

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning  
Board of Zoning Adjustment

PUBLIC HEARING AND MEETING  
OF THE BOARD OF ZONING ADJUSTMENT

9:38 a.m. to 3:45 p.m.  
Wednesday, September 6, 2017

441 4th Street, N.W.  
Jerrily R. Kress Memorial Room  
Second Floor Hearing Room, Suite 220-South  
Washington, D.C. 20001

OLENDER REPORTING, INC.  
1100 Connecticut Avenue, NW Suite 810 Washington, D.C. 20036  
Washington: (202) 898-1108 / Baltimore: (410) 752-3376  
Toll Free: (888) 445-3376

1 Board Members:

2 FREDERICK HILL, Chairperson

3 CARLTON HART, Vice Chairperson

4 LESYLLEE WHITE, Board Member

5 MICHAEL TURNBULL, Zoning Commission

6 CLIFFORD MOY, BZA Secretary

7

8 Office of Attorney General

9 MARY NAGELHOUT, Esq.

10

11 Office of Planning

12 BRANDICE ELLIOT

13 ANNE FOTHERGILL

14 STEPHEN MORDFIN

15 BRYAN GOLDEN

16 STEVE COCHRAN

17

18

19

20

21

22

23

24

25

26

OLENDER REPORTING, INC.  
1100 Connecticut Avenue, NW Suite 810 Washington, D.C. 20036  
Washington: (202) 898-1108 / Baltimore: (410) 752-3376  
Toll Free: (888) 445-3376

1	C O N T E N T S		
2			
3			PAGE
4			
5	Introductory Remarks		4
6			
7	A.M. Session		
8	13991A Curt Hansen		12
9	19541 William and Sarah Green		16
10	19055A Valor Minnesota, LLC		18
11	18420A AT&T		26
12	18383A Barbara Chambers Children's Center		29
13	19546 Oluseyi Ademiluyi		40
14	19548 Tara Guelig and Yuri Horwitz		71
15	19553 Servant's Office, LLC		87
16	19538 Avamere 3317 16th, LLC		102
17			
18	P.M. Session		
19	19548 Tara Guelig & Yuri Horwitz		113
20			
21	Conclusion of Meeting		274
22			
23			
24			
25			

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

2 CHAIRPERSON HILL: So the hearing will please  
3 come to order.

4 Mr. Moy, this is kind of a -- I don't know how  
5 this works here. We're located in the Jerrily R.  
6 Kress Memorial Hearing Room at 441 4th Street. This  
7 is the September 6th, 2017 public hearing of the Board  
8 of Zoning Adjustment of the District of Columbia.

9 My name is Fred Hill, Chairperson. Joining me  
10 today is Carlton Hart, Vice Chair, Lesyllee White,  
11 board member, and representing the Zoning Commission  
12 is Michael Turnbull.

13 Copies of today's hearings are available to  
14 you and are located in the wall bin near the door.  
15 Please be advised that this proceeding is being  
16 recorded by a court reporter and is also webcast live.

17 Accordingly, we must ask you to refrain from any  
18 disruptive noises or actions in the hearing room.

19 When presenting information to the Board,  
20 please turn on and speak into the microphone, first  
21 stating your name and home address. When you're  
22 finished speaking, please turn off your microphone so  
23 that it is no longer picking up sound or background  
24 noise.

25 All persons planning to testify in favor or in

1 opposition must have raised their hand and been sworn  
2 in by the secretary. Also, each witness must fill out  
3 two witness cards. These cards are located on the  
4 table near the door, and on the witness tables.

5           Upon coming forward to speak to the Board,  
6 please give both cards to the reporter sitting to the  
7 table to my right. If you wish to file written  
8 testimony or additional supporting documents today,  
9 please submit one original and 12 copies to the  
10 secretary for distribution. If you do not have the  
11 requisite number of copies, you can reproduce copies  
12 on an office printer in the Office of Zoning located  
13 across the hall.

14           The order of procedures for special  
15 exceptions, variances, and appeals is also located in  
16 the bin as you came into the hearing room. The record  
17 shall be closed at the conclusion of each case, except  
18 for any materials specifically requested by the Board.

19       The Board and the staff will specify at the end of  
20 the hearing exactly what is expected, and the date  
21 when the persons must submit the evidence to the  
22 Office of Zoning.

23           After the record is closed, no other  
24 information shall be accepted by the Board. The  
25 District of Columbia Administrative Procedures Act

1 requires that the public hearing -- the hearing be  
2 held in public on each case, and is open before the  
3 public pursuant to Section 405(b) and 406 of that act.

4 The Board may, consistent with its rules of  
5 procedures and the act, enter into a closed meeting on  
6 a case for purposes of seeking legal counsel on the  
7 case, pursuant to D.C. Official Code Section 2-  
8 575(b)(4) and/or deliberating on a case pursuant to  
9 D.C. Official Code Section 2-575(b)(13), but only  
10 after providing the necessary public notice, and in  
11 the case of an emergency closed meeting after taking a  
12 roll call vote.

13 The decision of the Board in these contested  
14 cases must be based exclusively on the public record.

15 To avoid any appearance to the contrary, the Board  
16 requests that persons present not engage the members  
17 of the Board in conversation.

18 Please turn off all beepers and cell phones at  
19 this time so as not to disrupt these proceedings.

20 Preliminary matters are those which relate to  
21 whether a case will or should be heard today, such as  
22 request for a postponement, continuance, or  
23 withdrawal, or whether proper and adequate notice of  
24 the hearing has been given.

25 If you're not prepared to go forward with the

1 case today, or if you believe that the Board should  
2 not proceed, now is the time to raise such a matter.

3 Mr. Secretary, do we have any preliminary  
4 matters?

5 MR. MOY: Good morning, Mr. Chairman, members  
6 of the Board. Welcome to the fall session.

7 [Pause.]

8 MR. MOY: All right. Very quickly. Two  
9 announcements related to the docket for today, Mr.  
10 Chairman. First is a case application that was  
11 originally scheduled on the expedited review calendar  
12 has been pulled and is scheduled for a public hearing  
13 on September 13th, 2017. And finally, on the hearing  
14 session, Case Application No. 19544 of Dennis Hobson,  
15 has been withdrawn by the applicant. And that's it  
16 from the staff, Mr. Chairman.

17 CHAIRPERSON HILL: Okay, great. Thank you,  
18 Mr. Moy. Yeah, the microphones seem a little -- we're  
19 getting used to them. I don't know.

20 Mr. Moy, I think there was a preliminary  
21 matter that we wanted to discuss, if you can call that  
22 one?

23 MR. MOY: Was that the preliminary matter on a  
24 case on the hearing, or on the meeting?

25 CHAIRPERSON HILL: The meeting.

1 MR. MOY: Yes, okay. There is a procedural  
2 motion that's been filed to Application No. 193 --  
3 rather, 133991A of Curt Hansen. As you know, Mr.  
4 Chairman, in your case folders there is a procedural  
5 motion that was filed by ANC 6C, with the request to  
6 postpone this application that is scheduled for  
7 September 20th, 2017 to a future date.

8 And that's the ANC 6C's request is under  
9 Exhibit 23, as well as a response from the applicant  
10 under Exhibit 24.

11 CHAIRPERSON HILL: Okay, great. Thank you,  
12 Mr. Moy.

13 Is the Board ready to deliberate, or speak on  
14 this matter?

15 So, what had happened was that the ANC had  
16 made a request to postpone the hearing, and then the  
17 applicant had filed a motion to oppose that  
18 postponement. I wanted to kind of discuss it with the  
19 Board a little bit in terms of whether or not to grant  
20 the motion. And at the same time, I am somewhat  
21 curious. Is there anyone -- I see someone from the  
22 ANC here. Is the applicant here also?

23 All right. Actually, if we can have the ANC  
24 person come forward, please?

25 MR. ECKENWILER: Good morning, Mr. Chairman.



1 Mark Eckenwiler, Commissioner ANC 6C-04, here for  
2 purposes of this motion on behalf of ANC 6C.

3 CHAIRPERSON HILL: Okay, great. Thank you.  
4 First of all, welcome. Good morning.

5 MR. ECKENWILER: Thank you.

6 CHAIRPERSON HILL: And then I realized, since  
7 I have been off the whole month of August, we didn't  
8 swear anybody in. So, Mr. Moy, if you could just --  
9 if everyone could please stand who is going to testify  
10 and present, and be sworn in, please? That would be  
11 very helpful. Take the oath.

12 MR. MOY: Good morning.

13 [Oath administered to the participants.]

14 MR. MOY: Ladies and gentlemen, you may  
15 consider yourselves under oath.

16 CHAIRPERSON HILL: I'd like to say for the  
17 record, I remembered that. You know. Okay.

18 All right. So, Commissioner, can you explain  
19 to me, or can you -- we have everything that's  
20 submitted in the record. Can you tell me again why  
21 you guys are trying to postpone it and, yeah, could  
22 you just clarify the few points?

23 MR. ECKENWILER: Sure, very briefly. This  
24 matter was not publicly noticed in the Register until  
25 August. We had seen on IZIS, that it was coming, and

1 that there was a tentative hearing date, which is why,  
2 just as a purely prophylactic matter, we took our vote  
3 in July.

4           When we met on, and honestly I forget, it's in  
5 the motion, we met either on July 10th or 12th. At  
6 that point, the 200-footers hadn't even been given  
7 notice yet. So, it was completely inappropriate for  
8 us to take up this case in July.

9           This month, unfortunately, due to a  
10 combination of circumstances, there are two  
11 commissioners, including yours truly, who are  
12 unavailable on the 13th. And in fact, I should  
13 mention that one of my colleagues is now getting  
14 married. We won't have a quorum on the 13th. There  
15 will be a quorum on the 19th, but those two  
16 commissioners again, yours truly, and Commissioner  
17 Edelman, who is the commissioner for 6C-06, in which  
18 this property sits, we will both be unavailable at  
19 either of those dates, the original date, the 13th,  
20 which was set forth in our motion, or the 19th, where  
21 it has now been rescheduled, to deliberate on and vote  
22 on this case.

23           And I understand, this is not on the merits,  
24 but we both have -- there are some significant issues  
25 with this application. And I'll leave it at that.

1 CHAIRPERSON HILL: Okay. And so, I guess you  
2 possibly read the motion also in terms of what the  
3 applicant put forth as to why to deny the  
4 postponement. And I was just kind -- I mean, I  
5 appreciate you coming down here. I mean, so this was  
6 important enough for your ANC, for you to come here  
7 this morning, right? Okay.

8 Does the Board have any questions for the  
9 commissioner?

10 MR. TURNBULL: I just --

11 CHAIRPERSON HILL: Sure.

12 MR. TURNBULL: Oh, I'm sorry. I just had one.  
13 So this has not even been heard at all before your  
14 board?

15 MR. ECKENWILER: No. No, not at all.

16 MR. TURNBULL: Okay.

17 MR. ECKENWILER: And I hope the record is  
18 clear, this was only filed in June, so this is a very  
19 new case. We have not previously sought any  
20 postponements in this, so we're really not trying to  
21 run the clock here. It's just that, this is going to  
22 be a bad month for us.

23 MS. WHITE: And I can appreciate, you know,  
24 the applicant is trying to expedite the process. And  
25 part of the argument was that, you know, they were

1 trying to push it forward because it was going to have  
2 some financial impact on the business. There was also  
3 some information in the record that talks about the  
4 fact that he's got some community support. The  
5 community -- at least some of the community is very  
6 supportive of it.

7           But what I'm hearing from you is that it --  
8 the ANC really hasn't gotten to the weeds on this one;  
9 hasn't really discussed it, hasn't come up with any  
10 decision in terms of what they would like to say as  
11 far as an ANC submission to the BZA.

12           MR. ECKENWILER: No, ma'am, we haven't. and  
13 while both Commissioner Edelman and I have been in  
14 contact with the Office of Planning staffer who is  
15 preparing the report, obviously they haven't filed  
16 that report yet. We are -- the two of us continue to  
17 go back and forth on it.

18           Really, just to put a fine point on it here,  
19 we are the two who are the most familiar, both with  
20 this property and with the underlying issues, going  
21 back to this. And you know, Mr. Moy had trouble with  
22 the case number here. This is 13991A. This goes back  
23 to 1983. So, this takes a little archaeology to get  
24 into.

25           And since the four members of the commission

1 who will be present on our new meeting date, the 19th,  
2 have no familiarity with this whatsoever, we just  
3 don't think it's appropriate. Or it's not in the  
4 public interest for this case to go forward before  
5 this Board on the 20th.

6 MS. WHITE: So, it would be heard October the  
7 11th. Is that correct?

8 MR. ECKENWILER: We have -- yes, the ANC -- so  
9 we have a committee. My committee would hear this on  
10 October 4th, and then it would go before the full ANC  
11 on October 11th, which is why, in our motion we have  
12 proposed October 18th, which is the soonest date  
13 thereafter. I understand, the applicant did raise in  
14 his opposition papers, some concern about timing.

15 I do want to speak to that very briefly. I  
16 spoke with the applicant, but spoke in e-mail with him  
17 last September, about the issues regarding this very  
18 old BZA order that was still applicable to the  
19 property, and made him aware of at least one of the  
20 issues on which he's seeking relief. The prohibition  
21 against any seating on this property.

22 So he's known about this for a year, and  
23 therefore, I do think the Board should not take too  
24 seriously, concern about delay on this. The owner  
25 delayed until June of this year, seeking relief that

1 he already affirmatively knew that he would need to  
2 seek.

3 CHAIRPERSON HILL: Okay, great. Thank you.  
4 All right. Well, thank you, Commissioner Eckenwiler,  
5 for coming down. And I just wanted to clear up some  
6 things in terms of, I wanted to have the opportunity  
7 to voice this in public in terms of the postponement  
8 because there was opposition from it. And if the --  
9 so, I mean, unless the Board has you know, any other  
10 things to add, I'm going to make a motion to postpone  
11 the hearing until the ANC has had an opportunity to  
12 work through this. And if the applicant is watching,  
13 I would encourage the applicant to work with the ANC,  
14 as well as bringing his witnesses to the ANC meeting  
15 in terms of who wanted the additional seating and  
16 things such as that.

17 So I'm going to go ahead and make a motion to  
18 approve the postponement of application No. 13991A.

19 MS. WHITE: Second.

20 CHAIRPERSON HILL: Okay. So I guess, yeah,  
21 the motion has been made and seconded.

22 [Vote taken.]

23 CHAIRPERSON HILL: This is brand new again.  
24 This is just brand new. I can't believe it. I just  
25 forgot how I went through the motions.

1           So, Mr. Moy, what was the date again that was  
2 proposed?

3           MR. MOY: All right. October the 18th, which  
4 is the week following the full ANC's meeting on  
5 October 11th.

6           CHAIRPERSON HILL: Commissioner Eckenwiler,  
7 that's good with you guys?

8           MR. ECKENWILER: Yes, that's good with us.

9           CHAIRPERSON HILL: Okay. Okay.

10          MR. MOY: So I'll record the vote, Mr. Chair,  
11 as four, to zero, to one. This is on your motion to  
12 grant the request for a postponement. Seconded the  
13 motion, Ms. White. Also in support, Mr. Turnbull.  
14 Vice Chair Hart. We had a board seat vacant. The  
15 motion carries.

16          CHAIRPERSON HILL: All right, thank you.  
17 Thank you, Commissioner.

18          MR. ECKENWILER: Thank you, Mr. Chairman and  
19 members of the Board.

20          CHAIRPERSON HILL: Welcome to the new year.  
21 And I neglected to say, welcome everybody, to a new  
22 year. Nice to see everyone here again. We survived  
23 August.

24          All right, Mr. Moy, whenever you're ready for  
25 the next meeting case.

1           MR. MOY: The next case is expedited review  
2 calendar case, Application No. 19541 of William and  
3 Sarah Green, pursuant to 11-DCMR Subtitle X, Chapter  
4 9. This is a request for relief for a special  
5 exception under Subtitle D, Section 5201, from the  
6 rear yard setback requirements of Subtitle D, Section  
7 306.1. This would construct a rear deck addition to  
8 an existing one-family dwelling, R-1-B Zone, at  
9 premises 33 18 Stephenson Place Northwest, Square  
10 2008, Lot 40.

11           CHAIRPERSON HILL: All right. Great. Thank  
12 you, Mr. Moy. Is the Board ready to deliberate?

13           Okay. All right. I can start. You know,  
14 again, as far as the criteria for the expedited  
15 review, after reviewing the record I didn't really  
16 have any issues or concerns with this application.  
17 Read through the ANC 3G's report that did recommend  
18 the approval, as well as the Office of Planning's  
19 report.

20           And based upon those items of feedback, I  
21 don't really have any issues. Does the Board have  
22 anything else to add?

23           MS. WHITE: No, Mr. Chairman. I agree with  
24 your assessment. After reviewing the record, it seems  
25 pretty clear. They also have, as you said, strong



1 Office of Planning support, as well as ANC 3G approval  
2 by a vote of five to zero, no issues or concerns were  
3 raised. It appears that they did meet the criteria to  
4 get an expedited review of this case.

5 CHAIRPERSON HILL: Okay, great. Anyone else?

6 [No audible response.]

7 CHAIRPERSON HILL: Okay. Then, I'm going to  
8 go ahead and make a motion to approve Application No.  
9 19541 as read by the secretary.

10 MR. HART: Second.

11 CHAIRPERSON HILL: Motion has been made and  
12 seconded.

13 [Vote taken.]

14 CHAIRPERSON HILL: The motion passes, Mr. Moy.

15 MR. MOY: Staff would record the vote as four,  
16 to zero, to one. This is on the motion -- this is on  
17 the motion of Chairman Hill to approve the application  
18 for the relief requested. Seconding the motion, Vice  
19 Chair Hart. Also in support, Mr. Turnbull, Ms. White,  
20 board seat vacant. Motion carries.

21 CHAIRPERSON HILL: Get a summary order?

22 MR. MOY: You may. Your call.

23 CHAIRPERSON HILL: Well, this microphone thing  
24 is just really confusing me, I've got to say.

25 MR. MOY: Well, push the mic closer to you.

1 CHAIRPERSON HILL: There's like, the sound is  
2 coming out of this little -- can you all hear it  
3 alright out there?

4 Okay. All right. Okay.

5 MR. MOY: All right. Next up is a -- on the  
6 consent calendar for discussion, is Application No.  
7 19055A of Valor Minnesota, LLC. This is pursuant to  
8 11-DCMR Subtitle Y, Section 705.1, request for a two-  
9 year time extension of BZA order No. 19055, approving  
10 variances from the minimum lot area requirements under  
11 Section 401, lot occupancy requirements 403, rear yard  
12 requirements 404, and the side yard setback  
13 requirements under Section 405, and a special  
14 exception from the minimum lot dimension requirements  
15 under Section 2604.3. This would construct 30 one-  
16 family attached and semidetached dwellings, R-2  
17 District, 4409 Minnesota Avenue Northeast, Square  
18 5097, Lot 846.

19 CHAIRPERSON HILL: Okay, great. Thank you,  
20 Mr. Moy. Is the Board ready to deliberate? Okay.

21 So, after reviewing the request for the time  
22 extension, and then after actually discussion with the  
23 Office of Attorney General during kind of our  
24 opportunity to have a closed meeting, it seems as  
25 though there was some questions in terms of the

1 showing, you know, the good cause in terms of the  
2 information that has been presented to us. As I  
3 understand, again, there are the reasons to grant the  
4 time extension would be financing, government  
5 approval, or litigation, and the applicant chose to --  
6 or the applicant was discussing the government  
7 approval, and it seemed a little bit light in terms of  
8 the justification as to the time extension.

9 I didn't have a lot of questions in terms of  
10 the application after also having an opportunity to  
11 look at the Office of Planning's thoughts about the  
12 criteria. But I think there was some discussion from  
13 the board and I would like to open it up for the Board  
14 to elaborate.

15 MR. HART: Yes, Mr. Chairman. I think that  
16 what I would like to have is having some information  
17 about what was the issue between the actual dates of  
18 the permits that were -- the information that was  
19 submitted, and the comments that were received. Those  
20 dates are really from about a year ago, and it's  
21 unclear as to what has transpired in the year that has  
22 caused the delay.

23 I mean, the applicant submitted a letter and  
24 some information regarding that. That's Exhibit 3,  
25 and it doesn't -- there isn't sufficient information

1 to be able to say, oh, okay, I can understand what  
2 those concerns were, and why I would agree or disagree  
3 with them. But right now, I just don't have that  
4 information to be able to make that determination.

5           So, it's really understanding, one, what the  
6 comments were from the various agencies, the District  
7 Department of Transportation, District Department of  
8 Energy and Environment, as well as, I'm not sure if  
9 WMATA had comments as well. But it just seems as  
10 though there were some comments that were made, and  
11 maybe some back and forth that we're just unaware of,  
12 that has put the applicant in this situation, or this  
13 circumstance. And right now, we just don't have that.

14           So the comments would be helpful to understand  
15 that, and then some sort of timeline to understand why  
16 -- what has transpired between the October timeframe  
17 of 2016, and the now September 2017 that we're in.  
18 So, that's it.

19           MS. WHITE: Yeah, I would agree with Vice  
20 Chair, Mr. Carlton there, because there was quite a  
21 bit of time that's passed from the time that they  
22 received the comments from these government agencies.  
23 And I went through the record. I was trying to get a  
24 sense of why it's taken over a year for them to  
25 respond back to DDOT, DDOE, and WMATA. Perhaps

1 something has been done, but it just was not clear in  
2 the record in terms of cause being shown to get the  
3 extension in the application that they've filed today.

4 MR. TURNBULL: I would agree with my  
5 colleagues, Mr. Chair. I think -- I mean, one of the  
6 key issues you have for an extension is if a  
7 governmental agency approvals have taken a long time  
8 and it's caused the applicant to endure a longer  
9 period of time to be able to get this thing going.

10 But I guess following up on what my colleagues  
11 have said, the three agency in question had -- we're  
12 not sure of the timing, but apparently the permit was  
13 accepted August 23rd, 2016. Comments came back. Now  
14 again, we don't know what those comments are, to what  
15 degree to what they're really asking for. But if the  
16 applicant is asking for a two-year extension, are  
17 these significant changes or significant things that  
18 they're asking for? I would think that usually a lot  
19 of the comments are fairly straight forward and can be  
20 answered fairly easily.

21 But if this is indeed more complicated, I  
22 think we would need to know that. I think we would  
23 really have to have that clarified as to what degree  
24 these agencies are looking for and if it's causing the  
25 applicant to request two years more on this.

1           So, I think a little bit more explanation  
2 would be helpful.

3           CHAIRPERSON HILL: Okay. Okay. Is the  
4 applicant here?

5           Okay, would you like to come forward? If you  
6 could, just introduce yourself?

7           MS. MOLDENHAUER: Good morning. Meredith  
8 Moldenhauer from the law firm of Cozen O'Connor on  
9 behalf of Valor Minnesota, LLC. And we have heard  
10 your comments and we can follow up with our client and  
11 do either one of two things. Determine whether a full  
12 two years is required, or rather maybe, maybe a one-  
13 year extension of the permit, or provide additional  
14 supplemental information on the back and forth.

15           I do know that when we took the property  
16 forward at the initial application, the property  
17 obvious has -- there was an encroachment by DDOT on  
18 the property. And so, there was a lot of  
19 complications in that regard under the initial  
20 application. And so, there has been back and forth on  
21 that issue in regards to dealing with the encroachment  
22 and dealing with the dedication of the property back  
23 towards government property from private ownership.

24           And so, we can supplement that information as  
25 well and put this on for another hearing date if that

1 is what the Board is requesting.

2 CHAIRPERSON HILL: Okay. Yeah, I mean, you  
3 heard everything that the Board had to say.

4 In terms of time, how long will that take you?

5 MS. MOLDENHAUER: I would -- let me just look  
6 at my calendar. If we could get something filed maybe  
7 by the 21st and have another hearing on the 27th, that  
8 way we have time to make sure that we have all the  
9 information?

10 CHAIRPERSON HILL: Mr. Moy?

11 MR. MOY: Yeah, I think that's doable. One  
12 more case for that day, I think that would be fine.

13 CHAIRPERSON HILL: Okay. Okay. And then  
14 also, you know, I know that the ANC was served, but if  
15 you could get something from them, that would be  
16 helpful. But, you know, they didn't respond.

17 MS. MOLDENHAUER: I mean, we've looked back on  
18 kind of past cases that the Board has reviewed on  
19 these extensions and as long as they've been served,  
20 there has been no need for them to respond. But we do  
21 know that it was during August, so if they do -- they  
22 are able to respond between now and then, we will  
23 definitely --

24 CHAIRPERSON HILL: Okay. Okay.

25 MS. MOLDENHAUER: -- let the Board know.

1 CHAIRPERSON HILL: Okay. Great. All right.  
2 So, let's go ahead and do that then, Mr. Moy, okay?

3 So, you said the 27th?

4 MR. MOY: So reschedule to the hearing of  
5 September 27th, submissions by, I think you said  
6 Friday the 21st. Did I hear that correctly?

7 MS. MOLDENHAUER: I think it's Thursday the  
8 21st.

9 MR. MOY: Thursday.

10 MS. MOLDENHAUER: Is that when the Board  
11 typically likes to see something before?

12 MR. MOY: That would be good.

13 MS. MOLDENHAUER: Okay.

14 MR. MOY: Earlier is always better.

15 MS. MOLDENHAUER: Sounds good.

16 MR. TURNBULL: And, Mr. Chair, I wonder if I  
17 might just ask Ms. Moldenhauer what --

18 CHAIRPERSON HILL: Sure. Of course. Please.

19 MR. TURNBULL: I remember, I sat on that case.  
20 I think the Chair also sat on that. It's a  
21 residential project, it's some row houses and some  
22 single-family homes on Minnesota. And the street, if  
23 you could make it -- yeah, if you could really clarify  
24 the issues with Department of Transportation on that  
25 street issue, that would be good.



1 MS. MOLDENHAUER: Yeah, I'm just -- I mean,  
2 the history of the case was that obviously it was a  
3 very, very long narrow --

4 MR. TURNBULL: Right.

5 MS. MOLDENHAUER: -- lot that was  
6 trapezoidally shaped. That was between the CSX tracks  
7 and --

8 MR. TURNBULL: Right.

9 MS. MOLDENHAUER: -- Minnesota. That was  
10 portions of a paper alley, or a papered street. And  
11 so, you know, there are factors in regards to there  
12 was an encroachment from DDOT, where they had actually  
13 built the street out over my client's property.

14 MR. TURNBULL: Okay.

15 MS. MOLDENHAUER: And so, you know, those were  
16 part of some of the factors.

17 MR. TURNBULL: Okay. Great. Thank you.

18 MS. WHITE: Yeah, I'd just like to --

19 MS. MOLDENHAUER: We will elaborate on that.

20 MS. WHITE: Yeah, I'd just like to say that,  
21 you know, I think it's important to get as much detail  
22 as we can because it is a pretty significant project.  
23 I mean, this is -- I mean, it looks very interesting.  
24 It looks like it would do some good things for the  
25 area, but you're talking about 30 one-family attached

1 and semi-attached dwellings. So, it's a pretty  
2 substantial project. So it would be good to get as  
3 much information as we could so that we could make an  
4 informed decision.

5 MS. MOLDENHAUER: We will supplement the  
6 record. We appreciate it.

7 MS. WHITE: Thank you.

8 MS. MOLDENHAUER: Thank you.

9 CHAIRPERSON HILL: Okay, great. Thank you.

10 [Pause.]

11 CHAIRPERSON HILL: All right, Mr. Moy.  
12 Whenever you're ready.

13 MR. MOY: The last case in the meeting session  
14 is a modification of consequence. This is Application  
15 No. 18420A of AT&T. Reading the caption, this is  
16 pursuant to Subtitle Y, Section -- Subtitle Y,  
17 Section 703, modification of consequence to the plans  
18 approved in BZA Order No. 18420, to construct smaller  
19 equipment cabinets related to the installation of a  
20 128-foot-tall monopole and antennas in the R-4 Zone.  
21 This is 4301 13th Street Northwest, Square 2915, Lot  
22 802.

23 CHAIRPERSON HILL: All right. Great. Thank  
24 you, Mr. Moy. Is the Board ready to deliberate?  
25 Okay.

1           Let's see, and Mr. Turnbull, you have read  
2 into this. Is that correct?

3           MR. TURNBULL: Yes, I have, Mr. Chair.

4           CHAIRPERSON HILL: Okay, great. Wonderful.  
5 Thank you.

6           All right. So I recall back when we heard  
7 this originally, and some, in terms of the  
8 modification of consequence and then some of the  
9 things that we were looking for. I was interested in,  
10 or we were interested, I guess, in some feedback from  
11 ANC 4C, which we did get. And based upon really the  
12 feedback from them and the Office of Planning, I don't  
13 really have any further concerns with moving forward  
14 on this application.

15           Does the Board have any thoughts they'd like  
16 to voice?

17           MS. WHITE: I think with this particular one,  
18 if we do grant the relief sought, that there was some  
19 discussion about the two conditions that have to be  
20 reinstated into the new order, which included the  
21 vegetative screen and some discussion about allowing  
22 for two other providers.

23           CHAIRPERSON HILL: Okay. Thank you, Ms.  
24 White. Yeah, the -- so, the two conditions were at  
25 least two other providers shall be able to co-locate

1 on the approved monopole. And then the other  
2 condition was, the applicant shall install and  
3 maintain a landscaped vegetative buffer along the  
4 existing fence line to screen the monopole and its  
5 base. And if we did move forward on this I would  
6 again propose those two conditions.

7 Okay. So, unless the Board has any other  
8 thoughts, I'm going to go ahead make a motion. All  
9 right?

10 Going to make a motion to approve Application  
11 No. 18420A of AT&T with the two conditions that I just  
12 read.

13 MS. WHITE: Second.

14 MR. HART: Seconded.

15 CHAIRPERSON HILL: Motion has been made and  
16 seconded.

17 [Vote taken.]

18 CHAIRPERSON HILL: Motion passes, Mr. Moy.

19 MR. MOY: Staff would record the vote as four,  
20 to zero, to one. This is on Chairman Hill's motion to  
21 approve with the two conditions as read into the  
22 record.

23 Seconded the motion, Ms. White. Also in  
24 support, Vice Chair Hart, Mr. Turnbull, and a board  
25 seat that is vacant. Motion carries.

1 CHAIRPERSON HILL: All right, thank you, Mr.  
2 Moy. Summary order?

3 MR. MOY: Yes, thank you.

4 CHAIRPERSON HILL: Thank you.

5 [Pause.]

6 CHAIRPERSON HILL: All right. And I neglected  
7 to mention again at the beginning, we're basically  
8 following the agenda that is to the door, the file  
9 things as you walk in, to the right. So, Mr. Moy,  
10 whenever you're ready for our first hearing case.

11 MR. MOY: Yes, sir. Thank you. That would be  
12 Application No. 18383A of Barbara Chambers Children's  
13 Center, pursuant to 11-DCMR Subtitle X, Chapter 9, for  
14 a special exception from the use conditions of  
15 Subtitle -- I want to read the corrected relief.  
16 Would be Subtitle U, Section 420.1, and 203.1(g).  
17 This would permit the expansion of 285 students, and  
18 55 staff, of an existing daytime care use in the RA-2  
19 Zone at 1470 Irving Street Northwest, Square 2672, Lot  
20 881.

21 CHAIRPERSON HILL: Okay, great. Thank you,  
22 Mr. Moy. Could the applicant please come to the  
23 table?

24 Good morning. If you could please introduce  
25 yourself?

1 MR. WARNER: Hi. My name is Dahn Warner for  
2 Barbara Chambers Children's Center.

3 MS. VENTURA-TORRES: Hi. My name is Francis  
4 Maribel Ventura-Torres, Executive Director of Barbara  
5 Chambers Children's Center.

6 CHAIRPERSON HILL: I'm sorry, could you say  
7 your last name again?

8 MS. VENTURA-TORRES: Ventura-Torres.

9 CHAIRPERSON HILL: Ventura-Torres.

10 MS. VENTURA-TORRES: Yes.

11 CHAIRPERSON HILL: Thank you.

12 Let's see. Oh, did you guys get sworn in?

13 MR. WARNER: No.

14 CHAIRPERSON HILL: Okay. Did you get sworn  
15 in?

16 MS. VENTURA-TORRES: No.

17 CHAIRPERSON HILL: Okay. If you could please  
18 stand up and get sworn in by the secretary, over here,  
19 to my left?

20 MR. MOY: If there's anyone else who hasn't  
21 been sworn in, would you please stand?

22 CHAIRPERSON HILL: Yeah, if there's anybody  
23 that came late, and now we know you came late, and so  
24 you can get sworn in here now? Thank you.

25 [Oath administered to the participants.]

1 MR. MOY: Thank you.

2 CHAIRPERSON HILL: Okay. Great. Thank you.

3 All right, so Mr. Warner, I guess you're going  
4 to present for us. You know, I think the record was  
5 pretty clear, however, I would like to hear again, you  
6 know, the relief that you're asking for and how you're  
7 meeting the criteria and the conditions for us to  
8 grant that relief.

9 I also, and I know the Board would like to  
10 clarify a lot of the conditions that first were  
11 initially put forward with the order, as well as in  
12 particular, what was condition No. 8, which has to do  
13 with the TDM plan and kind of what just -- if you can  
14 just clarify all the conditions as we kind of go  
15 through that? I'm going to go ahead and put 10  
16 minutes on the clock for you, just so I know where we  
17 are in terms of time, and you can begin whenever you'd  
18 like.

19 MR. WARNER: Thank you. We've been operating  
20 Barbara Chambers Children's Center in Columbia Heights  
21 on Irving Street, we're celebrating our 50th  
22 anniversary next year, and we currently serve 225  
23 children, and we have three locations. Our main  
24 location is on Irving Street, which is the subject  
25 property we're talking about today.

1           We're requesting to increase the number of  
2 children we serve from 225 to 285, and accompanying  
3 staff from 47 to 55.

4           This change is brought about by the departure  
5 of a tenant that we had in our building. We have a  
6 four-story facility on Irving Street, and one of our  
7 stories was occupied by the Collaborative Solutions  
8 for Communities, which is one of the collaboratives  
9 that operates in the city, supporting families and  
10 children. They departed for another location. We now  
11 have extra space, and we'd like to utilize that space  
12 to serve the low-income and immigrant families that  
13 we've been serving.

14           We've been before this Board several times  
15 before to increase the number of children that we  
16 serve, and also to allow us to prepare food by  
17 granting us an exception for a catering license, which  
18 now enables us to serve food from our main location to  
19 our two satellite locations.

20           We have complied with the requirements for  
21 this exception. We are in harmony with the general  
22 purpose and intent of the zoning regulations and the  
23 zoning maps. We have no intent to adversely affect  
24 the neighborhood or the neighboring properties. We  
25 have good relations with all of our neighbors. There





1 neighbors. We have placed the placard, we have  
2 appeared before the ANC and received their unanimous  
3 support. We also have had detailed discussions with  
4 the Office of Planning, as well as the Department of  
5 Transportation to discuss how we are minimizing any  
6 impact that this change would have on the  
7 neighborhood.

8           You asked to review the conditions that we  
9 agreed to. So the hours of operation will be from  
10 7:00 to 10:00 p.m., 7:00 a.m. to 10:00 p.m. Everyone  
11 will be out of the location by 10:30 at night. The  
12 enrolled children will not exceed 285. The number of  
13 staff will not exceed 55. Outdoor activities will be  
14 supervised and conclude by 8:00. Trash will be kept  
15 on site and collected three times a week. And we also  
16 will monitor the dropping off and picking up of  
17 children, and we also keep our parking lot lighted.

18           There were also other conditions related to  
19 the DDOT's request. And those are that we have the  
20 plan that I mentioned for dropping off and picking up  
21 children in the alley way. I'm sorry, in the parking  
22 lot that is off of our alley way.

23           In addition, if this change is approved, we'll  
24 also station staff outside at that drop-off location  
25 to make sure that the transition to the greater number

1 of children is happening in a smooth way that's not  
2 impacting our neighbors or our operation.

3 We also have installed bicycle racks on site  
4 to encourage our staff to bicycle to work, and along  
5 with that we have a shower that is available for their  
6 use for that same purpose. We have instituted the  
7 SmartTrip, Smart Benefits program, which enables our  
8 staff to make pre-tax contributions to public  
9 transportation. And we have also communicated with  
10 our parents about the proper way to drop off and pick  
11 up their children. So, these are all the steps that  
12 we've taken to make sure that this increase doesn't  
13 negatively impact the neighborhood.

14 CHAIRPERSON HILL: Okay. Great. No, thank  
15 you.

16 So yes, so you did read through all of the  
17 conditions. And does the Board have any questions,  
18 first concerning the conditions, because I was just  
19 kind of curious as to if you're good with that. And  
20 then after that, if the Board has any questions  
21 directly to the applicant right now before I turn to  
22 the Office of Planning?

23 Okay. Ms. Ventura-Torres, did you have  
24 anything else you'd like to add?

25 MS. VENTURA-TORRES: No, I think we covered

1 everything.

2 CHAIRPERSON HILL: Okay. Well, you came all  
3 the way down here. You know. All right.

4 Can I turn to the Office of Planning?

5 MS. ELLIOT: Good morning, Mr. Chairman,  
6 members of the Board. I'm Brandice Elliot  
7 representing the Office of Planning. And you're  
8 right. These microphones will take a little bit of  
9 getting used to. I don't hear myself, but my voice is  
10 bouncing off the back wall. Okay.

11 So, Office of Planning is recommending  
12 approval of the requested special exception as noted  
13 in the report, and I would just also like to note that  
14 we're supportive of the conditions that have been  
15 identified by DDOT, and then the continuation of the  
16 conditions as approved in the previous order for  
17 18383.

18 But I'll rest on the record and happy to  
19 answer any questions you may have.

20 CHAIRPERSON HILL: Okay, just real quick. I  
21 mean, you've listened to all the conditions and there  
22 wasn't any discrepancy that you heard?

23 MS. ELLIOT: No, the condition regarding the  
24 TDM plan has been modified slightly. I guess based on  
25 conversations with DDOT, but we're supportive of

1 those.

