GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

OCTOBER 28, 2026

+ + + + +

The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Video/Teleconference, pursuant to notice at 9:30 a.m. EDT, Michelle Pourciau, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MICHELLE POURCIAU, Chairperson
ROBYN JACKSON WELLS, Member
MELISSA LINDSJO, NCPC Designee

ZONING COMMISSION MEMBER PRESENT:

ROBERT MILLER, Vice-Chairperson

OFFICE OF ZONING STAFF PRESENT:

KEARA MEHLERT, Secretary

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.
CARISSA DEMARE, ESQ.
JORDANE WONG, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on October 28, 2026.

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

(9:31 a.m.)

CHAIRPERSON POURCIAU: Good morning, Ladies and Gentlemen. The Board of Zoning Adjustments, October 28, 2026, public meeting will please come to order. My name is Michelle Pourciau, Chair of the District of Columbia Board of Zoning Adjustment.

Joining me today are board members Robyn Wells and Melissa Lindsjo and Zoning Commissioner Robert Miller. On October 27th, 2026, the Board entered into a closed meeting session for the purpose of obtaining legal advice from counsel. This closed meeting was voted upon previously in a public setting to be held for the purpose of obtaining legal advice from our counsel and deliberate, but not vote, on contested cases on today's agenda.

While discussions were held, there were no decisions made. Today's meeting and hearing agendas are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on Webex or by telephone will be muted during

the hearing.

If you experience difficulties accessing Webex or with your telephone call-in, please call our OZ hotline number at 202-727-5471 to receive Webex log-in or call-in instructions. Today we will begin with our virtual public meeting, decision meeting session, followed by our virtual public hearing session. Please be advised that we do not take any public testimony at our meeting session. Public testimony will be taken during our hearing session.

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

All persons planning to testify either in favor or in opposition should have signed up in advance. They will be called by name to testify. By signing up to testify, all participants completed the oath or

affirmation as required by Subtitle Y, Section 408.7. Requests to enter evidence at the time of an online virtual hearing, such as written testimony or additional supporting documents other than live video, which may not be presented as part of the testimony, may be allowed pursuant to Subtitle Y, Section 103.13.

The order of procedure for special exceptions and variances is pursuant to Subtitle Y, Section 409. Time constraints for hearing testimony shall be maintained pursuant to Subtitle Y, Section 408.2 and 408.3. Once again, if you experience difficulty accessing Web-X or with your telephone call-in, or if you have forgotten to sign up 24 hours prior to this hearing, then please call our OZ hotline number at 202-727-5471 to sign up to testify and to receive Webex log-in or call-in instructions.

At the conclusion of each case, an individual who was unable to testify because of technical issues may file a request for leave to file a written version of the planned testimony to the record within 24 hours following the conclusion of the public testimony in the hearing. If additional written testimony is accepted, then parties will be allowed a reasonable time to respond as determined by the Board.

The Board will then make its decision at its

next meeting session but no earlier than 48 hours after the hearing. At the conclusion of the Board's decision meeting session or hearing session, the Office of Zoning, in consultation with the Chair, will determine whether a full summary order may be issued. A full order is required when the decision its contains is adverse to a party, including an affected ANC. A full order may also be needed if the Board's decision differs from the Office of Planning's recommendation.

Although the Board favors the use of summary orders whenever possible, an applicant may not request the Board to issue such an order. And finally, the District of Columbia Administrative Procedure Act requires that the public hear on each case be held in the open before the public. However, pursuant to Sections 405(b) and 406 of that Act, the Board may, consistent with its rules of procedure in the Act, enter into a closed meeting on a case for purposes of seeking legal counsel on a case pursuant to D.C. Official Code Section 2-575(b)(4) and/or deliberating on a case pursuant to D.C. Official Code Section 2-575(b)(13) but only after providing the necessary public notice and in the case of an emergency closed meeting after taking a roll call vote.

The next item on our agenda is a vote for the

Board to hold a closed meeting on November 3rd, 2026, at 2 p.m. This session is being held in order for the Board to receive legal advice from its counsel regarding the cases noted on the agenda for the November 4th, 2026, meeting and to preserve the attorney-client privilege between the Board and its attorney pursuant to D.C. Official Code 2-575(b)(4)(a) and to deliberate, but not vote, on the contested cases pursuant to D.C. Official Code Section 2-575(b)(13). I will ask the secretary to provide the list of cases on the agenda.

MS. MEHLERT: Good morning, Madam Chair, members of the Board. The cases scheduled for next week, November 4th, are 21503 of Jemal's Gateway DC, LLC, and Emerald Wings, LLC; 21402 of 1724 H Street Northeast, LLC; 21349A of Ed Fendley; 21510 of Rock Creek Club; 21511 of Thomas and Emily Beline; and 21514 of William Schultheiss.

