

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

WEDNESDAY

JANUARY 16, 2019

+ + + + +

The Regular Public Hearing convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 9:30 a.m., Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
LESYLLEE M. WHITE, Board Member

ZONING COMMISSION MEMBER PRESENT:

MICHAEL TURNBULL, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

## OFFICE OF PLANNING STAFF PRESENT:

ELISA VITALE  
BRANDICE ELLIOTT  
JONATHAN KIRSCHENBAUM  
KAREN THOMAS  
ANNE FOTHERGILL  
MATT JESICK

The transcript constitutes the minutes from the  
Public Hearing held on January 16, 2019.

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(9:50 a.m.)

1  
2 CHAIRMAN HILL: To go to the meeting cases, just  
3 so everyone knows in the audience, we are going to follow the  
4 agenda, except at the very end we're going to switch the last  
5 two cases so that the final case of the day is going to be  
6 Application Number 19841. Other than that, we're going to  
7 go in order.

8 And then there are some other different, again,  
9 due to people being sick and also the furlough, there's  
10 certain members that are missing on some of these cases. And  
11 I can explain that as we kind of move through them.

12 So, that being the situation, Mr. Moy, if you want  
13 to call our first hearing case, please do so.

14 MR. MOY: Thank you, Mr. Chairman. So, with that,  
15 the first hearing case would be Case Application Number 19820  
16 of Cambridge Holdings, LLC.

17 Caption and advertise for special exception under  
18 the residential conversion requirements of Subtitle U,  
19 Section 320.2, to convert an existing principle dwelling unit  
20 to a three-unit apartment house, RF-1 zone. This is at 1128  
21 Buchanan Street Northwest, Square 2918, Lot 113.

22 CHAIRMAN HILL: Okay, good morning. If you could  
23 please introduce yourselves for the record, from my right to  
24 left.

25 MR. RAMESHNI: I'm Farshid Rameshni from Cambridge

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1 Holdings.

2 MS. AKINSAN: Good morning. I am Olivia Akinsan,  
3 the designer on this project.

4 CHAIRMAN HILL: I'm sorry, sir, could you spell  
5 your name again for me?

6 MR. RAMESHNI: F-A-R-S-H-I-D, last name is  
7 Rameshni, R-A-M-E-S-H-N-I.

8 CHAIRMAN HILL: All right, Mr. Rameshni. Okay,  
9 I don't know whether you or Ms. Akinsan is going to present  
10 to us.

11 I guess I know why, what you were asked to do when  
12 you left here in terms of the whole chimney thing. And so,  
13 I guess, if you could just go ahead and start with telling  
14 us what's happened since the last time you were here. And  
15 whoever wants to go first, you can.

16 MS. AKINSAN: All right, I just start from the  
17 beginning. This is a special exception we're requesting for  
18 three units. The proper is currently a single-family  
19 dwelling located in the RF-1 zone.

20 Two units are permitted by right in this zone.  
21 We are, however, requesting a third unit. Our project  
22 involves a rear third story addition with rear decks that  
23 have included property line privacy screening.

24 Previous rear spiral staircases and a roof top  
25 deck have been removed from the design. Sunlight study has

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1 been provided to demonstrate the impact of the proposed  
2 development on the adjacent properties.

3 And lastly, the third-floor layout has been  
4 amended to include a lightwell so as not to block or impede  
5 the existing functioning chimney located at 1130 Buchanan.

6 CHAIRMAN HILL: Okay. And so, as I recall also  
7 for the Board, I mean, we basically heard all the testimony,  
8 and I think we even kind of began deliberations.

9 And then there was some discussion about the  
10 chimney issue and whether or not we wanted to hear from the  
11 Applicant in terms of what they were able to figure out in  
12 terms of the ten foot radius with the chimney issue,  
13 concerning also both neighbors in opposition on either side.  
14 We then have to approve for one of the chimneys to be moved.

15 Could you tell me what happened with the other  
16 neighbor in terms of the chimney? Is it not, it's inside the  
17 tenants --

18 MS. AKINSAN: It's not. It's about 13 feet away  
19 so it's not --

20 CHAIRMAN HILL: Okay.

21 MS. AKINSAN: -- in consideration.

22 CHAIRMAN HILL: Okay. And so, we did hear from  
23 the Office of Planning, we took public testimony.

24 So, just to let you guys know then again, so,  
25 Commissioner Shapiro is the person who was going to be here,

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1 but we don't have him here. So he's going to be watching  
2 this hearing.

3 And then if he has, and then we'll probably set  
4 it for a decision, depending upon how this goes. And then  
5 he could then participate, as well as Board Member John. She  
6 also was here at the original hearing I believe.

7 And so that's, I mean, just to let you know what's  
8 probably going to happen. If we get to a decision. And then  
9 if either Commissioner Shapiro or Board Member John had  
10 questions, we can always reopen and come back to questions.

11 Do you have any questions for the Applicant?

12 COMMISSIONER WHITE: Yes. I just want you to just  
13 restate for me, again, how you've addressed, in your revised  
14 plan, to resolve the chimney issue that was brought up during  
15 the last hearing? Just for the record. So we have a good  
16 idea. It will probably be asked again but I just want to  
17 hear it for the record.