2 CHAIRPERSON HILL: Okay. Does the Board have  
3 any questions for the Office of Planning?

4 MR. TURNBULL: I just have one. I think it's  
5 just a point of clarification. I think the applicant  
6 explained what they were doing with their van. But  
7 the Department of Transportation, they said on page 2,  
8 "Provide shuttle service between the subject property  
9 and local schools for before and after school  
10 programs." And I think there's just a van that's  
11 going to one location.

12 MR. WARNER: That's correct.

13 MR. TURNBULL: So, it's not to various  
14 schools, it's only one point location.

15 MS. VENTURA-TORRES: Right.

16 MR. TURNBULL: So, I just wanted to clarify  
17 that, which --

18 MS. ELLIOT: So, again, that's a condition  
19 that was requested by DDOT. But if, you know, we're  
20 certainly amenable to modifying that so that it  
21 applies more specifically to this.

22 MR. TURNBULL: Yeah, I think they're just  
23 continuing on a program that they've been doing for  
24 years, so --

25 MR. WARNER: That's correct.

1 MS. ELLIOT: Yeah, we'd be supportive of that  
2 modification.

3 MR. TURNBULL: Okay.

4 MR. HART: Commissioner Turnbull, just want to  
5 make sure that -- do we want to change it or keep it,  
6 because I don't know what the applicant may want to do  
7 in the future. So at some point they may actually be  
8 going between their, you know, areas and several  
9 schools, just depending on when the schools get --  
10 where the children end up going to school. And I  
11 don't know if we want to just keep it in so that we  
12 have that -- they have the flexibility to be able to  
13 do that. I mean, it's just a question that's all.

14 MR. TURNBULL: Yeah, I'm fine. I'm acceptable  
15 to that as long as Department of Transportation is not  
16 going to hold their feet to the fire and say they have  
17 to go other places. But if the applicant is amenable  
18 to keeping it, and so that they have some flexibility  
19 in the future, I think that's fine.

20 MR. WARNER: Yeah, we'd appreciate that  
21 flexibility. These agreements with schools are quite  
22 long-term, so we don't anticipate any changes in the  
23 immediate future, but that flexibility would be great.

24 MR. TURNBULL: Okay.

25 MR. WARNER: Thank you.

1 MR. TURNBULL: That's good.

2 CHAIRPERSON HILL: Okay, great. Does the  
3 Board have anything else?

4 All right. Is there anyone here wishing to  
5 speak in support of the application?

6 [No audible response.]

7 CHAIRPERSON HILL: Is there anyone here  
8 wishing to speak in opposition to the application?

9 [No audible response.]

10 CHAIRPERSON HILL: Is there anyone here from  
11 the ANC wishing to speak?

12 [No audible response.]

13 CHAIRPERSON HILL: All right. Mr. Warner, I'm  
14 going to turn back to you. Did you have any questions  
15 for the Office of Planning?

16 MR. WARNER: No, thank you.

17 CHAIRPERSON HILL: Okay. Is there anything  
18 else you'd like to add?

19 MR. WARNER: No.

20 CHAIRPERSON HILL: Okay. All right. So, then  
21 is the Board -- I'm going to close the hearing. Is  
22 the Board ready to deliberate?

23 Okay, does somebody else want to go?

24 MR. TURNBULL: Mr. Chair, I would move that  
25 the Board approve BZA case No. 18383A, Barbara

1 Chambers Child Development Center, special education -  
2 - special exception to expand student enrollment staff  
3 at an existing child development center.

4 MR. HART: Seconded.

5 CHAIRPERSON HILL: Motion has been made and  
6 seconded.

7 [Vote taken.]

8 CHAIRPERSON HILL: The motion passes, Mr. Moy.

9 MR. WARNER: Thank you.

10 MR. MOY: Staff would record the vote as four,  
11 to zero, to one. This is on the motion of Mr.  
12 Turnbull. Seconded the motion, Vice Chair Hart, and  
13 of course this is approval with conditions as stated  
14 by the Board. Seconded the -- and also in support of  
15 the motion, Ms. White, Chairman Hill. We have a board  
16 seat vacant. Motion carries, sir.

17 CHAIRPERSON HILL: Thank you. Do a summary  
18 order?

19 MR. MOY: Thank you.

20 [Pause.]

21 CHAIRPERSON HILL: All right, Mr. Moy,  
22 whenever you're ready for the next one.

23 MR. MOY: The next case application is No.  
24 19546. I'm going to take a stab at this name.

25 Oluseyi, O-L-U-S-E-Y-I. And the last name is A-D-E-M-



1 I-L-U-Y-E. I see you. All right. As amended. This  
2 is pursuant to Subtitle X, Chapter 9, for special  
3 exceptions under Subtitle E, Section 5203.3. This is  
4 from the rooftop architectural element requirements of  
5 Subtitle E, Section 206.1(a), from the penthouse  
6 requirements of Subtitle C, Section 1500.4, and from  
7 the penthouse setback requirements of Subtitle C,  
8 Section 1502.1(c)(2). This would construct a rear  
9 addition to an existing one-family dwelling in the RF-  
10 1 Zone at 2521 12th Street Northwest, Square 2865, Lot  
11 140.

12 I believe the revised drawings are under  
13 Exhibit 33, if the applicant can confirm that for me?

14 MR. ADEMILUYI: Yes.

15 CHAIRPERSON HILL: Okay. Good morning. If  
16 you could introduce yourselves, please? You need to  
17 push the button.

18 MR. ADEMILUYI: Yeah, good morning, everyone.  
19 Oluseyi Ademiluyi. I'm the owner of the property.

20 CHAIRPERSON HILL: Okay, great. Ademiluyi?

21 MR. ADEMILUYI: Ademiluyi.

22 MR. BOSTAN: Yeah. And I'm -- good morning.  
23 My name is Shanur Bostan with Axis Architects. I'm  
24 the architect for the project.

25 CHAIRPERSON HILL: Okay, great. Who is going

1 to be presenting for us?

2 MR. BOSTAN: I mean, I can speak to --

3 CHAIRPERSON HILL: Okay.

4 MR. BOSTAN: -- to the project and the process  
5 we went through.

6 CHAIRPERSON HILL: Okay. All right. Well, so  
7 what I guess, you know, again, what the Board would  
8 like to hear from you is what you're actually  
9 requesting and there has been a little bit of  
10 confusion because I know you pulled some things back  
11 and so if you could provide clarification as to what  
12 it actually is you're requesting from the Board in  
13 terms of relief, and then also what you're proposing  
14 for the project, and then how you're meeting the  
15 criteria for us to go ahead and approve the relief.

16 And I know that there are some questions that  
17 the Board is going to have as you kind of go through  
18 your presentation. I know that there has been some  
19 discussion about kind of the architectural penthouse.

20 And if you want to kind of go into some detail about  
21 that even further during your presentation, I'm going  
22 to put 10 minutes on the clock just so we kind of know  
23 where we are. And whoever wants to start can go ahead  
24 and begin at any time.

25 MR. HART: Mr. Chair.

1 CHAIRPERSON HILL: Sure, of course.

2 MR. HART: Yeah. Just one other thing. I  
3 guess we received a letter in opposition from multiple  
4 neighbors. I'm not sure when we got this in, must  
5 have been today. It may have been last night. And  
6 could you also speak to you know, kind of the  
7 conversations that you've had with the neighbors and  
8 everything?

9 You can do the presentation first and then  
10 talk about the outreach and stuff. I just wanted to  
11 hear that as well.

12 CHAIRPERSON HILL: Okay, great. All right.  
13 So does anyone else have anything else the applicant  
14 would like to -- you would like the applicant to focus  
15 on while we're going through the presentation?

16 MS. WHITE: I know Commissioner Turnbull had  
17 some questions about the view of the penthouse from  
18 the front of the street, as far as the setback. I'm  
19 stealing your question. Sorry.

20 MR. TURNBULL: Yeah, I guess what my feeling  
21 is, is that the new regulations are there for a  
22 specific reason for trying to keep the character of  
23 the neighborhood. And so, this looks like a very  
24 large penthouse so we'll need to talk about scale and  
25 character and how you're taking care of, I mean,

1 preserving that kind of feeling within the  
2 neighborhood and the aspects of your neighbors.

3 CHAIRPERSON HILL: Okay. So, as you go  
4 through the presentation, just make note of some of  
5 those items. Okay?

6 MR. BOSTAN: Sure. So the project is at 2521  
7 12th Street. Currently, it's a single townhouse and  
8 we're proposing to turn it into flats.

9 What we're asking from relief as stated in  
10 here, when the project started, the applicant started,  
11 as you can see in Exhibit 6, we were asking originally  
12 for the rear yard exception. We were proposing to go  
13 18 feet beyond past the neighbor's house, neighbor's  
14 townhouse. And since the ANC meeting, talking to the  
15 neighbors, we hear them loud and clear, and we scaled  
16 back on that exception request so we're not requesting  
17 that exception anymore. And that is also on the  
18 revised application, Exhibit No. 33, reflects the  
19 recent drawings.

20 The other exception we're asking for is the  
21 rooftop architectural elements. Again, on the  
22 original application we were asking the porch to be  
23 partially cut and the dormers, the fake dormers to be  
24 replaced with real dormers. And again, talking to the  
25 ANC and planning and the neighbors, we are now leaving

1 the porch as is, and just asking for the dormers from  
2 being fake dormers to real dormers.

3           The other exception we're requesting is the  
4 penthouse. So, we would like to have an access to the  
5 rooftop deck through the penthouse. And on the front  
6 and the backside, we're meeting one-to-one  
7 requirements of the height requirement per setback.  
8 And since this is a 20-foot townhouse, 20-foot lot,  
9 almost 20-foot and 18-foot, inside dimension, we could  
10 not -- we're asking relief from a side setback  
11 requirement for the penthouse.

12           Since the original application we reduced the  
13 size of the -- the height of the penthouse, I believe  
14 from 8-foot-10 to 8-foot-6. And we also reduced the  
15 footprint of the townhouse. It's just basically  
16 landing of the stair, nothing more.

17           I mean, we believe the front and the rear  
18 setback, and the materials we are using will still  
19 keep the -- like, when you're looking from the street,  
20 it will blend in with the neighborhood and with the  
21 streetscape, and would not cause it here, effects to  
22 the neighbors.

23           There are no solar panels that we're aware of  
24 the neighbors have that will be impacted by this  
25 addition. Again, throughout the process we met with

1 the ANC. It was a long discussion, resulted in the  
2 origin of our application. We also met with Stephen,  
3 who is here, from planning, and Joel Lawson from  
4 planning, and spoke to these exception requirements.  
5 And we believe we have improved our application and  
6 seeking the approval from the Board.

7 MR. ADEMILUYI: Yeah. Just to add to that, to  
8 address your question, sir, we're not aware of what  
9 the letter of opposition is for, but as Shanur said, I  
10 did approach my neighbors very early in the process,  
11 and they were very clear and honest about their  
12 position. Particularly on the rear extension, going  
13 beyond the by-right extension. Of course, we spoke to  
14 ANC. They were also very clear, so you know, we were  
15 very aware of the neighborhood consensus on the rear  
16 setback and going beyond that. So, we listened and we  
17 made our adjustments.

18 And so now, we removed that all together and  
19 just did the by-right amount. There was a lot of back  
20 and forth with the front dormers and the porch, and  
21 how they wanted that to look and conform with the  
22 neighborhood. And as we always said, we're very happy  
23 to make whatever adjustments are necessary to make it  
24 conform as best as possible.

25 MR. HART: Yeah, thank you. It looks like the

1 neighbors are at 1200 Euclid Street.

2 MR. ADEMILUYI: Okay.

3 MR. HART: And it's all of the people that are  
4 in that --

5 MR. ADEMILUYI: Okay.

6 MR. HART: Well, actually, I shouldn't say all  
7 the people. There are people from four different  
8 units in that building.

9 MR. ADEMILUYI: Okay.

10 MR. HART: I don't know if it's just a four-  
11 unit building, or if it's a multi, you know, more than  
12 that. But those are the folks that sent this --

13 MR. ADEMILUYI: Okay.

14 MR. HART: Submitted this letter. And I'm not  
15 sure what they looked at because they were talking  
16 about removing the existing historic mansard roof,  
17 that they didn't necessarily like that. And so they  
18 wanted to revise this scheme to set the proposed upper  
19 floor addition back from the front of the house so  
20 that it allows the existing architectural features to  
21 be preserved, and that they preserve and restore the  
22 original architectural features as part of their  
23 proposed development. I mean, I'm just reading it  
24 from there.

25 So, it looks like they were against making

1 changes to the front of the house.

2 MR. ADEMILUYI: The house. Okay.

3 MR. BOSTAN: Just to touch -- I mean, it's  
4 probably in the application, but we did receive  
5 support from the Planning, a support letter from the  
6 Planning, and also from the ANC, for what we are  
7 asking for.

8 CHAIRPERSON HILL: Okay. Before I turn to the  
9 Office of Planning, does the Board have any further  
10 questions for the applicant?

11 MR. TURNBULL: Do you have the neighbors on  
12 either side, have they submitted -- I don't see any  
13 letters in support from the neighbors. I mean, have  
14 you talked to them directly and explained to them and  
15 shown them all your drawings, what you're proposing to  
16 do?

17 MR. ADEMILUYI: Yeah. Well, we've spoken many  
18 times. The last time we were all together was at the  
19 previous ANC meeting. The ANC made their  
20 recommendation, and again the biggest opposition in my  
21 mind that was very clear to me was extending that rear  
22 setback and going beyond that. And that was taken off  
23 the table. So as far as I know in the communication  
24 I've had, everything else is fine.

25 MR. TURNBULL: I guess one of my concerns when



1 I look at your drawing 10, O-10, that the front  
2 elevation, it takes up almost two-thirds of the  
3 elevation of the roof up there. And first of all, I  
4 don't think it's shown correctly, the elevation.

5 MR. BOSTAN: There needs to be a line -- it's  
6 not entire mass.

7 MR. TURNBULL: Right.

8 MR. BOSTAN: It's a divided mass.

9 MR. TURNBULL: It doesn't read correctly. And  
10 I was wondering, did you ever try to minimize the  
11 effect of this? I mean, sloping --

12 MR. BOSTAN: Well, sloping --

13 MR. TURNBULL: -- part of the stairs up so you  
14 don't --

15 MR. BOSTAN: Sloping of the roof is not  
16 allowed.

17 MR. TURNBULL: Well, the penthouse his not  
18 allowed.

19 MR. BOSTAN: Well, if you have a penthouse I  
20 believe it needs to be consistent roof. The slope of  
21 the roof of the penthouse. I spoke about this with  
22 the planning as well.

23 MR. TURNBULL: I don't think there was  
24 anything regarding the slope, but I can check with Mr.  
25 Mordfin on that.

1           MR. BOSTAN: But just to go back to a  
2 question, I mean, we did really explore to have a  
3 smaller footprint. And then the stair, the head  
4 height is at the minimal while you're going up. And  
5 again, from the previous application, we reduced the  
6 height.

7           And if you look at the --

8           MR. TURNBULL: Well, I mean, without me  
9 actually drawing this up myself and going through it,  
10 I think there's some work that you could still do on  
11 this to make this a little bit more minimal in size  
12 and in character.

13           What I'd like to see, I mean, I would like to  
14 see actually what you see, what this thing looks like  
15 from the street level, how much you really see  
16 accurately, whether it's a perspective or some kind of  
17 a view or section that would actually show what  
18 somebody would see from the street.

19           I think the way you've got it shown right now,  
20 it really sticks out. I mean, it's really I think,  
21 not in character totally with what you would see on  
22 the street. And maybe that's what some of the other  
23 people are concerned about. But I think you're asking  
24 for a lot of relief here on this, and I think you  
25 really need to put a little bit more effort in at

1 working this penthouse to show architecturally how it  
2 would blend in a little bit better. That's just me.  
3 I'm only one member on the Board here speaking. But I  
4 think that there is some work that you can do on this  
5 to make this a little bit better.

6 MR. BOSTAN: I hear you, and we did relook at  
7 it, but we can look into it further --

8 MR. TURNBULL: Okay.

9 MR. BOSTAN: -- to see what we can do. And I  
10 do care about the character of the street.

11 MR. TURNBULL: No, I didn't mean to imply that  
12 you didn't.

13 MR. BOSTAN: No, no. No, no, no. I mean --

14 MR. TURNBULL: I just --

15 MR. BOSTAN: -- we really tried to minimize  
16 the footprint.

17 MR. TURNBULL: Right.

18 MR. BOSTAN: Again, we tried to put it in the  
19 middle of the townhouse, just to see how it -- I mean,  
20 then the penthouse end up being even bigger footprint.

21 MR. TURNBULL: Yeah.

22 MR. BOSTAN: Like a longer, like a train.  
23 It's just, there were a lot of constraints with the  
24 size of the townhouse. But I do acknowledge that  
25 maybe on Drawing A007 it's reflected better than A006

1 and but --

2 MR. TURNBULL: Yeah, I just like to, when I  
3 see something like this, I mean, I don't want to  
4 deprive anybody from using a roof deck. But at the  
5 same time, the regulations have been written in such a  
6 way not to impact the neighbors. That's why we have  
7 these setbacks, and I realize on a rowhouse -- and  
8 it's specifically for a rowhouse because people on the  
9 other side of you need to also want to do things,  
10 whether they want to have solar collectors or  
11 whatever.

12 MR. BOSTAN: Sure.

13 MR. TURNBULL: But I just think that you could  
14 maybe take another look at this and just see if you  
15 could --

16 MR. BOSTAN: I will definitely do that.

17 MR. TURNBULL: -- soften it a bit.

18 CHAIRPERSON HILL: Okay. I guess the question  
19 -- you lowered the penthouse size from 8-10 to 8-6,  
20 and that was based upon the discussions with the ANC?

21 MR. BOSTAN: It was just, on our end, just to  
22 try to reduce the impact of the penthouse.

23 CHAIRPERSON HILL: Okay. Okay.

24 MR. BOSTAN: On our end we just -- I mean, I  
25 spoke with the structural engineer and --

1           CHAIRPERSON HILL: Okay. Well, I think that,  
2 you know, what Commissioner Turnbull is saying, like  
3 and if you could provide some drawings as to what it  
4 looks like from the street, and if there is a way to  
5 soften the penthouse in some capacity, that's  
6 something that we probably -- I know that Commissioner  
7 Turnbull is interested in taking a look at.

8           Just before turning to the Office of Planning,  
9 I mean, I do like the fact that there are three-  
10 bedroom units that, you know, you guys are proposing  
11 in terms of providing family units for the city.

12           But does anyone have any more comments for the  
13 applicant before turning to the Office of Planning?

14           Okay. Could I hear from the Office of  
15 Planning, please? Or could we hear, please?

16           MR. MORDFIN: Yes. Good morning. I'm Stephen  
17 Mordfin, and the Office of Planning does support this  
18 application, and supports that the applicant did pull  
19 back the rear yard from 18 feet to 10 feet so that it  
20 conforms with the requirements.

21           There are still three reliefs that the  
22 applicant has requested, and there's special  
23 exceptions, and OP finds that the application is in  
24 conformance with them because the proposed penthouse  
25 is not going to block or interfere with any existing

1 roof structures, to include such as solar panels or  
2 chimneys. And also, we find that the architectural  
3 elements, although they're being modified, we've found  
4 that it was consistent with what's there today. There  
5 are two dormer windows there today. They're going be  
6 expanded, but they're going to be in the same place  
7 and in the same style, and they would be in the same -  
8 - but the end walls are also going to be increased in  
9 height, but similar to what is existing today.

10           And therefore, we found that that would  
11 maintain the existing architectural features of the  
12 house. And also, the applicant did then modify the  
13 application to not change the existing porch so that  
14 it would be the same as the adjacent house.

15           We don't find that the modification of this  
16 would -- it would maintain the existing design and  
17 style, so it wouldn't adversely affect the zoning  
18 regulations, and we didn't see that it would generally  
19 appear to adversely affect the neighboring properties  
20 because we found that the height of the structure, the  
21 applicant minimized it to the extent possible,  
22 although it is located on one side of the rowhouse, it  
23 isn't a row of rowhouses, which minimizes its  
24 appearance from the end of the row of rowhouses. It's  
25 not an end unit where you would see it on the end

1 wall.

2           As for Mr. Turnbull's question regarding the  
3 slope, there are regulations that control how much you  
4 -- how you slope penthouses, and I don't have them in  
5 front of me so I don't want to misspeak on just  
6 exactly what they say, because I don't have the zoning  
7 regulations in front of me. But I can get back to you  
8 with just what those regulations state.

9           MR. TURNBULL: Thank you, Mr. Mordfin. My  
10 concern was, and I think we've done it before, we've  
11 had penthouses on residential structure where the  
12 applicant has modified it, allowing for a slope or  
13 trying to minimize some of it. And you're right, I  
14 don't recall all the regulations either, regarding  
15 slopes on penthouses, but I know we do allow some  
16 modifications to try to keep an architectural  
17 character for something like this.

18           My only concern is that when you see this from  
19 the street, that I don't see a big box up there. And  
20 I think the drawings that we have in front of us don't  
21 really adequately show what the effect would be of  
22 someone in the street looking at this. And my concern  
23 is always, looking from a streetscape that we're  
24 destroying the character of the neighborhood, and so  
25 I'm always a little bit conservative on how I look at

1 these things and try to approach this with a sort of a  
2 narrow scope, making sure that at least the -- the  
3 least amount of harm is done as possible. We're still  
4 granting the applicant the ability to improve their  
5 residence.

6           And as the Chair has said, the larger dwelling  
7 unit with the bedrooms is very much a plus. But I  
8 would still like just to see a little bit more work  
9 done on the character, just so, at least from my  
10 standpoint, that we've addressed the neighborhood's  
11 concerns about trying to integrate something like this  
12 and preserve the same character that's already there.  
13 That's my basic concern.

14           CHAIRPERSON HILL: Okay. Does anybody have  
15 any other questions for the Office of Planning? Does  
16 the applicant have any questions for the Office of  
17 Planning?

18           Okay. I'm going to go through here. Is there  
19 anyone here from the ANC?

20           [No audible response.]

21           CHAIRPERSON HILL: Is there anyone here  
22 wishing to speak in support?

23           [No audible response.]

24           CHAIRPERSON HILL: Is there anyone here  
25 wishing to speak in opposition?



1 Oh, please, come forward.

2 MR. DELATE: Good morning.

3 CHAIRPERSON HILL: Good morning.

4 MR. DELATE: My name is Peter Delate. I live  
5 across the street at 2526 12th Street.

6 CHAIRPERSON HILL: Could you spell your last  
7 name again for me?

8 MR. DELATE: D-E-L-A-T-E.

9 CHAIRPERSON HILL: All right, Mr. Delate,  
10 you're across the street. Is that what you said?

11 MR. DELATE: Yes.

12 CHAIRPERSON HILL: Okay, great. Well, I'm  
13 going to go ahead and give you three minutes to --

14 MR. DELATE: I won't take that long.

15 CHAIRPERSON HILL: Sure. That's all right.

16 MR. DELATE: That's fine.

17 CHAIRPERSON HILL: I think you got sworn in,  
18 correct?

19 MR. DELATE: Yes, I did.

20 CHAIRPERSON HILL: Okay. You were here on  
21 time.

22 MR. DELATE: Yes.

23 CHAIRPERSON HILL: Okay. All right.

24 MR. DELATE: With regard to Mr. Turnbull's  
25 questions of the top of the house, the front

1 elevation, number one, on A006 is slightly inaccurate.

2 The number 2 rear elevation is a little bit more so.

3 With regard to the exception that they're  
4 asking for, they're asking that the stairway access be  
5 right on the property line, which I can understand  
6 from an architectural standpoint. The staircase is  
7 already there, and that relief, while I don't like the  
8 idea of the rooftop deck and the access, I can  
9 understand that.

10 The front windows, and on the third floor and  
11 the rooftop deck are not elements that this street  
12 enjoys, okay, meaning that it disturbs the actual  
13 community that we have. There are nine houses on both  
14 sides. The street ends in a T to Euclid and Clifton  
15 on both ends, okay? These are townhouses.

16 We unfortunately have one of the townhouses  
17 that's been converted to condos. All of us bought our  
18 houses as homes for ourselves and our families, and  
19 we'd like to preserve that. I am vehemently against  
20 having two condos across the street. I know I can't  
21 do anything about that, okay, but I'd like to preserve  
22 the neighborhood look. So therefore, I'm in  
23 opposition if you will, for anything that changes the  
24 character of the street.

25 Now, in addition, I understand the owner would



1 present to you, you're not going to get the view that  
2 you want. You'd have to be looking at it sideways to  
3 see the slope. So I agree with the drawing as  
4 depicted. It might be, actually, a little bit less  
5 than that, but I don't like it at all.

6 CHAIRPERSON HILL: Okay. Okay. All right,  
7 great. Okay. Thank you.

8 Does the Board have any question for the  
9 witness?

10 MR. TURNBULL: So, you'd like to see it go  
11 away.

12 MR. DELATE: Oh, yes. Can I respond to that?

13 CHAIRPERSON HILL: Sure, of course.

14 MR. DELATE: It's been -- I've lived in my  
15 house for 17 years, and I've seen a lot of roof decks  
16 go up in our neighborhood. The majority of them are  
17 never used. So, all they are is a little box and a  
18 roof deck, okay? Even the newest one in our  
19 neighborhood was used once, 4th of July.

20 Now, granted, that's their prerogative, and it  
21 is a selling point, I've got to say, you know.  
22 Another \$100,000 for a realtor, which is exactly what  
23 I see this as. I do not see the gentleman who is  
24 proposing this is moving into this establishment from  
25 Potomac. But that's another issue all together.

1 CHAIRPERSON HILL: Okay. All right.

2 MR. TURNBULL: So, if he got rid of the  
3 penthouse and put simply a roof hatch, a door that  
4 went up that's flat --

5 MR. DELATE: I'd like it much more so, yes.

6 MR. TURNBULL: But you still don't like the  
7 idea of a deck up there, but --

8 MR. DELATE: Well, that's his choice.

9 MR. TURNBULL: Right.

10 MR. DELATE: I can't get over that, so, yeah.

11 MR. TURNBULL: But if he had a roof hatch or  
12 something --

13 MR. DELATE: Yeah.

14 MR. TURNBULL: Okay. All right. Thank you.

15 CHAIRPERSON HILL: All right. Okay, thank  
16 you.

17 MR. DELATE: Thank you.

18 CHAIRPERSON HILL: Let's see. Okay. So, what  
19 I know that we'd like to see again in terms of  
20 drawings, and Mr. Turnbull kind of mentioned it, is  
21 what it would look like from -- thank you, sir. What  
22 it would look like from the street in terms of the  
23 view.

24 And then also, I guess, if Mr. Turnbull would  
25 please clarify me -- correct me if I'm mistaken, but

1 you know, and some way to soften the penthouse in some  
2 capacity.

3           You mentioned a couple of other drawings that  
4 you had in terms of you tried to put it in the middle,  
5 or you tried to do something else with it, and maybe  
6 you could provide those to us as well, as to the other  
7 options. I do feel as though, you know, I understand  
8 the fact that you have pulled back the -- or at least  
9 I mean, again, I don't know whether you would have met  
10 the criteria or not, for the relief. But you know,  
11 you pulled back from the 18 feet to the 10 feet, and  
12 then you know, again from my standpoint in terms of  
13 just currently just as far as appeal goes, and what  
14 the city is trying to do, I do agree and appreciate  
15 the three bedrooms.

16           But I guess we'd like to take a look at those  
17 items, drawings, in order to have more information to  
18 move forward. Am I missing anything from my  
19 colleagues?

20           MS. WHITE: No, I think you've hit the nail on  
21 the head there. I do just think we just need some  
22 more clarification. I appreciate that you've gotten  
23 ANC support. You've gotten OP support as well. But,  
24 to provide a little bit more information to soften the  
25 look would definitely help us make a decision on the

1 case.

2 MR. ADEMILUYI: Sure. Sure.

3 CHAIRPERSON HILL: Mr. Turnbull, am I missing  
4 anything?

5 MR. TURNBULL: No, I think we covered  
6 everything.

7 CHAIRPERSON HILL: Okay. Great. I'm sorry,  
8 you had a question or comment?

9 MR. BOSTAN: No.

10 CHAIRPERSON HILL: Okay. Sure.

11 MR. ADEMILUYI: I'm just curious, what would  
12 be the next step then?

13 CHAIRPERSON HILL: Sure. So, Mr. Hart, do you  
14 have anything to add? Okay.

15 So, we'd set a time to get that information  
16 from you and then we'd set a time probably for, I  
17 guess we'd have a meeting date.

18 Yeah, one second.

19 [Pause.]

20 CHAIRPERSON HILL: Yeah, so I asked whether --  
21 and I asked whether anyone was here for opposition or  
22 in support, and the people came forward, but I see  
23 someone raising their hand. It's okay. So, were you  
24 here? I'll again ask, is there anyone here -- I am  
25 going to doubt in support, but are you here to support

1 the project, or are you here to oppose the project?

2 Would you --

3 MS. RIDGLEY: [Speaking off microphone.]

4 CHAIRPERSON HILL: That's okay. Would you  
5 please come forward?

6 Sure. If you could -- did you get sworn in?

7 MS. RIDGLEY: Yes.

8 CHAIRPERSON HILL: Okay. And did you fill out  
9 your witness cards?

10 MS. RIDGLEY: Yes.

11 CHAIRPERSON HILL: Okay, great. Could you  
12 give us your name?

13 MS. RIDGLEY: I'm Heidi Ridgley, R-I-D-G-L-E-  
14 Y. I live at 2515 12th Street, which is the same side  
15 of the block as Oluseyi.

16 CHAIRPERSON HILL: Shay is Mr. --

17 MS. RIDGLEY: Yes. I don't know how to say  
18 it.

19 MR. ADEMILUYI: That's the short version.  
20 That's right.

21 CHAIRPERSON HILL: Oh, got you. All right.  
22 Okay. And let's see, okay. I'm going to put three  
23 minutes on the clock.

24 Mr. Moy, does that clock actually work now, or  
25 does it not --



1           MR. MOY: I was going to tell you, I don't  
2 think it's been synched in, but I'm keeping track of  
3 it on the table here.

4           CHAIRPERSON HILL: Okay. Okay.

5           MR. MOY: And you heard a buzzer on the last  
6 one.

7           CHAIRPERSON HILL: Right. The beep means that  
8 you're --

9           MR. MOY: Exceeded the three minutes.

10          CHAIRPERSON HILL: You've exceeded the three  
11 minutes.

12          MR. MOY: Yes.

13          CHAIRPERSON HILL: Okay. All right. So I'm  
14 going to go ahead and put three minutes up there, and  
15 please, begin whenever you'd like.

16          MS. RIDGLEY: Okay. So, I want to thank you  
17 for -- my concern is the rear extension and I'm glad  
18 that you, you know, accommodated our concerns because  
19 I am on the same side of the block and the condo two  
20 doors down from me was built before the regulations  
21 changed, and so I just -- it really was huge and far  
22 back and it feels like when I'm in my yard that I'm in  
23 a prison yard, basically, looking up and back. So, I  
24 like the idea that he kept the, you know, the original  
25 footprint, or the 12 feet or whatever.

1           But, I'm just concerned and want to go on  
2 record that he changed the plans afterward to have the  
3 balconies put on, and I just want to make sure that if  
4 he enclosed that, like there is a zoning change, he  
5 would have to ask permission to have those enclosed in  
6 the future, right? I mean, I'm afraid that he's  
7 putting these balconies on and then later on he'll  
8 enclose it and they'll go back to that original 18  
9 feet that he had proposed.

10           MR. TURNBULL: He would have to come back for  
11 a modification.

12           MS. RIDGLEY: He would. Okay. So I am --

13           CHAIRPERSON HILL: Okay, I got you.

14           MS. RIDGLEY: I'm not opposed, but I like  
15 that --

16           CHAIRPERSON HILL: Right.

17           MS. RIDGLEY: -- you know, that he -- so --

18           CHAIRPERSON HILL: I understand.

19           MS. RIDGLEY: Yeah.

20           CHAIRPERSON HILL: No, that's --

21           MS. RIDGLEY: Okay.

22           CHAIRPERSON HILL: Okay.

23           MS. RIDGLEY: Okay.

24           CHAIRPERSON HILL: That's just great. All  
25 right. Do you have anything else?

1 MS. RIDGLEY: No.

2 CHAIRPERSON HILL: No? Does the Board have  
3 any questions?

4 Okay. If I'm here and he comes back, I'll  
5 remember, okay?

6 MS. RIDGLEY: Okay. All right.

7 CHAIRPERSON HILL: And I'm being serious.  
8 Okay? All right.

9 MS. RIDGLEY: Thank you.

10 CHAIRPERSON HILL: Okay. Let's see. All  
11 right, so do you understand what we're asking from  
12 you?

13 MR. BOSTAN: We do, but on the process side,  
14 do we -- would we get award today from the Board?

15 CHAIRPERSON HILL: No, no, no. So now what's  
16 going to happen is we need to see all the things we  
17 asked for. Then, if we decide that it's something  
18 that we think meets the criteria, and you have to get  
19 three votes of the four, it would move forward or it  
20 would get rejected. You know.

21 And so, Mr. Moy is going to give you a date in  
22 terms of when we would want the information from you  
23 in terms of the drawings. And then he would also give  
24 you a date as to when we would have the meeting. So,  
25 the meeting is what you, if you were here earlier, is

1 where it's no longer a hearing, the hearing will get  
2 closed, and then we deliberate as to whether or not  
3 the project is approved or denied. So you would move  
4 to the meeting calendar.

5 So, Mr. Moy?

6 MR. MOY: Well, I wanted to ask, Mr. Chairman,  
7 how long it would take the applicant to pull the  
8 materials together to submit into the record.

9 MR. BOSTAN: We can turn it around in three  
10 days, four days. I mean, as soon as possible  
11 because --

12 MR. ADEMILUYI: We've been waiting a long  
13 time.

14 MR. BOSTAN: -- we were trying to originally  
15 get into the calendar before the August recess and --

16 CHAIRPERSON HILL: You missed it.

17 MR. BOSTAN: What's that?

18 CHAIRPERSON HILL: You missed it.

19 MR. BOSTAN: We missed it.

20 CHAIRPERSON HILL: Is that right? Yeah.

21 MR. BOSTAN: We missed it.

22 CHAIRPERSON HILL: August was nice, though.  
23 Really, it was really -- yeah, really enjoyed it.

24 MR. BOSTAN: Yeah.

25 MR. MOY: If the applicant can make a filing

1 by Friday, then the Board actually could hear this at  
2 the next hearing, which would be September 13th.

3 MR. ADEMILUYI: That would be fantastic.

4 MR. MOY: I don't know, would this be a  
5 decision meeting or a hearing, Mr. Chairman?

6 CHAIRPERSON HILL: Decision meeting.

7 MR. MOY: Decision meeting? So, that's  
8 possible if you can submit the materials by this  
9 Friday. I know it's only two days from now.

10 MR. BOSTAN: Sure.

11 MR. MOY: Otherwise, we're looking at  
12 September 20th.

13 CHAIRPERSON HILL: Mr. Turnbull, are you okay  
14 with that day? I mean, you could just submit a  
15 ballot.

16 MR. TURNBULL: Yeah, I'm agreeable to  
17 whatever.

18 CHAIRPERSON HILL: Okay. All right. Okay.

19 MR. BOSTAN: That would be great.

20 CHAIRPERSON HILL: Okay. You're getting  
21 really -- Mr. Moy is in a good mood or something. I  
22 mean, this is next week then. We're going to talk  
23 about this next week.

24 MR. BOSTAN: Yes.

25 CHAIRPERSON HILL: So yeah, that's great. So,

1 if you go ahead and submit the drawings by Friday, and  
2 then that means -- yeah, so then we'll get them on  
3 Friday.

4 MR. MOY: And that would be September the 8th.  
5 September the 8th, this Friday.

6 MR. BOSTAN: Yes. And the 13th is the --

7 MR. MOY: Is the decision meeting.

8 MR. BOSTAN: Okay.

9 MR. MOY: Which is next Wednesday. And on  
10 this Friday, if you could submit it by 3:00 p.m.

11 MR. BOSTAN: Okay. And I do it through the  
12 zoning channel?

13 MR. MOY: You would upload, submit your --

14 MR. BOSTAN: Upload it.

15 MR. MOY: -- filing into the record.

16 MR. BOSTAN: Okay.

17 MR. MOY: Which is online.

18 MR. BOSTAN: Yeah, like the other ones. Yeah,  
19 sure.

20 CHAIRPERSON HILL: Okay. Then I'm going to  
21 close the hearing and it's going to go on the meeting  
22 calendar for next week, and good luck.

23 MR. BOSTAN: Thank you.

24 MR. ADEMILUYI: Thank you.

25 [Pause.]

1 CHAIRPERSON HILL: Mr. Moy, whenever you're  
2 ready, if you could call the 19548?

3 MR. MOY: Yes, sir. All right. Case  
4 Application No. 19548 of Tara Guelig, G-U-E-L-I-G and  
5 Yuri Horwitz. This application, I'm going to read to  
6 you as amended.

7 Subtitle X, Chapter 9, for a special exception  
8 under Subtitle D, Section 5201. This is from the rear  
9 yard requirements of Subtitle D, Section 1206.3, which  
10 would construct a rear addition to a one-family  
11 dwelling, R-20 Zone, at 2716 O Street Northwest,  
12 Square 1239, Lot 143.

13 And I believe, Mr. Chair, there are three  
14 party status requests.

15 CHAIRPERSON HILL: Sure. Right. So, can  
16 everybody come forward? I want to do some preliminary  
17 matter work first. Maybe we can have the applicant to  
18 my left, over here. Yeah. And then whoever is party  
19 status and everyone else over here to my right.

20 Okay. All right. So well, first of all, good  
21 morning.

22 ALL: Good morning.

23 CHAIRPERSON HILL: And so, then has everyone  
24 filled out their witness cards? Has everyone been  
25 sworn in?

1           Okay. No? No? Okay. If you could please  
2 just stand up and Mr. Moy here, to your right, will go  
3 ahead and administer the oath. Oh, yeah, and anybody  
4 else who needs to be sworn in who is going to testify  
5 later, just please stand up, take the oath. Thank  
6 you.