CHAIRPERSON POURCIAU: Thank you. I will now make a motion to enter into closed session on November 3rd, 2026, at 2:00 p.m. Is there a second?

MEMBER WELLS: I second.

CHAIRPERSON POURCIAU: The motion has been seconded. Will the Secretary now please call a roll call vote?

MS. MEHLERT: Please respond to the Chair's

motion to hold a closed meeting to meet with counsel on November 3rd. Chair Pourciau?

CHAIRPERSON POURCIAU: Yes.

MS. MEHLERT: Board Member Wells?

MEMBER WELLS: Yes.

MS. MEHLERT: Board Member Lindsjo?

MEMBER LINDSJO: Yes.

MS. MEHLERT: Commissioner Miller?

COMMISSIONER MILLER: Yes.

MS. MEHLERT: Staff will record the vote as 4 to 0, motion passes.

CHAIRPERSON POURCIAU: Thank you, Madam Secretary. Do you have any preliminary matters?

MS. MEHLERT: I just want to note some changes to the agenda today. Application Number 21451 of O'Rayon McKnight has been withdrawn. Application Number 21487 Ana B. Reyes has been postponed to December 9th, 2026, and Application Number 21507 of Sara Petrasso and Jonah Crane has been postponed to February 3rd, 2027.

CHAIRPERSON POURCIAU: Thank you for that. We will now enter into the virtual public meeting session and we have one advanced party status request. Madam Secretary, would you please read Application 21496 into the record?

MS. MEHLERT: Yes. This is Application

Number 21496 of Gallery CT, LLC. As amended, this is a self-certified application pursuant to Subtitle X, Section 901.2 for Special Exceptions under Subtitle C, Section 306.4 and the requirements of Subtitle C, Section 306.1(b) to allow a new alley record lot with access to a public street through a public alley that is less than 24 feet in length.

And under Subtitle G, Section 5200.3 to allow maximum building height up to 40 feet, four stories for a new building on an alley record lot. This proposal is for a 22-unit apartment house in a new four-story detached building with penthouse on an alley lot. It's located in the MU-5A zone at I Street, Northeast, Square 775, Lot 829.

And as mentioned, before the Board today are party status requests in opposition from Joseph and Lauren McHale, Christine Heffernan, Rex Hung and Tiffany Hoh, Ashok and Nihal Thadani, Oleathea Slaughter, Sara Parker, Jeff Runningen and Kim Wilson, and Paul and Maria Heavey, and those last requestors have also submitted a request to accept an untimely filing for their party status request. And then I will just note this hearing was originally scheduled for September 30th and has previously been postponed to January 13th.

CHAIRPERSON POURCIAU: Thank you so much, Ms.

Mehlert. We have a few items to discuss on this. I would -- I'm trying to figure out the best order, but we have two requests for party status. We have one request for a late filing, and we have one request for representation. I think what I would like for us to do first is let's discuss the party status overall first that relates -- I see the two parties having similar conditions under which they've requested party status. So let's talk about them together, although differentiating as we talk about them.

I will start by saying that I want to thank the legal staff. They put together a very nice diagram for us of the location of the applicant and the location of where each of the members of the various parties live in proximity to the application site, and it appears that they all live very close, if not immediately adjacent to the site, and including on the adjacent alley that is less than the 24-foot width requirement, and all very close to where the height of the building would probably have some visual implications on their property.

So based on those items, they -- every single one of the applicants in both parties seem to be uniquely affected. I'd like to call on board members to weigh in on that specific part of this application. And I'll

start with Board Member Wells. How are you today?

MEMBER WELLS: I'm doing well. Thank you. I would agree that the people or groups that are requesting party status are in close proximity to the application or the address of this location, and they seem to be, as you say, uniquely affected. So I don't see an issue with granting them party status.

CHAIRPERSON POURCIAU: Good. Ms. Lindsjo, how are you today?

MEMBER LINDSJO: Good. Thank you. I would also agree with that statement.

CHAIRPERSON POURCIAU: And Commissioner Miller, good seeing you this morning. Could you weigh in and let us know what you think about the request for party status?

COMMISSIONER MILLER: Thank you, Chair Pourciau. Good to see you, too, on this sunny morning where I see it's coming into your reflection as well. Yes. I agree with my colleagues that the -- all the individuals are significantly, distinctly, and uniquely affected more than the general public and we'll get to other issues shortly, so thank you. I agree with giving party status.

CHAIRPERSON POURCIAU: Thank you. The next piece I'll take is the request for representation. It's

specifically for the party with the most individuals I think is Exhibit 19 in the record. I just want to say, I prefer and appreciate when a representative is appointed, especially from a large party. I think it helps -- it can help to help us understand the issues that a large party might have in a more concise way, and really, I think it's even beneficial for a large party given that there is a constraint on all those who are respondents to the applicant.