18 MS. AKINSAN: Well, we've taken the ten foot  
19 radial distance from each corner of the existing chimney and  
20 created a lightwell on our property so as not to impact the  
21 existing chimney.

22 COMMISSIONER WHITE: Okay. Your revised plans,  
23 they're in exhibit?

24 MS. AKINSAN: The last exhibit.

25 COMMISSIONER WHITE: 51?

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1 MS. AKINSAN: Correct.

2 COMMISSIONER WHITE: Okay.

3 MS. AKINSAN: So I plug up and show or --

4 COMMISSIONER WHITE: I'm okay, yes. And there is  
5 no height issue in this particular application, right?

6 MS. AKINSAN: No, there is not.

7 COMMISSIONER WHITE: Okay.

8 CHAIRMAN HILL: Okay. Is the ANC here? No, okay.  
9 All right.

10 Let's see. So, I know that the ANC, I think they  
11 were here the last time and they were opposed to the  
12 conversion is what happened. And so, we were going to have  
13 a limited hearing today based upon, again, just the issue of  
14 the chimney.

15 I'm going to go turn to the Office of Planning  
16 just to hear about the revised drawings as well as whatever  
17 you'd like to tell us.

18 MS. VITALE: Good morning, Mr. Chair, Members of  
19 the Board. Elisa Vitale with the Office of Planning. The  
20 Office of Planning continues to recommend approval of the  
21 special exception relief for the conversion of the existing  
22 residential building to an apartment house.

23 With respect to the chimney, we would note that  
24 the building code issues related to clearance, from an  
25 existing operating chimney, that that would be evaluated and

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1 reviewed at the time of building permit. So, should there  
2 be any additional review of that, that would happen by DCRA.  
3 That concludes my report and I'm happy to answer any  
4 questions. Thank you.

5 CHAIRMAN HILL: Sure, go ahead please.

6 COMMISSIONER WHITE: Just one question. So, OP  
7 recommended removal of the roof deck, right, which was done.  
8 And they also, I think, recommended screening be added. And  
9 I just wanted to make sure that you were comfortable with,  
10 that those two things had been addressed.

11 MS. VITALE: Yes. Those were both recommendations  
12 of the Office of Planning in order to ensure that there were  
13 not negative impacts to privacy at the adjoining properties.  
14 And the revised plans do reflect those changes.

15 COMMISSIONER WHITE: Okay, thank you.

16 CHAIRMAN HILL: Okay. The Applicant, you guys are  
17 aware of the whole construction code comment that OP is  
18 mentioning?

19 MR. RAMESHNI: (No audible response.)

20 CHAIRMAN HILL: Could you just say yes on the  
21 record for me?

22 MR. RAMESHNI: Yes.

23 CHAIRMAN HILL: Okay, great. Thank you. Is there  
24 anyone here wishing to speak in support?

25 Is there anyone here wishing to speak in

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1 opposition? You can please come up forward. Please come  
2 forward. If you could please introduce yourself for the  
3 record? Yes, just go ahead and push that.

4 MS. PRATHER: My name is Cynthia Prather.

5 CHAIRMAN HILL: And, Ms. Prather, what's your  
6 address?

7 MS. PRATHER: I live at 7832 12th Street. Our  
8 address on this is 1130 Buchanan Street.

9 CHAIRMAN HILL: Okay. All right. And I believe  
10 you came here and testified during the last hearing.

11 MS. PRATHER: That's correct.

12 CHAIRMAN HILL: And so, we're basically having a  
13 limited scope hearing, just on the chimney issue and what  
14 they're doing. So I'm going to give you three minutes to  
15 speak on anything you like concerning the chimney. And you  
16 can begin whenever you like.

17 MS. PRATHER: Okay, thank you for this  
18 opportunity. I just have a couple of questions.

19 One is, I went to the website to look at the last  
20 plan and the one I pulled up had Hamlin Street. I don't know  
21 whether another one was added but the address at the bottom  
22 was not Buchanan Street. So that's one question.

23 CHAIRMAN HILL: Okay, that's okay. Let's go ahead  
24 and get through your testimony and then --

25 MS. PRATHER: Okay, the second is, I don't

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1 understand how a lightwell, is that what the word you said,  
2 how a lightwell addresses the chimney, so I would just like  
3 an explanation of that.

4           And my other question was about the quorum issue.  
5 My understanding was that you would make a decision or you  
6 would vote on it, on this chimney issue, based on today, and  
7 I don't see a quorum so I'd like clarity on how that would,  
8 whether you will defer this or, I didn't understand what you  
9 were saying about people not being here or whatever that was.  
10 So that's the third thing.

11           The other is, let me see. Yes, I think I had  
12 something else but that's what I see right now.

13           CHAIRMAN HILL: Okay. So, Ms. Prather, and I'm  
14 trying to just remember again. Are you the house that, which  
15 house are you in terms of the relationship with the property?

16           MS. PRATHER: 1130, right next door. But here,  
17 if you're going east, so the 1128 is here, our house is here.  
18 1130 is here and 1126 is here.

19           CHAIRMAN HILL: Okay. Maybe, Ms. Akinsan, you can  
20 help me. Are they the property that you're creating the  
21 lightwell to get around?