7           [Oath administered to the participants.]

8           MR. MOY: Thank you. You may be seated.

9           CHAIRPERSON HILL: Okay. Great. Thanks. So,  
10 let's see. Again, what I wanted to do first is go  
11 through some preliminary information and we'll explain  
12 all that as we go through this. But if we could just  
13 introduce ourselves from my right to left, please, and  
14 go a little slow for me. So, please, go ahead.

15           Oh, you have to speak into a microphone,  
16 unfortunately, for the record.

17           MR. BRODNIG: Good morning, Mr. Chair, members  
18 of the Board. My name is Gernot Brodnig. I am the  
19 co-owner of 2719 Dumbarton Street, a neighbor of the  
20 proponents.

21           MS. HASCI: Good morning. My name is Naima  
22 Hasci, and I am also part of the family of the  
23 previous speaker. Thank you.

24           MR. FERREIRA: Good morning. My name is David  
25 Ferreira. I am a co-owner of 2715 Dumbarton Street, a



1 neighbor.

2 MS. LAMBERT: Good morning. My name is  
3 Caroline Lambert. I'm the other co-owner of 2715  
4 Dumbarton Street.

5 MS. SCHAFFER: I'm Alison Schaffer. I live --  
6 I'm the sole owner of the house that's right next  
7 door; the only house that's right next door on O  
8 Street, 2712 O Street.

9 MS. GIORDANO: Good morning. My name is  
10 Cynthia Giordano with Saul Ewing Law Firm and I'm here  
11 representing Alison Schaffer.

12 MR. GIBBONS: Good morning, Chairperson Hill,  
13 Commissioners. My name is Joe Gibbons. I'm Chairman  
14 of ANC 2E.

15 MS. MOLDENHAUER: Good morning, Meridith  
16 Moldenhauer from the law firm of Cozen O'Connor,  
17 representing the applicants.

18 MS. GUELLIG: Hello. My name is Tara Guellig  
19 and I'm the applicant of 2716 O Street.

20 MR. HORWITZ: Good morning. I'm Yuri Horwitz,  
21 and I'm Tara's husband, also of 2716 O Street.

22 MS. RAO: Good morning. I'm Heather Rao from  
23 Cunningham/Quill Architects.

24 MS. RAMOS: Good morning, Oksana Ramos,  
25 Cunningham/Quill Architects.

OLENDER REPORTING, INC.  
1100 Connecticut Avenue, NW Suite 810 Washington, D.C. 20036  
Washington: (202) 898-1108 / Baltimore: (410) 752-3376  
Toll Free: (888) 445-3376

1 CHAIRPERSON HILL: Okay. All right. That was  
2 a lot of names so I got a little lost maybe there, a  
3 second. But I think I understand what everybody is --  
4 who everybody is.

5 So, there's three party status applications  
6 right now, correct? And so I'm one, two, three,  
7 correct? Okay.

8 And so, we've read through the application and  
9 perhaps if you could just clarify for me in the  
10 record, I mean, why it is that you should be granted  
11 party status. Again, we read the application. But if  
12 you could again just briefly tell me why it is that  
13 you think we should be awarding you party status?

14 And I'm still going to go from right to left,  
15 if that's okay. And I don't know, does that  
16 microphone move or -- no? Okay.

17 UNIDENTIFIED SPEAKER: [Speaking off  
18 microphone.]

19 CHAIRPERSON HILL: Okay, no, don't do that.  
20 Don't do that. We just got them. They're brand new.

21 MR. BRODNIG: Thanks, Mr. Chair. I think the  
22 main reason for our request to receive party status is  
23 that we feel strongly that the proposed extension and  
24 the special exception sought would affect the use and  
25 enjoyment of our property. Particularly as it

1 pertains to the privacy of our garden and living  
2 quarters. That's the main reason why we feel that we  
3 are more affected than others in the neighborhood.

4 CHAIRPERSON HILL: And where are you located?

5 MR. BRODNIG: I'm sorry.

6 CHAIRPERSON HILL: That's okay.

7 MR. BRODNIG: We are just behind 2716 O. So  
8 our back yard borders the back yard of the applicants.

9 CHAIRPERSON HILL: Okay.

10 MR. TURNBULL: Is your house number 2719?

11 MR. BRODNIG: That's correct, yeah.

12 MR. TURNBULL: Okay.

13 CHAIRPERSON HILL: Okay, thank you.

14 MR. FERREIRA: David Ferreira, 2715 Dumbarton  
15 Street. So, the corner of our property touches the  
16 corner of the applicant's property. And I think there  
17 are basically two reasons we wanted to be here today.

18 The one is that the extension will kind of  
19 bring the house closer to us, and potentially encroach  
20 on our privacy of our own backyard. And the other is  
21 just as a neighbor, I mean, you know, I think we  
22 pointed out there is this kind of green lawn in the  
23 center of our block, and we're concerned that this  
24 will encroach on -- you know, take away some of that  
25 green lawn. But it also will set a precedent where if

1 everyone starts doing that around us, or some others  
2 start doing it, it will -- you know, there will be a  
3 snowball effect in terms of encroachment on that green  
4 lawn.

5 CHAIRPERSON HILL: Okay.

6 MS. GIORDANO: If I may --

7 CHAIRPERSON HILL: Sure. Of course.

8 MS. GIORDANO: -- speak for Ms. Schafer.

9 Ms. Schafer abuts immediately to the east.

10 CHAIRPERSON HILL: Sure.

11 MS. GIORDANO: She shares the long side  
12 property line.

13 CHAIRPERSON HILL: Sure. You're the easy one.

14 MS. GIORDANO: So I think it's clear, yeah.  
15 Yeah.

16 CHAIRPERSON HILL: Okay, great. And then, Ms.  
17 Moldenhauer, you looked like you wanted to say  
18 something?

19 MS. MOLDENHAUER: We have no objection to the  
20 party status applications, but we do have a point of  
21 clarification. The other two applicants had indicated  
22 Ms. Giordano representing them, but Ms. Schafer's  
23 filing in the record does not indicate an  
24 authorization for her to speak on that behalf. So, I  
25 don't know if the proper paperwork needs to be filed

1 or what. So, I just want to point that out.

2 MS. GIORDANO: This is a very recent  
3 representation and I think Ms. Schafer can authorize  
4 me orally, if that's okay.

5 CHAIRPERSON HILL: Okay. Ms. Schafer, you  
6 want to authorize orally that this is your lawyer and  
7 attorney?

8 MS. SCHAFFER: Consider yourself authorized.

9 CHAIRPERSON HILL: Okay. Great. Okay. Okay.  
10 So, just to let you guys know what we're going to do  
11 here, you guys are going to be the last of the day,  
12 okay? Although, I am going to talk to the ANC person  
13 if you want to go ahead and speak because there are  
14 questions, and whether or not you want to stay around  
15 to the end of the day. What I wanted to was provide  
16 clarification for people that are going to be party  
17 status, as to how this process works. So obviously  
18 there's an attorney representing the property owner to  
19 the right.

20 Unless the Board has any, you know, thoughts,  
21 I mean, what we have done in the past -- so first of  
22 all, unless the Board has any difference of opinion, I  
23 think that there is justification for the party status  
24 application, and I would be willing -- or I would have  
25 no objection to granting party status for those who

1 have applied for party status. It doesn't appear  
2 again, as the applicant has any objection as well.  
3 So, does the Board have any thoughts for that first  
4 issue? Okay.

5 MR. TURNBULL: No, I think they all have  
6 relevance.

7 CHAIRPERSON HILL: Okay. So, then after that,  
8 what we have done in the past has tried to get people  
9 to combine themselves so that, so what happens is the  
10 applicant will go ahead and give their presentation.  
11 The applicant will go ahead and give their  
12 presentation, and then the opposing members, who are  
13 the party status people, will have the same amount of  
14 time, but it's a combined time.

15 So what it does now is that you would then  
16 have an opportunity to present, but it would be  
17 combined time. So let's say for example, the  
18 applicant had 20 minutes, you would have 20 minutes to  
19 divide amongst yourselves.

20 And so what I'd like you to do is now we have  
21 maybe three, four cases, is to go ahead and talk  
22 amongst yourselves as to how you might want to divide  
23 that time. Again, what we have done in the past is we  
24 have asked people that have similar issues to work  
25 together and have one person speak for them. In this

1 case, I would not be necessarily -- and again, the  
2 Board can weigh in if they'd like. I mean, it's just  
3 more confusing for me. Like the property owner that's  
4 directly next door, I would think that we would have  
5 that person speak on their own as a separate entity,  
6 part of the opposition.

7           And if you two would like to share your time  
8 and do one presentation and then ask questions, that's  
9 also fine. Or, if you want to split it since it's two  
10 -- since there's only the two of you, you know, you'd  
11 each -- you could split your time to present, and you  
12 can go ahead and decide that. You know, you'll have  
13 another 15, 20 minutes here. And I'll let Mr. Hart  
14 speak in one second.

15           And then also, what happens is there's cross-  
16 examination time wherein again, the applicant presents  
17 and then there would be an opportunity for the party  
18 status people to ask questions in terms of cross-  
19 examination as it applies to zoning issues. So, you  
20 know, not things that are within the Board's purview,  
21 such as construction or other things that don't  
22 pertain to zoning.

23           So you know, you have a zoning attorney here  
24 with you and so, you know, she may be able to help a  
25 little bit for clarification if there are some

1 questions as to what's a zoning issue or not. I don't  
2 mean to use your time up.

3 And so, those are my thoughts. Does the Board  
4 have any other thoughts?

5 MR. HART: Just one, and that is that what  
6 we're really looking to do is have less repetition of  
7 issues. I think you're pretty aware of that, and  
8 that's why we're trying to do that, so that it's  
9 trying to be mindful of your time and our time, and  
10 everyone else's time. So, that's the request that  
11 we're -- that the chairman just made. So, thank you.

12 MS. WHITE: Yeah, I would agree with Vice  
13 Chair Hart. So, I imagine that the property owners  
14 would have similar issues that are on Dumbarton, and  
15 the property which are these four lovely people here.  
16 And then the property owner on O Street may have some  
17 varying issues from some of the Dumbarton folks. So  
18 perhaps some of the concerns with the Dumbarton folks  
19 could be consolidated and presented as one.

20 CHAIRPERSON HILL: Okay.

21 MR. TURNBULL: I would think that the only  
22 other thing that I would add is that we're not here  
23 today, necessarily, to approve or not approve. We're  
24 here to listen to the arguments of the case, and if  
25 there's other issues that need to be brought out, this



1 will happen at a later date.

2           So the point is now is that we're proceeding  
3 on the merits of the case and based upon the arguments  
4 that we hear today, we'll decide which way we go on  
5 this.

6           CHAIRPERSON HILL: Okay. So, I'm going to  
7 keep moving along here a little bit, which is that, is  
8 the Commissioner going to stay, or is the Commission  
9 going to go?

10           MR. GIBBONS: I'm going to stay, Mr.  
11 Chairperson.

12           CHAIRPERSON HILL: Okay. All right. Then  
13 we'll wait until the end to hear from you as well.  
14 So, the charge is here now again, is depending upon  
15 how you would like to move forward. Again, I think  
16 that the next-door neighbor, immediate next-door  
17 neighbor can also present separately from the other  
18 four in terms of the discussion. And also, since  
19 there's only four of you, you know, you would each --  
20 and there's two, two, you each have to decide which  
21 one, if you decide to split, is going to be the person  
22 talking.

23           So, the questions go through that person.  
24 It's not everybody talks. You know, and so the -- and  
25 then the presentation we'll also just say, I mean, you

1 divide up the time that the applicant would have  
2 available. Whatever the applicant uses, the  
3 opposition would then have that same amount of time to  
4 divide amongst themselves.

5 Let's see. So, just out of curiosity, do you,  
6 the applicant, have an idea as to how much time you  
7 might need for your presentation?

8 MS. MOLDENHAUER: I have one question. I  
9 believe we'll need about 25 minutes for our  
10 presentation, but we would also then, given the fact  
11 that there is going to be opposition, we'd then  
12 obviously like to reserve another 20 minutes for  
13 rebuttal.

14 CHAIRPERSON HILL: Okay. Okay.

15 MS. MOLDENHAUER: Seeing that the filings were  
16 not very detailed --

17 CHAIRPERSON HILL: Oh, no. That's okay. I  
18 heard what you first said. I'm just talking about the  
19 time now. I've got 25, 40, and now you know, 25, 40,  
20 so just trying to figure out my day. And so, yeah.

21 Okay. Does anyone else have any thoughts, Mr.  
22 Moy?

23 MS. MOLDENHAUER: I've got a question.

24 CHAIRPERSON HILL: One second. Sure.

25 MR. MOY: No, I was going to let the Board

1 complete, finish, and add that since there's quite a  
2 large number of people --

3 CHAIRPERSON HILL: Uh-huh.

4 MR. MOY: -- if you could go across the hall  
5 to our receptionist, one of our conference rooms may  
6 be available. Unless you want to stand out in the  
7 hall.

8 CHAIRPERSON HILL: Okay. Ms. Moldenhauer, you  
9 had a thought?

10 MS. MOLDENHAUER: I just had a point of  
11 clarification because the filings in Exhibit 48 and  
12 Exhibit 50 indicate that Mrs. Giordano is representing  
13 the two owners on Dumbarton, but it seems like you're  
14 referencing -- and that there was testimony that maybe  
15 she's not representing them. So again, the filings  
16 that I am basing it off of is what's in the record.  
17 The record on Exhibit 48 and 50 indicate Ms. Giordano  
18 representing both owners on Dumbarton, and now she's  
19 just gotten verbal authorization from Ms. Schafer. So  
20 it appears to me that she's representing all three of  
21 them, unless I'm mistaken.

22 CHAIRPERSON HILL: That's okay. That's all  
23 right. So, we can provide clarification. Hold on,  
24 before I provide clarification, since Mr. Moy offered  
25 up a room and the hall, and this is -- I'm only

1 smiling because the room that he offered up is usually  
2 what we offer up if we think there is a way for the  
3 parties to talk and come to some kind of agreement. I  
4 don't particularly think this is a some kind of  
5 agreement situation, so you know, I mean, that's what  
6 I think -- you know, you guys I guess, can use the  
7 room to figure out what you need to do. I don't see  
8 you all hanging out together.

9           So but now, I'm sorry, and I apologize. Your  
10 last name again, was?

11           MS. GIORDANO: Giordano.

12           CHAIRPERSON HILL: Oh, Giordano. Okay. I got  
13 a little -- okay. So, Ms. Giordano, are you  
14 representing everybody, or no?

15           MS. GIORDANO: No, I'm representing Ms.  
16 Schafer. There was a little confusion initially.

17           CHAIRPERSON HILL: Okay. No problem. So, I  
18 understand. Sure.

19           MS. SCHAFFER: Just briefly. I'm speaking for  
20 my neighbors as well. I'm not sure we need a ton of  
21 time for our opposition arguments, just if you're  
22 planning the day.

23           CHAIRPERSON HILL: Okay.

24           MS. SCHAFFER: I think our points are pretty  
25 clear, so --

1           CHAIRPERSON HILL: Okay. No, I appreciate  
2 that. That's great. You have the same amount of time  
3 that they have.

4           MS. SCHAFER: Understood.

5           CHAIRPERSON HILL: And so, and you'd be  
6 surprised how long time goes, to be quite honest. You  
7 know, three minutes is faster than you think, you  
8 know. But I appreciate that, I really do.

9           And definitely, as far as clarification for  
10 the Board, we have read the record, we do understand  
11 the opposition that you have, as well as the reasoning  
12 that has been put forward as to why you meet the  
13 criteria for the approval.

14           And so, I just wanted to do all this  
15 preliminary work so that when we come back everyone  
16 knows what's going to happen, and the order it's going  
17 to happen in, and we can move as efficiently as  
18 possible through the hearing, which again will be a  
19 presentation started by the applicant, then probably  
20 we'll go through whatever you guys decide to do in  
21 terms of how you're going to divide up your time. And  
22 then -- oh, I'm sorry. You will actually have first,  
23 an opportunity to cross whatever the applicant has  
24 presented in terms of zoning. And then the applicant  
25 would have the same opportunity in terms of crossing

1 whatever you present in terms of opposition. And then  
2 at the end there will be time for rebuttal for the  
3 applicant.

4 So are we clear on everything? Okay. All  
5 right. Great. Then, thank you very much, and we're  
6 going to take a quick break before coming back with  
7 our next case. And we'll see you guys at the end.  
8 Thank you.

9 Sure, please, Mr. Commissioner.

10 MR. GIBBONS: I'm sorry. What time do you  
11 think we'll be --

12 CHAIRPERSON HILL: That's a good question.

13 MR. GIBBONS: I mean, because I have a 6:00  
14 ANC meeting.

15 CHAIRPERSON HILL: Oh, no, no, no, no, no, no.  
16 No, no, no, no. I don't -- no, no, no, we're not  
17 going to go anywhere near 6:00.

18 MR. TURNBULL: You're torturing us.

19 CHAIRPERSON HILL: Right. No.

20 MR. GIBBONS: What time do you think we'll be  
21 here?

22 CHAIRPERSON HILL: We'll be finished?

23 MR. GIBBONS: We'll be starting and finishing.  
24 I mean, what's the --

25 CHAIRPERSON HILL: Hold on one second.

1 MR. GIBBONS: I mean, I just, I have to either  
2 submit my testimony --

3 CHAIRPERSON HILL: I think we'll be back here  
4 pretty soon, actually. You know, we might be back  
5 here -- we're going to -- are we skipping -- we're not  
6 doing lunch, right?

7 So, we're going to skip lunch and then we're  
8 going to go right into this. So I suspect we will be  
9 back here, 12:30, you know, something like that.  
10 Okay? And then we'll begin the hearing.

11 MR. GIBBONS: Thank you, sir. Thank you.

12 CHAIRPERSON HILL: Sure. Thank you.

13 [Off the record from 11:23 a.m. to 11:45 a.m.]

14 CHAIRPERSON HILL: Mr. Moy, whenever you're  
15 ready to get started again, please go ahead and do so.

16 MR. MOY: Thank you, sir. The Board is back  
17 in session and the case application before the Board,  
18 if parties could come to the table, witness table, is  
19 Application No. 19553. This is of Servant's Office,  
20 LLC, pursuant to 11-DCMR Subtitle X, Chapter 9. This  
21 is a request for a special exception under Subtitle H,  
22 Section 1200.1, from the floor to ceiling height  
23 requirements, Subtitle H, Section 809.1(f).

24 This would permit a four-story mixed-use  
25 building in the NC-7 Zone, 4009 Georgia Avenue

1 Northwest, Square 3026, Lot 45, and I believe, Mr.  
2 Chair, the revised drawings are under Exhibit 30.

3 CHAIRPERSON HILL: Okay. Great. Thank you.  
4 Good afternoon. Or, good morning still, actually.  
5 Got 10 more minutes.

6 If you could please introduce yourselves from  
7 right to left?

8 MR. JOHNSON: I am Leroy Johnson. I am one of  
9 the owners of the building.

10 MS. HARRIS: Good morning, I'm Pat Harris with  
11 Lerch Early & Brewer.

12 MS. ROGERS: Good morning, Elizabeth Rogers  
13 with Lerch Early & Brewer.

14 CHAIRPERSON HILL: And I apologize. It was  
15 Harris? Harris and?

16 MS. ROGERS: Rogers.

17 CHAIRPERSON HILL: Rogers. Okay, thank you.  
18 Okay. Let's see. Were you all sworn in?

19 MS. HARRIS: Yes.

20 CHAIRPERSON HILL: Okay. If, you know, as far  
21 as whatever ever other things the Board may want to  
22 hear through your presentation, I don't have a lot of  
23 questions in terms of after, you know, reviewing the  
24 record. I thought that I was kind of interested to  
25 understand how it was, at one time, a cherry cabinet



1 manufacturer, but that's just the different -- so, if  
2 you want to go ahead and walk through your proposal in  
3 terms of, again, what you are requesting from the  
4 Board as well as how you're meeting the standard for  
5 us to grant the relief? Is there anything other in  
6 particular the Board would like to hear during the  
7 presentation?

8 [No audible response.]

9 CHAIRPERSON HILL: Okay. I'm going to go  
10 ahead and put 10 minutes up on the clock just so I  
11 know where we are, and you can begin whenever you'd  
12 like.

13 MS. ROGERS: Great. Thank you. We also have,  
14 if it's helpful, we didn't -- we were under the  
15 impression that the PowerPoint wouldn't be working, so  
16 we have hard copies that we'd like to hand out that I  
17 think might help (simultaneous speech) --

18 CHAIRPERSON HILL: That's great. Yeah, if you  
19 just want to pass it to the secretary and then he can  
20 distribute it to the Board. Thank you.

21 MS. ROGERS: So, great. Good morning. Again,  
22 for the record, Elizabeth Rogers with Lerch Early &  
23 Brewer.

24 We're here today to request relief from the  
25 requirement for a floor to ceiling height of 14 feet

1 on the ground level in the NC-7 Zone. This case is  
2 rather unique in that the relief is being driven by  
3 the fact that we're adaptively reusing an existing  
4 building on the property.

5 So the applicant purchased the property back  
6 in 2013. It was improved with a row dwelling that had  
7 most recently been operated as a church, and they  
8 undertook significant interior and exterior  
9 renovations to adaptively reuse that structure as a  
10 mixed-use building containing both office, retail, and  
11 residential use.

12 So one of the constraints is that as part of  
13 their renovations, they added a four-story addition to  
14 the front of the building, and that addition must tie  
15 into the existing building floorplate. And the  
16 existing building has a ground floor, floor to ceiling  
17 height of eight-feet-six-inches. So, that effectively  
18 constrains the floor to ceiling height that we're  
19 allowed to do within this front addition.

20 So I think it's helpful to see, and we brought  
21 boards as well, in the packet we just handed out, to  
22 kind of illustrate our point. We've, you know, out  
23 lined in black, the area that was the existing row  
24 dwelling and there's a 13-foot addition now at the  
25 front. And so, in order to achieve the 14-foot floor

1 to ceiling height, we basically effectively have to  
2 eliminate the first floor at the front of the  
3 building. And the ground floor would then be open to  
4 the first floor above.

5           There's two entrances at the front of the  
6 building, so the entrance on the first level would  
7 have to be connected by a catwalk to that to the back  
8 to make the rest of the first-floor usable space. And  
9 this really is not conducive to a ground floor retail  
10 use. There is the now nonuniform height on the ground  
11 level, which is something that the ordinance is  
12 actually intending to create with this requirement.  
13 And there's really very little visual and noise  
14 separation and buffers between the ground floor use  
15 and then the first-floor office use.

16           So, instead, the applicant is looking to  
17 basically continue and extend the existing floor to  
18 ceiling height for eight feet, six inches, across the  
19 entire ground level. This would, in effect, kind of  
20 divide what would otherwise be a lobby space, which is  
21 kind of inactivated use, into two separate floors.  
22 You'd have retail directly at the front of the  
23 building on the ground level, and the first level  
24 would be devoted to a conference room space for the  
25 office use.

1           So, this alternative is actually promotes the  
2 intent of the regulation better, as it creates  
3 successful ground-floor retail use. And it also  
4 allows for kind of improved and longevity for these  
5 uses to be successful in the long-term. The goal of  
6 the zone is to allow for a mix of uses, both office,  
7 which is necessary to support the desired retail in  
8 the zone, and then obviously it would allow for the  
9 retail use on that level.

10           And it activates this really prominent Georgia  
11 Avenue frontage which we think is really important.  
12 That's something that the zone and also the plans for  
13 the area recommend. Importantly, we were also awarded  
14 a Great Streets Grant for these renovations for the  
15 conditions that we're seeking relief from today, which  
16 I think, you know, goes to show that this condition,  
17 the proposed condition that we're seeking relief of  
18 further, is the goals of the Great Street framework  
19 grant.

20           I guess one other point with this is that, you  
21 know, I think important to make note of is that the  
22 exterior façade will not change at all based on the  
23 relief that we're being granted. Nor will kind of the  
24 mix of uses within the zone. It will just improve the  
25 viability of those uses.

1           So, I guess, you know, we do support and agree  
2 with the agency reports, and their recommendations,  
3 and they're here to answer any other questions you may  
4 have.

5           And just to clarify, we also -- I think it's  
6 in the record, but we also got an additional report  
7 from ANC supporting the project, and we have gotten  
8 verbal support from both of the -- of our neighbors  
9 who have supported this project.

10           CHAIRPERSON HILL: Okay. Does the Board have  
11 any questions?

12           MS. WHITE: Just a quick question, I'm looking  
13 at -- what is -- so, the retail is on the ground  
14 level. Then there's the conference room that you're  
15 proposing on the first floor. What's on the second  
16 and third level?

17           MS. ROGERS: Oh, so the second and third level  
18 -- the second level is another level of office, and  
19 then the very top level is one residential unit. It's  
20 a residential use.

21           MR. TURNBULL: The very first page of your  
22 PowerPoint shows a rendering. But the third one down  
23 shows what looks to be like a photo of the existing.  
24 Is that existing now, then, that gray --

25           MS. ROGERS: That's correct. The first page

1 is a rendering. The second page, or the third page,  
2 is a photo of the building as it exists today with  
3 many of the exterior renovations already implemented.

4 MR. TURNBULL: So, it's significant changed  
5 from when it operated as a church?

6 MS. ROGERS: Correct.

7 MR. TURNBULL: What material is that on the  
8 front? I'm just curious.

9 MS. ROGERS: I'll let Leroy speak to that.

10 MR. JOHNSON: It's an aluminum siding.

11 MR. TURNBULL: Oh, it's aluminum siding. Oh,  
12 okay.

13 MR. JOHNSON: It's a panel system, not like  
14 aluminum siding that you'd see on a --

15 MR. TURNBULL: Yeah. Okay. All right, thank  
16 you.

17 MS. WHITE: And you've already received the  
18 Great Streets Grant already?

19 MS. ROGERS: That's correct. We received the  
20 Great Streets Grant before embarking on these  
21 renovations several years ago.

22 MS. WHITE: Right. And what does that require  
23 you do in terms of the look of the building?

24 MS. ROGERS: I'll let Leroy touch on it a  
25 little bit.

1 MS. WHITE: Okay.

2 MS. ROGERS: But I believe the Great Streets  
3 Grant was granted specifically for kind of adaptively  
4 reusing the building and it's intended to promote  
5 small businesses and kind of the revitalization of  
6 this area of Georgia Avenue. I don't know for sure if  
7 it has any, you know, conditions on kind of specific  
8 improvements on the building, so I'll let Leroy answer  
9 that, if you know.

10 MR. JOHNSON: I don't believe it does have any  
11 sort of aesthetic requirements. When we submitted, we  
12 submitted for exactly what we're proposing, which is  
13 ground floor retail, and second and third floor  
14 office.

15 MS. WHITE: Okay.

16 MR. JOHNSON: So it's, I think they're looking  
17 at the use more than they're looking at, you know, how  
18 the building ends up looking, or how exactly it's put  
19 together.

20 MS. WHITE: Okay.

21 MR. HART: So, we're looking on the, I guess,  
22 page 4 of the PowerPoint, or the images that you  
23 provided.

24 MS. ROGERS: Uh-huh.

25 MR. HART: You have an outline of existing

1 building? What does that mean, exactly?

2 MS. ROGERS: I was just trying to visually  
3 depict where kind of the boundaries of that existing  
4 building we adaptively reused were. So, we added the  
5 front addition, a four-story addition, and we also  
6 added an addition on the top. And so, everything kind  
7 of outside that border is kind of a new addition that  
8 we've added through the renovations over the last  
9 couple of years. And that was more so to depict that  
10 you know, that's the existing building that we're  
11 tying into that is what's constraining kind of the  
12 floor to the ceiling height and the floorplate of the  
13 new addition in the front.

14 MR. HART: Okay. Yeah, what I was trying to  
15 understand was whether or not this was -- and I guess  
16 the clarity is that it's the outline of the rowhouse  
17 structure.

18 MS. ROGERS: Correct. Yes.

19 MR. HART: Okay. Because when you say  
20 existing building --

21 MS. ROGERS: Oh, I'm sorry.

22 MR. HART: -- now I'm thinking now, this is  
23 actually built so this is not --

24 MS. ROGERS: Correct. So, the --

25 MR. HART: That's why I'm trying to figure



1 what will be --

2 MS. ROGERS: -- the prior row structure that  
3 we adapted and we reused is what it's the outline of.  
4 So, what is shown today is actually now what's built,  
5 what they've built kind of through the permit process  
6 over the last couple years. But that outline in black  
7 is the building that was there on the property when  
8 they purchased it, that was operated as a church, that  
9 they've been adaptively reused.

10 MR. HART: Okay, thanks.

11 CHAIRPERSON HILL: Okay. And just for, even  
12 when I was reviewing the record I got a little -- I  
13 mean, it's there now. You're already -- it's already  
14 been built.

15 MS. ROGERS: That's correct. So, they have  
16 gone through the construction process for all of these  
17 additions. When we originally went in to DCRA,  
18 proposing what we'd like to do, what we're seeking  
19 relief for today, DCRA directed them to file a special  
20 exception, that they needed the 14-foot floor to  
21 ceiling height. So, we submitted our plans to get  
22 permits showing kind of the conditions as they are on  
23 this sheet, with the catwalk connecting back to the  
24 first floor, so that we had that height of 14-feet at  
25 the front of the structure.

1           We filed a special exception back in April of  
2 2016, and during the review of that special exception,  
3 it was brought to our attention that we needed to  
4 obtain a permit for the work and public space, the  
5 exterior patio that we were proposing out there. So,  
6 in order to allow sufficient time to work with OP and  
7 DDOT on that process, we withdrew that special  
8 exception, ended up obtaining the public space permit  
9 approval. And you know, this building had always been  
10 constructed all along with -- designed in such a way  
11 that the floor could be installed if and when we  
12 obtained the approval that we wanted.

13           Frankly, the client, you know, mistakenly  
14 thought that by getting that public space permit  
15 approval, because it was a very protracted experience  
16 and it was involving many of the same players that  
17 were involved in the special exception application,  
18 that it approved, approved that condition. And when  
19 we basically told them that that was not the case, we  
20 refiled the special exception, which is why we're  
21 before you today, seeking that relief.

22           CHAIRPERSON HILL: Okay. All right. Does  
23 anyone have more questions for the applicant?

24           Okay. I'm going to turn to the Office of  
25 Planning.

1 MS. FOTHERGILL: Good morning.

2 CHAIRPERSON HILL: Good morning.

3 MS. FOTHERGILL: I'm trying out the new mics.  
4 I'm Anne Fothergill with the Office of Planning, and  
5 we have recommended approval of this special  
6 exception.

7 The NC Zone have specific special exception  
8 review criteria, which were outlined in the OP report,  
9 and we found that this proposal does meet those review  
10 criteria, and I rest on the record in support of the  
11 application and I'm happy to take any questions.

12 CHAIRPERSON HILL: Okay. Does the Board have  
13 any questions for the Office of Planning? All right.  
14 Does the applicant have any questions for the Office  
15 of Planning?

16 MS. ROGERS: No.

17 CHAIRPERSON HILL: Okay. Is there anyone here  
18 from the ANC wishing to speak?

19 [No audible response.]

20 CHAIRPERSON HILL: Is there anyone here  
21 wishing to speak in support of the application?

22 [No audible response.]

23 CHAIRPERSON HILL: Is there anyone here  
24 wishing to speak in opposition to the application?

25 [No audible response.]

1 CHAIRPERSON HILL: Okay. I'm going to turn  
2 back to the applicant. Is there anything you'd like  
3 to say in closing?

4 MS. ROGERS: No, I don't think so. We  
5 respectfully request your approval of the special  
6 exception and again, we're happy to answer any more  
7 questions you may have.

8 CHAIRPERSON HILL: Okay. One last chance.  
9 The Board have any questions? Okay. Going to go  
10 ahead and close the hearing. Is the Board ready to  
11 deliberate?

12 Okay. All right. I can start. Again, I did  
13 have some -- I guess I was just kind of curious that  
14 the property was there, about some -- and also, past  
15 history with the property. But after reviewing the  
16 record, including the Office of Planning's report, in  
17 particular, the criteria for the NC issues, and that  
18 ANC 4C was in approval for the project, eight to zero  
19 in terms of that type of feedback, I would agree with  
20 the Office of Planning and their analysis as to how  
21 the criteria is being met, and I would go ahead and  
22 move to approve this application.

23 Does the Board have anything to add before I  
24 do so?

25 [No audible response.]

1 CHAIRPERSON HILL: Okay. Then I'll make a  
2 motion to approve Application No. 19553 as read by the  
3 secretary and ask for a second.

4 MS. WHITE: Second.

5 CHAIRPERSON HILL: Motion has been made and  
6 seconded.

7 [Vote taken.]

8 CHAIRPERSON HILL: Motion passes, Mr. Moy.

9 MR. MOY: Staff would record the vote as four,  
10 to zero, to one. This is on the motion of Chairman  
11 Hill to approve the application for the relief  
12 requested. Seconded the motion, Ms. White. Also in  
13 support, Mr. Turnbull, Vice Chair Hart, board seat  
14 vacant. The motion carries.

15 CHAIRPERSON HILL: Thank you. Ms. Rogers,  
16 what you gave us, that's already uploaded in IZIS?

17 MS. ROGERS: We did. We were directed to  
18 upload it --

19 CHAIRPERSON HILL: You just printed it off  
20 just --

21 MS. ROGERS: -- last night. But we just  
22 printed it off so you'd have hard copies.

23 CHAIRPERSON HILL: Okay. Just in case. Okay,  
24 great. Can we do a summary order, Mr. Moy?

25 MR. MOY: Yes, sir.

1 CHAIRPERSON HILL: Okay, great. All right.  
2 Thank you all very much.

3 [Pause.]

4 CHAIRPERSON HILL: All right, Mr. Moy.  
5 Whenever you're ready.

6 MR. MOY: The next case application before the  
7 Board is Application No. 19538 of Avamere, 3317 16th  
8 Street, LLC, pursuant to 11-DCMR Subtitle X, Chapter  
9 9. This is a request for special exceptions under  
10 Subtitle F, Section 5201; from the lot occupancy  
11 requirements of F, Subtitle F, Section 304.1; and  
12 pursuant to Subtitle X, Chapter 10, for variances from  
13 the court requirements of Subtitle F, Section 202.1,  
14 and from the nonconforming structure requirements,  
15 Subtitle C, Section 202.2.

16 This would construct a third-story rear  
17 addition and convert the existing three-story, one-  
18 family dwelling into a four-unit apartment house, RA-2  
19 Zone, at 3317 16th Street Northwest, Square 2676, Lot  
20 473.

21 CHAIRPERSON HILL: Great. Thank you, Mr. Moy.  
22 Could you please introduce yourselves from my right  
23 to left?

24 MR. SULLIVAN: Good afternoon, Mr. Chair and  
25 members of the Board. My name is Marty Sullivan with

1 the law firm of Sullivan and Barros on behalf of the  
2 applicant.

3 MR. SMITH: My name is Jamie Smith, and I'm  
4 the applicant and sole member of Avamere, 3317 16th  
5 Street.

6 CHAIRPERSON HILL: Okay, great. All right.  
7 Well, Mr. Sullivan, welcome. It does feel like now a  
8 new school year, that all the same faces are showing  
9 up on a nice September day.

10 So, I don't have a lot of particular questions  
11 about this application. I'll let my colleagues speak  
12 up if they want anything in specific they'd like to  
13 hear from a presentation. I again just would like to  
14 hear about what your applicant is trying to request in  
15 terms of the project, and then also, you know, how  
16 you're meeting the criteria for us to approve the  
17 application. And I'll put 10 minutes up on the clock  
18 just so I know where we are, and you can begin  
19 whenever you'd like.

20 MR. SULLIVAN: Thank you, Mr. Chairman and  
21 members of the Board. Again, this is a very minor  
22 addition, and we uploaded a PowerPoint presentation.  
23 I wanted to make sure if you had received that. And  
24 if not, I have copies.

25 CHAIRPERSON HILL: I don't think we see it.

1 Just give me a second here.

2 Yeah, if you have copies, Mr. Sullivan.

3 MR. SULLIVAN: And we have hard copies there.

4 Thanks. It was just last night that they were  
5 uploaded.

6 So it's a very minor addition. When you get  
7 the PowerPoint, if you look at the fourth page, that's  
8 probably the best --

9 CHAIRPERSON HILL: Okay, Mr. Sullivan, just  
10 real quick also, if you can, make sure that this did  
11 get put into the record, okay?

12 MR. SULLIVAN: I sure will. Yeah.

13 CHAIRPERSON HILL: Because we don't see it  
14 here, so.

15 MR. SULLIVAN: Okay.

16 CHAIRPERSON HILL: But now we have it in front  
17 of us, so I'm sorry. Go ahead. What were you saying?

18 MR. SULLIVAN: If you look --

19 CHAIRPERSON HILL: Begin wherever you like.

20 MR. SULLIVAN: Sure. If you look at the  
21 fourth page of the existing building side view and  
22 proposed building side view, this is the best  
23 illustration of the location.

24 MR. TURNBULL: I wonder why you're pointing  
25 that out. Thank you very much for showing that.



1 MR. SULLIVAN: Oh, okay.

2 MR. TURNBULL: We're looking at the stair in  
3 particular. This is in the RA Zone, so we don't have  
4 quite the same restrictions as you have in the RF  
5 Zone, but you can see what they've done to mitigate  
6 and try to diminish the size of the stairwell going up  
7 to the roof.

8 CHAIRPERSON HILL: Mr. Turnbull is pleased.  
9 All right.

10 MR. TURNBULL: I always like it when an  
11 applicant does things like that.

12 CHAIRPERSON HILL: Mr. Sullivan, please,  
13 continue.

14 MR. SULLIVAN: Okay. So it's a third-story  
15 addition, just filling out that third floor, removing  
16 a large deck on the first level, and adding three  
17 small balconies to the rear exterior. It's currently  
18 in the southeast corner of the building there, there  
19 is a nonconforming court. And so, the extension of  
20 that addition extends the nonconformity of the court.