So I am in favor of the representation requested with the party associated with Exhibit 19. Board Member Wells, would you like to discuss that item, please?

MEMBER WELLS: I agree largely with your sentiment about, you know, it is helpful when the Board can -- when the group can sort of consolidate and present, you know, their case more concisely to us. It helps us understand or helps me process a little better. I believe that for -- the representative request is not for all persons who are in that group, but for a few of them, so I just wanted to clarify that as well. But as much as that group or the parties in opposition be consolidated, I think it would be helpful to the Board. So I have no problem with the representation -- representative request.

CHAIRPERSON POURCIAU: Thank you, and thank you for that clarification. Board Member Lindsjo?

MEMBER LINDSJO: I also don't have any issues with that request.

CHAIRPERSON POURCIAU: Excellent. Thank you. Commissioner Miller?

COMMISSIONER MILLER: Thank you. Yes. I agree also with the representation.

CHAIRPERSON POURCIAU: Okay. And then next I'd like to take the issue of the late filing. It appears the requesters filed a day late from the original deadline associated with when the application was first scheduled, I believe, in September. Thoughts on that from Board members? I'm going to go in reverse order this time. Commissioner Miller, could you weigh in on the late filing, please?

COMMISSIONER MILLER: All right. Thank you, Madam Chair. I have no problem personally with the -- with waiving the late filing. It was only one day late if we were going to have the hearing as originally scheduled on September 30th. It was only one day late, September 16, I think, versus -- September 17 versus the 16 filing deadline for the September 30th date.

But as you have noted, the hearing's been -- so it's only really a de minimis delay. I don't think

anybody's prejudiced by that, any of the parties, and the hearing's now been delayed until January 13th at the Applicant's request. So I have no problem with waiving the late filing -- supporting the late filing motion.

CHAIRPERSON POURCIAU: Thank you for that. Board Member Lindsjo?

MEMBER LINDSJO: I would agree with Commissioner Miller. I have no issues with the late filing for this case. Thank you.

CHAIRPERSON POURCIAU: Thanks. And Board Member Wells?

MEMBER WELLS: I would agree with my colleagues here. I have no issue with the late filing.

CHAIRPERSON POURCIAU: All right. I think we have discussed all of the items before us on this case. I just want to add to the discussion that although the larger party, again, associated with Exhibit 19, have put in a request for representation, their overall party request asks that each household be approved as a separate party, and so when we vote, we will be voting on all parties separately in that application.

But I just want to say again for the record, given the time constraint that is provided for both the applicant and any opposing parties, and if there are

multiple parties, that time is provided to all parties which creates, you know, a timing issue for the party to present everything that they might want to say.

And so I compel parties to work collaboratively in order to best be able to advise the Board on their issues. Having said that, I'd like to make a motion that we approve Application 21496 of Gallery CT, LLC, as read into the record by the Secretary. Is there a second?

MEMBER WELLS: I second.

CHAIRPERSON POURCIAU: Thank you. Ms. Mehlert, would you please call the vote?

COMMISSIONER MILLER: Before the vote, I just wanted to, Madam Chair, reiterate what you just said about the parties, encouraging the parties in Exhibit 19 to try to, if possible, consolidate and have a representative of most, or if not all the parties since they do seem to have very similar issues in their proximity to the application -- the project that's subject to the application. And I agree it would be more efficient for them and for us, to have that consolidation. So they don't have to, but I would encourage it as you have. Thank you.

CHAIRPERSON POURCIAU: Thank you.

MS. MEHLERT: Madam Chair, I just wanted to

clarify the motion. You had said you wanted to approve the application. I want to just make sure that you're phrasing it that you want to actually bring party status to the requesters?

CHAIRPERSON POURCIAU: Yes. Thank you so much for that clarification. To grant party status.

MS. MEHLERT: Okay. Please respond to the Chair's motion to grant party status in opposition to the eight individual requesters. Chair Pourciau?

CHAIRPERSON POURCIAU: Yes.

MS. MEHLERT: Board Member Wells?

MEMBER WELLS: Yes.

MS. MEHLERT: Board Member Lindsjo?

MEMBER LINDSJO: Yes.

MS. MEHLERT: Commissioner Miller?

COMMISSIONER MILLER: Yes.

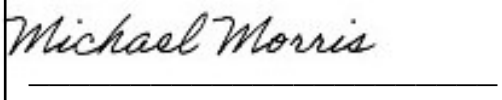
MS. MEHLERT: Staff will record the vote as 4 to 0 to 1 to grant party status in opposition in Application Number 21496 on the motion made by Chair Pourciau and seconded by Member Lindsjo.

CHAIRPERSON POURCIAU: Excellent. Thank you so much for that. We will now enter into our virtual public hearing session.

(Whereupon, the above-entitled matter went off the record at 9:54 a.m.)

C E R T I F I C A T E

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



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