22           MS. AKINSAN: Correct.

23           CHAIRMAN HILL: Okay.

24           MS. AKINSAN: If you look up there, they're on the  
25 left-hand side.

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1 CHAIRMAN HILL: Okay. They're the ones that have  
2 the chimney that's near the ten feet, okay.

3 MS. AKINSAN: Correct.

4 CHAIRMAN HILL: So, Ms. Prather, I guess a couple  
5 of things. One, like we are currently taking testimony in  
6 terms of what your position is in terms of either opposition  
7 or support.

8 I'm going to try to answer your questions, I'm  
9 just kind of letting you know that it's not really, you're  
10 not necessarily a party that we're participating in questions  
11 and answers with, right?

12 In terms of the deliberation issue, Peter Shapiro,  
13 who's the Commissioner, and Lorna John, whose also a Board  
14 Member, who were originally here, they will now watch this  
15 tape. And so, they'll watch this hearing.

16 We will probably postpone a decision until we have  
17 a quorum and can actually deliberate. So, they'll go ahead  
18 and be watching this tape.

19 In terms of the issues with the lightwell, I  
20 believe, and maybe the Office of Planning can address in  
21 terms of the regulation, they just have to be within ten  
22 feet, or there has to be ten feet clearance of the chimney,  
23 is that correct?

24 MS. VITALE: I would defer to DCRA with respect  
25 to specific code requirements. But those will be reviewed

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1 at the time of building permit application.

2 CHAIRMAN HILL: Okay. So, the regulations is, as  
3 I understand them again, there has to be ten feet from where  
4 the chimney is. So you are, they had offered to raise the  
5 chimney, at one point, and you were not interested in them  
6 raising the chimney so therefore they've cut around the ten  
7 feet to offer enough air so that, and I'm just, as the Office  
8 of Planning has said, this is something that would go through  
9 during the permitting phase with DCRA.

10 They, DCRA, will determine whether or not they,  
11 the Applicant, is in compliance with the building code. And  
12 so, if they are in compliance with the building code, they  
13 will be able to build what we're approving now. And so  
14 that's the chimney issue.

15 There was a third question?

16 (Off microphone comment)

17 CHAIRMAN HILL: Oh, the address on the bottom of  
18 the --

19 MS. PRATHER: Yes, on the --

20 CHAIRMAN HILL: Ms. Akinsan, can you explain that?

21 MS. AKINSAN: That address is part of my title  
22 block. It's the same one every sheet. And has been like  
23 that. The address of the property is at the bottom of the  
24 plans.

25 CHAIRMAN HILL: Okay. All right. So it's not the

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1 property, it's your --

2 MS. PRATHER: Oh, it's your address.

3 CHAIRMAN HILL: -- address. Okay, great.

4 MS. PRATHER: Oh, oh, I see.

5 CHAIRMAN HILL: Okay. All right, Ms. Prather.

6 Well, thank you very much for your testimony. Did you get  
7 your questions answered?

8 MS. PRATHER: I will just confirm that when I  
9 called the Office of Planning about the chimney issue, they  
10 said that it would go through their permit process, what you  
11 just said.

12 CHAIRMAN HILL: Okay. And just so I'm clear  
13 again, you're still, you didn't clarify with me whether  
14 you're in support or opposition. You're still in opposition  
15 to the application?

16 MS. PRATHER: Yes.

17 CHAIRMAN HILL: Okay, all right. Okay, well,  
18 thank you very much.

19 MS. PRATHER: I still, I don't understand the  
20 light --

21 CHAIRMAN HILL: Okay. Well, I'm going to, and  
22 it's okay, Ms. Prather. I think that perhaps the Office of  
23 Zoning, across the hall, could help direct you where to get  
24 your answers, questions concerning DCRA and the chimney  
25 issue. Okay?

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1 MS. PRATHER: Okay, thank you.

2 CHAIRMAN HILL: Thank you very much.

3 MS. PRATHER: Thank you.

4 CHAIRMAN HILL: All right. Does the Applicant  
5 have any questions for the, I'm sorry, does the Board have  
6 any questions for the Applicant? Okay.

7 All right, do you guys have anything else you'd  
8 like to add in conclusion?

9 MR. RAMESHNI: (No audible response.)

10 CHAIRMAN HILL: Just say no for me on the record.

11 MR. RAMESHNI: No.

12 CHAIRMAN HILL: Okay, thank you. All right, then  
13 since there's just you and I, I mean, I'm going to go ahead,  
14 and close the record.

15 And I guess, if again, Commissioner Shapiro or Ms.  
16 John have questions that they would like to have answered,  
17 we can go ahead and reopen the record and go ahead and take  
18 care of that time. But as of now, Mr. Moy, I'm going to go  
19 ahead and close the record.

20 And then I will allow Commissioner Shapiro and Ms.  
21 John to watch this, and then we can go ahead and, unless Ms.  
22 White you have any questions, I was going to go ahead and  
23 we'll set it for decision?

24 COMMISSIONER WHITE: Sounds good.

25 CHAIRMAN HILL: Okay. All right, so, Ms. White

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1 said that's okay with her. So, Mr. Moy, we'll set this for  
2 decision. When will Mr. Shapiro be back? Well, I guess,  
3 actually it doesn't matter.