21 Also, over all the lot occupancy is going to  
22 be decreased, but after partial demo we're going back  
23 up and the lot occupancy will be, I believe it's 63 or  
24 64 percent with the balconies. The rear wall is not  
25 being extended out, thought. The addition is just on

1 top of that rear wall.

2           The one odd thing about this case is that --  
3 and we think this is in error, but not yet corrected.

4 Court relief is not included for some reason in the  
5 special exception. Is not available for special  
6 exception in the RA-2, whereas it is available in the  
7 residential zone and the commercial zone. It was  
8 skipped as one of the items.

9           So to be technically correct, and we think  
10 other people have received relief under special  
11 exception, even though that's not true. But since  
12 it's not there, to be safe we've applied for variance  
13 relief. So, we'd rather be arguing it's all special  
14 exception, but for the lot occupancy, it is.

15           So the relief is the court, extension of the  
16 nonconforming court, and the lot occupancy, and the  
17 extension of a nonconforming condition or the  
18 expansion of a nonconforming condition in both of  
19 those situations. All of that is special exception  
20 relief, except for the court.

21           And the special exception criteria, light and  
22 air available to neighborhood properties is not unduly  
23 affected. In fact, it's helped by keeping the court,  
24 as the Office of Planning noted in their report, we  
25 could have removed the court and then we wouldn't have

1 needed the relief for the expansion of the court.  
2 However, that would have reduced light and air to the  
3 neighboring property.

4           Regarding the variance test, we have as noted  
5 in the applicant's statement and in the PowerPoint,  
6 and in the Office of Planning report, it currently  
7 exceeds the lot occupancy. We're reducing it overall.

8    It's an existing nonconforming court that we're  
9 working with that was built prior to 1958, and it  
10 would be a practical difficulty to extend the court,  
11 both for the property owner and for the neighbor,  
12 rather than requesting this relief.

13           Regarding adjacent neighbors, I can have Mr.  
14 Smith talk about that.

15           MR. SMITH: So, I've actually had coffee with,  
16 spoken with the neighbor at 3319 16th Street. He also  
17 came to the ANC meeting in support of what we're  
18 doing, and I just met the neighbor for 3315 16th  
19 Street who came to the hearing just because we had  
20 never met. She asked me a couple questions and then  
21 she said, sounds great, thanks so much, I'll give you  
22 a call later. So, both of them are completely fine  
23 with what we're doing.

24           MR. SULLIVAN: And I would note that there was  
25 a change made mid-course in this in response to some

1 comments from the neighbor to the north.

2 MR. SMITH: Yes.

3 MR. SULLIVAN: He was concerned about the  
4 addition going all the way up to his glass block wall.

5 MR. SMITH: The balconies.

6 MR. SULLIVAN: And his balconies. And we  
7 pulled it back a few feet, and that was the requested  
8 amendment. And that prompted him to then show up at  
9 the ANC meeting and speak in support.

10 CHAIRPERSON HILL: You pulled it back two feet  
11 to help out that neighbor with that glass brick wall.  
12 Is that what you're --

13 MR. SMITH: Correct. Yeah, initially the  
14 balconies extended from side to side on the rear.

15 CHAIRPERSON HILL: Uh-huh.

16 MR. SMITH: And we went ahead and shrunk them  
17 inward, that way you know, it just wouldn't encroach  
18 on that glass wall he had.

19 CHAIRPERSON HILL: Right. Okay. Does the  
20 Board have any questions for the applicant?

21 Mr. Smith, so what are you -- what are you  
22 selling again? I'm just kind of curious.

23 MR. SMITH: When we --

24 CHAIRPERSON HILL: When the property is  
25 finished.

1 MR. SMITH: It will be four two-bedroom, two-  
2 bathroom condominiums.

3 CHAIRPERSON HILL: Okay. Does the Board have  
4 any questions?

5 MS. WHITE: I'm sorry, what is the lot  
6 occupancy percentage again, for the special exception  
7 relief that you're asking for?

8 MR. SULLIVAN: It's 63.48 percent.

9 MS. WHITE: Okay. Just double-checking.

10 CHAIRPERSON HILL: Okay, great. Thanks. Can  
11 I hear from the -- or, can we hear from the Office of  
12 Planning?

13 MR. GOLDEN: Good afternoon, Mr. Chair and  
14 members of the Board. Bryan Golden with Office of  
15 Planning.

16 We feel that the applicant has met the  
17 conditions and the parameters for both the variance  
18 and the special exception request, and we're  
19 recommending approval, and I'll go ahead and rest on  
20 the record and answer any questions that you may have.

21 CHAIRPERSON HILL: Does the Board have any  
22 questions for the Office of Planning?

23 [No audible response.]

24 CHAIRPERSON HILL: Does the applicant have any  
25 questions for the Office of Planning?

1 MR. SULLIVAN: No, thank you.

2 CHAIRPERSON HILL: Okay. Is there anyone here  
3 from the ANC wishing to speak?

4 [No audible response.]

5 CHAIRPERSON HILL: Is there anyone here  
6 wishing to speak in support?

7 [No audible response.]

8 CHAIRPERSON HILL: Is there anyone here  
9 wishing to speak in opposition?

10 [No audible response.]

11 CHAIRPERSON HILL: Going to turn back to you,  
12 Mr. Sullivan. Anything to finally add?

13 MR. SULLIVAN: No, nothing further. Thank  
14 you.

15 CHAIRPERSON HILL: Great. The Board have  
16 anything?

17 [No audible response.]

18 CHAIRPERSON HILL: All right. Going to go  
19 ahead and close the hearing. Is the Board ready to  
20 deliberate?

21 [No audible response.]

22 CHAIRPERSON HILL: Would someone like to  
23 start?

24 MR. TURNBULL: Mr. Chair, I would -- are we  
25 ready to --

1           CHAIRPERSON HILL: Yeah, we're ready to  
2 deliberate. I've just, I've been talking a lot so,  
3 you know.

4           MR. TURNBULL: Well, I think there's de  
5 minimis relief and I think there's a question that Mr.  
6 Sullivan has brought up about the courtyard relief,  
7 which I think maybe the Office of Planning could look  
8 into at some future point. But that doesn't really  
9 trouble me. I think I'm ready to grant approval of  
10 this. And I just want to thank you. I brought up the  
11 penthouse because although it's in the RA zoning,  
12 you're not asking for relief. I think the fact that  
13 you tapered the front of that and made it as minimal  
14 as possible is, you're to be commended on that. I  
15 think that is a very -- and maybe Mr. Golden can show  
16 that to Mr. Mordfin, regarding our other project.

17           But I am very much in favor of this and I  
18 would seek going forward. Oh, and if there's no  
19 objection I would move that we approve BZA Case No.  
20 19538, 3317 16th Street Northwest for special  
21 exception and variance to allow a third-story addition  
22 and conversion from the single-family into an  
23 apartment house, and look for a second.

24           CHAIRPERSON HILL: A second. Motion has been  
25 made and seconded.

1 [Vote taken.]

2 CHAIRPERSON HILL: Motion passes, Mr. Moy.

3 MR. MOY: Staff would record the vote as four,  
4 to zero, to one. This is on the motion of Mr.  
5 Turnbull. Seconding the motion, Chairman Hill. Also  
6 in support, Ms. White. And Vice Chair Hart. We have  
7 a board seat vacant. The motion carries, sir.

8 CHAIRPERSON HILL: All right, thank you.  
9 Summary order, Mr. Moy.

10 MR. MOY: Yes, thank you.

11 CHAIRPERSON HILL: So, what I was going to do,  
12 or hopefully do, is take a quick break. But now I  
13 realize I actually said 12:30, and I think people  
14 might actually have taken me for my word, as in 12:30.  
15 So, I don't know, Mr. Moy, if you want to see if any  
16 -- if the other parties are here. And if so, we'll  
17 reconvene in a few minutes. And if they are gone,  
18 then we'll come back here at 12:30.

19 So, but as of now, we'll reconvene in a few  
20 minutes. Thank you.

21 [Off the record from 12:15 p.m. to 12:30 p.m.]

22 CHAIRPERSON HILL: All right, Mr. Moy,  
23 actually, if you could call this again and we're going  
24 to go through the beginning as well?

25 MR. MOY: Thank you, Mr. Chairman. All right,



1 we're back in session with Application No. 19548 of  
2 Tara Guelig, correct? And Yuri Horwitz, as amended,  
3 Subtitle X, Chapter 9, for a special exception under  
4 Subtitle D, Section 5201. This is a request for the  
5 relief from the rear yard requirements, Subtitle D,  
6 Section 1206.3, to construct a rear addition to a one-  
7 family dwelling in the R-20 Zone, 2716 O Street  
8 Northwest, Square 1239. Lot 143.

9 CHAIRPERSON HILL: Okay, great. Thank you,  
10 Mr. Moy.

11 Okay. So again, if we can introduce ourselves  
12 from right to left here?

13 MR. FERREIRA: My name is David Ferreira, 2715  
14 Dumbarton Street, neighbor.

15 MS. LAMBERT: I'm Caroline Lambert, also 2715  
16 Dumbarton Street.

17 MS. HASCI: I'm Naima Hasci, 2719 Dumbarton.

18 MR. BRODNIG: Gernot Brodnig, 2719 Dumbarton.

19 MS. SCHAFER: I'm Alison Schafer, 2712 O  
20 Street. You can see my brick house in the picture  
21 that's up, next door.

22 MS. GIORDANO: Cynthia Giordano, Saul Ewing  
23 Law Firm.

24 MS. RAMOS: Oksana Ramos, Cunningham/Quill  
25 Architects.

1 MR. GIBBONS: Joe Gibbons, ANC 2E Chair.

2 Thank you.

3 MS. MOLDENHAUER: Meridith Moldenhauer, Cozen  
4 O'Connor, representing the applicant.

5 MS. GUELIG: Tara Guelig, 2716 O Street.

6 MR. HORWITZ: Yuri Horwitz, 2716 O Street.

7 MS. RAO: Heather Rao, Cunningham/Quill  
8 Architects.

9 MS. BIGLEY: Alyssa Bigley, Cozen O'Connor,  
10 representing the applicant.

11 CHAIRPERSON HILL: Okay. Thank you. So first  
12 kind of just kind of start over here. So, what did  
13 you guys decide to do in terms of who's going to  
14 speak, how you're going to -- you guys want to divide  
15 up your time?

16 Okay, sure, you can start.

17 MS. GIORDANO: Can I start?

18 CHAIRPERSON HILL: Sure.

19 MS. GIORDANO: Cynthia Giordano again. I  
20 think the applicant said 25 minutes, so I think Ms.  
21 Schafer and I will take 10 minutes.

22 CHAIRPERSON HILL: Okay. And then there's the  
23 two parties here.

24 MR. BRODNIG: We'll split our time like five  
25 minutes for --

1 CHAIRPERSON HILL: Oh, no, I'm sorry, you have  
2 to speak into the microphone. You have to turn on the  
3 -- that's all right.

4 MR. BRODNIG: Forgot that, sorry.

5 CHAIRPERSON HILL: That's all right.

6 MR. BRODNIG: I'll take probably around five  
7 minutes for 2719, and I think our neighbors --

8 MS. LAMBERT: And I'll take probably five  
9 minutes.

10 CHAIRPERSON HILL: Okay. So, again, just as  
11 long as whoever is the person that's speaking, that's  
12 the person that will represent your party. So just  
13 kind of as far as like asking questions.

14 Let's see. And then -- yeah. So, Ms.  
15 Moldenhauer, did you have something that you wanted to  
16 add?

17 MS. MOLDENHAUER: I just wanted to ask who was  
18 going to be cross-examining, or if everybody was, or  
19 if just Ms. Giordano.

20 CHAIRPERSON HILL: Right. So what we're going  
21 to do here, just to let you know how this is going to  
22 work. So again the applicant will present, okay? The  
23 applicant is going to take 25 minutes. Then you will  
24 each have an opportunity to cross-exam. Okay? So  
25 what that means is ask questions of the applicant.

1 And that's where sometimes it gets a little bit muddy  
2 at times, meaning the cross-examination.

3           Again, if you can, try to keep it -- we'll let  
4 you know if it gets too far afield. But if you can,  
5 keep it to zoning issues in terms of the cross-  
6 examination.

7           The cross-examination, now I've done a little  
8 bit, it seems to be when things get a little bit  
9 heated at times. Okay? So I really mean this, like  
10 we're just here to listen as the Board. You know,  
11 obviously the applicant wants to do what the applicant  
12 wants to do. Obviously, you don't want the applicant  
13 to do what they want to do. So we are here just to  
14 hear the issues that are presented before us, look at  
15 all the information, and see how it applies to the  
16 regulations.

17           And so, again, I don't expect it to be perfect  
18 in terms of everyone kind of remaining somewhat calm.

19 But let's just try to -- you know, you'd be  
20 surprised. Let's not talk about personal things or  
21 what somebody's past behavior was, or anything like  
22 that. So, just try to keep it to zoning issues, okay?

23 And that goes for the applicant as well. And then we  
24 have attorneys that are obviously trained  
25 professionals, to get us through this process.

OLENDER REPORTING, INC.

1100 Connecticut Avenue, NW Suite 810 Washington, D.C. 20036  
Washington: (202) 898-1108 / Baltimore: (410) 752-3376  
Toll Free: (888) 445-3376

1           So unless anyone has any other questions, that  
2 was -- and if the Board has any other thoughts, that  
3 was how we're going to get started. And I would start  
4 with Ms. Moldenhauer, with your 25 minutes. There's  
5 apparently not a clock anymore, Mr. Moy, so maybe if  
6 you can let us know when there's 10 minutes left, and  
7 then we can go from there.

8           We have a new system, and so the clock hasn't  
9 been tied together yet. I guess, actually, I guess I  
10 could probably add and keep track myself. But all  
11 right. So, Ms. Moldenhauer. Okay. Thank you so  
12 much. I appreciate it, and the board members.

13           MS. MOLDENHAUER: We will get started and we  
14 will try to self-police, in regards to time.

15           We are here today on behalf of the applicants  
16 seeking a special exception relief for a rear  
17 addition. We'll walk through the special exception  
18 standards, some of the unique conditions in regards to  
19 the depth of the rear yard that currently exist and  
20 will continue to exist, as well as the outreach that  
21 has occurred, and also the history of this application  
22 and this project has been going now for over a year,  
23 and just walk through that as well. And so, I'll turn  
24 it over to Tara to walk through a little bit about our  
25 house and her proposal.

1 MS. GUELIG: Sure. Thank you. My husband,  
2 Yuri and I, have lived and worked in D.C. in a number  
3 of neighborhoods for the last 15 years, and in 2012 we  
4 moved from Columbia Heights to our house on O Street.

5 And as you know by now, the house is very narrow with  
6 a long deep lot. It has a luscious shaded garden,  
7 which is one thing we really loved about the house.

8 The house has been in need of some  
9 improvements for a while, and we began this process as  
10 a matter-of-right project. After meeting with our  
11 architects, Cunningham and Quill, we came up with a  
12 preliminary plan which we shared with our abutting  
13 neighbors in August of 2016.

14 And then in October of 2016, we shared these  
15 plans with a broader group of neighbors to inform them  
16 of the upcoming ANC agenda. Throughout this process  
17 we met in person with neighbors on either side of the  
18 property, including the executor of the empty lot, as  
19 well as other neighbors that have taken an interest.  
20 And more recently, the intervening parties.

21 After hearing concerns throughout the process  
22 at every step along the way, we worked with the  
23 architects to modify the design. And they'll address  
24 that in greater detail.

25 So now we've been through four rounds of the

1 ANC, three presentations to the Old Georgetown Board,  
2 several iterations back and forth with the L'Enfant  
3 Trust, and we've had multiple notification posters on  
4 the outside of our house, and we did finally receive  
5 approval to proceed with the permit in December of  
6 2016. And it's been a really long -- sorry? From the  
7 Old Georgetown Board, correct.

8           It's been a really long process, and while  
9 these permits were pending with DCRA, we became aware  
10 that the project was impacted by this change to the  
11 zoning law. And so, we're here today requesting the  
12 special exception.

13           And I just want to say that it has been really  
14 important to us to go about this in a way that's been  
15 transparent and open. One of the reasons we love our  
16 neighborhood is a sense of community. We see our  
17 neighbors on a daily basis at the park, and every time  
18 we step out our door, we have conversations.

19           Yuri, my husband, is the block captain. He  
20 mows the lawn of the empty lot. He's on the Board of  
21 Rose Park. And we really hope to be able to stay in  
22 our house and raise our two boys there in the city.  
23 So, thank you for your consideration.

24           Sure. So if you can see this slide now, slide  
25 4, this is looking -- so, currently we have our house

1 as well as a square brick patio. And it's just beyond  
2 the footprint of the brick patio currently, where the  
3 extension would be. And this is looking south in our  
4 back yard. You can see the southernmost fence in the  
5 very back. But it's a very shaded lot.

6 And we have also received nine letters of  
7 support from neighbors.

8 MS. MOLDENHAUER: And then the slide obviously  
9 just summarizes a little bit what Tara went through in  
10 regards to the community outreach and the --  
11 obviously, ANC is present today so they'll be able to  
12 identify, you know, what their resolution indicates in  
13 regards to their position.

14 I'll now turn it over to Heather from  
15 Cunningham/Quill.

16 MS. RAO: Thank you. You can see on this  
17 slide, the site plan for the property, and actually  
18 the block plan that shows you how deep the lots are  
19 along both O Street and Dumbarton Street. The lots  
20 themselves vary in width, as do the houses that they  
21 are attached to. The applicant's lot is among the  
22 more narrow lots of the properties along either  
23 street. It is 120-feet deep, as are the other lots  
24 adjacent to it.

25 The home directly to the east of the property



1 is a more shallow two-story home on a 30-foot-wide  
2 lot. You can see that next to -- the applicant's lot  
3 is highlighted in green on this slide, and the one  
4 directly to the east is the one I'm referring to now.  
5 You can see it is wider. The homes to the east of  
6 that are deeper, as they're approximately 15 feet and  
7 17 and a half feet wide. The applicant's lot is, as I  
8 said, one of the more narrow ones also being a 15-  
9 foot-wide lot.

10 The homes to the west, there's a vacant lot,  
11 which is a 30-foot-width again, and then there is a  
12 three-story home on a 20-foot-wide lot further to the  
13 west of that.

14 The project itself is, as Tara alluded to,  
15 intended to improve their home in a way that they can  
16 remain in their home with their growing family. They  
17 are looking to add a very thoughtfully designed  
18 addition to the rear of the property. This will allow  
19 them to remain in the home. We have, as she mentioned  
20 also, had a significant amount of design  
21 consideration, both internally as working with the  
22 owners and the architects, and also working with  
23 members of the community in the form of the ANC, and  
24 the Old Georgetown Board.

25 The project was, as she stated, submitted as a

1 matter-of-right to DCRA. Due to the new zoning  
2 regulations we now require this one area of special  
3 exception relief in order for it to move forward.

4           You can see before you on this slide, the  
5 permitting and HPRB -- sorry, not HPRB, Old Georgetown  
6 Board approvals. The building permit was submitted as  
7 a matter-of-right project on April 20th. The new  
8 regulations were made retroactively effective to the  
9 date of March 27th, and we did not -- we're not aware  
10 of that, that that was going to happen when the permit  
11 was submitted on April 20th.

12           The concept and approval, permit approval, was  
13 received from the Old Georgetown Board on December  
14 23rd of 2016, and on May 19th of 2017. So we've been  
15 through all of the required approvals to date, until  
16 the point where the special exception regulation  
17 became retroactively applicable to our project.

18           To give you a brief overview of the addition  
19 itself, it is a two-story rear addition. It extends  
20 approximately -- well, not approximately, exactly, 20  
21 feet beyond the existing house. On the first floor it  
22 does extend east to the property line. What you see  
23 on the slide is on the left, the existing first floor  
24 of the home, and then the proposed first floor of the  
25 home on the right. What's being added here is the

1 kitchen is being renovated, and altered. We're  
2 extending to the east in that kitchen area in order to  
3 make a more functional larger kitchen, and then adding  
4 a family room with a projecting bay at the rear.

5           The projecting bay is part of that 20 feet of  
6 addition itself. It does not go all the way to the  
7 east. We have taken, I believe, three feet and eight  
8 inches off of that so that we are setting back from  
9 the back corner of the adjacent east property. This  
10 is intended to both become an architectural feature on  
11 the home, and to also minimize the impact on the  
12 adjacent neighbor.

13           Looking at the existing and proposed second  
14 floors, again, the existing building, existing home is  
15 on the left. The proposed is on the right. At this  
16 level the addition does not include a projecting bay,  
17 nor does it include encapsulating the existing court  
18 space.

19           One of the -- some of the comments from the  
20 Old Georgetown Board were to encourage us to maintain  
21 as much of the masonry walls as possible, and the  
22 historic fabric of the home as possible, and so we  
23 have done that by leaving the court as it exists, at  
24 this level, and simply adding on a master bedroom  
25 above the new kitchen addition.

1           Previously, in the design, there was a  
2 balcony. That has since been removed in working with  
3 variance members of the community and the ANC.

4           The roof plan also shows how the addition  
5 steps back as it goes up in the air, really. But the  
6 second-floor addition is smaller than the first-floor  
7 addition. We've got that court as we discussed  
8 previously, on the east side, allowing for light and  
9 air both to the applicant's home still, and to the  
10 neighbor's home as well, and to the neighbor's yard.

11           This is the existing and proposed rear  
12 elevations. There is no space added on the lowest  
13 level of the building. There is an existing cellar  
14 that will remain, and there is crawl space added  
15 underneath the new addition. We're not actually  
16 making occupiable space underneath of it.

17           The materials themselves are very much in  
18 keeping with the neighborhood with the existing homes,  
19 and with neighbor feedback. It will be brick. It  
20 will be a light brick that blends into the existing  
21 context. And when we get a few more slides and we see  
22 the amount of vegetation in the back yard, and in the  
23 adjacent empty lot, you'll understand that a little  
24 more.

25           This shows the reduction in the scope of work

1 between previous iterations that had a full balcony to  
2 what's now just a Juliette balcony. And then also  
3 shows you the pitch of the roof, some features that  
4 were intended to help decrease the impact of the  
5 addition on its adjacent neighbors.

6           This is the proposed site plan in a little bit  
7 larger view. You can see that the trees have been  
8 added to this site plan, significant trees that were  
9 located to show you how heavily shaded the area is.  
10 You can see trees throughout all of the yards. There  
11 is a tree adjacent to the addition on the property to  
12 the east. It is intended that that tree would remain.

13       That tree also provides some screening on the east  
14 wall of the new addition there as you can see.

15           The addition does project beyond the adjacent  
16 neighbor to the east by 31 feet and six inches. If  
17 you look further to the east, which is off of this  
18 site plan, but we can look at the block plan again, it  
19 projects past the next two homes by approximate 14  
20 feet and 11 feet. So, since those homes are more  
21 narrow and longer, our addition does not project as  
22 long past them, as far past them.

23           To the west of the vacant lot you can see the  
24 existing home on the west side. Our addition projects  
25 approximately three feet beyond this and is almost the

1 same size as the same length as that house to the  
2 west. Also, the rear projection is reduced as you go  
3 up, so on the second floor it is the same length as  
4 the -- approximately the same length as the house to  
5 the west too.

6 We're looking, in this slide, at a couple of  
7 existing and proposed rear perspectives. You can  
8 begin to get an idea of how green the area is and how  
9 green the block is from this view, and seeing the  
10 trees in it. You also see the existing is on the top,  
11 and the proposed is on the bottom. You can see,  
12 keeping the existing court on the second floor, you  
13 can see how that works in the massing of the building.  
14 You can also see that there is not a projecting  
15 balcony on the second floor, and that the bay is only  
16 on the first floor, projecting bay is only on the  
17 first floor, not above that level also.

18 We are not adding any additional windows to  
19 the east façade. Those windows that are shown are the  
20 existing windows that are intended to remain.

21 This image also shows the sloping of the roof  
22 towards the east so that we are minimizing the impact  
23 of any shading on the neighbor's property.

24 The next image shows you the east and west  
25 elevations. The east elevation on the top, and the

1 west elevation on the bottom. There are four new  
2 windows designed into the addition on the west side.  
3 Those were -- are considered to be at-risk windows and  
4 the owners have agreed to the covenant brought forward  
5 by the D.C. Building Codes for that. We are not  
6 proposing any new windows in the east wall, either the  
7 existing or the addition.

8           You can see again, here, how the rear  
9 projection is reduced, leaving just the first-floor  
10 bay only, and the balcony, no balcony exists.

11           The next few slides are a series of sun  
12 studies that we did to study the impact of shading at  
13 various times of the year and at various times of the  
14 day. You'll see in most of these there is no change  
15 to the eastern neighbors. These studies were done  
16 without trees on the study themselves. We have  
17 considered that also, and when you see the block  
18 aerial views you'll understand that everything is  
19 shaded in this block, by trees. The tree canopy is  
20 very lush, it's very dense, and in order to really  
21 understand what the impact of the buildings  
22 themselves, as we did it this way, we can also show  
23 you some interpretation of approximation of the trees'  
24 canopy also later.

25           This is the sun study on the spring equinox at

1 9:00 a.m. There is no change to the shading on the  
2 eastern neighbors. This is the same sun study at  
3 12:00 p.m. the same day, at noon. There is again, no  
4 change on the shading of the eastern neighbors. And  
5 then at 5:00 p.m. we begin to see a minimal amount of  
6 change to the eastern neighbor on their patio,  
7 impacting their patio. There's no change on the back  
8 of the house itself. There is some additional shading  
9 that impacts the south elevation of the neighbors two  
10 doors down to the east.

11 On June 21st, so the summer solstice, we  
12 studied at 9:00, at 12:00, and 5:00 again. At 9:00  
13 and at noon, there were no changes to the eastern  
14 neighbors, and minimal impacts on the eastern  
15 neighbor's patio at the 5:00 p.m. hour. So when you  
16 would expect to be a little bit of shading from the  
17 west side as the sun starts to sink lower to the west.

18 There is some additional shading, as well, to  
19 the patio of the neighbor two doors down to the east.

20 We looked at the winter solstice also,  
21 December 21st at 9:00 a.m., and at noon there is again  
22 no change on either of these. And then again at 5:00  
23 p.m. there is some impact of shading of the patio and  
24 the south elevation of the eastern neighbor. One  
25 thing I would point out about that is at 5:00 p.m. in



1 December in Washington, D.C., it's usually dark, or  
2 very close to being dark. So, this is assuming that  
3 you could see shadows, this is what it would be like.

4 CHAIRPERSON HILL: Just to let you guys know,  
5 you guys have got 10 minutes.

6 MS. RAO: With that, I'm going to recap just a  
7 little bit. The shadow studies that we did were  
8 intended to demonstrate that we have studied this. We  
9 believe there is no impact on the light and air of the  
10 adjoining property owners that is an unreasonable  
11 impact. We don't believe they are unduly affected by  
12 these. As I mentioned, the 5:00 p.m. shadow studies  
13 on all of them are the only ones that have any impact  
14 at all. That's when you would expect to see some  
15 shadowing from the west. And the most impact happens  
16 in December when, as I discussed, it's usually very  
17 close to dark already.

18 The existing trees that you'll see also have a  
19 heavily shade on the property and on the adjacent  
20 property also.

21 And, I want to reiterate that this project has  
22 been through significant review by the ANC and by the  
23 Old Georgetown Board. The Old Georgetown Board's  
24 approval confirms that they also agree that the  
25 addition would not substantially visually intrude upon

1 the character of the neighborhood or the zone.

2 MS. MOLDENHAUER: Thank you very much. And  
3 so, I'll just give a brief summary and then we'll also  
4 be prepared to provide some rebuttal testimony as well  
5 as I indicated earlier. This is a special exception  
6 standard. We have kind of gone back and I know that  
7 obviously Commissioner Turnbull, as a Zoning  
8 Commission member, is aware that when they put into  
9 effect the new 10-foot limitations, it was not an  
10 absolute bar, but rather they intentionally allowed  
11 for special exception, not a variance. And so, we're  
12 evaluating this on the special exception factors,  
13 deeming that it's obviously something that could be  
14 considered to be something the Board could grant  
15 relief from. It's not, in our opinion, it's not going  
16 to create a precedent or something where each other  
17 case in the neighborhood would have to come back  
18 before the Board if anyone ever wanted to seek relief  
19 under this area of relief.

20 We think that given the shadow studies and the  
21 existing condition of the existing tree canopy, that  
22 there will be you know, limited to no unduly affected  
23 aspect of light and air on abutting neighbors, both on  
24 O and on Dumbarton, that the privacy and enjoyment in  
25 regards to the fact that there are existing windows,

1 any existing windows are being maintained. Privacy  
2 and enjoyment can obviously not be evaluated based on  
3 existing conditions, but only what is added. There  
4 are no new windows being added on Ms. Schafer's side  
5 of the property, and that any of the windows that are  
6 being added to the west are windows that, as  
7 indicated, are going to have a covenant. I want to  
8 clarify that we are agreeing with Office of Planning  
9 to not just restrict a covenant for what DCRA would  
10 require, but to put a covenant for this Board, and as  
11 part of an order potentially, if the Board deemed that  
12 we satisfied the standards to indicate that if any  
13 future owner develops on that vacant lot, that if they  
14 wanted those windows to be closed, that they would  
15 then voluntarily close those windows in accordance to  
16 a recorded covenant. That would be recorded in  
17 perpetuity against the land records and not just for  
18 the applicant, but for any future owner.

19 In addition to that, we believe that the  
20 original structure does not have any impact on that in  
21 regards to the materials, that it is in keeping with  
22 the neighborhood, and that there is obviously no  
23 ability to see or visually have any impact from the  
24 street.

25 We then do not believe that this will have any

1 adverse impact on the use of neighboring properties.  
2 It's a single-family home. The use will be  
3 maintained. We are providing more than double of the  
4 required rear yard here, and there is obviously, as  
5 indicated and we have additional information if the  
6 Board would like, all the properties along here are  
7 exceptionally deep. And so, in regards to any impact  
8 on use and enjoyment, and we have additional images  
9 that again, if necessary we can provide on rebuttal or  
10 upon request of the Board, that illustrate that the  
11 ability for any neighbors to be impacted by this are  
12 limited to no impact at all in regards to the fact  
13 that there would be no visibility of any addition.

14 We also believe that this would result in a  
15 limited visibility from the rear yards.

16 This would also be in harmony with the general  
17 purpose and intent of the zone plan. The project does  
18 not negatively impact the general capabilities between  
19 the sitting a new and existing building. There is a  
20 distinction, there is no change in the use of the  
21 property as it appears from O Street. There is no  
22 change in the height or the stories of the project,  
23 and in addition to that, you know, we think that  
24 obviously the zoning plan and zoning harmony  
25 encourages development and reuse of buildings so that

1 way they can continue to be able to be used by  
2 families and property owners in the District of  
3 Columbia.

4 So at that point, I will conclude our  
5 presentation and obviously be open to board questions,  
6 and then also reserve our 20 minutes for rebuttal.

7 CHAIRPERSON HILL: Okay, thank you.

8 Does the Board have any questions for the  
9 applicant at this time?

10 MS. WHITE: No.

11 CHAIRPERSON HILL: Oh, wait. Okay.

12 MR. TURNBULL: Thank you, Mr. Chair. Thank  
13 you for your presentation.

14 I just had a question for the architect,  
15 Heather.

16 MS. RAO: Rao.

17 MR. TURNBULL: Okay. When you were  
18 presenting, when you were talking about the -- on the  
19 design, on the eastern façade that borders Ms.  
20 Schafer's property, you talked about limiting the  
21 impacts on the neighbor. Could you explain a little  
22 bit more what you were -- what those impacts, or what  
23 you were trying to do on that?

24 MS. RAO: So, several things, and Oksana can  
25 also chime in on this, as she was more involved in

1 some of the parts --

2 MR. TURNBULL: You might have to pull your mic  
3 a little closer.

4 MS. RAO: Sorry. Oksana may also chime in on  
5 this, as she was involved in the entire process of  
6 going back and forth between the ANC and the Old  
7 Georgetown Board.

8 But several of the items that we recognized as  
9 being things we did deliberately to try to minimize  
10 the impact to the east, adding no new windows on the  
11 addition. So no new windows on the eastern wall at  
12 all. Keeping the existing court in where it exists,  
13 so not filling in the existing court at the second  
14 floor, which puts any new construction on the second  
15 floor further from her house.

16 MR. TURNBULL: I wonder if you could bring  
17 that up on the screen. Is it possible?

18 MS. RAO: Can you -- I think the best one is  
19 probably the --

20 MR. TURNBULL: Awkward.

21 MS. RAO: -- axon views. Probably the axon.  
22 That one. No, go back. That one.

23 MR. TURNBULL: Yeah, okay.

24 MS. RAO: So if you could point to where -- if  
25 you could point to where the court is on the existing,

1 and then where that setback is on the proposed. Yeah.  
2 You can see that that is being maintained at the  
3 second floor, which means that the new wall of the  
4 addition is further from her property than it would be  
5 if we infilled that existing court, which is something  
6 that we had looked at initially and had changed over  
7 the course of discussion and working together with the  
8 community.

9 MS. MOLDENHAUER: And so, can I just clarify?  
10 So initially, when you filed this with OGB and the  
11 ANC, you were originally planning to cover these  
12 windows. Is that correct?

13 MS. RAO: Yes.

14 MS. MOLDENHAUER: And so, you then revised the  
15 plan to no longer cover this window, but rather to  
16 pull it back and to create that open.

17 MS. RAO: Yes.

18 MS. MOLDENHAUER: So that light and air can  
19 come down through there?

20 MS. RAO: So maintaining the existing court  
21 that's there for light and air, that's what these  
22 courts are designed for, is to provide light and air.  
23 So maintaining that at the second-floor level.

24 We also sloped the roof so that it slopes down  
25 towards the east. And that is intended to help us

1 with any shadowing on the eastern property to minimize  
2 the height of the eve there as it's directly adjacent  
3 to the eastern neighbor.

4 MR. TURNBULL: And the wall material is --

5 MS. RAO: Intended to be brick.

6 MR. TURNBULL: And it's painted then, or --

7 MS. RAO: Yes.

8 MR. TURNBULL: Okay.

9 MS. RAO: As is the existing home, yes.

10 MR. TURNBULL: And you have a gutter at the  
11 top, and a downspout coming down, and that drains  
12 where?

13 MS. RAO: Oksana, do you know that? It will  
14 have to be on our property.

15 MS. RAMOS: On our property, yes.

16 MS. RAO: So it will have to drain towards the  
17 south.

18 MS. RAMOS: Yes.

19 MR. TURNBULL: Okay. And you created a niche  
20 on the first floor of the ground floor --

21 MS. RAO: There's a projecting bay.

22 MR. TURNBULL: Right.

23 MS. RAO: On the back. On the first floor we  
24 did actually infill the court that exists.

25 MR. TURNBULL: Okay.



1 MS. RAO: Is that the question?

2 MR. TURNBULL: Yeah, and then I think you had  
3 started talking before about --

4 MS. RAO: Oh, yes. Thank you. The bay  
5 itself, if you look at the first-floor plan, Meridith,  
6 please? You can see that the east corner of the bay  
7 does not go all the way to the property line on that  
8 side.

9 MR. TURNBULL: Right.

10 MS. RAO: So we've held that back from the  
11 property line again to minimize the impacts that we're  
12 having on that east property.

13 MR. TURNBULL: And the tree?

14 MS. RAO: And the tree also.

15 MS. RAMOS: I'm sorry. Also, the bay also  
16 speaks also architecturally to the existing court  
17 that's there now. We wanted to have a visual  
18 connection with those two elements.

19 MS. MOLDENHAUER: And can you just elaborate  
20 on the initial application that was submitted to OGB  
21 that then was revised with the ANC's input and with  
22 OGB's input? That included a two-story structure  
23 here. Is that correct?

24 MS. RAMOS: Yes. The original proposal  
25 included a brick enclosure that included the bay

1 that's there now. It was not set in, inboard from the  
2 fence. And it went all the way to the two stories.  
3 But we have since then, in speaking with OGB and ANC,  
4 reduced the scope.

5 MR. TURNBULL: And so there's just a Juliette  
6 balcony now with the --

7 MS. RAMOS: Yes, there were concerns from the  
8 neighbors about privacy, having somebody walk out from  
9 the second -- from the bedroom on the second floor,  
10 and we have agreed to minimize that intrusion and just  
11 have a Juliette balcony.

12 MR. TURNBULL: Okay.

13 MS. MOLDENHAUER: But can I just clarify? The  
14 balcony actually projected beyond the current  
15 structure that's proposed on the first floor. Is that  
16 correct?

17 MS. RAMOS: Yes. You used to be able to walk  
18 over that bay, like a full balcony. Now we don't.  
19 You can't walk out.

20 MR. TURNBULL: And the fence is existing. Is  
21 that the owner, your owner, is your fence or the next-  
22 door neighbor's -- it's Ms. Schafer's fence. Okay.

23 Is there any other screening you're proposing  
24 or --

25 MS. MOLDENHAUER: So, Office of Planning had

1 asked, and we have consented, it's in their Office of  
2 Planning report --

3 MR. TURNBULL: Right.

4 MS. MOLDENHAUER: -- to of course, at Ms.  
5 Schafer's request, we've offered both either to  
6 provide a design material along this façade, or to  
7 provide a green wall. And --

8 MR. TURNBULL: Okay, I remember seeing that,  
9 yeah.

10 MS. MOLDENHAUER: So both of those have been  
11 proffered, but the conversations have not engaged in  
12 regards to what could be mitigation options.

13 MR. TURNBULL: Okay, thank you.

14 MR. HART: Mr. Chair, going along with Mr.  
15 Turnbull's questions, regarding the roof, could you  
16 describe that roof again? It looks like a slanting  
17 and I can't figure out if it's actually flat, or of  
18 its sloping towards the east, or towards -- I don't  
19 know. If you could describe it?

20 MS. RAO: It is sloping down, towards the  
21 east.

22 MR. HART: So you were trying to minimize the  
23 height of the roof?

24 MS. RAO: As it is immediately on the east,  
25 yes.

1 MR. HART: Okay. So the roof from the front  
2 of the building, it -- from the north, it slopes down  
3 to the south, the existing building, and then once it  
4 gets to the addition, then there is a change and it  
5 actually goes to the -- towards the east.

