of Planning. After hearing the discussion
10 here I'm thinking we will stay on the record of our
11 staff report, but will let you guys that we are
12 recommending approval, and of course if there are
13 questions, or if you'd like me to do my report I'm
14 happy to do so. Thank you.

15 BZA CHAIR POURCIAU: Thank you. Thank you
16 for that presentation, and for the report you
17 presented. Vice Chair Goldstein, any questions for
18 Office of Planning?

19 VICE CHAIR GOLDSTEIN: No, I don't have any
20 questions, thank you very much for your report.

21 BZA CHAIR POURCIAU: Thank you. Board
22 Member Lindsjo, any questions for OP?

23 MEMBER LINDSJO: No questions at this time,
24 thank you for your report.

25 BZA CHAIR POURCIAU: And Chairman Hood, any

1 questions for Ms. Myers?

2 ZC CHAIR HOOD: No questions for Ms. Myers.

3 Thank you again, Ms. Myers, well done as always.

4 BZA CHAIR POURCIAU: Thank you so much.

5 Thank you, Ms. Myers. We do not have any other
6 members of the government here to present today, and
7 the ANC is not here, but has provided a letter of
8 support. There are no parties that have signed up,
9 and been approved either in support or opposition,
10 and no individuals who have shown up in support or
11 opposition.

12 But there are approximately six letters of
13 support, I'm sorry we missed Pastor Daniels today, I
14 would have loved to hear his thoughts on these
15 projects that are so important to the community.
16 And I actually really like the design, and kind of
17 the preservation of the church look, and how it's
18 being integrated with the new building. So, it
19 looks very nice to me.

20 Are there closing remarks, Mr. Freeman, or
21 Mr. Johnson, that you would like to give on behalf
22 of the applicant?

23 MR. FREEMAN: Just thank you, Madam Chair,
24 members of the Board, for your time and attention.
25 I know you took us before lunch, so thank you. We

1 would request that you approve our application, and
2 issue an order as soon as possible.

3 BZA CHAIR POURCIAU: Thank you again. Any
4 further questions? No? At this time the Board is
5 ready to deliberate, would you please close the
6 hearing record? Thank you again to the witnesses,
7 and you may be excused. And we will deliberate, and
8 act on this application. Vice Chair Goldstein, what
9 are you thinking?

10 VICE CHAIR GOLDSTEIN: Sure. I think they
11 have met the burden, I look at their submission, the
12 testimony I heard today, the Office of Planning,
13 their support, where they outlined the reasons that
14 the variance test has been met. As well, I think
15 there is a couple, not only the ANC letter in
16 support, but also other letters in support into the
17 record.

18 I think there is certainly an exceptional
19 situation for this property, I believe it would
20 create a practical difficulty to meet the rear yard
21 requirement, given a lot of the exceptional nature
22 of the property, including but not limited to the
23 incorporation of a portion of the church, the
24 building restriction line, sort of there are
25 probably other unique factors that are also driving

1 the approach, and the relief request.

2 And I believe that they have met all prongs
3 of the variance test as outlined in the various
4 reports and testimony. So, I would be supportive of
5 the project.

6 BZA CHAIR POURCIAU: Thank you for that.
7 Board Member Lindsjo, do you have any comments, or
8 anything to add?

9 MEMBER LINDSJO: Nothing else to add, I
10 would just echo the vice chairman's talking points,
11 and also support of the project.

12 BZA CHAIR POURCIAU: Thank you. Chairman
13 Hood, do you have anything to add?

14 ZC CHAIR HOOD: I don't have anything to
15 add. I would agree, anything I will add is I want
16 to commend Mr. Johnson, as you mentioned, Madam
17 Chair, of the superb architecture, and the
18 preservation of the church facade, and how it looks.
19 So, I want to commend him on that, and I would agree
20 with everything that my colleagues have already
21 said, and I will be voting in favor, and I think the
22 merits of this case warrants our approval. Thank
23 you.