4 MR. MOY: This is set for decision, so, the Board  
5 still has the arrangement with the absentee ballot. Because  
6 the next hearing is January 30th --

7 CHAIRMAN HILL: Right.

8 MR. MOY: -- which I believe --

9 CHAIRMAN HILL: I think we can do that. That's  
10 still two weeks then.

11 MR. MOY: Yes. We still can --

12 CHAIRMAN HILL: We're going to have time to --

13 MR. MOY: Yes.

14 CHAIRMAN HILL: -- allow Mr. Shapiro and Ms. John  
15 to watch the tape.

16 MR. MOY: Yes. Yes.

17 CHAIRMAN HILL: Okay. So, it's set for decision.  
18 Can you tell me that date again, Mr. Moy?

19 MR. MOY: January 30th.

20 CHAIRMAN HILL: Okay, great. So, we're going to  
21 set it for decision January 30th. And just so you know  
22 again, you can watch it if you want to. We don't take any  
23 testimony or anything during decisions, and so it's up to you  
24 guys if you want to come. Okay?

25 All right, thank you all very much.

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1 MS. AKINSAN: Thank you.

2 CHAIRMAN HILL: All right, Mr. Moy, you can,  
3 whenever you like, you can continue this journey of, you  
4 know.

5 MR. MOY: Thank you, Mr. Chairman. Yes, indeed,  
6 this is a journey.

7 Case Application Number 19828 of 3423 Holmead  
8 Place, LLC as amended for special exceptions under the non-  
9 residential conversion requirements, Subtitle U, Section  
10 320.3, and under Subtitle E, Section 5201 from the minimum  
11 court requirements, Subtitle E, Section 203.1 and  
12 nonconforming structure requirements, Subtitle C, Section  
13 202.2, and pursuant to Subtitle X, Chapter 10.

14 This is for variances from the front setback  
15 requirements, Subtitle B, Section 315.1(c) and the limit on  
16 number of stories under Subtitle E, Section 303.1, to convert  
17 an existing church to a seven-unit apartment house. This is  
18 RF-1 zone at 3423 Holmead Place Northwest, Square 2834, Lot  
19 163.

20 And I believe, Mr. Chairman, that the Board's  
21 decision meeting on November 28th, 2018, that the Board voted  
22 to deny the variance for the number of stories. This was  
23 last heard, was scheduled for the remaining relief for  
24 December 5th, 2018, but that was rescheduled, postponed, to  
25 today's date.

1 CHAIRMAN HILL: All right, if you could please  
2 introduce yourself for the record?

3 MS. WILSON: Alex Wilson from Sullivan & Barros  
4 on behalf of the Applicant.

5 CHAIRMAN HILL: So, Ms. Wilson, they didn't send  
6 the architect or anything, they just sent you?

7 MS. WILSON: They just sent me.

8 CHAIRMAN HILL: They sent you, all right. So,  
9 this case is also one wherein I have a sick Board Member and  
10 a missing Board Member. And so, Chairman Hood will also be  
11 watching this as will Ms. John.

12 And so, we'll go ahead and kind of work through  
13 this as best we can. I am a little surprised to see you to  
14 a certain extent. Like, I didn't think, we were going to  
15 deny the whole, no, we weren't going to deny the whole thing.  
16 We didn't necessarily know whether you were going to get this  
17 opportunity, so, it's interesting that you did.

18 If you could please go ahead and walk us through  
19 what's happened since the last time you were here, including  
20 the conversation that you obviously had with the ANC, that  
21 would be great. Thank you.

22 MS. WILSON: Absolutely. So, as Mr. Moy stated,  
23 you voted to deny the fourth story variance. But I believe  
24 there was support for the other areas of relief when I  
25 reviewed the transcript.

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1           So, the project has been redesigned to have only  
2 three stories, but it still utilizes the 40 foot special  
3 exception height.

4           The plans were presented to the ANC on their  
5 meeting. I believe it was one week ago. And there was  
6 unanimous ANC support for the plans.

7           CHAIRMAN HILL: Okay, how did you, now I'm just  
8 curious, how did you guys just change the plans, are they  
9 just higher ceilings?

10          MS. WILSON: Yes, they're 13 foot high ceilings.

11          CHAIRMAN HILL: On all the floors?

12          MS. WILSON: I believe so.

13          CHAIRMAN HILL: Okay. All right. And you don't  
14 know whether there was, there was, I remember, a person that  
15 was in opposition and I can't remember, have you heard from  
16 that person by any chance?

17          MS. WILSON: We have not.

18          CHAIRMAN HILL: Okay. Okay. Does the Board have  
19 any questions for the Applicant?

20                 Okay, I think maybe Ms. White will have a question  
21 for you, but I'm going to turn the Office of Planning, just  
22 for their report on the new design.

23          MS. ELLIOTT: Good morning, Mr. Chairman and  
24 Members of the Board. Brandice Elliott representing the  
25 Office of Planning.

1           The revised drawings are not requesting any  
2 additional relief, so we have not provided any new analysis.  
3 We stand on the record of our reports dated October 4th and  
4 November 7th, where we did recommend approval of the variance  
5 relief from the front setback rules of measurement as well  
6 as approval of the special exception relief for the  
7 conversion and the court and additions to nonconforming  
8 structures.