6 MS. RAO: Yes.

7 MR. HART: I mean, a brand new roof, but it  
8 would be kind of slanted towards the east.

9 MS. RAO: Yes.

10 MR. HART: And what's the height of that? I  
11 mean, what's the difference in height between that?

12 MS. RAO: Oksana, do you have that in front of  
13 you?

14 MR. HART: How much is -- I'm just -- how much  
15 does it slope? I just don't know that. It doesn't  
16 read on some of the -- on one of the elevations that I  
17 saw, and I was just -- I didn't realize that --

18 MS. MOLDENHAUER: We're pulling that up right  
19 now.

20 MR. HART: That's fine. And while you're  
21 looking at that, the other question I had was with  
22 regarding to the Juliette balcony, is there a -- right  
23 now it doesn't -- you know, there is no balcony there.  
24 Is there a -- it seems as though there are some  
25 issues with the neighbor, with the ability to -- or

1 the desire not to have people coming out on to that.  
2 Is there a way of saying that -- yeah, I guess you  
3 can't police that. I'm saying, how do you keep  
4 anybody from, in the future saying, well we actually  
5 want to just build a, you know, a small balcony on  
6 that and be able to sit out there or whatever?

7 MS. MOLDENHAUER: That would obviously be  
8 something that the Board could put in a condition  
9 that, you know, this is approved pursuant to plans  
10 that do not allow a second-story balcony on any  
11 portions of either -- I'm just thinking it through.  
12 Like either this court here, or on this deck here.  
13 And then that way if there ever was a future owner who  
14 violated that portion of the order, they would then be  
15 able to go to DCRA and indicate that there was illegal  
16 construction or construction that was beyond the scope  
17 of the order.

18 MR. HART: I understand. I understand.

19 MS. MOLDENHAUER: So, and then let me allow  
20 Ms. Oksana to respond to your question --

21 MR. HART: Sure.

22 MS. MOLDENHAUER: -- about the sloping roof.

23 MR. HART: Sure.

24 MS. RAMOS: Hi. Sorry. To clarify that  
25 slope, that was a design change that came about with

1 discussions with the Old Georgetown Board in order to  
2 find a happy medium with limiting the light and air  
3 aspect to the eastern neighbor. It's sloping about  
4 one foot from the existing roof that we have.

5 MR. HART: Okay.

6 MS. RAMOS: We were looking at considerations  
7 of the interior ceiling height, the roof structure, so  
8 we have one foot that's --

9 MR. HART: Okay. So this is like a one to --  
10 almost like a one-to-fifteen slope, because it's about  
11 15 feet. What's the width of the -- am I not getting  
12 that right?

13 MS. RAO: Fifteen.

14 MR. HART: Fifteen feet is the width of the --

15 MS. RAO: Yes.

16 MR. HART: Okay. So you're saying it's going  
17 up -- it's one foot higher on the west side than it is  
18 on the east side.

19 MS. RAMOS: Yes. On the west side it's  
20 aligning with the existing roof, and we're sloping it  
21 down one foot to the east.

22 MR. HART: Thank you.

23 CHAIRPERSON HILL: So, I have a question. As  
24 far as the balcony that you guys have pulled back, so  
25 that originally was there and it was over and above

1 the first story bump out, for lack of a better word?

2 MS. MOLDENHAUER: Yes, so -- oh.

3 CHAIRPERSON HILL: And that was pulled back  
4 into a Juliette balcony because of discussions with  
5 the Old Georgetown Board?

6 MS. MOLDENHAUER: Both with the ANC, the  
7 neighbors, and the Old Georgetown Board. So  
8 originally there was this kind of exposed roof area  
9 that I'm highlighting here with my cursor.

10 CHAIRPERSON HILL: Uh-huh.

11 MS. MOLDENHAUER: Actually had a structure on  
12 it, where it was a two-story structure.

13 CHAIRPERSON HILL: Uh-huh.

14 MS. MOLDENHAUER: And then protruding or  
15 projecting from that was a balcony that was being  
16 provided off of that bedroom. So, not only was the  
17 building pulled back, but then the balcony was so that  
18 there was no ability to access even this now exposed  
19 bay roof.

20 CHAIRPERSON HILL: And you still have those  
21 plans?

22 MS. MOLDENHAUER: Yes, we have a copy of the  
23 OGB process and some of the plans showing the  
24 progression of the design. They're not part of the  
25 record because there had already concessions made

1 prior to the time the applicant became aware that  
2 special exception relief was necessary.

3 CHAIRPERSON HILL: Okay. Yes?

4 MS. WHITE: So right now, those are just  
5 French doors that can open up.

6 MS. RAMOS: Yes, they open to the inside.

7 MS. WHITE: Right.

8 MS. RAMOS: The bedroom.

9 MS. WHITE: Okay.

10 MR. HART: And I understand that you, Ms.  
11 Moldenhauer, you said that this -- some of the changes  
12 were not included because they had happened prior to  
13 this process. I think some of this may be helpful  
14 just to understand some of those changes because there  
15 is a rationale for just about everything we've  
16 actually asked or talked about. And it's not clear  
17 that that's why that got to that point. And so, it is  
18 helpful to be able to understand that so that you can  
19 kind of say, okay, the progression was this.

20 Now, I understand that when you're speaking of  
21 the neighbors it is the larger of the neighbors, as  
22 opposed to just the next-door neighbor. And you know,  
23 we'll parse that out as we kind of go along with this  
24 hearing. I just wanted to understand kind of where  
25 the changes were.



1           And it doesn't have to be detailed. It's more  
2 just kind of a listing of some of the things that  
3 have, you know, maybe a drawing that says -- you know,  
4 like this drawing that says, that's annotated, that  
5 says this was pulled back, you know, X feet because of  
6 this. You know, during this process, because I think  
7 that that helps us to understand why these additions  
8 were made, and so that we are not you know saying,  
9 well, why don't you do, you know, five more feet?  
10 Well, we've already done five feet.

11           So again, it's helpful for us to understand  
12 where this has been. Again, it would be helpful as we  
13 are deciding the case.

14           MS. MOLDENHAUER: We can definitely supplement  
15 the record, you know, even today with some of the  
16 images that we have from OGB, and provide those.

17           I want to make sure that the record is very  
18 clear that some of the Dumbarton neighbors did not  
19 participate as much during the OGB process, and so,  
20 you know, they became -- I know that my -- the client  
21 became aware of their concerns only through the BZA  
22 process. And so, when I talk about the neighbors, I  
23 talk about them as you said, you know, Board Member  
24 Hart, very broadly because there was a lot of  
25 discussion. It was conversations with the ANC, and

1 obviously OGB provides a lot of guidance and  
2 perspective as well during that process. And they did  
3 go back to OGB three times.

4 MR. HART: Thank you.

5 CHAIRPERSON HILL: Does the Board have other  
6 questions of the applicant right now?

7 MR. TURNBULL: I just had one. On the  
8 floorplan that I'm looking at for the, I guess the  
9 family room at the back, it looks -- I mean, it's hard  
10 to tell. When I look at the elevation that's upon the  
11 screen, and then I look at the floorplan, it looks  
12 like that whole southern facing wall is a collapsing  
13 window. Is that why this thing is projecting the  
14 extra three feet almost?

15 MS. RAMOS: It's a folding door that lets the  
16 homeowners enjoy -- we wanted them to enjoy the patio  
17 and to bring about that connection with the  
18 inside/outside with the family room and the beautiful  
19 garden.

20 MR. TURNBULL: So it's a design. I mean, if  
21 you had simply put doors at the 28-foot zero from the  
22 line of the existing neighbor, I mean, it's a feature  
23 just to accommodate those opening of those doors, that  
24 window collapsing, right?

25 MS. RAMOS: Yes, to accommodate doors and

1 circulation, yes, around the family room.

2 MR. TURNBULL: Had you talked about just  
3 putting it back at that one wall with just normal  
4 French doors or something?

5 MR. HORWITZ: Am I allowed to speak? This was  
6 already a compromise. So, originally the house was  
7 totally --

8 MR. TURNBULL: I'm just asking the question.  
9 I just want to know the history.

10 MR. HORWITZ: Yeah, yeah, no, no, I was just,  
11 I wanted to give you some background. It was already  
12 a compromise, so the whole house was built back there  
13 and --

14 MR. TURNBULL: A compromise with?

15 MR. HORWITZ: With specifically the ANC and  
16 OGB. And we pulled the house back to create a bay so  
17 it was less impactful. So that's why we have a bay.  
18 The design of the bay is actually -- was a compromise  
19 in and of itself. And that's all I wanted to give you  
20 some background on.

21 MR. TURNBULL: Okay. All right. Thank you.

22 CHAIRPERSON HILL: So, I'm going to clarify  
23 even again, Mr. Turnbull's clarification.

24 So I understand what the folding wall is, to  
25 open up, and I think it's lovely. So, what I think

1 Mr. Turnbull is asking was if you pulled it back and  
2 they were just doors, is that something that you had  
3 looked at?

4 MS. MOLDENHAUER: And I think that everyone  
5 has indicated that it's necessary for circulation, and  
6 that it -- not necessary, but that it's provided there  
7 for the purpose of circulation, and that it was  
8 already a compromise, and that it was being pulled in,  
9 in order to provide more of a compromise.

10 CHAIRPERSON HILL: Okay. That's okay. I got  
11 my answer. Thanks.

12 MR. TURNBULL: I just want to -- circulation  
13 from where?

14 MS. RAMOS: Yeah, just around the layout that  
15 the homeowners had wanted, or had planned for.

16 MR. TURNBULL: You've got to go six feet back  
17 to circulate? I'm just asking a question.

18 MS. RAMOS: Yes, the folding doors need a  
19 clearance inside, so we had planned for that.

20 MR. TURNBULL: So, it's not circulation, it's  
21 for the doors. I'm just, I want to be clear about --

22 MS. GUELIG: And that's just the door we  
23 chose. It could be a different door. The shape of  
24 the bay was to pull back. The shape of the bay, I  
25 think it appears right now that it's to accommodate

1 this accordion style door.

2 MR. TURNBULL: Right.

3 MS. GUELIG: But that's just the door we  
4 chose. The notch to the left and pulling it back was  
5 all to accommodate the eastern side, the light and the  
6 air going through.

7 MS. RAO: I understand what you're asking, I  
8 think, and it does appear that the bay is there to  
9 accommodate the size of the folding doors. It does  
10 that, but it is also a significant amount of space in  
11 the room itself. It is only a 20-foot by 15-foot  
12 room. Taking three more feet out of it does  
13 substantially impact the ability to either -- for the  
14 applicant to use the space.

15 MR. TURNBULL: Okay. That's all I needed.  
16 Thank you.

17 CHAIRPERSON HILL: Okay. All right. So, is  
18 the Board okay moving forward? All right.

19 Ms. Giordano, I'm going to start with you if  
20 that's okay, in terms of cross. And I'm just going to  
21 put five minutes up on my mental clock here, just so I  
22 kind of know what's going on. So everybody is going  
23 to get five minutes. So, whenever you like please go  
24 ahead in providing any further questions that you  
25 might have to the applicant.

1 MS. GIORDANO: I think we just have one  
2 question, and that is this back and forth to limit the  
3 impact or as asserted on the eastern property owner,  
4 did that include any discussions with the eastern  
5 property owner, or was there any attempt to contact  
6 her directly and to present these plans and get her  
7 input?

8 MS. GUELIG: Absolutely. We e-mailed Alison  
9 Schafer on August 5th, 2016. She was out of town on  
10 vacation. I also put some plans through the mail  
11 slot.

12 When she returned, I think this was probably  
13 in September, we met in her back yard to talk about  
14 this, and then have had ongoing conversations since.

15 MS. GIORDANO: Thank you.

16 CHAIRPERSON HILL: Okay. Ms. Giordano, is  
17 that it?

18 MS. GIORDANO: Yes.

19 CHAIRPERSON HILL: Great. Now, I apologize.  
20 Who is going to ask questions for whom, because I  
21 didn't -- whoever of the two groups that are left, do  
22 you have any questions that you'd like to ask in terms  
23 of the applicant and what they've presented? Cross-  
24 examination questions, basically.

25 MR. BRODNIG: Thanks, Mr. Chairman. I have

1 one question and I'm most probably getting a little  
2 bit on thin ice here because that's definitely not my  
3 area of expertise, but --

4 CHAIRPERSON HILL: Well, hopefully let you  
5 know, but I'm not sure. Somehow it goes --

6 MR. BRODNIG: But I think the expertise in the  
7 Board might maybe make help clarify that. But the sun  
8 studies, I think they are based on the assumption that  
9 2710 and 2708 are on the same plane as 2716. I mean,  
10 the architects will be able to understand what I mean.

11 But if you look at the site plans, those are -  
12 - they actually are on different planes. And so, I  
13 was just curious if you can help clarify that in terms  
14 of the design of the sun studies.

15 MS. RAO: Are you asking if we're aware that  
16 the houses on Dumbarton Street are a slightly  
17 different elevation?

18 MR. BRODNIG: No, no, I'm referring to the  
19 property lines on O Street, because I think you, for  
20 the sun studies, you have certain assumptions in terms  
21 of where the neighboring buildings are lining up. But  
22 if you look at some of the plans, that's actually not  
23 the case.

24 I'm terribly sorry that, you know, I am --

25 CHAIRPERSON HILL: No, that's okay. That's

1 okay.

2 MR. BRODNIG: -- asking a really boring  
3 question --

4 CHAIRPERSON HILL: That's okay. That's okay.

5 MR. BRODNIG: -- because --

6 CHAIRPERSON HILL: We're all right. That's  
7 all right. That's all right.

8 So if you could pull up one of the sun  
9 studies. And then even I just want to clarify.

10 So your question, sir, is again that you think  
11 that the property lines aren't where they actually are  
12 for the sun study?

13 MR. BRODNIG: Yeah, I think it's that 2710 and  
14 2708, they look as if they are exactly the same as  
15 2716. But that's not really the case. And I think  
16 that would, again, in my layman's understanding, I  
17 think that would actually affect the sun studies  
18 themselves.

19 CHAIRPERSON HILL: Does the architect  
20 understand the question?

21 No? Okay. No, no, because I'm just trying to  
22 understand also the different properties. Which one  
23 is it that you think is different? I'm just looking  
24 at the monitor here that's right in front of you  
25 actually, too, on the --



1 MS. RAO: Mr. Chair, we're not actually  
2 showing the properties on Dumbarton -- sorry, on  
3 Dumbarton Street, on the sun studies.

4 [Discussion off the record.]

5 MS. RAO: Okay.

6 MS. MOLDENHAUER: Are you talking about the  
7 one that I'm highlighting right now, like with my red  
8 cursor here? This one?

9 MR. BRODNIG: Correct. Correct. Yeah. Yeah.

10 MS. MOLDENHAUER: Okay. So, what's the  
11 question then, about them?

12 MR. BRODNIG: That these two are, on the sun  
13 studies they look as if they are exactly on the same  
14 plane as 2716. But that's not the case.

15 CHAIRPERSON HILL: Which one is 2716? Can you  
16 put your cursor on it?

17 MR. BRODNIG: That's the --

18 CHAIRPERSON HILL: Oh yeah. Okay. All right.  
19 They're not on the same plane, right? Oh, I see what  
20 you're saying.

21 MR. BRODNIG: Yeah.

22 MS. RAO: Okay.

23 CHAIRPERSON HILL: Okay.

24 MR. BRODNIG: So, and again, please for beg  
25 your indulgence, this is you know, this is a question

1 that --

2 CHAIRPERSON HILL: That's okay.

3 MR. BRODNIG: -- one of our, you know,  
4 architect friends raised with. But you know, I'm not  
5 in a position to phrase it maybe in the way that  
6 helps. But again, we have very competent architects  
7 here who could most probably make sense of it.

8 CHAIRPERSON HILL: Okay.

9 MS. RAMOS: Sorry, just to clarify here. The  
10 structure, 2710 --

11 MS. MOLDENHAUER: Which I'm highlighting right  
12 now.

13 MS. RAMOS: -- and 2708, these are just  
14 estimates based on the zoning information that we have  
15 researched. But we don't believe that they would have  
16 an impact on our addition.

17 CHAIRPERSON HILL: Okay. I understand. I  
18 understand.

19 So again, and it was again pointed out to me,  
20 this still is in your testimony, the sun study that  
21 you're presenting. Okay. All right. Okay.

22 I don't know if that fully answered your  
23 question because it also got a little confusing for  
24 me. But this is the sun study that they are  
25 presenting in terms of how it relates to this project.

1 Do you have another question?

2 MR. BRODNIG: Is that the time to comment  
3 also, or is that the time to just ask a question?

4 CHAIRPERSON HILL: Just ask questions. You  
5 guys are going to have a chance now to present next.

6 MR. BRODNIG: Sure. And I will wait for that  
7 moment.

8 CHAIRPERSON HILL: Okay. Great. Do you guys  
9 have any questions?

10 MS. LAMBERT: I just have one quick question.  
11 When you talk about discussions with neighbors and  
12 consulting the community, did you make any effort to  
13 contact us because the first we've heard of this  
14 project was when we received the Zoning Commission  
15 letter in June?

16 MS. GUELIG: Sure. So, I did send two e-mails  
17 to Naima's World Bank address. There was one in  
18 August 2016, and at that I got an out of office  
19 message which I guess World Bank out of office isn't  
20 necessarily any indication of anything.

21 And then the second time I got a bounce back.  
22 So, you were e-mailed the plans to that address. And  
23 honestly, regarding the other neighbors on Dumbarton,  
24 there's a grade differential between the two blocks,  
25 and with the extent of the 130 feet --

1 CHAIRPERSON HILL: Okay. That's okay. So  
2 you --

3 MS. GUELIG: -- we can't see those houses.

4 CHAIRPERSON HILL: All right. Okay. So  
5 that's the outreach that you did for this particular  
6 party status individual. Okay.

7 Do you have another question?

8 MS. LAMBERT: No, I [speaking off microphone.]

9 CHAIRPERSON HILL: Okay. Okay. All right.  
10 All right. Okay.

11 So, unfortunately it has to come from whoever  
12 was speaking first. And even though we didn't -- we  
13 are jumping around here. I'm trying to make sure  
14 everybody gets their questions accommodated.

15 MR. BRODNIG: Oh, sorry it's getting maybe a  
16 little bit too early into the weeds of some of the  
17 outreach, but --

18 CHAIRPERSON HILL: That's okay.

19 MR. BRODNIG: -- Tara was actually referring  
20 to an e-mail that was sent to my wife, Naima.

21 CHAIRPERSON HILL: I see.

22 MR. BRODNIG: 2719 in August 2016.

23 CHAIRPERSON HILL: Okay.

24 MR. BRODNIG: But my wife left her employer  
25 around that time --

1 CHAIRPERSON HILL: Okay.

2 MR. BRODNIG: -- so that e-mail was never  
3 read. But --

4 CHAIRPERSON HILL: Okay.

5 MR. BRODNIG: -- I would have -- I would come  
6 to that point later if need be.

7 CHAIRPERSON HILL: Okay. So again, you guys  
8 heard about it from the BZA process.

9 MR. BRODNIG: Yes.

10 CHAIRPERSON HILL: Okay. All right. Okay.  
11 Does the Board have any questions from any of the  
12 items that were brought up during cross with the party  
13 status individuals?

14 [No audible response.]

15 CHAIRPERSON HILL: Okay. All right. So now  
16 we're going to go and turn to -- I guess we'll go --  
17 what way are we going to go in here? We're going to  
18 go with, I guess, Ms. Giordano.

19 Yeah, I don't know. Yeah, we'll just go with  
20 you first and we'll go in that direction, I suppose.

21 MS. GIORDANO: Oh, I thought you had to go to  
22 agencies first.

23 CHAIRPERSON HILL: Oh, I don't think I can go  
24 -- we can go to the agencies first. That's not how  
25 we've done it in the past. I mean, is there -- I

1 think again, in terms of the --

2 MS. NAGELHOUT: I don't have that particular  
3 section in front of me, but you can do it whichever  
4 way you choose.

5 CHAIRPERSON HILL: Okay. All right. Well, if  
6 you'd like us to go to the agencies first, I will --

7 MS. GIORDANO: No, it's fine.

8 CHAIRPERSON HILL: -- accommodate that --

9 MS. GIORDANO: That's the way the --

10 CHAIRPERSON HILL: -- in that capacity.

11 MS. GIORDANO: -- the rules and that's --

12 CHAIRPERSON HILL: And as far as the rules,  
13 and I just remember from the -- it's okay -- with the  
14 Office of Attorney General, they sometimes, and I was  
15 off in August also, but they have mentioned to me  
16 again, in terms of the way the order goes, as long as  
17 everybody gets their fair share and everybody gets to  
18 speak accordingly.

19 But you will have an opportunity to ask  
20 questions of the Office of Planning and the ANC after  
21 they speak, so --

22 MS. GIORDANO: Right.

23 CHAIRPERSON HILL: No, I appreciate you  
24 asking.

25 MS. GIORDANO: No, I don't have a problem with

1 it.

2 CHAIRPERSON HILL: Sure. Sure.

3 MS. GIORDANO: I just, that's what I was  
4 accustomed to.

5 CHAIRPERSON HILL: No, I -- no, no, I  
6 appreciate you bringing that up. So, please, I'm  
7 going to go ahead and I am going to put the 10 minutes  
8 on there just because you mention it. But you guys  
9 have 25 minutes as a group.

10 MS. GIORDANO: Right.

11 CHAIRPERSON HILL: And so, you know --

12 MS. GIORDANO: We might go over a little bit  
13 between it.

14 CHAIRPERSON HILL: Sure. Sure.

15 MS. GIORDANO: But --

16 CHAIRPERSON HILL: Okay, please, start  
17 whenever you'd like.

18 MS. GIORDANO: Okay. Again, my name is  
19 Cynthia Giordano. I'm with Saul Ewing law firm.

20 And as you know, the applicant is seeking a  
21 special exception to permit the construction of a rear  
22 wall, rear yard addition, which would extend 31 feet,  
23 six inches beyond the rear wall of my client, Ms.  
24 Schafer.

25 The requested relief, therefore, is over a 200

1 percent increase over that which was permitted as a  
2 matter of right. It's not a mere minor exception to  
3 the rule. And as such, we contend that it requires a  
4 heavy burden of proof to overcome a presumption of  
5 inconsistency with the intent and the purpose of the  
6 zoning regulations. It does not meet that test, or a  
7 test of undue impact on the adjacent property owner,  
8 Ms. Schafer.

9 Ms. Schafer resides at 2712 O Street,  
10 immediately adjacent to the subject property, with her  
11 three sons. Despite the fact that her front door is  
12 within a few feet of the applicant's, there has been  
13 very limited, if any, and I asked Ms. Schafer to  
14 really elaborate on that, discussion between the two  
15 as to what the plans are and these alleged compromises  
16 to lessen impacts on her property.

17 For contacts, most of the neighbors in this  
18 square live really cheap in jowl in modest size houses  
19 on modest size houses on modest size lots. Many of  
20 the homes in the subject square feature rear yard  
21 gardens, which are private in nature. There's no  
22 public alley system behind the rear of these houses,  
23 as is common in other squares, large squares in the  
24 city. So the rear yards back up to one another and  
25 are separated primarily by wooden fences.



1           The garden areas are a key feature and amenity  
2 of these residences and residences which have to deal  
3 with a lot of traffic and noise out their front door  
4 that spills over from the adjacent commercial areas of  
5 Georgetown.

6           Ms. Schafer's home, in particular, features  
7 floor to ceiling sliding glass doors along the entire  
8 width, practically, of the first floor of her home.  
9 Inside, from the family room and dining area, the  
10 family enjoys views of the gardens, which Ms. Schafer  
11 cultivates in her spare time, and which functions as  
12 an outdoor room for her family.

13           The applicant's house already extends 11 feet  
14 beyond the Schafer's home, and as indicated  
15 previously, the application seeks to replace Ms.  
16 Schafer's views of the sky and the trees to the east  
17 with an additional 19 plus feet long, two-story for  
18 most of the expanse wall. The impact of that is  
19 irrefutable as is the fact that permitting such an  
20 exception is not consistent with the intent and  
21 purpose of the regulation whose purpose is to prohibit  
22 disproportionate rear yard additions.

23           And disproportionate is in relation to the  
24 adjoining property. Clearly this rear yard, or rear  
25 addition, which is going to extend more than 30 feet

1 beyond the rear wall of Ms. Schafer's house is  
2 disproportionate to her property, or her house.

3           The proposed extension special exception does  
4 not meet the requirements of the zoning regulations.  
5 The key zoning provision is D-106, which as indicated  
6 previously, and I won't repeat that, limits rear yard  
7 rear additions to project no more than 10 feet beyond  
8 the rear wall of the adjoining property. The purpose  
9 of the provision was to project -- protect adjoining,  
10 detached, and semi-detached rowhouse development in  
11 certain zones from disproportionate rear additions.

12           Those certain zones included the R-19 and R-20  
13 zones, which are the Georgetown residential house  
14 zones. Looking at the purpose of the Georgetown  
15 residential house zones as set forth in the zoning  
16 regulations, the purposes include protecting the  
17 area's historic character, buildings, and open space,  
18 and the purpose -- another purpose is to limit  
19 permitted ground coverage of new and expanded  
20 buildings, and other construction, to encourage a  
21 general compatibility between the siting of new or  
22 expanded buildings and the existing neighborhood.

23           Exceptions to the 20-foot limitation are  
24 permitted with the approval of the BZA, but not at the  
25 expense of an adjoining property owner that the

1 regulation is designed to protect, or in  
2 contravention, of the purposes and intent of the  
3 zoning regulations.

4           Again, this is an over 200 percent increase  
5 beyond what is permitted as a matter-of-right in the  
6 zoning regulations. It's difficult, in that context,  
7 to prove no undue adverse impact on the Schafer  
8 property as required by the zoning regulations.  
9 Especially when Ms. Schafer is opposed and of the  
10 opinion that the extension will impact the use and  
11 enjoyment of her property.

12           Ms. Schafer will speak for herself directly,  
13 to her perception of the impacts on her property.  
14 They include views from her indoor and outdoor living  
15 areas, the likely destruction of a significant tree in  
16 the garden near the adjoining property line, an  
17 adverse impact on light and air, both from inside the  
18 house and in the garden, and finally, a sense of being  
19 walled in by the proposed 30-foot-plus expanse of the  
20 building along part of the -- the part of her garden  
21 which is closest to her house and more widely used by  
22 the family.

23           Such impacts are clearly undue. There's no  
24 necessity for the proposed addition. Many families  
25 who feel the need for more space for a growing family

1 are able to move into larger homes in the city, rather  
2 than trying to expand at their neighbor's expense.

3 I just wanted to also briefly speak to a  
4 couple of points made by the applicant. One is the  
5 Old Georgetown Board approval. And I just note that  
6 the old Georgetown Board approval and their  
7 jurisdiction is really about what's visible from the  
8 street frontage. It doesn't really concern the impact  
9 on the neighbor.

10 And also, there is a claim, I think made by  
11 the applicant, that their involvement in the process  
12 of designing this addition, somehow speaks to its  
13 overall compatible compatibility with the zone plan.  
14 And that's a direct quote from the prehearing  
15 submission.

16 And I just note that the Zoning Commission, in  
17 adopting this provision, did consider whether there  
18 should be a delay in its implementation. And their  
19 response and the response of the Office of Planning  
20 was that this rear yard addition limitation concept  
21 really arose in the context of the conversion to  
22 apartment use case in the RF Zones at that time, which  
23 began in 2014. And the Office of Planning report also  
24 indicated the chronology for this particular zoning  
25 provision. And it began in April of 2016, culminating

1 in a decision in March of 2017.

2 So there was over a year that this case was  
3 pending. It really wasn't a big surprise to people  
4 who are in the business, and certainly this  
5 architecture firm is definitely a prominent one, which  
6 one would think would be aware. I don't know whether  
7 the applicant had zoning counsel at the time.

8 But in summary, I would like to turn now to  
9 Ms. Schafer to describe her own perception of how this  
10 rear addition impacts her. But it is our contention  
11 that given the excessive amount of extension of this  
12 rear addition beyond the 10 feet that is permitted as  
13 a matter of right, it's difficult to square that with  
14 the purpose and intent of the zoning regulations.  
15 Thank you.

16 MS. SCHAFFER: All right. I'm Alison Schafer,  
17 2712, the next-door neighbor. Forgive me, I'm a  
18 little bit nervous. I have been opposed to this  
19 project for over a year, largely because I just think  
20 it's too big. And we'll talk a little bit about the  
21 impact on me. But it turns out actually, I wasn't  
22 wrong as we're here for the special exception meeting,  
23 because in fact, it's too big for the property.

24 So, I have lived in my house for 17 years. I  
25 moved in when -- from a small house or a smaller house

1 in Georgetown. I had a second boy and we were too big  
2 for the house. So we did like many Georgetowners do,  
3 and we sold that little house and moved to this bigger  
4 one.

5 I now have three boys, all teenagers, in a  
6 quite a small house as you can see on the map. It's  
7 nothing special to look at. And the house, in fact,  
8 is nothing special. The only nice part of the house  
9 is the garden. And it's a real room for us and for me  
10 because the house is so tiny.

11 I like to joke, I have three teenage boys,  
12 that they're not off in the west wing looking at  
13 pornography or smoking pot because there is no west  
14 wing, and there's no getting away from me in my tiny  
15 house. So we need that extra space outside in order  
16 to just sort of survive in the house.

17 So I have got some somewhat jury-rigged things  
18 to show you. And the first is a map of my house, this  
19 little house here.

20 CHAIRPERSON HILL: Ms. Schafer, I'm sorry.  
21 Where is that one? Is that one in the record anywhere  
22 yet? You don't know?

23 MS. SCHAFFER: I gave it to Mr. Moy.

24 CHAIRPERSON HILL: Okay.

25 MS. SCHAFFER: And so, he has it.

1 CHAIRPERSON HILL: Okay. Hold on one second  
2 just because I don't know.

3 MS. SCHAFER: Sure.

4 [Pause.]

5 CHAIRPERSON HILL: Okay.

6 MS. SCHAFER: And I promise, I will be brief.  
7 But anyways --

8 CHAIRPERSON HILL: That's all right.

9 MS. SCHAFER: -- this shows the addition in  
10 white, like a white tab, sticking out, and shows how  
11 much it boxes in the part of my house that is closest  
12 to the house, and the part of my house, of course,  
13 that we use the most. It's the patio. It has a  
14 table. We eat dinner out there all the time.

15 So it shows the light and air circulation  
16 really being blocked off by kind of a fortress around  
17 the side of the house. Fortress may be too strong a  
18 word, but the wall. I've been watching Game of  
19 Thrones, so forgive me. The wall that's right here on  
20 the side of the house sticks out a lot farther than  
21 mine, my house does, and creates a sort of canyon. I  
22 would have said pit. Canyon is probably a better  
23 word.

24 This is a view outside my kitchen window, and  
25 it was taken at 6:00 last week, and it shows the

1 enormous view I have of the back of my neighbor's  
2 house, which ends right here. The proposed, and this  
3 is not precise, the proposed wall of the extension  
4 would go way down here. So it would have a huge  
5 impact on my view.

6           And another point I might make is, the sun  
7 study may be accurate, I'm no expert, in that the sun  
8 is not -- does not impact the building -- the new  
9 addition would not impact my garden for much of the  
10 day. But in the evening, when we use it in the west,  
11 as shown here, it would have a huge impact on our  
12 patio that we use all the time, by really shutting off  
13 the light from 5:00 p.m. on, which is when the boys  
14 are home from school and I'm home from work.

15           We sit out there all the time in the evening.  
16 That's where we eat in the nice weather. So, this is  
17 a visual to show you the western light.

18           This is another picture of my garden, which I  
19 love and spent most of my time fussing around in. As  
20 I say, it's by far the best room in my poky little  
21 house. It also, in the living area, has an enormous  
22 set of -- enormous for my house, but a set of sliding  
23 doors that also look in the back yard, which will also  
24 see the large wall over here on the side.

25           So that's pretty much it. Here's another



1 picture of my garden, which I'm hoping shows how  
2 lovely it is, but shows the side of the applicant's  
3 house, and another line showing the extent, given the  
4 angle that the wall will extend.

5           So all I would say to you all is, please  
6 consider if someone wanted to build a two-story, extra  
7 20-foot wall by the side of your small house in a  
8 small block with other small houses, and what kind of  
9 an impact that might have on your enjoyment of your  
10 back yard, because I certainly think it will have an  
11 impact on our enjoyment and use, our light and our  
12 air, and the fact that this back yard is a huge part  
13 of our living space in this not very, not particularly  
14 big house, and not particularly big lot.

15           CHAIRPERSON HILL: Okay. Thank you.

16           MS. SCHAFER: Oh, last thing I should say --

17           CHAIRPERSON HILL: Oh, sure.

18           MS. SCHAFER: -- a consultation notification  
19 for me, I was not notified and was not given the plans  
20 until my then, ANC guy, Tom Birch, called me up and  
21 said, have you seen these. Once I said no, I was  
22 never given them, Tara and Yuri did give them to me.  
23 I think perhaps it was oversight.

24           But I have felt very much left out of the loop  
25 in this consultation. I have said, basically over and

1 over again, I think the wall is too big, it affects my  
2 house and my garden too much, and that has sort of  
3 shut down conversation. I don't really know why, but  
4 I was notified by the ANC about the plans in the  
5 beginning, and then I was also notified by the ANC  
6 about this special exception.

7 So I have not felt that the process has been  
8 very open or transparent. Again, it might be  
9 oversight, but I think it's a larger problem that  
10 maybe should be addressed and maybe not just in this  
11 case.

12 CHAIRPERSON HILL: Okay.

13 MS. SCHAFER: Thank you.

14 CHAIRPERSON HILL: Thank you. Does the Board  
15 have some questions now?

16 MR. HART: Yes. Ms. Schafer, thank you very  
17 much for coming, and, Ms. Giordano, thank you for the  
18 presentation.

19 Just one, actually, quick question with regard  
20 to the Office of Planning report. There was a  
21 description of a, I don't know, there was a wall that  
22 they were talking about, a fence, I guess, or some --

23 MS. SCHAFER: Oh, like a vegetative fence?

24 MR. HART: Some vegetative -- I just need to  
25 understand where you are on that, and if you are -- if

1 we move forward with this would you want that? I  
2 don't know. I'm just trying to understand where you  
3 are with it.

4 MS. SCHAFER: Fair enough. So, I have heard  
5 from the neighbors, oh, you're the woman who is just  
6 oppositional and doesn't want anything built. And I  
7 don't think that's fair, to be completely honest. I  
8 think that the wall is too big, and that's what I've  
9 said all along, and I've never expressed any interest  
10 in a vegetative lattice or fence or fancy brick  
11 because the fact of the wall is too large for me to  
12 really be able to get around.

13 I mean, I like the vegetation that's there  
14 now, quite frankly. So, I'm not much interested in  
15 that. And again, I don't mean to be obstructionist,  
16 it just isn't -- my issue is not the beauty of the  
17 wall. My issue is the fact of the wall.

18 MR. HART: And if the wall were pulled away  
19 from the property line?

20 MS. SCHAFER: I mean, I'm no architect, but it  
21 would help. But what I really object to is the bulk.  
22 The length and the height, because that's what really  
23 puts an impact, as far as I think, on my garden and  
24 sort of boxing it in a bit, taking the light away,  
25 taking the air circulation away. And as you know in

1 D.C. in the summer, it's a swamp anyways. So it's not  
2 like we've got a lot of air moving through there. So  
3 it's just that mass on my western side that is what  
4 troubles me.

5 MR. HART: And in most of development, when  
6 you're trying to -- well, when they're trying to do a  
7 project that expands the house that they live in, they  
8 have two options. It's either going up or going back.  
9 And they're looking at this as being less impactful  
10 because it doesn't put another floor on the house.  
11 I'm not saying that they had ever proposed that. I'm  
12 just saying that that's how people kind of make  
13 decisions on this.

14 Are you saying that you're opposed to any  
15 addition? Or are you opposed to this particular  
16 addition? I mean, is there a distance that you're  
17 kind of like, okay, if it goes back another 10 feet,  
18 I'm okay, from where it is now?

19 MS. SCHAFER: Well, I understand they have a  
20 right to go back another 10 feet. So, yeah.

21 MR. HART: Yes.

22 MS. SCHAFER: I mean, I can certainly live  
23 with that.

24 [Discussion off the record.]

25 MR. HART: Yeah, I'm just --

1 MS. SCHAFFER: I have to have my lawyers talk  
2 because I don't know.

3 MR. HART: I know. What I'm saying is, is  
4 there something that you can kind of live with? Are  
5 you --

6 MS. SCHAFFER: I mean, I've been consistent all  
7 along. Smaller is better. All along, smaller is  
8 better. Just, it's again, I object to the bulk, the  
9 mass, the length and the height. Anything that could  
10 make that less intrusive, I support. Is that a fair  
11 answer?

12 MR. HART: Yes, thank you.

13 MS. WHITE: So the only way you would feel  
14 comfortable with it would be if they eliminated that  
15 second story rear addition.

16 MS. SCHAFFER: I don't know that that's true  
17 either, and I'd have to think about it. But again,  
18 the less impact, that would certainly help me. Yeah.  
19 I mean, certainly it would help with the sun and the  
20 circulation and the enjoyment, yes. Absolutely.

21 But I mean, I'm no architect.

22 MS. WHITE: Right.

23 MS. SCHAFFER: I'd need some help. This is all  
24 new to me.

25 MS. WHITE: Okay.

1           MR. TURNBULL: Mr. Chair, I just want to  
2 clarify. I think comments were made by the applicant  
3 and by Ms. Giordano regarding the implementation of  
4 the zoning regs. And I think the applicant may have  
5 made reference to retroactive, or I forget what the  
6 word she used, but when the zoning regs were --  
7 several parts of the zoning regulations were very  
8 critical. And there was worry about, we had a lot of  
9 input and talk about how you implement those  
10 regulations.