24 BZA CHAIR POURCIAU: Thank you. So, with
25 that I will enter a motion to approve Application

1 No. 21474 of Emory United Methodist Church as
2 entered into the record by the secretary. Is there a
3 second?

4 VICE CHAIR GOLDSTEIN: Second.

5 BZA CHAIR POURCIAU: Madam Secretary, would
6 you please call the vote?

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

9 BZA CHAIR POURCIAU: Yes.

10 MS. MEHLERT: Vice Chair Goldstein?

11 VICE CHAIR GOLDSTEIN: Yes.

12 MS. MEHLERT: Board Member Lindsjo?

13 MEMBER LINDSJO: Yes.

14 MS. MEHLERT: Chairman Hood?

15 ZC CHAIR HOOD: Yes.

16 MS. MEHLERT: Staff would record the vote
17 as four, to zero, to one to approve Application No.
18 21474 on the motion made by Chair Pourciau, and
19 seconded by Vice Chair Goldstein.

20 BZA CHAIR POURCIAU: Excellent. Before we
21 end the session I want to say that it has been eight
22 sessions for us, the new Board, I guess after the
23 break we can't say we're new anymore, although we
24 may have forgotten everything we learned over the
25 next month. But really want to commend the new

1 Board members on their efforts, learning the cases,
2 being very well prepared.

3 And really trying to protect the interests
4 of the government, the property owners, the
5 applicants, the ANC, and the community overall. And
6 the staff, my goodness, the staff work is just
7 exemplary. Last night taking the time to listen to
8 our questions in closed session, and produce amended
9 information that helps us deliberate on the cases,
10 and arrive at a decision that is both within the
11 law, and within our purview to opine on.

12 And so with that, I want to thank everybody
13 again, and wish you all a really happy August break.

14 ZC CHAIR HOOD: Madam Chair, before you
15 close out, if I could?

16 BZA CHAIR POURCIAU: Yes.

17 ZC CHAIR HOOD: I too, let me also thank
18 Mr. Freeman as well, in that last case, because when
19 you start naming names, you leave people out, and I
20 know he did a great job facilitating that as the
21 counsel, so I want to make sure I say that. But I
22 too want to say to the staff of the Board of Zoning
23 Adjustment what a great job you've done. Not only
24 in how you prepare, and the way you do it, you get
25 us ready for us to make the decision.

1 Not for you all to make the decision, for
2 us to make the decision. So, I want to commend you
3 all, don't change a thing, and you are hearing this
4 from Anthony Hood. Don't change a thing, you're
5 doing a great job, keep doing what you're doing, and
6 the way you're doing it. So, I want to commend
7 Director Bardin, and also Ms. Mehlert, and all those
8 who work with BZA.

9 That's why I hate to call names, because
10 there's so many other people who are behind the
11 scenes. And one thing about it, I know exactly who
12 you are, who is behind the scenes, so I want to
13 commend you all, our staff. You get us prepared, we
14 show up once a week, but you all get us prepared,
15 and you do an excellent job, so thank you all very
16 much.

17 I also want to commend the new Board, for a
18 couple of months we didn't have a Board, and Ms.
19 Bardin, and others, and I, and others, we took a lot
20 of heat. So, I want to thank you all as the chair
21 has already mentioned, how you all have stepped up.

22 You're getting us through the backlog, if we had a
23 backlog, so we go down, Chair Pourciau, when we go
24 down in front of Chairman Mendelson, I want to be
25 able to say the BZA don't have a backlog.

1 So, maybe I can say next question. But
2 anyway, I want to commend you all on what you all
3 are doing, and the Board, how you stepped up, and
4 also the residents, and everyone, all the
5 stakeholders who participate in this process, thank
6 you. Enjoy the month off, but I will tell you, that
7 month goes quick. Looking forward to seeing, and
8 working with you all back in September. Thank you.

9 BZA CHAIR POURCIAU: Meeting adjourned,
10 thank you.

11 (Whereupon, the above-entitled matter went
12 off the record at 1:44 p.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
5 and accurate record of the proceedings; and that I
6 am neither counsel for, related to, nor employed by
7 any of the parties to this action in which this
8 matter was taken; and further that I am not a
9 relative nor an employee of any of the parties nor
10 counsel employed by the parties, and I am not
11 financially or otherwise interested in the outcome
12 of the action.

13

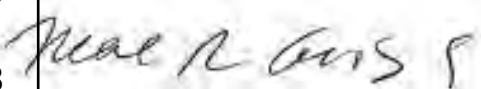
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19 Eric Carpenter

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