9           So, I'm happy to answer any questions you have.

10           CHAIRMAN HILL: Okay, great, thanks. Does the  
11 Applicant have any questions for the Office of Planning?

12           MS. WILSON: No, thank you.

13           CHAIRMAN HILL: Okay. Is the ANC here? Okay.

14           Okay, just again, and I think we went over this  
15 the last time, but there was a condition from DDOT about the  
16 landscape and the tree zone and the sidewalks. Install one  
17 tree and apply to remove the existing Sunday parking  
18 restrictions fronting the site.

19           MS. WILSON: Yes, we agreed to both of those  
20 restrictions.

21           CHAIRMAN HILL: You're still in agreement of  
22 those?

23           MS. WILSON: Yes.

24           CHAIRMAN HILL: Okay. All right. Okay. Is there  
25 anybody here wishing to speak in support?

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1 Is there anyone here wishing to speak in  
2 opposition? Okay.

3 Ms. Wilson, do you have anything you'd like to add  
4 at the end?

5 MS. WILSON: No, thank you.

6 CHAIRMAN HILL: Okay. So, Mr. Moy, I'm going to,  
7 again, then do what we just did, which is close the hearing  
8 and then ask Chairman Hood to watch this hearing, as well as  
9 Ms. John. And if, or Board Member John I should say, and if  
10 they do have any questions, we can always reopen the hearing  
11 in order to allow for questions. Otherwise we'll go ahead  
12 and set it for a decision.

13 MR. MOY: Yes, sir.

14 CHAIRMAN HILL: And I think Chairman Hood is back  
15 here the next time, is that correct?

16 MR. MOY: Actually, it's Mr. Peter May. Mr. Hood  
17 would be scheduled for the following week on February 6th.

18 CHAIRMAN HILL: Okay. So, just out of curiosity,  
19 Mr. May is furloughed.

20 MR. MOY: Yes.

21 CHAIRMAN HILL: Oh, depending if this goes another  
22 two weeks is what you're --

23 MR. MOY: What I believe, well --

24 CHAIRMAN HILL: That's okay, I was just curious.  
25 We can deal with that when it happens too.

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1 MR. MOY: Okay.

2 CHAIRMAN HILL: All right. So, okay. Then in  
3 that case, let's go ahead and just, I mean, the Applicant's  
4 here, I mean, it's one week later, would that be fine with  
5 the Applicant?

6 MS. WILSON: Yes.

7 CHAIRMAN HILL: Okay. All right. So, Mr. Moy,  
8 go ahead and let's set this for decision when Chairman Hood  
9 is back. I thought you said February 6th?

10 MR. MOY: Yes, February 6th.

11 CHAIRMAN HILL: Okay. All right, well, thank you  
12 all very much. Thank you very much.

13 All right, Mr. Moy.

14 MR. MOY: All right, the next case application  
15 before the Board is Number 19831 of RUPSHA, R-U-P-S-H-A,  
16 2011, LLC.

17 This application, as amended for area variances  
18 from the side yard requirements of Subtitle D, Section 307.1,  
19 and the common division wall requirement, Subtitle D, Section  
20 307.4, to construct a new semi-detached principal dwelling  
21 unit, R-2 zone at 4813 Jay, J-A-Y, Street Northeast, Square  
22 5149, Lot 87.

23 CHAIRMAN HILL: Okay, great. Good morning. If  
24 you could please introduce yourself for the record?

25 MR. SIKDER: Good morning. My name is Mohammed

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1 Sikder and I am the owner of the property.

2 CHAIRMAN HILL: All right, Mr. Sikder. Well,  
3 we're somewhat in the same position that we're going to be  
4 in, I guess, for this case as well as the next case that you  
5 have coming up.

6 There is, I do not have a quorum in terms of the  
7 people that I need due to, again, illness and just some  
8 things that have come up, I guess, with some Board Members.  
9 So, we're going to do the same thing that we've been doing,  
10 which is that we're going to go ahead and have this hearing  
11 and we're going to see where we get in terms of the end of  
12 the hearing.

13 And then I guess Commissioner Miller, as well as  
14 Ms. John, will also have an opportunity to watch the  
15 testimony given. And we'll see whether we get to setting  
16 this for a decision or not after we've gone through this.

17 I know that you were here before and there were  
18 some questions or some changes that you needed to make. We  
19 did get a letter from the ANC, however, if you could go ahead  
20 and walk us through, again, how you're meeting the variance  
21 standard for the relief you're requesting.

22 And then if you could also tell us what happened  
23 since the last time you were here. What have you done since  
24 the last time you were here.

25 I'm going to go head and put ten minutes on the

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1 clock, Mr. Moy, just so I know where we are. And you can  
2 begin whenever you like. You need to push the button.

3 MR. SIKDER: Yes, last time it was like three  
4 floors. First floor, second floor and third floors. And we  
5 reduced to two floors. Because that was the requirements by  
6 ANC.

7 So that's the immediate change. I mean,  
8 otherwise, the width requirement is three feet, is still the  
9 same as we asked before.

10 CHAIRMAN HILL: Okay. So, you had to post for the  
11 variance test. Did you post for the variance?

12 MR. SIKDER: Oh yes. I have that, yes.

13 CHAIRMAN HILL: Okay. Because it was a little  
14 bit, I guess, difficult still to see. I just need to see on  
15 the record, you did post for the variance?