11           So there was sort of a grandfather period put  
12 in. So there is a time lapse, even though the  
13 regulations were passed, several parts of the  
14 regulations were grandfathered to allow projects that  
15 were in the pipeline at DCRA, to be continued.

16           So that's the part where certain things become  
17 implemented at a different time. It's not that it  
18 became retroactive at a certain point. It's that in  
19 order to allow projects that were in the pipeline to  
20 go forward and not impact applicants who already had  
21 started projects and put a financial burden on the  
22 applicants, they were set at a certain date. So the  
23 date for these implementations was not hidden. It was  
24 defined and it was planned out. I mean, that was the  
25 whole point of this is that we allowed certain things

1 to happen, and not to impact anybody.

2           So, I just want to make that clear, that the  
3 implementation of the zoning regulations was a key  
4 element on how we went forward. It was a big -- there  
5 were several other parts of the zoning regulations  
6 that had this same impact, that there had to be an  
7 implementation process for these. So, I just wanted  
8 to clarify that.

9           CHAIRPERSON HILL: Okay. Thank you, Mr.  
10 Turnbull.

11           All right. Does the Board have any other  
12 questions for this applicant? I mean, I'm sorry, for  
13 Ms. Schafer or Giordano?

14           MR. TURNBULL: So, Ms. Schafer, going forward  
15 as one -- you would not be opposed to at least meeting  
16 with the applicant at some point?

17           MS. SCHAFFER: Not at all. Not at all.

18           MR. TURNBULL: And discussing options.

19           MS. SCHAFFER: Not at all.

20           MR. TURNBULL: Okay.

21           CHAIRPERSON HILL: Okay. Does -- all right,  
22 so this is how we're going to do this. So, Ms.  
23 Moldenhauer, you're going to have an opportunity just  
24 to ask questions in terms of cross, what was just  
25 presented in terms of clarification. I'm going to go

1 ahead and mention again, five minutes.

2 I'd like to point out that your colleague, or  
3 not colleague, someone who is in your field, asked one  
4 question. And so, you know, just wanted to let you  
5 know. Going to go ahead and put five minutes out  
6 there. So, please, do you have any questions for the  
7 party status individual.

8 MS. MOLDENHAUER: I do. And as the applicant,  
9 the burden is with us. We take on that responsibility  
10 with great --

11 CHAIRPERSON HILL: That's all right. So, I  
12 guess you're not going to ask one question, is what  
13 you're saying.

14 MS. MOLDENHAUER: Yes. Exactly.

15 CHAIRPERSON HILL: Okay. All right. I'm  
16 putting five minutes on the clock for you just so we  
17 kind of know where we are.

18 MS. MOLDENHAUER: I appreciate that. It will  
19 keep me -- so, Ms. Giordano, you in your argument say  
20 that there was no longer a presumption of being  
21 consistent with the purpose of the zone plan because  
22 of the degree of relief. Is that stated anywhere in  
23 the zoning regulations. Or is it still a special  
24 exception?

25 MS. GIORDANO: It is a special exception.



1 There is a provision that says that if you cannot meet  
2 the special exception criteria, you have to go to a  
3 variance standard. But what I'm saying is that, an  
4 exception, sort of generally, is supposed to be  
5 something that's somewhat minor, not something that's  
6 over, you know, three times what is permitted. And I  
7 think that as with a variance case, the more deviation  
8 that you're proposing from the matter of right  
9 standard, the heavier the burden should be.

10 MS. MOLDENHAUER: But there's no specific  
11 statement in the regulations that identifies a  
12 percentage that pushes you over from a special  
13 exception to a variance?

14 MS. GIORDANO: No. But this is just based  
15 upon my experience doing zoning over 30 plus years  
16 that, how these things are perceived, that the more  
17 you deviate, the higher the burden should be.

18 MS. MOLDENHAUER: Then you indicate that there  
19 is a concern about, you said, a 19-foot, two-story  
20 wall. Isn't it true that the applicant reduced it  
21 from a 28-foot long, two-story wall to then a 17-foot  
22 long, two-story wall, in part of the process?

23 MS. GIORDANO: I have no clue. I mean, I just  
24 came to this. But from what I'm understanding from my  
25 client, these reductions or modifications that have

1 been made to allegedly lessen impact on her were not  
2 made with her cooperation, her consultation, any  
3 outreach to her directly.

4 MS. MOLDENHAUER: You argue that there is no  
5 necessity for the proposed addition, but a necessity  
6 argument would only be required if this was a variance  
7 case. Is that correct?

8 MS. GIORDANO: I'm speaking to the adjective  
9 used in the zoning regulations, which is the adjective  
10 that is used for the overall special exception  
11 criteria. It's called -- the quote is, "Undue  
12 impact." And I actually went to the dictionary and  
13 looked up what undue meant because I really wanted to  
14 understand that. And the synonyms that I saw were,  
15 unjustified, unwarranted, not needed.

16 And that's why I made the statement that I  
17 did, that there is no necessity for this addition.  
18 It's something that the applicant would like to have  
19 to increase their living area. Maybe there's a  
20 smaller amount that's needed to satisfy them, or get  
21 the family room area and the master bedroom area that  
22 they want. But it's not clear to me that the size of  
23 this addition is necessary in any sense of the word.

24 MS. MOLDENHAUER: You threw out earlier that  
25 you've got 30 years of experience. In a historic

1 district in Georgetown, do you think that a third  
2 floor that is possibly visible from the street, would  
3 be approved by OGB?

4 MS. GIORDANO: I doubt that, but --

5 MS. MOLDENHAUER: Thank you.

6 MS. GIORDANO: -- that's not really the  
7 adjacent property owner's problem.

8 MS. MOLDENHAUER: But that goes to necessity.  
9 We'll touch on that in a little bit.

10 Ms. Schafer, just a quick question. Your rear  
11 yard, even potentially past the addition, is  
12 approximate 50 feet. Is that your understanding?

13 MS. SCHAFFER: No. I mean, I don't know how  
14 big it is. I don't know how many feet it is.

15 But we did do some measuring the other day, so  
16 that's probably about right.

17 MS. MOLDENHAUER: Okay. And you have a brick  
18 patio that takes up a majority so, your garden starts  
19 past a certain point?

20 MS. SCHAFFER: So, the brick patio --

21 MS. MOLDENHAUER: And you showed an image of  
22 the brick patio.

23 MS. SCHAFFER: -- is about 15 feet. I'm a  
24 little guessing. This is not what I'm good at. And  
25 then there's grass, and then there's trees and shrubs

1 and chairs on the way back.

2 MS. MOLDENHAUER: But in your -- and you drew  
3 some red lines. Are the red lines in the submission  
4 that you filed? I don't have a --

5 MS. SCHAFER: No, I just drew them very --

6 MS. MOLDENHAUER: Okay.

7 MS. SCHAFER: -- very informally here.

8 MS. MOLDENHAUER: Okay.

9 MS. SCHAFER: They just measure from here,  
10 from the end of the applicant's house, down here, 20  
11 feet.

12 MS. MOLDENHAUER: Okay. And so, obviously,  
13 you're agreeing that those are not probably accurate  
14 since you're just simply summing it?

15 MS. SCHAFER: I am no expert.

16 MS. MOLDENHAUER: Okay. Thank you. No other  
17 questions.

18 MS. SCHAFER: But we did measure it with a  
19 measuring tape, but I'm not a land surveying expert if  
20 that's who even does this. I don't know.

21 MS. MOLDENHAUER: No other questions. Thank  
22 you.

23 CHAIRPERSON HILL: Okay, great. All right.  
24 So next, we're going to go with -- and again, the  
25 names have completely now -- I've lost the plot on the

1 names.

2 MR. BRODNIG: No worries.

3 CHAIRPERSON HILL: But, could you give me your  
4 last name again? I'm sorry.

5 MR. BRODNIG: Yes, sure, it's Gernot Brodnig.  
6 Gernot Brodnig.

7 CHAIRPERSON HILL: Brodnig. Brodnig. Thank  
8 you.

9 MR. BRODNIG: And I think we'll continue our  
10 tradition of the low-tech props. So my wife is going  
11 to give you all a photo of the view from our lot on  
12 2719 Dumbarton Street because, as always, I think it  
13 helps to illustrate what we are talking about.

14 And I'll be brief because I think you had a  
15 chance to read our letter of opposition. Many of the  
16 arguments that were made by Ms. Giordano, they  
17 resonate with us, so I'll just give you a little bit  
18 of --

19 CHAIRPERSON HILL: No, no, I understand.

20 MR. BRODNIG: Yeah.

21 CHAIRPERSON HILL: I understand.

22 MR. BRODNIG: My wife and I, we also have been  
23 living in the D.C. area for now, more than 10 years,  
24 and we moved into 2719 Dumbarton about roughly five  
25 years ago. And I think as many of our neighbors that

1 have sought out property in this block, it's really  
2 that we got not so much a house with a garden, but  
3 really, a garden with a house, and it took us quite a  
4 while to actually, you know, find that property with  
5 those character traits. So, we were really happy and  
6 for us, you know, this is our second living room.  
7 That's where we hang out with friends, family, relax,  
8 and I think similar to Ms. Schafer, it's really where  
9 a lot of our social activity happens, given the  
10 characteristics of our house and the yard.

11           So obviously, we are concerned that the  
12 proposed addition will have an impact on that and I  
13 don't know, I don't need to go into details but we  
14 just are concerned that by moving the rear border line  
15 of 2716 O Street about 30 feet closer to our back  
16 yard, that the whole center of activities of that  
17 property will move backwards, and then the visibility  
18 of our yard and of our house will increase.

19           And so, we just feel that this would have  
20 quite a significant impact on the use and enjoyment of  
21 our garden and, you know, any privacy that is attached  
22 to it.

23           And we feel that, you know, this concern has  
24 not really been addressed so far. We have not seen  
25 that in the submissions by the applicants. We have

1 not seen that either in the report by the Office of  
2 Planning. I understand there is a lot of emphasis on  
3 Ms. Schafer's property right next door to it, but we  
4 have not seen any consideration given to this impact  
5 on our back abutting property.

6 So we feel that the applicants have not made  
7 an attempt to meet that specific dimension of you  
8 know, the burden of proof. I think that that comes  
9 with this relief, special exception relief.

10 And secondly, again, I've mentioned it in the  
11 letter, I just get the sense that this is the type of  
12 provision that lends itself, not just in terms of a  
13 precedent where, you know, other applicants would come  
14 and say, well you gave these guys 20 feet more, so we  
15 can use that. But it's literally a domino effect,  
16 because obviously once the border, the rear border of  
17 one property moves out further, then the neighbors can  
18 use that as a benchmark for this specific 10-foot  
19 rule.

20 So it's really kind of a race to the bottom,  
21 or whatever the -- I don't want to phrase it harshly,  
22 but it's really something that's intrinsic to this  
23 particular provision, the 10-foot rule that lends  
24 itself to this kind of snowball effect, or domino  
25 effect if you will. And so, we are just concerned

1 that by you know, granting such an exception, you  
2 basically eventually force neighbors into keeping up  
3 with the Joneses so to speak, and move on and move on  
4 and move on, and then suddenly what you saw in those  
5 nice images, this green lawn in the middle of our  
6 block would just, you know, vanish and that's a real  
7 concern for us.

8           And again, I think we covered a little bit,  
9 the issue of the community outreach, that we only  
10 heard about it two months ago. And again, I think it  
11 most probably would have helped to have had the  
12 opportunity to discuss with the applicants, or to  
13 participate in even the Georgetown Board proceedings,  
14 because it would also help us to prepare, and I think  
15 jus to level the playing field.

16           So, unfortunately, we didn't have it but I  
17 think most probably there's a way to address that now  
18 through this hearing, and you know, and other avenues  
19 potentially. So, thanks for your time.

20           CHAIRPERSON HILL: Okay. Great. Thank you.  
21           Does the Board have some questions for Mr.  
22 Brodnig?

23           MR. HART: Yeah. Mr. Brodnig, one question I  
24 had. I appreciate the image that you provided. And  
25 correct me if I'm wrong, what you are looking at in



1 the image is your entire back yard looking toward  
2 the --

3 MR. BRODNIG: Yes. Yes.

4 MR. HART: -- applicants, which abut your --

5 MR. BRODNIG: Yes.

6 MR. HART: And so, do you -- you perceive that  
7 there would be -- that you'd be able to see the  
8 addition because it would be actually closer to your  
9 house.

10 MR. BRODNIG: Yes.

11 MR. HART: Even though you don't see their  
12 house currently. Because of it moving back, because  
13 of it being extended toward your house --

14 MR. BRODNIG: Yeah.

15 MR. HART: -- that you would -- that there  
16 might be a possibility of actually seeing that, and  
17 you don't have that assurance that that's not going to  
18 actually happen because you don't have any images that  
19 kind of tell you otherwise. I mean, at least you have  
20 some of the images that they presented here to kind of  
21 show what the sun might look like. And, you know,  
22 while you may -- you know, one may disagree with that,  
23 there's at least a way of kind of figuring that out.

24 But in this case, you don't really have an  
25 ability to kind of look at something and say, oh,

1 okay, yeah, I won't be able to see that from my rear  
2 yard.

3 MR. BRODNIG: Yeah, I don't think we have  
4 that. It's basically an assumption on our part that  
5 if something moves 30 feet closer to your property,  
6 that that would change the dynamics compared to the  
7 baseline in terms of, you know, not just visibility,  
8 but there is other impacts. I think it's sort of a  
9 common sensical assumption on our part.

10 Again, I don't have the benefit of architect  
11 training, or whatever other faculties are needed to  
12 have a more educated view on that.

13 And I should also add that the house, as it  
14 stands now, is partially visible from our yard.  
15 Obviously, that varies with seasons. And again, no  
16 surprise. But we gave you this image just, I think,  
17 to reinforce the point that this particular area  
18 between O Street and Dumbarton, is really very special  
19 and very unique. And so this is like a panorama  
20 picture, so it really shows that we are -- we have a  
21 particular type of use and enjoyment which is  
22 basically that vista. And so, that was the main  
23 purpose of that image.

24 MR. HART: I appreciate that. Thank you.

25 CHAIRPERSON HILL: Okay. Actually, could the

1 applicant do me a favor and just pull up the diagram  
2 that shows everyone's house again, or the property  
3 lines? I'm trying to visualize where Mr. Brodnig is.

4 MS. MOLDENHAUER: Yeah, and I was going to go  
5 through some other images as well. So, sorry.

6 CHAIRPERSON HILL: Just from above. I think  
7 there was just the plat, even.

8 MS. MOLDENHAUER: I think this is -- hold on,  
9 let me see if this is it.

10 MR. BRODNIG: Mr. Chair.

11 MS. MOLDENHAUER: I think that might help.  
12 This is an aerial. It's not showing?

13 CHAIRPERSON HILL: It's not showing.

14 MS. MOLDENHAUER: Hold on.

15 MR. BRODNIG: Mr. Chair, it's on page 6 of the  
16 OP report also.

17 CHAIRPERSON HILL: Oh, thanks.

18 MS. MOLDENHAUER: There. Oh, no. Whoa. Hold  
19 on.

20 CHAIRPERSON HILL: Mr. Brodnig, you had a  
21 comment?

22 MR. BRODNIG: I was just asking you if while  
23 applicant's attorney's looking for those images, my  
24 wife wanted to --

25 MS. MOLDENHAUER: The whole thing just froze.

1 MR. BRODNIG: -- supplement my explanation, if  
2 that's possible.

3 CHAIRPERSON HILL: Okay.

4 MS. HASCI: I just wanted to -- sorry. I just  
5 wanted to underscore the fact that, I mean, I have  
6 gone to -- I have lived, before I met my husband,  
7 Georgetown, for 30 years. And when we were looking  
8 for housing there, it took us three years to find a  
9 humble house with a proper garden. And when we found  
10 this, we thought, oh, this is something that we can  
11 afford and it's great. You know, it's got this unique  
12 part of green area, and the fences. It just -- you  
13 just, it doesn't look like you are in Washington, D.C.

14 And I also wanted to say that we are talking  
15 about humble size, humble homes. And as my husband  
16 said, we bought the garden and the house, the little  
17 house, quirky house came with it. So, we spent a  
18 great deal of time in the garden.

19 And actually, the reason why Tara did not find  
20 me is because I had had a concussion in while back and  
21 had to quit my job. So therefore, I spent a great  
22 deal of time in that garden trying to heal and trying  
23 to recover. So, I know that this is not a zoning, you  
24 know, issue.

25 But the fact that our house is small, the fact

1 that, you know, we bought the place for, just to be  
2 able to use that garden. And I'm sorry, but you know,  
3 if we are talking about neighborly relations and  
4 outreach to community, wouldn't it be upon you to  
5 knock on the door of your neighbor to say, hey, I've  
6 got these plans, what do you think?

7 CHAIRPERSON HILL: Okay. Okay.

8 MS. HASCI: That's all I wanted --

9 CHAIRPERSON HILL: All right. Okay. All  
10 right. So, let's see.

11 MS. MOLDENHAUER: Mr. Turnbull, I --

12 CHAIRPERSON HILL: I did pull out the -- I  
13 mean, from OP's report, actually, I can see where 2719  
14 is in relationship, so I just wanted to -- and now,  
15 this is actually more helpful for the next presenter.

16 Ms. Moldenhauer, do you have any questions for  
17 Mr. Brodnig?

18 MS. MOLDENHAUER: I just, I want to make sure  
19 I understand. Okay. So, hold on.

20 Mr. Brodnig, your house is the one on the  
21 right here. Is that correct?

22 MR. BRODNIG: Yes.

23 MS. MOLDENHAUER: Okay. And then -- and you  
24 have, you know, tree canopy that kind of is coming up  
25 behind your neighboring property's house?

1 MR. BRODNIG: Yeah, that's actually our  
2 neighbor's --

3 CHAIRPERSON HILL: I'm sorry, Mr. Brodnig, you  
4 have to speak into the microphone.

5 MR. BRODNIG: I'm really sorry.

6 CHAIRPERSON HILL: That's all right.

7 MR. BRODNIG: You can tell I'm not appearing  
8 often before the BZA.

9 CHAIRPERSON HILL: That's all right. I would  
10 know if you were.

11 MR. BRODNIG: Yeah, I was just going to add  
12 that the tree that sticks out behind there is on our  
13 neighbor's yard.

14 MS. MOLDENHAUER: And then, so I'm just going  
15 to jump past some images here. So then, you  
16 understand that there's 130 feet between, you know,  
17 potentially I think based on visual images and maps,  
18 130 feet between the rear of your property and where  
19 this addition would be?

20 MR. BRODNIG: I have no doubt that this is  
21 accurate from, you know, the plans that were prepared.  
22 So.

23 MS. MOLDENHAUER: Okay. And do you understand  
24 where this picture is taken from, or do you have an  
25 idea? This is the rear of the applicant's property,

1 kind of looking back towards the rear of their  
2 property? Can you see your house at all from this  
3 image?

4 MR. BRODNIG: No, I can't see it.

5 CHAIRPERSON HILL: I love rebuttal. I just  
6 can't decide what I think. Can I --

7 MS. MOLDENHAUER: I've got another picture.  
8 Hold on. Standing on top of the treehouse there, you  
9 can see it. And then this is actually standing on top  
10 of the treehouse, kind of looking above the fence.  
11 You don't have an issue with the fence. Can you see  
12 your house at all from this image? This is literally  
13 looking back towards Dumbarton at the very, very edge  
14 of the applicant's property line, standing on top of a  
15 treehouse over the fence. Can you see your house at  
16 all?

17 MR. BRODNIG: No, but you know, if I may add  
18 to my simple answer. No, but I think, as I tried to  
19 highlight, this is most probably very much a feature  
20 of seasons and most probably also, if I may add,  
21 photographic skills.

22 So I --

23 CHAIRPERSON HILL: No, that's okay. I got the  
24 answer.

25 MR. BRODNIG: (Simultaneous speech.)

1 CHAIRPERSON HILL: I got the answer. I can't  
2 see it, if that helps either -- you know.

3 MS. MOLDENHAUER: I have no other questions.

4 CHAIRPERSON HILL: Okay. All right. Great.  
5 Thank you.

6 So, now I apologize again. Who is going to  
7 speak for you guys? And your name again? I'm just --  
8 there's so many names today that --

9 MS. LAMBERT: So, my name is Caroline Lambert.

10 CHAIRPERSON HILL: Lambert. Lambert.

11 MS. LAMBERT: Yes.

12 CHAIRPERSON HILL: Thank you, Ms. Lambert.

13 MS. LAMBERT: And we're in 2715 Dumbarton  
14 Street, so with a house right next door.

15 CHAIRPERSON HILL: I see. Next door to Mr. --

16 MS. LAMBERT: Yes. So, we are diagonal.

17 CHAIRPERSON HILL: Brodnig. Brodnig. Thank  
18 you.

19 MS. LAMBERT: We are directly -- we are  
20 diagonal from the applicant.

21 CHAIRPERSON HILL: Got it. I'm looking at --

22 MS. LAMBERT: We are here.

23 CHAIRPERSON HILL: -- OP's report. Thank you.

24 MS. LAMBERT: And so, very briefly, we are  
25 concerned about the application for two reasons. One



1 is the privacy of our garden. Like everyone else  
2 here, this was a major consideration. We bought the  
3 house for the garden. We have a young daughter who is  
4 able to run around. We bought the house for this  
5 particular garden, and more broadly for the vast green  
6 area. Our block is very, very special because of this  
7 extensive green area.

8           And we bought this house, actually, from a  
9 family that had outgrown the house. And they bought a  
10 -- they need more space, they bought a bigger house  
11 somewhere two blocks down from us, actually.

12           So first thing is really the privacy of our  
13 garden that we feel would be impacted by this project.

14   And second is really the precedent it would set.  
15 This would create the longest footprint on the O  
16 Street side of any other house on the block. And  
17 we're really concerned that this is going to gradually  
18 create a chain effect that people will seek more  
19 extensions, and that this green area in the middle  
20 that we so love, and that provides perfect privacy for  
21 all of us, is going to disappear, or is going to be  
22 severely eroded.

23           The last thing I wanted to say, since the  
24 applicant mentioned the letters of support, I think  
25 I've submitted this little map that I've drawn, just

1 to put this in context, so that you could see where  
2 the support comes from and where the opposition comes  
3 from. So, the applicant's lot is highlighted in  
4 yellow, and the lots that are in green are their  
5 letters of support. And the red ones are the letters  
6 of opposition.

7           And so, as you will see, most of the letters  
8 of support are not directly impacted by the proposed  
9 project, and all these letters of support were  
10 identical. But most of them are not, whereas the, you  
11 know, all of us opposing the project, we feel are  
12 directly impacted by this request.

13           And these are, you know, argument that I would  
14 have been happy to make at the ANC or the Old  
15 Georgetown Board, but unfortunately, because we were  
16 not aware of this project, we didn't appear at those  
17 meetings and we couldn't appear at those meetings.  
18 And that's all I have. Thank you.

19           CHAIRPERSON HILL: Okay, great. Thanks.

20           And so, as far as notice goes, and I mean, I  
21 know it's just a -- it's really, we see this all the  
22 time. I mean, it's just so terrible that like, people  
23 don't pay more attention to what's going on at their  
24 ANC boards, and every month and you know, the  
25 Commission will add. I mean, there is a very

1 stringent notification process that did get you to  
2 this point. I mean, this is -- you're obviously here.  
3 So at least this one, you got to.

4 Now, how your particular ANC works, you know,  
5 and it's only in the past after you see something  
6 that's like, oh wow, that happened three months ago.  
7 I wish I had gone and voiced my opinion at that time.

8 So, I just want to kind of reiterate that the  
9 city does have systems in place for people to be  
10 notified in a proper way, the placards, you know, all  
11 the things. And the applicant has gone through the  
12 process that they're supposed to do in order to notify  
13 people. But I just kind of wanted to kind of like  
14 mention that.

15 But I do also think that it is just  
16 disappointing that even I -- I'm at fault also. Like,  
17 I don't usually know what's going on every month with  
18 my ANC. No offense to the commissioner, you know, who  
19 is in the room. But like, I don't necessarily know  
20 every month what's going on. But that's, then, my own  
21 fault is what ends up happening.

22 So, okay. Does the Board have any questions  
23 for Ms. Lambert?

24 MR. TURNBULL: Mr. Chair, looking at your  
25 drawing that you gave us, Mr. Brodnig, is at 151 on

1 the map, and you're at --

2 MS. LAMBERT: So, we are --

3 MR. TURNBULL: Or, he's 164 and --

4 MS. LAMBERT: Yeah. And we're 151.

5 MR. TURNBULL: You're 151.

6 MS. LAMBERT: Yeah.

7 MR. TURNBULL: So, the big tree in his picture  
8 is not yours. It's the one on the other side of them?

9 MS. LAMBERT: Yeah, it's exactly.

10 MR. TURNBULL: Sounds like you guys really  
11 must get along with each other, because you must trim  
12 each other's trees. It's got to be --

13 MS. LAMBERT: Actually, that tree also goes  
14 over --

15 MR. TURNBULL: I know, I saw it.

16 MS. LAMBERT: Comes to our garden and it goes  
17 over two properties.

18 MR. TURNBULL: So do you just trim, or do you  
19 have to ask him, are you going to trim? Or what?

20 MS. LAMBERT: We haven't trimmed it so far.

21 MR. TURNBULL: You haven't trimmed it so far.  
22 All right. Thank you.

23 CHAIRPERSON HILL: All right. Okay. So, oh,  
24 Ms. Moldenhauer, do you have any questions for Ms.  
25 Lambert?

1 MS. MOLDENHAUER: Just one or two. I want to  
2 make sure I understand exactly. Okay. So, Ms.  
3 Lambert, looking at this image then, is your -- your  
4 house is not in the picture. Is that correct?

5 MS. LAMBERT: Yes.

6 MS. MOLDENHAUER: It's not?

7 MS. LAMBERT: Yes. Yeah, no, it's on the  
8 right. Yeah.

9 MS. MOLDENHAUER: Okay. So then, I'm trying  
10 to make sure I -- so then, this is the three-story  
11 brick house with the large rear addition is your  
12 house?

13 MS. LAMBERT: Yes.

14 MS. MOLDENHAUER: Is this, this one? Sorry,  
15 that I'm kind of circling with my cursor here, on the  
16 right?

17 MS. LAMBERT: Yeah, but there's no addition.

18 MS. MOLDENHAUER: Sorry, I'm looking at this,  
19 the rear dog-leg portion of it.

20 MS. LAMBERT: Yes.

21 MS. MOLDENHAUER: Is what I was referring to.

22 MS. LAMBERT: But that's part of the house,  
23 yeah. That's not an addition.

24 MS. MOLDENHAUER: Okay. And so, you have a  
25 shed in the back, or a garden shed in the back of your

1 house?

2 MS. LAMBERT: Yes.

3 MS. MOLDENHAUER: So is this, to your  
4 understanding, is this possibly the garden shed in the  
5 back of your property?

6 MS. LAMBERT: I can't be certain, to be  
7 honest, because I --

8 MS. MOLDENHAUER: But, can you see your  
9 property from that image?

10 MS. LAMBERT: No.

11 MS. MOLDENHAUER: Okay. Is this a better  
12 understanding --

13 MS. LAMBERT: I mean, the house. I mean, I  
14 can see the garden, obviously.

15 MS. MOLDENHAUER: Okay.

16 MS. LAMBERT: But not the house.

17 MS. MOLDENHAUER: But not your house. This is  
18 a better understanding of maybe what the rear of  
19 your --

20 MS. LAMBERT: Yes, I think that might be it.

21 MS. MOLDENHAUER: That might be it. And so,  
22 this is being taken from my client's property. Can  
23 you see any portion of your windows or your house?

24 MS. LAMBERT: No.

25 MS. MOLDENHAUER: Okay.

1 MS. LAMBERT: But I'm not talking about the  
2 privacy of a house, the privacy of our garden.

3 MS. MOLDENHAUER: I'm just, I'm asking the  
4 general questions and then you can -- sorry. And  
5 then, let's see here now.

6 There. Okay. So, internet is amazing these  
7 days.

8 CHAIRPERSON HILL: Ms. Moldenhauer, which  
9 presentation are you -- which exhibit?

10 MS. MOLDENHAUER: This is a rebuttal deck that  
11 we didn't know whether the PowerPoint was going to be  
12 available. So, we actually have hard copies of all of  
13 these that we can hand in, or we can upload it to the  
14 record. Again, we brought hardcopies of all of these,  
15 so actually, I can hand out a copy of these.

16 MS. LAMBERT: Yeah, and we haven't seen any of  
17 those.

18 CHAIRPERSON HILL: Okay. If you can share  
19 with those guys, the hard copies.

20 MS. MOLDENHAUER: We can share hard copies.

21 CHAIRPERSON HILL: And if you can upload it  
22 into IZIS afterwards?

23 MS. MOLDENHAUER: Yes. So this is all  
24 rebuttal. So this is, then, your property?

25 MS. LAMBERT: That's the shed, yes.

1 MS. MOLDENHAUER: Yes.

2 MS. LAMBERT: At the back of our property.

3 MS. MOLDENHAUER: And can you point out, or  
4 can you see at all in this image, the applicant's  
5 current property?

6 MS. LAMBERT: Well, it would be there in the  
7 white, but I, you know, I can't really point it.

8 MS. MOLDENHAUER: Okay.

9 MS. LAMBERT: I don't know. It's white on  
10 white.

11 MS. MOLDENHAUER: Okay. Thank you. No other  
12 questions.

13 CHAIRPERSON HILL: Okay, great. Okay. Let's  
14 see. So we still have to do the Office of Planning,  
15 okay, and then we're going to go through the ANC, or  
16 have the ANC speak. And then there is rebuttal. The  
17 people in party status will have the opportunity to  
18 cross the rebuttal. And then everyone will have a  
19 chance to do a small little closing statement. Okay?

20 I'm going through all this just so I can also  
21 mentally remember from being away. And we are going  
22 to take just a quick three-minute break, okay?  
23 Because I need to. Thank you.

24 [Off the record from 2:01 p.m. to 2:16 p.m.]

25 CHAIRPERSON HILL: Okay, we're getting back



1 here, we're getting back here, we're getting back  
2 here. Okay. So, we're going to go turn to the Office  
3 of Planning, who I think will have a fair amount to  
4 say. And we're going to have some questions, and I  
5 would like to turn to the Office of Planning.

6 MR. COCHRAN: Thank you, Mr. Chair. Just for  
7 the record, Steve Cochran, Office of Planning, and I  
8 think we'll actually have a little bit less than I had  
9 anticipated saying because so many other people have  
10 said so much already.

11 But OP does continue to recommend approval of  
12 the special exception request, subject to that  
13 condition that's on the first page of our report.  
14 There is no second condition if the applicant decides  
15 to go with what Ms. Moldenhauer described. That would  
16 be at their option. It's not something that we're  
17 making a recommended condition.

18 The application does, to OP, meet the special  
19 exception criteria of Subtitle D. And again, I've  
20 mentioned, it is special exception, and a special  
21 exception is something that's permitted as long as you  
22 meet certain criteria. Period.

23 With the addition, you know, there would be no  
24 change in use. It would remain a single-family house,  
25 which is consistent with the R-20 Zone.

1           The light and air available to nearby  
2 properties, in our opinion, would not be unduly  
3 affected. The applicant's shadow studies that they've  
4 shown in Exhibit 12, demonstrate that there's already  
5 afternoon shadowing of the house and rear yard to the  
6 east. And much of that shadowing seems to be due to  
7 the large structure that's at 2222 O Street. That's  
8 the structure. You've got the applicant's house, then  
9 a vacant lot, and then the structure that's taller and  
10 bigger than most everything else on that block of O  
11 Street.

12           Yes, there would be a shadowing increase,  
13 somewhat, in the afternoon. But that's not likely to  
14 have an impact, an undue impact, on the light or air  
15 available to the property, as we look at the shadow  
16 studies that the applicant submitted. In fact, if  
17 there isn't a vegetative wall, it's ironic, but the  
18 property at 2712 might actually get increased light in  
19 the morning because the applicant is painting the wall  
20 yellow, and I know from experience that a yellow wall  
21 reflects a lot of light.

22           There would be increased morning shadowing to  
23 the west, but this really wouldn't have a substantial  
24 impact on the immediately adjacent lot, which is  
25 vacant, or on the windowless eastern wall of the

1 property at 2222 O Street.

2           And the properties to the rear would have no  
3 impact whatsoever, on the light or air available to  
4 them. We'll get to the discussion of the impact on  
5 character a little bit later.

6           But the privacy and use, of use and enjoyment  
7 of the neighboring properties would not likely be  
8 unduly compromised. To the west, the rear of the  
9 applicant's house would be three feet deeper than the  
10 nearest house on the west. And that would be only for  
11 the first story. The second story would be the same  
12 as the house to the west. That's across the vacant  
13 property. It's actually separated by a 30-foot-wide  
14 lot.

15           The applicant will be adding five windows on  
16 the west side of the addition. They'd be at-risk  
17 windows that would likely be blocked or required to be  
18 sealed by any future construction on the vacant lot at  
19 2718 O Street. And the owner of that, of 2718, has  
20 filed a letter in support of the application.

21           And then you look past the vacant lot and the  
22 residents at 2222 O, has no windows on its eastern  
23 side, so it wouldn't have an impact.

24           But to the east, the applicant's house is  
25 currently about 11 feet, maybe six inches, six and

1 three-quarter inches, deeper than the house at 2712 O  
2 Street right now. The proposed construction would add  
3 about 20 more feet to that depth. Because you have to  
4 measure from the rear of the adjacent property, the  
5 addition comes in at 31 feet and some change, but it  
6 would actually be only 20 feet deeper than what is  
7 there now. Okay. And about 16 to 17 feet of that  
8 would be for the two-story addition as they've  
9 discussed. The one-story addition would add another  
10 three feet.

11           The proposed construction would decrease the  
12 number of windows on the first floor of the existing -  
13 - of the applicant's house. They'd be blocking off  
14 one of those windows. I don't think they even  
15 mentioned that in their presentation. So, in that  
16 sense, there would be a decrease in -- there would be  
17 an increase, rather, in privacy, from the first level.

18       There would be no ability to look in to the adjacent  
19 garden from the first level. And the fence that's  
20 there would block the view from that little three-foot  
21 addition that has the folding windows in it; the  
22 folding doors in it, rather. And I don't believe that  
23 it has any windows on the side anyway. So, first  
24 floor, no decrease in privacy.

25           And from the second floor, you would have

1 exactly what you have now because there would be no  
2 additional windows, and the second floor of the  
3 addition would have no windows there.

4           In fact, there may be an increase in privacy  
5 to the rear yard of the adjacent property, because  
6 when you move the house back, given the angles that  
7 you can see to an adjacent property, you can only see  
8 farther back into the -- excuse me. You couldn't see  
9 as close to the house that's adjacent as you do now,  
10 because the addition would be further back. And so,  
11 therefore, your view would be blocked.

12           So, we do acknowledge that it's possible that  
13 the increased privacy that 27 O Street might enjoy,  
14 would be outweighed by the increased expanse of brick  
15 wall and the addition. I know that's why we've  
16 recommended that the applicant speak to the neighbors  
17 about the green wall, which you apparently -- the 2712  
18 owners, apparently not that interested in. But we did  
19 see that it's a large wall, and we thought it could be  
20 softened with either a vegetative screen, or with some  
21 pattern to the brick work.

22           But that can't be done without the permission.  
23 The vegetative screen can't be done without the  
24 permission of the owner of 2712 because you would need  
25 to intrude at least on their air in order to keep it

1 maintained. So, that's why we put that condition in  
2 there as long as it's agreed to by 2712.

3 Now, to the south, with the proposed addition,  
4 the rear of the applicant's property would be  
5 somewhere between 125 and 145 feet. Actually, one  
6 time when I measured on GIS, I got 155 feet from 2715  
7 Dumbarton Street. So, we're talking about, you know,  
8 roughly 130 to 150 feet with substantial trees in  
9 between, because as everyone has said, this space in  
10 the middle of the square is devoted to gardens,  
11 private gardens, and it's relatively heavily wooded.

12 So in OP's opinion the addition wouldn't  
13 change this condition, or likely have a substantial  
14 impact on the privacy or use and enjoyment of these  
15 properties to the south.

16 When it comes to the character, scale, and  
17 pattern of houses along the subject street frontage,  
18 again, OP does not think that the proposed addition is  
19 likely to substantially intrude on this. It would be  
20 visible, on an angle, from O Street, but that's only  
21 because the property to the west is currently vacant.

22 There's no alley from which the addition could  
23 be viewed. As you can see on, well, page 7 of our  
24 report, those aerial photos, the character of the  
25 property square is quite varied, even for Georgetown,

1 and for a predominantly moderate density zone in a  
2 historic district. You have houses that are semi-  
3 detached, detached, you have small apartment  
4 buildings. The applicant's property is narrower than  
5 a substantial number of properties in the squares,  
6 including the one to the east, which is actually twice  
7 as wide as the applicant's property.

8           With the proposed addition, the applicant's  
9 house would still remain lower than several other  
10 properties in the block. It would be three feet  
11 deeper than the residents at 2222 O Street, but it  
12 would also be four feet shallower than the residence  
13 at 2225 Dumbarton Street. So again, there's a lot of  
14 variety in this block.

15           And we'd note that the design has been  
16 approved by the Old Georgetown Board as being  
17 compatible with the historic district, both in the --  
18 what you already have on file and what the applicant  
19 presented today, OP believes that there have been  
20 sufficient graphical presentations to demonstrate the  
21 relationship between the proposed addition and the  
22 adjacent properties and views from public ways, which  
23 is one of the criteria.

24           And accordingly, OP feels that the applicant  
25 has satisfied the special exception criteria, and we

1 recommend that you approve the application with the  
2 condition that we've included in our report.

3 CHAIRPERSON HILL: Okay, great. Thank you,  
4 Mr. Cochran. Does the Board have questions for the  
5 Office of Planning?

6 MR. TURNBULL: Thank you, Mr. Chair. Mr.  
7 Cochran, I guess the only thing that -- one of the  
8 things I'm struggling with is, under Part B, the  
9 privacy use and enjoyment of neighboring properties.  
10 And what I'm concerned about with Ms. Schafer is that  
11 we've now got something that's, say a 200 percent  
12 increase beyond what would normally be acceptable, the  
13 10-foot. So you're going another 20 feet beyond that,  
14 and it's this big wall. I mean, it's a large wall  
15 that she now has to look at.