16 MR. SIKDER: Yes.

17 CHAIRMAN HILL: Okay.

18 MR. SIKDER: Yes, currently the lot area  
19 requirement is 3,000 square feet, and we have 2,377 square  
20 feet. And lot width requirement is 30 feet and we have 20  
21 feet, eight inches. And the lot occupancy is 40 percent and  
22 we are providing 34.75 percent.

23 So, for side yard we are asking the variance of  
24 three feet, eight inches. No, we are providing ten feet,  
25 eight inches.

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1           So, the property is unique by design of exception  
2 narrowness, shallowness or other extraordinary or exception  
3 situation or condition. So the subject property is unique  
4 in exceptional situation because the adjacent property on the  
5 right side is already double lot and in separate ownership.

6           And the property on the left side is vacant lot.  
7 Which is also in separate ownership.

8           We contacted to the owner of this vacant lot for  
9 a possible purchase but did not receive any response.  
10 Therefore, there is an opportunity to combine both lots to  
11 create a conforming lot.

12           The second analysis is, by reason of the  
13 aforementioned unique or exception condition of the property,  
14 the strict applications of the zoning regulation will result  
15 in peculiar and exception practical difficulties or to  
16 exceptional and undue hardship upon the owner of the  
17 property.

18           Because of this unique and exceptional situation,  
19 we have a practical difficulty to build a house which can be  
20 functional. Without BZA relief, the property would be  
21 incapable of being developed.

22           Variance to build proposed two-story structure  
23 would not limit the light and air to adjacent properties or  
24 to other dwellings in the neighborhood. We will also provide  
25 one car parking at the rear of the proposed structure and

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1 thus will not be any burden of street parking.

2 Yes, that's all I have to say now. And if you  
3 have any questions, I will answer.

4 CHAIRMAN HILL: Okay. What I just want clarity  
5 on, I guess, Mr. Sikder, is again, in the posting you did,  
6 because the photograph that you submitted, it was difficult  
7 to read the area variance, you did post for the side yard  
8 area variance in your posting, yes?

9 MR. SIKDER: Yes.

10 CHAIRMAN HILL: Okay. All right. All right, I'm  
11 going to turn to the office, well, does the Board have any  
12 questions? Okay, I'm going to turn to the Office of  
13 Planning.

14 MR. KIRSCHENBAUM: Jonathan Kirschenbaum for the  
15 Office of Planning. Based on the Applicant's revised plans  
16 now build a semi-detached house, we recommend approval. And  
17 I will rest on the record. Please let me know if you have  
18 any questions.

19 CHAIRMAN HILL: Okay, does the Board have any  
20 questions for the Office of Planning?

21 COMMISSIONER WHITE: Yes. Could you just state  
22 again, just in terms of the variance, the task, the three-  
23 prong, just for the record, that the Applicant has met the  
24 three-prong test and why you believe that to be the case?

25 MR. KIRSCHENBAUM: Sure. So the subject record

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1 lot has been historically in existence, which, under the 2016  
2 zoning regulations, means that -- so, though it does not meet  
3 the lot width and lot area requirements, because there was  
4 an existing record lot at the time of the 2016 zoning  
5 regulation passage, that means that it, the zoning  
6 regulations say that's it a developable lot.

7 So that means two things. First of all, they  
8 don't need to meet minimum lot width and minimum lot area  
9 requirements, but it also means that their entitled to have  
10 some sort of development.

11 By given the narrow width of the lot, they can't  
12 have a house that is wide enough. But I believe it would be,  
13 so, if they were to meet the requirement, the house would be  
14 about 12 feet wide.

15 And so, the practical difficulty here is that,  
16 it's really not practical to build a house that narrow. So  
17 they need variance relief from the side yard requirement.

18 And the side yard requirement in an R-2 zone is  
19 eight feet, and they are going down to three feet, three  
20 feet, eight inches. And they're doing it as a semi-detached  
21 house.

22 COMMISSIONER WHITE: Thank you.

23 CHAIRMAN HILL: Okay. And, Mr. Sikder, I guess  
24 we did get your, you did present to the ANC 7C, and I got  
25 their letter in the record in terms of, the vote was five to

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1 7, or I'm sorry, five to zero in support of the variance.  
2 So you did present this to them again, correct?

3 MR. SIKDER: Correct.

4 CHAIRMAN HILL: Okay. All right, do you have any  
5 questions for the Office of Planning, Mr. Sikder?

6 MR. SIKDER: No.

7 CHAIRMAN HILL: Okay. Is there anybody here  
8 wishing to speak in support?

9 Is there anyone here wishing to speak in  
10 opposition? All right.

11 Is there anything you'd like to add at the end,  
12 Mr. Sikder?

13 MR. SIKDER: No.

14 CHAIRMAN HILL: Okay. All right. Then I'm going  
15 to, unless the Board has any more questions, because I do  
16 not, I'm going to go ahead and ask that Commissioner Miller,  
17 as well as Board Member John, watch this videotape. And  
18 then, unless, Ms. White, you have any difference of opinion,  
19 go ahead and set this for a decision?