16 And I think maybe I'm putting words in her  
17 mouth, but there is this claustrophobic effect of  
18 this, now this huge wall that's going back across her  
19 property on that one side, and I just feel that she  
20 was never consulted about this. I mean, talked about  
21 what she's getting at.

22 And so I just have a feeling that there is an  
23 issue here that could have been further more  
24 explained, or talked with the neighbor. It's a touchy  
25 thing when you talk about the enjoyment of neighboring



1 properties. I mean, I think it gets to be a very -- I  
2 mean, I can talk -- I can say, oh well, she's going to  
3 be fine and she -- but I have a feeling you have to  
4 listen to the neighbors and to get their impact of  
5 what they feel the impact is.

6           And so it's a touch ground, I think, when we  
7 get into the perceived impact on some of these things.

8    And I respect your input, and you've done an  
9 excellent job all these years, and I really am -- on  
10 this. My only concern is, here, is that there is a  
11 very personal impact by this neighbor next door who  
12 feels very threatened by this addition that's going  
13 back. And although as you say, she may have  
14 additional privacy, I think from her standpoint she's  
15 feeling threatened just by the fact that this building  
16 is now sort of block -- going down this, that the  
17 light and air may be coming in, but it's not the same  
18 thing that she's seen in years past where she can look  
19 out and see trees and air. It's getting to be tighter  
20 and narrower as she goes down.

21           So that's my concern, that there hasn't been  
22 this dialog and this interaction that -- so, to feel  
23 the total impact of someone who is right next door to  
24 this project, and to feel her personal -- again, I  
25 think it's a very subjective thing. It's a very

1 personal aspect when you get into the idea of  
2 enjoyment.

3 And so, I'm struggling with this right now.

4 MR. COCHRAN: Did you want me to respond to  
5 that?

6 MR. TURNBULL: No, no, I'm just commenting on  
7 what you had said. And my only feeling -- and no, you  
8 feel free. I mean, but I think it's a very personal  
9 aspect and any number can say well, it's not going to  
10 -- we don't feel that it's going to impact her. But I  
11 think from what I've heard from her is that she now  
12 feels that this building going down an extra 20-odd  
13 feet plus, from where it is now, is a threatening  
14 aspect to her enjoyment of her property. That's --

15 MR. COCHRAN: I think you've touched on why  
16 it's often more difficult to write a report on a  
17 special exception than on a variance.

18 MR. TURNBULL: Yes. Right.

19 MR. COCHRAN: It is, everyone's interpretation  
20 can be different on some of these criteria.

21 MR. TURNBULL: Right.

22 MR. COCHRAN: There's no question, but there  
23 wouldn't be the same view of say, trees and sky, if  
24 you're looking eastward.

25 MR. TURNBULL: Right.

1 MR. COCHRAN: Excuse me, westward. I did  
2 think about this a little bit and thought about some  
3 of my own urban experiences with something like Paley  
4 Park or some of the parks in Center City,  
5 Philadelphia, and realized, these are urban oasis.  
6 And these are no wider, and often times narrower than  
7 the property to the east. You know, 30 feet.

8 MR. TURNBULL: Uh-huh.

9 MR. COCHRAN: You can -- it may not be Ms.  
10 Schafer's preference to have that wall. But I do  
11 believe that it's possible to soften the impact of  
12 that wall and to make perhaps a slightly different  
13 kind of garden. You do have absolutely no impact on  
14 privacy. In fact, it's increased.

15 MR. TURNBULL: Well, I guess the other thing  
16 is, I mean, if we look at this 200 percent increase.  
17 Twenty feet beyond the normal 10. At what point does  
18 it become excessive? Thirty feet? Thirty-five feet?  
19 I guess I struggle with the amount of increase that  
20 is there, that goes beyond what we would normally be  
21 expecting.

22 MR. COCHRAN: I'm confident --

23 MR. TURNBULL: Again, again, subjective from  
24 the standpoint --

25 MR. COCHRAN: -- the Commission would have

1 put --

2 MR. TURNBULL: -- of each property.

3 MR. COCHRAN: -- percentages or feet in --

4 MR. TURNBULL: Right.

5 MR. COCHRAN: -- if it knew --

6 MR. TURNBULL: Right.

7 MR. COCHRAN: -- what the appropriate length,  
8 percentages --

9 MR. TURNBULL: And I don't think there really  
10 is --

11 MR. COCHRAN: -- et cetera, was.

12 MR. TURNBULL: -- because I think it's  
13 subjective depending upon properties and what's really  
14 happening. I mean, that's why it's a special  
15 exception.

16 MR. COCHRAN: I mean, the applicant could do a  
17 one-foot addition to their existing house and they'd  
18 still have to come in for the same special exception.

19 MR. TURNBULL: You're absolutely correct.

20 MR. COCHRAN: Because they're already past  
21 that --

22 MR. TURNBULL: Right.

23 MR. COCHRAN: -- 10 feet.

24 MR. TURNBULL: And I think that that's where  
25 you get into the feeling of what becomes a minor

1 impact, and what becomes a more serious impact.

2 MR. COCHRAN: To me, I looked at the  
3 applicant's property at roughly 15 feet wide, looked  
4 at 2712 at roughly 30 feet wide, and thought, that's a  
5 nice -- that will still remain a very nice urban  
6 garden.

7 MR. TURNBULL: Okay, thank you.

8 CHAIRPERSON HILL: Okay. More questions for  
9 the Office of Planning? I have some questions.

10 And maybe you can just help me understand. I  
11 just don't understand that really big property there  
12 for 2222. What is that?

13 MR. COCHRAN: It's residential. I don't know  
14 how many units are in there.

15 CHAIRPERSON HILL: I was just curious.

16 MR. COCHRAN: Yeah.

17 CHAIRPERSON HILL: Okay.

18 MS. SCHAFER: [Speaking off microphone.]

19 MR. COCHRAN: Sorry. Did I --

20 MS. SCHAFER: Yes.

21 MR. COCHRAN: Yes, sorry. I may have  
22 consistently said 2222 when I meant 2722.

23 CHAIRPERSON HILL: I'm sorry.

24 MS. SCHAFER: It's a single-family house.

25 CHAIRPERSON HILL: Okay. Okay. No, that's

1 all right. I was just curious because it's bigger,  
2 you know. So, yeah. And so, I was just -- that was  
3 just the first question.

4 In terms of -- and I know that you guys, the  
5 Office of Planning is unable to probably respond in  
6 this way because it hasn't happened, but I'm just kind  
7 of curious. Mr. Schafer's property, like you couldn't  
8 tell me whether if she wanted to go back the same  
9 amount now, if this were to approve, if this were to  
10 be approved. There is that court that would be there,  
11 and that she wouldn't be able to go as far back now as  
12 well because of the court? Or no? Or, you couldn't  
13 tell me?

14 MR. COCHRAN: I'm looking at the illustration  
15 on page 6 of our OP report. Just looking at that, it  
16 appears to me that she would -- she could probably go  
17 back as far as the applicant's addition would go  
18 because the property to the east certainly appears to  
19 be more than 10 feet deeper than her own property.  
20 So, if she wanted to do an addition, you know --

21 CHAIRPERSON HILL: Okay. That's okay. I was  
22 just kind of curious. That's --

23 MR. COCHRAN: You have to look at both sides.

24 CHAIRPERSON HILL: Sure.

25 MR. COCHRAN: Both flanking properties. Not

1 just one.

2 CHAIRPERSON HILL: Sure. Okay. All right.  
3 Does anyone have anything for the Office of Planning?

4 [No audible response.]

5 CHAIRPERSON HILL: Okay, I'll start with the  
6 applicant. Does the applicant have any questions for  
7 the Office of Planning?

8 MS. MOLDENHAUER: Mr. Cochran, did you take  
9 into consideration in your support, the fact that  
10 there is no impact into the rear yard requirement, and  
11 that the rear yard is being provided more than double  
12 of the rear yard requirement?

13 MR. COCHRAN: We looked at the rear yard  
14 requirement. It is the rear yard requirement. The  
15 applicant meets the rear yard requirement.

16 Where we looked at depths and things like  
17 that, was to judge the relationship to other  
18 structures and the character of the block, not the  
19 rear yard itself.

20 MS. MOLDENHAUER: Thank you.

21 CHAIRPERSON HILL: Do you have a question for  
22 the Office of Planning?

23 MS. GIORDANO: Just one.

24 CHAIRPERSON HILL: Sure.

25 MS. GIORDANO: Did you go to the site and see

1 it, evaluate the situation from Ms. Schafer's yard?

2 MR. COCHRAN: No. We typically do not do that  
3 kind of site visit.

4 MS. GIORDANO: Okay.

5 CHAIRPERSON HILL: Do you have any questions  
6 for the Office of Planning?

7 MR. BRODNIG: Yeah. Thank you. Just two  
8 questions.

9 Thanks, Mr. Cochran, for the report and the  
10 statement. Did I understand your report correctly in  
11 the sense that you did not reflect on use and  
12 enjoyment/privacy impacts to the Dumbarton properties?

13 MR. COCHRAN: I did after I saw the -- after  
14 Ms. Giordano contacted me and said that there was  
15 opposition.

16 MR. BRODNIG: Okay.

17 MR. COCHRAN: At that point, I then looked at  
18 the properties to the south, went on the GIS, did the  
19 measurements, looked at the numbers of trees that are  
20 in there, looked, you know, looked at the distances,  
21 and then based on essentially aerial looking at  
22 things --

23 MR. BRODNIG: Okay.

24 MR. COCHRAN: -- concluded that that's a lot  
25 more distant that most houses are in a similar zone,



1 and therefore concluded, especially with all the  
2 trees, that there would not likely be an impact.

3 MR. BRODNIG: Okay.

4 MR. COCHRAN: And I believe that the rear of  
5 your property is slightly higher than the rear of the  
6 houses that front on O Street. So, that would also  
7 make a difference.

8 MR. BRODNIG: Yeah, okay. So, as a follow up  
9 from that, and the little bit drawing on Mr.  
10 Turnbull's observation, you focused primarily on, you  
11 know, GIS dimensions, et cetera, et cetera. Do you  
12 think this is sort of an adequate yardstick to capture  
13 use and enjoyment/privacy, dimensions of properties,  
14 and particularly as I think we tried to explain that  
15 our particular motivation for purchasing these  
16 properties was actually significant use of the  
17 gardens.

18 So do you think that still, you know, an  
19 appropriate benchmark --

20 MR. COCHRAN: In this particular instance,  
21 yes, I do. Gardens are typically enjoyed when, you  
22 know, when there are leaves on the trees. And  
23 therefore, that's what I considered. Would you be  
24 able to see something in the months when you are most  
25 likely out in the garden? And also then I thought,

1 would it matter that something was from the second  
2 story, 16 feet closer to the rear of your house than  
3 what's there now, and thought not, even with bare  
4 branches of several trees in between.

5 MR. BRODNIG: Okay.

6 MR. COCHRAN: I didn't know whether you would  
7 be able to see it, but it did seem like if there were  
8 an impact, it would be quite minimal.

9 MR. BRODNIG: All right. Right. And lastly,  
10 and that does not concern us that much, but because  
11 you made the point, that the addition would not be  
12 visible from the street. But did I understand you  
13 correctly?

14 MR. COCHRAN: No, it will clearly be visible  
15 on an angle because there is no house on the property  
16 to the west.

17 MR. BRODNIG: Right. Okay. Thank you.

18 CHAIRPERSON HILL: Ms. Lambert, do you have  
19 any questions?

20 MS. LAMBERT: No.

21 CHAIRPERSON HILL: Okay. All right. Mr.  
22 Brodnig. Brodnig. Brodnig?

23 MR. BRODNIG: Yes, you're getting very close  
24 to --

25 CHAIRPERSON HILL: Brodnig. Okay, you need to

1 push the microphone.

2           No, I was just -- you're pretty good at this.  
3 You like, you know, you seem to -- I have to  
4 remember, you thank the person for their presentation  
5 and then you ask them what the problem is with their  
6 presentation.

7           MR. BRODNIG: I did a lot of rehearsals.

8           CHAIRPERSON HILL: That's good. That's good.  
9 All right. So, we're going to go with the ANC next,  
10 Commissioner. And I asked you, Commissioner, whether  
11 you were going to stick around and you said you were  
12 going to stick around. I know, you could have left  
13 early.

14           But so, please, I'm going to give you as much,  
15 you know -- hopefully you don't want a lot of time,  
16 but we do want to hear about -- because I'm a little  
17 curious. I mean, currently your report voted not to  
18 vote. And so, yes, please. Go ahead.

19           MR. GIBBONS: Thank you.

20           CHAIRPERSON HILL: Oh sure. I'm sorry. I'm  
21 sorry. Ms. White has a question. Thanks.

22           MS. WHITE: No, it was, I wanted to see if you  
23 could address, if possible, some of the feedback that  
24 we've gotten from the Old Georgetown Board. I'm  
25 learning a little bit about what they are, and

1 apparently they did submit a very short response to  
2 the BZA. But I didn't know if you'd had some contact  
3 with them, and if so, I'd like you to comment on that.

4 MR. GIBBONS: Well, thank you. I have not had  
5 specific contacts with them on this specific issue. I  
6 did not know they sent you any information --

7 CHAIRPERSON HILL: Could you introduce  
8 yourself again, just for the record?

9 MR. GIBBONS: Oh, I'm sorry. I'm sorry.

10 CHAIRPERSON HILL: That's okay.

11 MR. GIBBONS: Joe Gibbons, ANC 2E Chair for  
12 Georgetown, Hill & Dale, and Burleith.

13 CHAIRPERSON HILL: Thank you.

14 MR. GIBBONS: Thank you. But I was at the OGB  
15 hearings when this was presented and I was at the ANC  
16 hearings, obviously, when it was presented. It was  
17 before my time as a commissioner at the ANC.

18 So, our -- let me just say, our resolution was  
19 voted in, we said that this project had a tortured  
20 history in the neighborhood. And for Commissioner  
21 Wilcox and I, we spent as much time going over our  
22 resolution for this as I've been sitting here.

23 This was properly noticed at the OGB. This  
24 has properly gone through the ANC, this was properly  
25 vetted. And then when the change, when Jim and I

1 became commissioners, Commissioner Wilcox and when the  
2 zoning laws changed, we wrestled with, is this a new  
3 project for the ANC? Is this a new project for  
4 Georgetown?

5           And since the applicant had gone through so  
6 much through the OGB process, which we were aware of,  
7 and the expense and the time, but yet we owed the  
8 other residents the time and effort to explain the new  
9 zoning to help them out, and I think Jim and I have  
10 met with you to go through this process. It's very  
11 difficult.

12           So we've helped both sides prepare for this  
13 day, and we just, we want your help because the ruling  
14 was changed on your side about this, and so, we just  
15 didn't know what to do. We have problems, obviously,  
16 if it was going to be staying in our area. So we  
17 wanted to let you know that we tried very hard to  
18 wrestle to provide you with an answer, and we just  
19 couldn't.

20           And that's the most honest thing that Jim and  
21 I, we just sat down and said, we just, we couldn't  
22 give you a definitive answer other than that. And  
23 that's why I stayed here so long, to really emphasize  
24 that. We've really worked hard, but we just couldn't  
25 do it. We just couldn't give you a yea or nay on it.

1 CHAIRPERSON HILL: Okay. Does anybody have  
2 any questions for the Commissioner?

3 [No audible response.]

4 CHAIRPERSON HILL: Really?

5 MR. GIBBONS: That's fine.

6 CHAIRPERSON HILL: I'm curious, there is an  
7 empty lot? That's an empty lot, and it's just an  
8 empty lot?

9 MR. GIBBONS: Well, it's owned by somebody.  
10 There's only like three of them in Georgetown.

11 CHAIRPERSON HILL: Yeah. Huh.

12 MR. GIBBONS: We have them named.

13 CHAIRPERSON HILL: Yeah. I won't ask. Okay.  
14 All right. Well, I guess I appreciate you staying  
15 this long to talk to us. I mean, I thought also the  
16 vote was confusing to a certain extent for us, meaning  
17 that it didn't -- I was kind of joking about it  
18 earlier, but it voted not to -- you know, you  
19 struggled with it to the point where you didn't know  
20 what to do. And now you put it on our doorstep. You  
21 know.

22 MR. GIBBONS: Well, here's the thing, and I'm  
23 glad you brought that up, because we wrestled with  
24 what is our authority with -- and when you changed the  
25 rule like that. Where do we come in for our

1 constituents and our residents to explain? And, you  
2 know, we weren't part of the consultation. Nor should  
3 we be. I'm not saying that we --

4 CHAIRPERSON HILL: I wasn't either.

5 MR. GIBBONS: So, we don't know the intent,  
6 other than a speed bump, other than maybe for  
7 developers per se. But this is a whole different set  
8 of facts for us.

9 CHAIRPERSON HILL: Sure.

10 MR. GIBBONS: And we wanted to be fair to all  
11 our residents, all our constituents. And you know, we  
12 walked around that property, Jim and I did, so many  
13 times. And we sat down and said, you know, trying to  
14 figure out why you did this and why does it apply to  
15 this property, and what is the impact on the applicant  
16 and the impact, very noticeable impact on the  
17 protesting parties.

18 CHAIRPERSON HILL: Sure.

19 MR. GIBBONS: So, I mean, just we wanted to --

20 CHAIRPERSON HILL: Okay.

21 MR. GIBBONS: We just want to be honest,  
22 that's all.

23 CHAIRPERSON HILL: Sure. No, I appreciate  
24 that. And I really appreciate you staying around for  
25 us to ask direct questions of you. And, you know, you

1 obviously care a lot about your job because you've  
2 been here several times before. And I know that the  
3 board appreciates that.

4 So again, I forget. I think I asked. But,  
5 nobody has any questions for the Commissioner?

6 Okay. Does the applicant have any questions  
7 for the Commissioner?

8 MS. MOLDENHAUER: I just, the project from an  
9 OGB perspective, came before the ANC three times. Is  
10 that correct?

11 MR. GIBBONS: Yes, before I was a  
12 commissioner, though, in 2016.

13 MS. MOLDENHAUER: And are you aware of what  
14 the ANC voted on for the proposed design for OGB?

15 MR. GIBBONS: Yes, I attended the hearings and  
16 the OGB hearings.

17 MS. MOLDENHAUER: And what was the ANC's  
18 position on the plan that's before us when it went to  
19 OGB on the final revision?

20 MR. GIBBONS: They were in -- I believe they  
21 were in favor, but I don't know the exact wording of  
22 it.

23 MS. MOLDENHAUER: Okay. Thank you.

24 MR. GIBBONS: But they didn't take a position.

25 CHAIRPERSON HILL: Ms. Giordano?



1 MS. GIORDANO: No questions.

2 CHAIRPERSON HILL: Okay. Mr. Brodnig?

3 MR. BRODNIG: No questions.

4 CHAIRPERSON HILL: Ms. Lambert?

5 [No audible response.]

6 CHAIRPERSON HILL: Okay. Just before you go,  
7 I did have one question here. The Old Georgetown  
8 Board, there was some comment made, and the urban  
9 myth, again, is that they only look at the front. And  
10 if you can't see it from the front, that's not the  
11 case. But as I also, my experience has been, they  
12 poke around in everything. You know, and so, you  
13 know, can you elaborate a little bit about like, if  
14 that's true or not, just from the front?

15 MR. GIBBONS: They take ownership of the  
16 property once they get it in the public view. They'll  
17 say their catch phrase is, you know, we may not be  
18 able to say any comment on this, but they do. And  
19 because, I'll give you an example. They don't  
20 typically comment on interiors or landscaping, but  
21 they do because they feel that it affects the historic  
22 fabric of the property. So, they do take ownership of  
23 the property. Once they determine that the property  
24 is in a public view, and it could be the slightest  
25 angle, it doesn't have to be like what --

1 CHAIRPERSON HILL: Sure. Sure.

2 MR. GIBBONS: They take full --

3 CHAIRPERSON HILL: Okay.

4 MR. GIBBONS: -- full charge of the entire  
5 piece of property.

6 CHAIRPERSON HILL: Okay. Okay. Great. All  
7 right. Thank you. Sure, of course. Mr. Brodnig?

8 MR. BRODNIG: Maybe then I can ask Mr. Gibbons  
9 just two questions because --

10 CHAIRPERSON HILL: Sure.

11 MR. BRODNIG: -- it came up now. And also  
12 from my own understanding. But the Old Georgetown  
13 Board does not look at impacts on neighbors' use and  
14 enjoyment and privacy, I assume?

15 MR. GIBBONS: Right. They stay out of,  
16 generally, zoning questions. But when they're brought  
17 up they say, that's a zoning question. But they do  
18 ask for studies of sun, of shading, of light, and  
19 because they want to be aware of that. But traffic  
20 patterns and whatnot, are not really what they look  
21 for concept design.

22 MR. BRODNIG: Okay. And then the second  
23 question, I think because it was just brought up, is  
24 when we met with you and took the time, then to look  
25 through the ANC minutes a couple of weeks ago, and it

1 seems that was the last, or the second last ANC  
2 meeting on this project. Was it in December or --

3 MR. GIBBONS: It was December 2016.

4 MR. BRODNIG: Yeah, and if I remember  
5 correctly, there was a unanimous resolution not to  
6 support the project.

7 MR. GIBBONS: I don't think -- I think it was  
8 -- I should have it run, but I think Tom Birch, it  
9 wasn't unanimous not to support it. I just don't  
10 think they supported it.

11 MR. BRODNIG: I could produce it if this is --

12 MR. GIBBONS: Because -- no, no, I'm not --

13 MR. BRODNIG: -- (simultaneous speech).

14 MR. GIBBONS: But I'm saying, but at that time  
15 it was already sent. I don't know whether this was  
16 the second -- see, sometimes when they come back,  
17 you're right. So, when they come back to the  
18 hearings, it's maybe on a different aspect of it. So,  
19 it's a -- you know, it's not always apples to apples  
20 when it comes back to the thing. But the ANC support  
21 of the project to the OGB was a different project, not  
22 including the zoning issue. And that's what Jim and I  
23 were trying to explain. This is a different -- in our  
24 view, this was a different animal, and that's why we  
25 weren't supportive. We were unsure.

OLENDER REPORTING, INC.

1100 Connecticut Avenue, NW Suite 810 Washington, D.C. 20036  
Washington: (202) 898-1108 / Baltimore: (410) 752-3376  
Toll Free: (888) 445-3376

1 MR. BRODNIG: No, I understand your argument  
2 that, you know, new to the Commission and then the  
3 zoning rules having changed, that that's maybe where  
4 you ended up in terms of the last ANC meeting, with  
5 not taking a position.

6 MR. GIBBONS: Right.

7 MR. BRODNIG: But I'm just trying to identify  
8 for the record that previous ANC resolutions on this  
9 project were all not in favor. And I --

10 MR. GIBBONS: Right. Well, we had a -- right.  
11 But again --

12 MR. BRODNIG: All of course.

13 MR. GIBBONS: But I can't take ownership of  
14 any prior ANC ruling, and I don't speak to that, so.

15 CHAIRPERSON HILL: Okay. Wait a minute. So,  
16 Ms. Moldenhauer, can you confirm or -- what Mr.  
17 Brodnig is now saying, that all previous applications  
18 were denied by the ANC.

19 MS. MOLDENHAUER: That is not an accurate  
20 statement.

21 CHAIRPERSON HILL: Okay.

22 MR. GIBBONS: No, but we didn't pass it. Like  
23 I said, I didn't pass -- I was no the commission, so I  
24 didn't pass anything. The previous ANC supported the  
25 project, supported it to the OGB. There was

1 discussions going on, going about different aspects of  
2 it. But as far as the ANC today, as far as we looked  
3 at this project today, which Jim and I did, we  
4 couldn't support it. We couldn't deny it. As far as  
5 we were concerned by, this was a new project to us.

6 CHAIRPERSON HILL: Okay.

7 MS. MOLDENHAUER: But it wasn't just you. It  
8 was all seven members voted seven to zero --

9 MR. GIBBONS: Oh, yeah.

10 MS. MOLDENHAUER: -- to not present either  
11 support or opposition.

12 MR. GIBBONS: Right. And here is the thing  
13 about that, and I want to make this very clear, this  
14 project is a large project. There's no doubt about  
15 it. That's a large concept design. And had Jim and I  
16 been able to look at it and not hurt the applicant, to  
17 not take away from all the work they did at OGB, I  
18 don't know what our -- I don't know what our outlook  
19 would have been on it, frankly. But we are a rolling  
20 commission. So, whatever previous resolutions were  
21 passed, are current. But this is the most current  
22 one. This is what Jim and I spent --

23 CHAIRPERSON HILL: Okay.

24 MR. GIBBONS: -- a lot of time looking at.

25 CHAIRPERSON HILL: Okay. Okay. All right.

1 I've got it. Okay, great. Thank you. All right.

2 Ms. Moldenhauer, so if you want to go ahead  
3 and give a rebuttal. And I'm going to put 15 minutes  
4 on there. Okay? For rebuttal. I think we've had a  
5 lot of information. And then we're going to go  
6 through the whole cross-examination, which I just  
7 think is -- anyway. So, yeah. So, please, go ahead.

8 I'm going to put 15 minutes on the clock. Thank you.

9 MS. MOLDENHAUER: I'll turn to my clients for  
10 them to simply first respond to questions about  
11 outreach and communications with their neighbors.

12 MS. GUELIG: Sure. So, Commissioner Turnbull,  
13 I just wanted to clarify. In the course of sitting  
14 here I went through and counted, we had sent 14  
15 different e-mail communications to Alison Schafer,  
16 which we're happy to produce. These specifically  
17 describe the project either sharing attachments of a  
18 current draft of a plan, or discussing to meet. Both  
19 Yuri and I have met with her in person.

20 I remember specifically sitting in her garden,  
21 talking about what sort of mitigants could be put in  
22 place, and I proposed a vertical garden. And the  
23 impression that I got then, and now reiterated, is  
24 that it's -- she's not interested in that type of  
25 thing and it's more the scale and the mass. And

OLENDER REPORTING, INC.

1100 Connecticut Avenue, NW Suite 810 Washington, D.C. 20036  
Washington: (202) 898-1108 / Baltimore: (410) 752-3376  
Toll Free: (888) 445-3376

1 similarly to the line of questioning here, I tried to  
2 zero in. Okay, what would that threshold point be?  
3 You know, is it, we originally started at 20 feet, and  
4 now the second floor is back to 16 feet. You know, at  
5 what point are we talking?

6 And it's been difficult to get any specific  
7 feedback that would translate into a real design that  
8 still achieves other goals that we have in terms of  
9 the interior design of the plan.

10 CHAIRPERSON HILL: Okay.

11 MS. MOLDENHAUER: Well, so at this point --  
12 no, but we're in rebuttals and I don't think -- so, if  
13 the ANC wants to maybe cross they can at a later date.  
14 But that's -- or are you talking about something else  
15 that you're pulling up?

16 MR. GIBBONS: Well, I just wanted to clarify.  
17 We do have the resolution that was passed in 2016,  
18 was -- it's on the record and I just wanted to present  
19 it to you if you wanted to see it. Or I can send it  
20 as an e-mail.

21 CHAIRPERSON HILL: Sure. Can you just submit  
22 it to the record?

23 MS. MOLDENHAUER: Sorry. Resolution. When  
24 was it?

25 MR. GIBBONS: 2016, OGB.

1 MS. MOLDENHAUER: What day, 2016?

2 MR. GIBBONS: November 28th.

3 MS. MOLDENHAUER: Okay.

4 MR. BRODNIG: It is the ANC resolution.

5 MR. GIBBONS: Yeah.

6 CHAIRPERSON HILL: Okay. All right.

7 MR. BRODNIG: Together. I have it here too.

8 CHAIRPERSON HILL: So, that's okay. So, Mr.  
9 Commissioner, you can go ahead and submit that to the  
10 record. And then, Ms. Moldenhauer, you'll have an  
11 opportunity to comment upon that. And so, but now we  
12 are just here for the rebuttal for the applicant. And  
13 so, I'm going to stick with us still moving forward on  
14 that, if that's all right with the attorney.

15 And, Mr. Commissioner, your mic is still on,  
16 by the way, just to let you know, just in case you say  
17 something.

18 MS. MOLDENHAUER: Sorry. Continue any other  
19 additional --

20 MR. HORWITZ: No, I was just going to say, I  
21 love Tara. She's been really in charge of this  
22 project for most of its existence and just, on a daily  
23 basis she's reached out to neighbors. I've personally  
24 stopped Alison in August of July, actually, before  
25 anything happened, and said hey, we're thinking about



1 doing an addition. I just want to let you know we  
2 talked to Diane. Diane, who is the other neighbor  
3 across the empty lot there. Diane is actually the one  
4 who gave us the input to bring the project back up top  
5 and make a Juliette balcony. And she was really the  
6 only one --

7 CHAIRPERSON HILL: Who is Diane?

8 MR. HORWITZ: She used to own --

9 MS. MOLDENHAUER: The big white house.

10 MR. HORWITZ: The big white house. She used  
11 to own that house.

12 CHAIRPERSON HILL: Okay. The big white house.

13 MR. HORWITZ: Making matters more complicated,  
14 she used to --

15 CHAIRPERSON HILL: Okay. That's all right.  
16 Just wanted to know who Diane was.

17 MR. HORWITZ: Yeah. She was the only other  
18 neighbor at the time that weighed in with any sort of  
19 feedback for us. And so, we changed that house and I  
20 think throughout that process, Tara, what I've seen,  
21 has been more than happy to try to change her designs  
22 and work with our neighbors. Even last week, we had  
23 our neighbors into our back yard and spoke to them  
24 before this meeting to say, hey, is there anything  
25 else here we can do? And the answer was no.

1           CHAIRPERSON HILL: Okay. And I just want to  
2 point out, I do appreciate, I appreciate -- and the  
3 Board can weigh in on anything. I do appreciate that  
4 this is a rebuttal, meaning that I just don't know how  
5 much it benefits that -- I understand you all have  
6 provided a bunch of outreach, and I'm just basically  
7 sharing this, that you all have provided a bunch of  
8 outreach, and that therefore, whatever reason was  
9 miscommunication between the applicant, you guys, and  
10 the people who are in opposition. But that's not what  
11 has brought us here.

12           So I'm just kind of pointing out in terms of  
13 using your 15 minute up, you know, I get it. You all  
14 tried really hard. They say you didn't. And they  
15 still don't want the project. But I understand.

16           MS. MOLDENHAUER: Okay. So, I am now going to  
17 turn to Heather.

18           MS. RAMOS: Sorry. I was there at the ANC on  
19 November 28th with the homeowners, and I have the  
20 minutes here from the website, and I just want to  
21 speak briefly about that. The statement here says  
22 that they are objecting to the mass of the proposed  
23 addition. The meeting was earlier that week. We  
24 later had the OGB that same week.

25           So, in between the ANC and the OGB, we decided

1 to remove the walkout balcony that we had at the  
2 second floor, and we had correspondence with Tom  
3 Birch, updating him about that change in design.

4 CHAIRPERSON HILL: I'm sorry. Tom Birch is  
5 with?

6 MS. RAMOS: He was the chairperson of the ANC  
7 at the time.

8 MS. MOLDENHAUER: Prior.

9 MS. RAMOS: Prior to --

10 CHAIRPERSON HILL: Okay. Got it. All right.  
11 Thank you.

12 MS. RAMOS: So, this was in late 2016. And  
13 so, we presented the new design without the balcony,  
14 what we're proposing today, and he was very pleased  
15 with that change and he thought that would be a good  
16 medium for coming to a conclusion, compromise.

17 MS. MOLDENHAUER: Okay. Can someone from the  
18 architectural team -- I've just pulled up on the  
19 image, a picture of the second floor. And can someone  
20 -- I know we've talked a little bit about the degree  
21 of the special exception relief that we're requesting.

22 If someone can just walk through that quickly in  
23 regards to the overall size and any other factors?

24 MS. RAO: I think what we need to point at  
25 this point is that the addition itself is only one

1 room on each floor. There is the addition of a family  
2 room on the ground floor, and there is an addition of  
3 a single bedroom on the upper floor. Neither room is  
4 an expansive room. They are both modest and normal  
5 sized rooms that would be usable for the applicant in  
6 their home.

7 MS. MOLDENHAUER: And there was a  
8 conversation, I just want to make sure we point out  
9 the image. Oh, my gosh. On the side of the wall, if  
10 you can talk a little bit about the existing windows  
11 and what is being closed in regards to privacy, might  
12 possibly then actually increasing privacy to the east  
13 neighbor, Ms. Schafer?

14 MS. RAMOS: Sure. There is an existing court  
15 that exists at the first floor and second floor, and  
16 we are proposing keeping the court, most of it, at the  
17 second floor, and closing it on the first floor. We  
18 are removing the existing window on the first floor,  
19 increasing the privacy to the eastern neighbor, and we  
20 are leaving the window at the second floor, providing  
21 light and air to the homeowner.

22 There is also -- sorry. There is also a tree  
23 that would provide screening to this addition, to that  
24 wall that would be approximate 16 feet long, and  
25 change, and it would be painted in a light color to

1 reflect as much light to the eastern neighbor.

2 MS. MOLDENHAUER: Okay. And then, I'm just  
3 going to turn to Tara. And I know that we've talked a  
4 little bit about the rear and the images, and Tara, I  
5 know that you know the rear of your property. If you  
6 can just kind of walk through quickly in the next  
7 like, two minutes, not even, one minute, just kind of  
8 where these pictures are and then how -- you know,  
9 what they're taken of?

10 MS. GUELG: Sure. So, this is the large  
11 white house at 2722. That's a single-family home. In  
12 between is the --

13 MS. MOLDENHAUER: This is the house of Diane  
14 in the reference of communicating with Diana. That's  
15 the white house.

16 MS. GUELG: In between, you see the empty  
17 lot. And then to the left is our house. This is  
18 looking towards 2722 from the center of the vacant  
19 lot. Slightly turning now, to almost due south in the  
20 center of the vacant lot, looking south towards  
21 Dumbarton. Slightly southeast, I would say. The tall  
22 pine tree that you see is on the edge of our property  
23 in the southwestern corner.

24 And this is also in the center of the empty  
25 lot, looking now, closer towards the east. That fence

1 right there is our property.

2 MS. MOLDENHAUER: And then just a quick  
3 question for Cunningham/Quill. With the proposed  
4 addition, are any of these main fully growth trees  
5 that are in the rear portion of the rear 50 feet of  
6 the property at all, you know, they will be  
7 maintained?

8 MS. RAO: That is the intention, to maintain  
9 those trees.

10 MS. MOLDENHAUER: Yeah. And, Tara, then  
11 just --

12 MS. GUELIG: This is in our existing brick  
13 patio looking south. This is taken from the  
14 southernmost point on the second floor, looking south.  
15 This is a shot along the property line between our  
16 house and 2712. This is the rear of our house, and  
17 the rear of 2712. The front of our house.

18 MS. MOLDENHAUER: And so, can you just -- and  
19 is all of this portion -- so this is showing Ms.  
20 Schafer's property, the double-wide lot and kind of --  
21 is this correct? So this is where I'm -- her entire  
22 property is both -- my goodness.

23 MS. GUELIG: That's correct. The brick  
24 colored house.

25 MS. MOLDENHAUER: Okay, that is it.

1 CHAIRPERSON HILL: Okay.

2 MS. MOLDENHAUER: No other rebuttal questions.

3 CHAIRPERSON HILL: Okay, great. Yeah. No,  
4 no, I'm sorry. I'm not being flippant at all. I  
5 just, I understand that -- I understand that -- yeah,  
6 sorry.

7 So, Ms. Giordano, do you have any --

8 MS. GIORDANO: Very brief.

9 CHAIRPERSON HILL: Sure.

10 MS. GIORDANO: Just very briefly. I just  
11 wanted to make two points.

12 First, with all due respect to you, Mr. ANC  
13 Commissioner, the purpose of the 10-foot rear addition  
14 provision by the Zoning Commission was not to create a  
15 speed bump for developers. This wasn't about  
16 developers. This was really an attempt to deal with  
17 the fact that lot occupancy and rear yard setbacks  
18 really didn't provide the full picture of impacts on  
19 adjacent properties. And it was about homeowners who  
20 were impacted by disproportionate rear additions to  
21 detached and semidetached houses.

22 And the other point I wanted to make was on  
23 the OGB board stuff, I know we've spent a lot of time  
24 on it, but it's really not relevant. I mean, their  
25 charge is compatibility with the historic district.

1 CHAIRPERSON HILL: Okay. I got you.

2 MS. GIORDANO: Okay.

3 CHAIRPERSON HILL: No, Ms. Giordano, we know  
4 about --

5 MS. GIORDANO: Okay.

6 CHAIRPERSON HILL: I was clarifying something  
7 else. And I do appreciate it. And it is always a  
8 mix-up about things. But again, it's more common.

9 Do you have any questions concerning the  
10 rebuttal that Ms. Moldenhauer --

11 MS. GIORDANO: I do not. Oh, I'm sorry.

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

13 MS. GIORDANO: I thought this was my rebuttal.

14 CHAIRPERSON HILL: That's okay. No.

15 MS. GIORDANO: I jumped ahead. Okay.

16 CHAIRPERSON HILL: Actually, apparently you  
17 don't get a rebuttal.

18 MS. GIORDANO: Okay.

19 CHAIRPERSON HILL: You get a concluding  
20 statement.

21 MS. GIORDANO: Okay, I'm done.

22 CHAIRPERSON HILL: But that's okay.

23 MS. GIORDANO: Thank you.

24 CHAIRPERSON HILL: I'm going to come back and  
25 you'll have another opportunity at a concluding



1 statement. That's all right.

2 Mr. Brodnig, do you have any questions for the  
3 rebuttal from Ms. Moldenhauer?

4 MR. BRODNIG: It's technically not a question  
5 but it was used in the rebuttal, and it was earlier  
6 referred to as an inaccurate statement on my part by  
7 the applicant's counsel.

8 CHAIRPERSON HILL: Okay. Go ahead and make  
9 your comment.

10 MR. BRODNIG: I will just read the ANC  
11 resolution in full from 28, November, last year.

12 "ANC 2E continues to object to the mass of the  
13 proposed rear addition at 2716 O Street, and the  
14 length and the height of the planned extension. A  
15 reduction in the addition would retain the open aspect  
16 of the adjacent property and respect the existing  
17 character of the houses in this stretch of the south  
18 side of O Street." Voted, six, zero, by the ANC in  
19 November 28.

20 CHAIRPERSON HILL: Okay. So, before -- okay,  
21 give me a second.

22 So, sorry. Ms. Moldenhauer, do you have a  
23 comment, because now I want to read the resolution. I  
24 don't know what it is. So, I'm a little confused.

25 MS. MOLDENHAUER: Just for -- I mean, Ms.

1 Ramos testified during rebuttal that that resolution  
2 was regarding plans. And then between that resolution  
3 and the OGB hearing there was discussions and  
4 additional changes, and that's when we referenced Tim  
5 Birch, and we indicated that Tim Birch was the prior  
6 chair.

7 CHAIRPERSON HILL: Right. So can you --

8 MS. MOLDENHAUER: So --

9 CHAIRPERSON HILL: I know I am going to be  
10 interested in the timeline.

11 MS. MOLDENHAUER: So, I'm just trying to  
12 remind -- yeah.

13 CHAIRPERSON HILL: That's okay. I mean, I  
14 think we're going to have to get more information on  
15 some things in order to move forward. But I am  
16 interested in this now, if you can provide some  
17 clarification in terms of what the order is, when the  
18 next thing happened, and when OAG was put forward, I  
19 guess. I mean, I have to read it now, the Board has  
20 to read it, take a look at it because I'm a little --  
21 and how much that applies or is applicable to this  
22 particular case, you know, but still, I just do want  
23 to be clear as to what that is.

24 So, Mr. Brodnig, thank you. And, Ms. Lambert,  
25 do you have any comments? Okay. Are you sure?

1 [No audible response.]

2 CHAIRPERSON HILL: Okay. All right. Let's  
3 see. I don't know -- yeah, and I guess so, Mr.  
4 Commissioner, you get to say whatever you want,  
5 apparently, I think, as the ANC. So, what comment do  
6 you have there in terms of rebuttal?

7 MR. GIBBONS: I e-mailed Mr. Moy the  
8 resolution already.

9 CHAIRPERSON HILL: Okay.

10 MR. GIBBONS: And I just wanted to again refer  
11 that while this resolution was standing, Jim and I  
12 looked at it, Commissioner Wilcox took over for  
13 Commissioner Birch, and like I said, we wrestled with  
14 the property as is now. So, it is, and as far as I'm  
15 concerned, the size and massing of it was, when it was  
16 settled by OGB, the zoning issue was in front of us.  
17 So that's what we were discussing as far as looking at  
18 the property. It was the zoning issue, the BZA  
19 exception.

20 CHAIRPERSON HILL: Okay.

21 MR. GIBBONS: We did not have a chance, nor an  
22 opportunity to make an OGB resolution.

23 CHAIRPERSON HILL: Okay. Now I'm confused.  
24 Everybody walk me through this. So, there was a  
25 hearing.

1 MR. GIBBONS: This was not made in front of --  
2 this was not in front of the OGB for us.

3 CHAIRPERSON HILL: That's okay. So, there was  
4 an ANC meeting. This was back in 2016, and there was  
5 a vote taken on this project and the resolution was a  
6 no?

7 MR. GIBBONS: The resolution was opposed the  
8 mass of the rear addition.

9 CHAIRPERSON HILL: Okay, and then there were  
10 changes made. Okay. And then after the change is  
11 made, something else happened.

12 MS. MOLDENHAUER: Can I just walk -- we'll  
13 provide a copy of the timeline, but just can I just,  
14 because I think it's helpful. The ANC, at their first  
15 meeting on August 29th, 2016, properly noticed  
16 meeting, talking about this property.

17 Then there was an OGB meeting where the ANC  
18 was wrestling with it and there was talking about  
19 changes.

20 CHAIRPERSON HILL: Back in 2016.

21 MS. MOLDENHAUER: Back in September 1st, 2016.

22 CHAIRPERSON HILL: Yeah.

23 MS. MOLDENHAUER: OGB made comments. The  
24 applicant made changes.

25 CHAIRPERSON HILL: Yes.

1 MS. MOLDENHAUER: Then they went back and they  
2 submitted revised plans on October 13th, 2016. Then  
3 the clients e-mailed their neighbors, they then went  
4 back to the --

5 CHAIRPERSON HILL: They submitted revised  
6 plans to who?

7 MS. MOLDENHAUER: -- second ANC meeting on  
8 November 1st, 2016, with updated plans. ANC had  
9 concerns. They then made revisions. They went to OGB  
10 for a second time now, on November 3rd. They then  
11 made changes based on OGB. They then went back to the  
12 ANC for the November 28th, 2016 ANC meeting, where  
13 they then made revisions again.

14 ANC then, from my -- and Oksana can identify  
15 this, but went to OGB, Oksana, and was supportive of  
16 the case verbally at OGB. And then that was at the  
17 OGB hearing for the third time on December 1st, 2016,  
18 when the final OGB approved the case.

19 CHAIRPERSON HILL: Right. When OGB approved  
20 the case. So it never went back to the ANC again?

21 MS. MOLDENHAUER: No, but --

22 CHAIRPERSON HILL: Okay.

23 MS. MOLDENHAUER: -- there were members, and  
24 again, this was a predecessor to you know, the current  
25 ANC commissioner.

1 CHAIRPERSON HILL: Right. I understand.  
2 Okay. I'm just trying to get the timeline down.  
3 Okay.

4 MS. MOLDENHAUER: And if my timeline -- if you  
5 have any comments on that, you know, please.  
6 Obviously, we are trying to provide a summary of the  
7 facts.

8 MR. GIBBONS: The timeline, I can't speak to  
9 Commissioner Birch's verbal communications with the  
10 applicant's attorneys. But all I know is from the  
11 resolutions that were given to us, the existing  
12 resolutions, they were -- this was a resolution from  
13 the ANC by Tom Birch, to the OGB, which was against  
14 the concept design as presented.

15 What Jim and I had in front of us was a  
16 concept going to the BZA, not the OGB.

17 CHAIRPERSON HILL: Right. No, I got where you  
18 came in. I'm sorry.

19 MR. GIBBONS: So that's why we couldn't  
20 make --

21 CHAIRPERSON HILL: Right.

22 MR. GIBBONS: We couldn't make a statement.

23 CHAIRPERSON HILL: Right.

24 MR. GIBBONS: And I cannot make a statement  
25 now about the --

1 CHAIRPERSON HILL: Right.

2 MR. GIBBONS: -- about the size or mass of it.

3 CHAIRPERSON HILL: Sure. I understand. Okay.  
4 No problem.

5 MR. GIBBONS: So, we have a rolling resolution  
6 to the OGB on this but not -- that's not my  
7 resolution.

8 CHAIRPERSON HILL: Okay. Okay. I understand.  
9 So again, okay. Let's see. Where was I? Oh, did  
10 you -- oh.

11 MS. GIORDANO: I have a question. Will we  
12 have an opportunity to look at this? It's a lot of  
13 information to review and know what exactly --

14 CHAIRPERSON HILL: I don't know exactly what's  
15 going to happen with the Board. I suspect we're not  
16 going to decide today, but let's see just where we get  
17 to.

18 So, did the Board -- oh, anyway, I was kind of  
19 curious again, on the timeline. If you can submit  
20 something to us to take a look at again. You went  
21 through it very well, and so but I just want to  
22 understand those items.

23 Oh, someone else.

24 MS. MOLDENHAUER: So, this --

25 MR. TURNBULL: I just had a question on --

1 MS. MOLDENHAUER: -- this is a written --

2 MR. TURNBULL: -- your timeline. On October  
3 29th, when you had the revised plans, there's a whole  
4 bunch of O Street, but I don't see anything being sent  
5 to 2712. Is that a typo or --

6 MS. MOLDENHAUER: No, and the applicant  
7 testified earlier that she did not communicate with  
8 the Dumbarton neighbors, as she just --

9 [Discussion off the record.]

10 MS. MOLDENHAUER: No, you're talking about --

11 MR. TURNBULL: 2712 O Street.

12 MS. RAMOS: That was earlier. That was the  
13 August round.

14 MS. MOLDENHAUER: So, 20 --

15 MR. TURNBULL: Yeah, but then there was  
16 revised plans.

17 MS. MOLDENHAUER: 2712 was September 22nd, and  
18 August 3rd.

19 MR. TURNBULL: But nothing on October 19th  
20 with revised plans.

21 MR. HORWITZ: I think I can be helpful here.  
22 I think she's not detailing the communications with  
23 Alison. That's part of the 15 or 14 e-mails that we  
24 sent her. We sent her all the revised plans while  
25 they were being revised. And we were happy to give



1 you those e-mails if that would be helpful.

2 MR. TURNBULL: Okay.

3 MS. MOLDENHAUER: Yeah.

4 CHAIRPERSON HILL: Okay, it doesn't matter.  
5 It doesn't matter. Okay. I mean, the opposition is  
6 shaking their head no, for the record. So, I don't  
7 want to get into that right now.

8 Okay. All right. So, finish rebuttal, ask  
9 the questions on rebuttal. I'm going to go in the  
10 opposite order here. And normally the opposition  
11 doesn't always have a closing statement, but if you  
12 would like to make a closing statement, take a minute  
13 to please do so.

14 Ms. Lambert, would you like to start? Do you  
15 have anything you'd like to say in closing?

16 MS. LAMBERT: Thank you very much. In closing  
17 I would just like to emphasize the worry about  
18 precedent, as the Office of Planning report mentions,  
19 that this would be the longest footprint on O Street.  
20 And I think if I'm correct, you also mentioned that  
21 if the vacant lot were ever to build, they would be  
22 allowed to build to that same length.

23 So I just want to reemphasize that, you know,  
24 if we all start doing this, there won't be any green  
25 left on our block. Thank you.

1 CHAIRPERSON HILL: Okay. Mr. Brodnig.  
2 Brodnig.

3 MR. BRODNIG: Thank you. I think I had ample  
4 opportunity to speak, so I just want to thank you  
5 because I think after these several hours, we feel  
6 that we finally got our voice heard on this matter and  
7 we -- you know, the way you are tackling this clearly  
8 divisive issue gives us a lot of confidence that a  
9 solution will be found in that matter.

10 So thank you for the stamina, and we look  
11 forward to your deliberations.

12 CHAIRPERSON HILL: Thank you. Ms. Giordano.  
13 Giordano.

14 MS. SCHAFER: Can I just -- I'm Schafer, and  
15 I'm just going to say quickly --

16 CHAIRPERSON HILL: Sure.

17 MS. SCHAFER: -- the same thing. Thank you  
18 very much for your time. I agree with Mr. Turnbull.  
19 I do, you're quite right. You should be a  
20 psychiatrist. I do feel threatened by the big mass.  
21 And regardless of notification, your point, Mr. Hill,  
22 is very good. That's not material. What's material  
23 is still the size of the proposed addition, for me.

24 CHAIRPERSON HILL: Okay. Ms. Giordano?

25 MS. GIORDANO: I kind of leap-frogged and sort

1 of said my rebuttal points, but just coming back to  
2 the whole purpose of what this zone provision is for,  
3 the 10-foot limit. And it is to address concerns of  
4 adjacent property owners of extensions that go beyond  
5 their rear wall to anything more than 10 feet. There  
6 is a presumption there, that there likely are impacts.  
7 Thank you.

8 CHAIRPERSON HILL: Ms. Moldenhauer?

9 MS. MOLDENHAUER: We believe that we have more  
10 than satisfied the special exceptions, and we  
11 understand that this is a contentious, as some of  
12 these BZA cases are, situation. But it is a special  
13 exception case.

14 We have heard concerns from the opposition  
15 about light and air and view across their neighboring  
16 property owners. The Zoning Commission in Zoning  
17 Commission Case 12-02 and other BZA cases, have held  
18 that the District of Columbia's well-settled law that  
19 a property owner is not entitled to a view, light, or  
20 air across from a person's property without an  
21 expressed easement, and a property owner has no right  
22 to a view across from other property owners, we  
23 understand that obvious 223, the old 223, the new  
24 special exception standard does take into  
25 consideration light and air. And in that regard, it

1 takes into consideration comparing existing to  
2 proposed. We have done that with the sun study. We  
3 provided extensive documentation that the degree of  
4 relief requested here will not create an undue impact  
5 in regards to light and air, and use and enjoyment.

6 Will it be visible? Yes. Will this  
7 potentially change Ms. Schafer's, you know, rear yard?

8 Yes, but will it create a situation where we don't  
9 satisfy the standard? No, it will not create an undue  
10 impact. It will not create a situation where the use  
11 and enjoyment has gone to such a degree that special  
12 exception is not deemed to be appropriate here.

13 We believe, obviously, that OP has come to  
14 that same conclusion after a well detailed, very clear  
15 analysis, and even after hearing exceptional, you  
16 know, hours of testimony from both the applicant and  
17 opposition about their concerns about individual kind  
18 of perspectives. OP still feels strongly and stands  
19 on their record of support in this case.

20 We also indicate that there are a lot of other  
21 cases. I know that the opposition counsel has  
22 indicated that, you know, this rises to a 200 percent.

23 The Board evaluates relief, whether it's lot  
24 occupancy, whether it's physical rear yard relief,  
25 talking about encroaching beyond a 20-foot rear yard

1 into what is deemed to be the required rear yard, and  
2 the Board supports those cases at times.

3           Based on the surrounding condition, based on  
4 the degree of relief, or based on the level of impact  
5 on light and air, I just want to reference a case,  
6 18886, which is a lot occupancy case, but which had to  
7 do and had conversations about the potential density  
8 and size and visibility and privacy on an abutting  
9 property owner. And in this case, the Board in their  
10 order said, "While the addition will diminish the  
11 light available to an abutting property to the north  
12 somewhat, the Board does not find that that light and  
13 air would unduly affect, or that the addition would  
14 have a substantial adverse effect on the use or  
15 enjoyment of a neighboring dwelling or property.

16           And so, I think that that is the same  
17 situation here, that and the Board has had to make  
18 these challenging decisions, as you heard, despite  
19 kind of all of the back and forth of the ANC. The  
20 ANC's formal resolution here was a seven to zero to  
21 take no position. So the ANC, on the record, has  
22 taken no position on this.

23           And at the end of the day, it's the Board's  
24 obligation to balance the different factors and  
25 evaluate whether or not we have satisfied the

1 standard. We have put into the record images that  
2 this rear yard is 130 feet to the next potential  
3 property owner's structure on Dumbarton. That it is  
4 filled with trees and a lot of elements that all  
5 individuals where, our clients and the opposition  
6 clients, really enjoy.

7           And just to kind of put a little bit of a side  
8 note. I was at an ANC meeting last night, where we  
9 were talking about another project where, an HPRB case  
10 that will never come before you. But there was a  
11 conversation from an ANC commissioner about, if you're  
12 so concerned about the preservation of the green  
13 space, why don't you put a tree or preservation  
14 easement on the rear of your property and work with  
15 all of your neighbors.

16           You know, this case in and of itself is not  
17 going, in our opinion, to create such an undue  
18 influence or a negative impact on the preservation of  
19 this green space, which is loved so well and so much  
20 by the property owners. But it is also not this  
21 Board's job to step into the shoes and try to come up  
22 with solutions. Sometimes there needs to be solutions  
23 that property owners come to their own respects, and  
24 come to their conclusions on. And we feel that in  
25 this situation the applicant has proffered already,

1 two substantial conditions. One, a condition to  
2 protect the privacy of the abutting property owner if  
3 any property is ever built there on that vacant lot in  
4 regards to the at-risk windows.

5 And then also, a condition where, if Ms.  
6 Schafer does agree that she wants to weigh in and  
7 provide an opinion on, you know, what that wall looks  
8 like, whether it is a textural change, or whether it  
9 is a green vegetative wall, that they will be willing  
10 to work with her.

11 And so, we feel as though there has been an  
12 extensive amount of communication. We feel that we  
13 satisfy the special exception standard, and would, at  
14 this point, rest on the record.

15 CHAIRPERSON HILL: Okay. So, Commissioner  
16 Gibbons submitted something to the record, which was  
17 the -- and I'm opening things back up here again, and  
18 we'll see what happens because this just got put in  
19 front of my face again, with just ANC Commission 2E.  
20 It doesn't really, and I'm letting the Board discuss  
21 this as we kind of move forward. I mean, this is  
22 where a previous ANC took a vote to approve the  
23 concept as proposed, pending reservations from the  
24 neighbor to the east.

25 I don't, again as a board, I don't know what

1 that is. I don't know what those drawings were. I  
2 don't know, you know, it's very difficult for us now  
3 to go back. And again, how much that has bearing on  
4 what we're doing, I'm just kind of clearing up what  
5 now has just been submitted to the record and has just  
6 been put to me.

7 So, since the Commissioner is here and he's  
8 been here for a long time, and you submitted this, you  
9 submitted it because --

10 MR. GIBBONS: So, the applicant was referring  
11 to the ANC giving a positive resolution in favor.  
12 That was November 1st.

13 November 1st, that's the ANC resolution that  
14 you're referring to. Let me just scroll down here.  
15 It is, "ANC 2E has no objection to the concept of the  
16 rear addition."

17 The next month meeting, they objected to the  
18 concept of the rear addition. So, I was just trying  
19 to give you --

20 CHAIRPERSON HILL: Okay, that's okay. Right.

21 MR. GIBBONS: I was trying to give you --

22 CHAIRPERSON HILL: So this was all --

23 MR. GIBBONS: I was just trying to give you --

24 CHAIRPERSON HILL: Yeah, I'd have to go

25 back --



1           MR. GIBBONS: I was trying to give you both  
2 sides. And then again, that -- I was trying to give  
3 you both salient, the most recent rulings by the ANC,  
4 my ANC, as is an OGB matter. Not my Commissioner  
5 Wilcox and I. So you can see where there's a November  
6 and December rulings. They're different.

7           CHAIRPERSON HILL: I appreciate it. It's  
8 okay.

9           MR. GIBBONS: And that's to the OGB and not to  
10 a BZA order.

11           CHAIRPERSON HILL: Okay. So, if the Board has  
12 any comments, I mean, I'm fine with what's happened.  
13 I don't need further clarification. I just, just  
14 didn't understand.

15           MR. GIBBONS: Just wanted to --

16           CHAIRPERSON HILL: So now I do, and it doesn't  
17 I think, change what we are still here to decide upon.

18           MR. HART: Yeah. Mr. Chair, I thank you for  
19 giving me a minute here.

20           I think that hearing all of this and kind of  
21 getting some of this information today, I don't think  
22 I'll be able to make a ruling on it today. I need to  
23 mull through some of this, and I'd also like to have  
24 the drawings that show the changes that I had asked  
25 for previously. I'd also like to have the PowerPoint

1 that you are showing here, which we didn't -- you said  
2 you submitted it today, maybe.

3 MS. MOLDENHAUER: I'm sorry. We brought hard  
4 copies --

5 MR. HART: Okay.

6 MS. MOLDENHAUER: -- of everything.

7 MR. HART: Okay. That's fine.

8 MS. MOLDENHAUER: So, we were going to hand in  
9 exhibits for whatever rebuttal images we used. But  
10 then we didn't realize that the PowerPoint was going  
11 to be working --

12 MR. HART: Yeah.

13 MS. MOLDENHAUER: -- so we used the PowerPoint  
14 instead.

15 MR. HART: That's fine.

16 MS. MOLDENHAUER: But we can upload it.

17 MR. HART: That's fine. If we can have that,  
18 that would be helpful too because there's one image  
19 that actually shows Mr. Brodnig's -- the section  
20 through the block. And I think that that's just  
21 helpful.

22 I understand that Mr. Brodnig brought up some  
23 issues regarding views, basically the wintertime  
24 views. Maybe, there may be some visibility from the  
25 south that were not taken into consideration. It

1 would be -- I'm trying to think of a way in which to  
2 be able to have that understood. Or at least have  
3 something that I could look at, because right now it's  
4 just hard to kind of gauge.

5 I understand that you can't see it during the  
6 summer. And we're not in the winter. So, I get all  
7 that. What I'm trying to get to is, and maybe it's  
8 the section and putting in where some trees are to  
9 actually understand that. I don't know. I'm just  
10 thinking of some way of doing that, and I don't know  
11 other images that your team has, because this has been  
12 over a year that we're talking about. So.

13 MS. MOLDENHAUER: I mean, Board Member Hart, I  
14 just -- and I'm assuming you're asking me a question  
15 so I hope it's okay for me to respond.

16 MR. HART: Yes. Oh, yeah, yeah, yeah. Yeah.  
17 I'm only talking to you because --

18 MS. MOLDENHAUER: Okay. No, no, and --

19 MR. HART: -- I'm (simultaneous speech).

20 MS. MOLDENHAUER: -- I mean, I guess the one  
21 problem that we have is, you know, we want to make  
22 sure if we produce something, it's accurate.

23 MR. HART: Yeah, yeah. I know.

24 MS. MOLDENHAUER: And I mean, what you're  
25 asking is to go and almost go into everyone's back

1 yard and do --

2 MR. HART: Maybe it's just a section, then.

3 MS. MOLDENHAUER: -- like a tree study, know  
4 where the trees are. There are a lot of evergreens  
5 back there, to understand what trees are evergreens,  
6 what trees aren't. And we're not, you know,  
7 arborists. So, I just, I don't want to give something  
8 to the Board --

9 MR. HART: Yeah.

10 MS. MOLDENHAUER: -- that is not accurate.  
11 So, I don't know if, you know, if we go back or if you  
12 ask us to supplement the record, if we could even do  
13 that. And I think we might just simply rely on the  
14 fact that it's 130 feet, or more, as OP indicated.

15 MR. HART: How about this? Is it possible to  
16 show in the image, in the photographs, where the  
17 applicant's house is? So, do an outline of, you know,  
18 to show where that would be located in the -- because  
19 I'm really not sure.

20 MS. MOLDENHAUER: Okay.

21 MR. HART: Where is it? Where is the 30 feet?  
22 You know, the addition with that image, because they  
23 provided an image. Is there a way to be able to see  
24 that, to understand where that is? And right now I  
25 just have no idea where that is because it's hard to

1 gauge what that perspective is, you know, from that  
2 distance.

3 I understand that there's also a grade change.  
4 And, you know, again, there are these trees and  
5 fences and stuff that are there. But if there's some  
6 way to kind of see that, that would be helpful for us  
7 to you know, to be able to understand.

8 And if you can't -- if there's not something  
9 that is visible, then describe that. You know, like,  
10 this is where this -- you can see where the top of the  
11 building, of the applicant's existing house is, in  
12 this image. You see that it can't be seen from, you  
13 know, from here. I just, I'm just not sure and I  
14 think it would be helpful for us as we kind of move  
15 forward.

16 I appreciate the timeline. And this is  
17 helpful to kind of understand where some of this has  
18 been. And I don't want to have a timeline that shows  
19 where every e-mail and everything that's gone, because  
20 that's just not that helpful. I was just more looking  
21 for kind of the major kind of -- when you went to, you  
22 know, to the Old Georgetown Board, you know, you've  
23 come here, you come to ANC. Kind of, when were those  
24 you know, the major milestones, just so that we have  
25 kind of an understanding where that stuff is.

1 I understand that there's been, you know,  
2 there has been some outreach to the neighbors, and  
3 some discrepancy over whether or not that was how  
4 vigorous that outreach was. And I'm not going to get  
5 to the vigorous part. I understand that happened. I  
6 just, I appreciate having the timeline that was  
7 submitted to us today, and I'll look through it with a  
8 little bit more detail in the near future.

9 So, the two things that I was just looking for  
10 were drawings showing the changes in the design. And  
11 again, it is more of that perspective rendering that  
12 you had showing the existing and proposed -- I don't  
13 have the PowerPoint in front of me, unfortunately.

14 Not this one. This is the one. Can you go back one?

15 Yeah.

16 So, if you just show where the -- what some of  
17 the changes were, like you know, we made this Juliette  
18 balcony because, you know, as a -- responding to the  
19 OGB. You know, this second-floor addition does not go  
20 out to -- it maintains the court, the small court  
21 because, you know, this. That's the type of  
22 annotation that I'm looking for in this image, because  
23 I think this is helpful to kind of get to, this is why  
24 we got to this.

25 So that's the one thing. So the annotation of

1 this drawing. And then, and I said some sort of image  
2 from the south. That section that you had is helpful  
3 because that's the first time I'd actually seen that.

4 So, that gives me an idea of the distance between the  
5 Brodnig's, Mr. Brodnig and his wife's house, and the  
6 applicant's house. And including where that 30-foot  
7 entrance is.

8 My phone is picking up my voice.

9 Let's see, what else? And you did provide the  
10 timeline, so I'll look at that as well, and I'll end  
11 it there. But like I said, I just, I think that there  
12 are some things I need to kind of mull through before  
13 I get to a point that I can be able to decide. So,  
14 that's it.

15 CHAIRPERSON HILL: I've got my own things too,  
16 but anybody else want to start with what they want?

17 MR. TURNBULL: Well, I would agree with Vice  
18 Chair. We can't get into the weeds too much on the  
19 timeline and go back and nitpick who did this at 4  
20 o'clock a certain day.

21 I guess, just like a lot of BZA cases that we  
22 get into, there's this going on. There's  
23 miscommunication. There's misunderstanding between  
24 the applicant, the neighbors, and the parties. And  
25 one of the things -- and obviously we're not going to

1 -- I can't -- I don't want to get into the weeds of  
2 this today. I think we have a lot more to look at.  
3 But I think one of the things that we've often done,  
4 and still if I could -- Mr. Chair, it's up to you to -  
5 - we've often said, maybe the parties want to get  
6 together. The applicant and the other party. Maybe  
7 we're beyond that. But I still throw this out of  
8 parties getting together to talk about this one more  
9 time, and try to come, and maybe the applicant feels  
10 they don't want to do that. I don't know. But I  
11 would just throw that out, that as before we get to  
12 take a final look at this, that people sit down in a  
13 rational manner and go through this again, and just  
14 try to talk over the issues and see what happens.

15 MS. WHITE: Yeah, I would agree with what Mr.  
16 Turnbull just said because we're going to make a  
17 decision on this. So, we're going to look at the  
18 rules and we're going to look at the facts, and we're  
19 going to have to come to some type of resolution.  
20 Someone is not going to be 100 percent happy.

21 My preference is always to mediate and come to  
22 some kind of resolution. So, if we could get these  
23 additional items, but maybe in the meantime if the  
24 parties could have one more conversation to see  
25 whether or not there's something that might be able to



1 be offered that would make folks more happy than they  
2 are today, I think it would be a good idea because I  
3 think if we get additional information within a week,  
4 I don't know if we can get it on the schedule for  
5 decision next week. But we certainly would like to  
6 kind of press forward on this to try to allow the  
7 parties to make a decision about how they're going to  
8 handle their properties.

9 CHAIRPERSON HILL: Okay. I don't know whether  
10 I have to do this or not. Do I have to say, is there  
11 anybody here wishing to speak in support of the  
12 application? Is there anybody here wishing to speak  
13 in support?

14 [No audible response.]

15 CHAIRPERSON HILL: Is there anyone here  
16 wishing to speak in opposition?

17 [No audible response.]

18 CHAIRPERSON HILL: Okay. All right. I did  
19 that. And because I need to do it, so that's why I  
20 did it.

21 And then -- and I would like to kind of echo  
22 what my board, fellow board members just said, and to  
23 please add in as I kind of go through my thoughts. I  
24 would like to see, as Vice Chair Hart mentioned, kind  
25 of like what has been done to get to the design to

1 this point in terms of, you know, there were  
2 modifications that took place, it's been pulled back,  
3 there was you know, the court, open court that's been  
4 left, there's the roof that apparently has been  
5 designed to allow extra light.

6 I think that if there is -- and this is where  
7 I guess I am struggling with this, and I do, as a city  
8 resident, and one who again lives in a very densely  
9 populated area and has to deal with like, retail and  
10 neighbors, and noise, and all the things, I mean,  
11 we -- I guess what I'm trying to get at is, we live in  
12 the city. We understand things change, and it causes  
13 conflict. And it somewhat upsets me, actually, which  
14 is too bad because this is what this job is, is that  
15 you know, people are coming here. I mean, it's very  
16 clear, you want something. It's very clear you don't  
17 want that thing.

18 And so, you know, if you can kind of see if  
19 you can come together to possibly get to any kind of a  
20 point, and that point might be one person might think  
21 it's completely unreasonable. And this is, again, not  
22 talking about any of the standards that we do in terms  
23 of review, against the regulations. Like the Office  
24 of Planning, and I like to -- the Office of Planning  
25 is very like, hey, black, white, they have an opinion

1 and they give their feedback, which is what then us,  
2 as board members, are supposed to do to see whether we  
3 agree with the different pieces of feedback and how  
4 that applies towards the regulations.

5           So, there's the whole regulation aspect to it  
6 and how we go -- analyzing the standards. So, beyond  
7 that, it's kind of like, if neighbors can get together  
8 and get to a point where they can agree to something,  
9 you know, whether or not it's now just through the  
10 attorneys to try to get to something, you know, I  
11 would definitely encourage that.

12           Again, as I am interested in looking for it, I  
13 would like to see the design changes that have gotten  
14 us to this point. I know that I will go back and  
15 again review the record, review all the things that  
16 have been brought to us in terms of the party status  
17 people that have brought the information to us, go  
18 back and look at the Office of Planning, because the  
19 Office of Planning has given their technical opinion  
20 as to what they believe unduly -- and again, unduly is  
21 always the issue. I mean, obviously, you think that  
22 it is unduly affecting you; that that project, it  
23 would move forward.

24           And again, Ms. Schafer, like, you're the -- as  
25 again, one who has to deal with neighbors, I'm most

1 interested in your feedback on this. In terms of the  
2 property owners from behind, and I understand your  
3 opinion, it is far away in terms of how far back it  
4 is; how much it really unduly affects your yard. I  
5 mean, I'm giving you my quick little summary opinion  
6 on this, and we've been here for three hours now, so  
7 it's not something that we quickly get to.

8           And so, I'm just kind of giving my thoughts  
9 and the Board can clue in anything else they want.  
10 So, those are the things that I'm kind of interested  
11 in seeing.

12           So that being the case, it would take a little  
13 bit of time for you to provide those drawings, and  
14 just kind of how you -- I'm looking at the applicant  
15 now, how you kind of got to this point. Like, you  
16 know, it used to be this big. Now it's this big. You  
17 know, these are the things that got us to where, had  
18 there been more of discussion with Ms. Schafer at the  
19 beginning, however that kind of went through, maybe  
20 there are things that they have already kind of given  
21 up in terms of their ideal goal. Right? You know,  
22 they want a balcony that looks out over the bump out,  
23 and they want to hang out there, you know?

24           But in any case, so anyway, just try to talk a  
25 little bit more. And so, I don't know timeline, and

1 also as far as the Board goes, I don't know -- you  
2 know, I guess I definitely can't do it next week  
3 because I need a little time, even just to kind of  
4 regroup from this case, in order to take time to  
5 really look at it. So, I would say the earliest we're  
6 back here is --

7 [Pause.]

8 CHAIRPERSON HILL: And I can turn to the  
9 applicant. I mean, I know you guys have been at this  
10 a long time, and I, as one who has tried to go through  
11 development and processes, you know, well aware of  
12 timelines. I mean, you know, we're trying to get you  
13 there as quickly as possible, I guess, in terms of I  
14 don't know whether there's any financing issues, or  
15 anything like that at this point.

16 But I would suggest, Mr. Moy, I'm not here the  
17 20th. And that's why I'm looking at maybe the 27th.

18 MR. MOY: Maybe. I had wanted to ask the  
19 length of time the applicant will need to file. It  
20 sounds like it's quite a bit. And then my question of  
21 the Board was, when the applicant files, whether or  
22 not you want the parties to provide responses to what  
23 the applicant files. So, that would take us to the  
24 27th for sure.

25 CHAIRPERSON HILL: Sure. Okay. So, yeah. I

1 would have the party status individuals would have the  
2 opportunity to comment upon anything we asked from the  
3 applicant. So, that goes into the timeline. I'm  
4 trying to get you back here as soon as possible. Like  
5 I --

6 MS. MOLDENHAUER: And I completely -- I  
7 appreciate that.

8 CHAIRPERSON HILL: I'd love to send in an  
9 absentee vote on this one. You know? But I think I  
10 would rather be here.

11 MS. MOLDENHAUER: And I think that to make  
12 sure that we -- I mean, so one, just to respond to the  
13 comments about meeting. I'm here. It's 3:30. I'm  
14 probably not going to, you know, be that much  
15 productive at the office. We would be willing to go  
16 in across the street, and across the hallway, and have  
17 a conversation. I see shaking heads. We would be  
18 willing to do that and meet with them to have a  
19 conversation, even this afternoon.

20 But we would be able to probably file  
21 something in the record by the 8th, which is this  
22 Friday. That way that would give the opposition  
23 enough time to respond to it, and then the Board  
24 enough time to review both our submissions and  
25 responses. I mean, we could wait and file it on the

1 11th, which would give us maybe the weekend. But I  
2 would want to make sure that we have enough time for  
3 then, opposition to respond, for then the Board to  
4 hopefully keep it on the 27th.

5 CHAIRPERSON HILL: Yeah, I think, I mean, if  
6 you get stuff to us by the 8th or the 11th, I mean,  
7 we're not probably going to take a look at it this  
8 weekend anyways. So, right. I mean, so that they --  
9 the opposition would have an opportunity to look at  
10 it. And I appreciate, if you guys are interested in  
11 talking today, you're more than welcome to. I would  
12 be burned out if I were you guys, but that's you know,  
13 that's -- so anyway, but -- and the offer is there.

14 But I would encourage you all to like get  
15 together very soon. In terms of the timeline --

16 MS. GIORDANO: I would just say that I don't  
17 think any of these folks anticipated this was going to  
18 take so long. I didn't clue them in, and they have to  
19 get to work. So, I think this afternoon is out.

20 And in terms of response time, I think seven  
21 days is pretty standard. It might be in the rules. I  
22 don't know why it's standard, but we would need seven  
23 days to respond to any written submissions.

24 CHAIRPERSON HILL: Okay. So, that still gets  
25 you within the time frame. I mean, if you want to

1 give the stuff on Friday or Monday, that still gives  
2 them seven days to turn it around. Right, Mr. Moy?

3 MR. MOY: Yes. To provide out of an abundance  
4 of, you know, for the applicant, let's say Monday the  
5 11th, and then responses the following week, which  
6 would be Monday, the 18th. And then the Board can  
7 make a decision on the 27th. How does that sound?

8 CHAIRPERSON HILL: Sure. And then if you  
9 could get together before that, Monday the 18th, that  
10 would probably be, you know, great.

11 And let's see. I really wish that there  
12 was -- I mean, I don't know how people get to a  
13 position where they're all pleased, but if there is a  
14 way to get to a closer position, that would -- I mean,  
15 we just, it would be helpful. But as Ms. White  
16 mentioned, we're going to make a decision. And so,  
17 you know, we're going to make a decision on next week.  
18 Or no, I'm sorry, on the 27th. Twenty-seventh.

19 So we're going to do a meeting case on the  
20 27th? Okay. And then that's it.

21 MS. MOLDENHAUER: Chairman Hill, can I just --

22 CHAIRPERSON HILL: Sure.

23 MS. MOLDENHAUER: -- just point of  
24 clarification --

25 CHAIRPERSON HILL: Sure.



1 MS. MOLDENHAUER: -- because I know that when  
2 there's, you know, filings back and forth --

3 CHAIRPERSON HILL: Sure.

4 MS. MOLDENHAUER: -- and you've asked us for  
5 about three or four different things. None of them  
6 are requests for a closing argument. They are just  
7 simply factual images and diagrams that we will file  
8 under the record.

9 So the response, then, from opposition, would  
10 just simply be a response. I want to make sure that  
11 we're clear on, these are the responses, not a  
12 closing. It's just simply if they have specific  
13 responses to those images or additional images that  
14 they want to respond to, but not an additional  
15 argument that's presented because then obviously then  
16 we should then have a chance to respond to that, and I  
17 don't want to keep this thing going back and forth.

18 CHAIRPERSON HILL: That's okay. So there  
19 is --

20 MS. MOLDENHAUER: Or (simultaneous speech).

21 MS. GIORDANO: It's a response to the  
22 submission. I understand.

23 CHAIRPERSON HILL: Exactly. But also Mr.  
24 Brodnig and Ms. Lambert, you also have an opportunity  
25 to respond. And so what Ms. Moldenhauer is mentioning

1 is that they're going to submit drawings, and pretty  
2 factual things as to what has happened, and you have  
3 an opportunity to respond to those, right? And if you  
4 bring up new arguments, new discussions, then they  
5 have an opportunity to respond back to that.

6 So really, all you need to do is respond to  
7 what they're submitting, and it should be pretty black  
8 and white. It's like, you know, I'm just kind of  
9 throwing that out. Does that provide more clarity?  
10 Okay. And I appreciate that as well. Is that it?

11 Wow, I can't believe this is the first day  
12 back. September. I know.

13 Okay. Well, thank you all very much for  
14 coming down and appreciate it. Okay.

15 Mr. Moy, do we have anything else today?

16 MR. MOY: Nothing from the staff, Mr. Chair.

17 CHAIRPERSON HILL: Okay. All right. Then we  
18 stand adjourned. Thank you all.

19 [Whereupon, at 3:45 p.m., the public hearing  
20 and meeting were adjourned.]

21

22

23

24

25

## CERTIFICATE OF TRANSCRIPTIONIST

I, Kimberly Lawrie, do hereby certify that the foregoing proceeding was transcribed from a digital audio recording provided to me by Olender Reporting and thereafter was reduced to typewriting by me or under my direction.

I am not related to any of the parties in this matter, and this transcript is a true and accurate record of said audio recording to the best of my ability. The above information has been transcribed by me with a pledge of confidence, and I do hereby certify that I will not discuss or release the content or any information contained herein.



Kimberly Lawrie,  
Legal Transcriptionist