20 COMMISSIONER WHITE: Yes.

21 CHAIRMAN HILL: Okay, so let's set this for a  
22 decision. And then, Mr. Moy, I guess actually now, that I  
23 think about it, I guess, we're going to have a deliberation  
24 on the 19823, also now on February 3rd. And Commissioner  
25 Miller is going to come in for that.

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1           So we can also schedule this then for decision on  
2 that same day?

3           MR. MOY: Yes, sir. That would be February the  
4 6th.

5           CHAIRMAN HILL: Oh, I'm sorry, February the 6th.  
6 All right, so we're going to set this for a decision on  
7 February the 6th. Unless again, Commissioner Miller or Board  
8 Member John had further questions, in which case we'd reopen  
9 the record. Okay? All right, thank you. Thank you.

10           And I believe you're here for the next one,  
11 correct, so you can just stay right there if you like.

12           MR. MOY: Thank you, Mr. Chairman. And that next  
13 one is Case Application Number 19832, Yasmine Sikder, as  
14 amended for area variances from the side yard requirements,  
15 Subtitle D, Section 307.1, and the common division wall  
16 requirement, Subtitle D, Section 307.4, to construct a new  
17 semi-detached principal dwelling unit, R-2 zone. This is at  
18 308 62nd Street Northeast, Square 5267, Lot 44.

19           CHAIRMAN HILL: If you could please introduce  
20 yourself for the record?

21           MR. SIKDER: My name is Mohammed Sikder and I am  
22 representing my daughter, Yasmine Sikder.

23           CHAIRMAN HILL: Okay. Mr. Sikder, this is a  
24 family business now, huh?

25           (Laughter)

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1           CHAIRMAN HILL: So, all right, Mr. Sikder, so, the  
2 last time you were here, again, there was some questions in  
3 terms of what kind of relief you needed. And I guess you  
4 could tell me what you have done since the last time you were  
5 here.

6           If you could also clarify that you have posted for  
7 the variance relief, the side yard relief, in your posting.  
8 Okay, if you could tell us that you have posted, re-posted  
9 that. Or confirm that for us.

10           And I'm going to go ahead and put ten minutes on  
11 the clock so you could walk us through, again, your  
12 application as to how you're meeting the standards for us to  
13 grant the relief you're requesting. And you can begin  
14 whenever you like.

15           MR. SIKDER: Sure. This lot is in R-2 zone. And  
16 it is only, we have here 22 feet for the lot area is, we are  
17 providing, okay, as per the requirements is 3,080 square  
18 feet. Yes, this lot is located on the left side of the  
19 alley, so there is no other way we could expand to this lot.

20           And, so, last time I think it was, the ANC members  
21 opposed of having it three floors. So we reduced to two  
22 floors and extending the, I mean, width wise.

23           So that's what we tried our best to accommodate  
24 their requirements. And also, we talked to Office of  
25 Planning and we made the corrections to make, I mean, to

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1 conform with their requirements.

2           Now, we did some -- the side yard, there is no way  
3 we could extend the width of the lot because on the right  
4 side of our lot having a different ownership and the left  
5 side is an alley. So there is no way we could extend to make  
6 the lot to conform with the zoning requirements.

7           And because of the unique and exceptional  
8 situation, we have a practical difficulty to build the house  
9 which can be functional. Without BZA relief, then the  
10 property would be incapable of being developed.

11           Preparedness to build proposed two-story structure  
12 would not limit the light and air to adjacent properties or  
13 to other dwellings in the neighborhood. We also provide one  
14 parking at the rear of the proposed structure, and that will  
15 not be any burden of the street parking.

16           For now, that's all. And if you have any  
17 questions I could respond.

18           COMMISSIONER WHITE: Mr. Sikder, I'm looking at  
19 the ANC's report and they expressed opposition to the  
20 application. And I'm just reading their second paragraph in  
21 Exhibit 53.

22           And they were opposed because, one of the things  
23 they said, that the development would reduce the overall  
24 width of the alleyway and would not allow emergency response  
25 vehicles to maneuver in that area. And I just wanted to,

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1 I'll ask OP as well, but I wanted to get your feedback on  
2 that.

3 MR. SIKDER: I do not see any reason how, because  
4 of this, I mean, we are not really encroaching to the alley.  
5 Alley is the public space, and this lot is, we are not doing  
6 anything with the alley.

7 So, I do not know how it would, I mean, shrinking  
8 the alley size. And the emergency vehicle can fit. I mean,  
9 I do not if emergency vehicle can pass through the alley  
10 because there is a wide street in the front.

11 But regardless, in my opinion, I don't think our  
12 building will shrink or make, I mean, any kinds of hampering  
13 in the alley. So I do not know their, what exactly they are,  
14 I mean, the reason of opposition.

15 We, what we did as for the design wise, we did as  
16 much as we could. We reduced from three floors to two  
17 floors. And any other requirements we did. But I do not  
18 know their opposition of this, width of the alley.

19 CHAIRMAN HILL: Okay, I'm going to turn to the  
20 Office of Planning.

21 MS. THOMAS: Good morning, Mr. Chair. Karen  
22 Thomas with the Office of Planning.

23 We are standing in support of this application.  
24 Mr. Sikder has provided the three foot side yard that's being  
25 requested. He modified the plans. And we think that that

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1 satisfies the criteria for the requested variance.

2           As previously stated in the last hearing, this is  
3 a developable lot, which is entitled to development. But it  
4 is not wide enough so the provision of two, eight foot side  
5 yards would not be, would render it undevelopable because you  
6 can't develop a house with that narrow width.

7           With respect to the issue of emergency vehicles  
8 not being able to go down the alley, there actually is a  
9 street light, a street pole, a light pole, in the alley. And  
10 if one of the reasons why we asked Mr. Sikder to pull back  
11 that three foot to develop the house, not on the property  
12 line, would also help not hinder that light pole in the  
13 alley.

14           So, it is a 15 foot wide alley. I'm not aware  
15 that emergency vehicles typically go down alleys, but a  
16 garbage truck, probably currently goes down the alley now,  
17 and it's wide enough to support that. And there is an actual  
18 pole in the alley. Which, if you have to talk about  
19 hindrance, the light pole would hinder anything. But not the  
20 house. The proposed dwelling.

21           COMMISSIONER WHITE: So, just based upon your  
22 review of the project, his development is not encroaching  
23 onto the alley?

24           MS. THOMAS: No, his development is not  
25 encroaching. Everything is being done entirely within a

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1 private space and not public space.

2 COMMISSIONER WHITE: Okay, thank you.

3 CHAIRMAN HILL: Can you, if you don't mind, walk  
4 me through the variance standard again and how you kind of  
5 came to that conclusion?

6 MS. THOMAS: Sure. The current zoning regulations  
7 require a side yard to be vetted on each free-standing side  
8 for dwellings on the R-2 zone. And where there is no common  
9 division wall, a side yard should be provided.

10 But due to the large width, the regulations would  
11 require 16 feet of the 22 feet available, leaving six feet  
12 remaining for construction of a dwelling. Therefore, we had  
13 proposed a semi-detached home with a three foot side yard,  
14 which abuts the alley. A semi-detached home is allowed in  
15 the, it's permitted within the R-2 zone district.

16 We did not see a substantial deterrent to the  
17 public good as the lot's development would fill in an  
18 undeveloped gap along the residential street. As proposed,  
19 the home would be similarly located, as other residential  
20 buildings on the street, which typically do not have an eight  
21 foot side yard on both sides. So we don't see it affecting  
22 light and air.

23 Where it abuts the other property line, there is  
24 a side yard, which on the adjacent property, which afford  
25 light and air to the apartment building to the right of the

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1 proposed house. So, we don't see any restrictions to light  
2 and air, privacy, to the existing, adjacent development.

3 And so, the intent of the side yard development  
4 is to ensure that there is sufficient open space between  
5 proposed and adjacent uses. And we don't see that a proposed  
6 lack of side yard to the north and the three feet side yard  
7 to the south, would be inconsistent to prior development.  
8 So, which has no minimal side yard.

9 And, again, the R-2 zone permits semi-detached  
10 homes. So we do not see any substantial harm to the  
11 regulations. And with that, we stand on the record of  
12 support for this application. Thank you.

13 CHAIRMAN HILL: Thank you. Mr. Sikder, do you  
14 have any questions for the Office of Planning?

15 MR. SIKDER: No.

16 CHAIRMAN HILL: Okay. Just again, conformation,  
17 so you did post for the side yard variance on your posting?

18 MR. SIKDER: That's right.

19 CHAIRMAN HILL: Okay. All right. Okay, all  
20 right. Let's see. Is there anyone here wishing to speak in  
21 support?

22 Is there anyone here wishing to speak in  
23 opposition? Please come forward. You can sit down anywhere.  
24 If you can just state your name for the record?

25 MS. GAFFNEY: Mary Gaffney.

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1 CHAIRMAN HILL: Can you spell your last name for  
2 me?

3 MS. GAFFNEY: G-A-F-F-N-E-Y.

4 CHAIRMAN HILL: All right, Ms. Gaffney. So, I'm  
5 going to go ahead, as a member of the public you get three  
6 minutes to speak. And there's a clock on the left, right and  
7 right in front of you. And you can begin whenever you like.

8 MS. GAFFNEY: Okay. Good morning. I oppose the  
9 granting of the variance. My community had many meetings and  
10 the variance does not meet the requirements of having a  
11 building there.

12 The property is just too narrow. It's not enough  
13 space for him to build that building there. And we sent a  
14 letter about building that semi-detached dwelling.

15 The house is not in compliance with the rest of  
16 the buildings that are there. And all the other buildings  
17 do have a side area property. Side area to walk and what  
18 have you. Side yards on all other properties. And his  
19 property just doesn't fit within the neighborhood.

20 And it's really difficult and strange. And I  
21 wonder if the members do, maybe take a visit at these areas  
22 when builders ask for variance. That particular property,  
23 it is entirely too small to build a house there.

24 CHAIRMAN HILL: Are you finished?

25 MS. GAFFNEY: I guess so. What we need to say is

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1 that the variance should not be granted because of the size  
2 of the lot that needs to build a house on.

3 And the pole that you were talking about, that's  
4 within that little property also, near the alley. So  
5 therefore, he has to have space for that pole also, and that  
6 pole is on that property that he wants to build that new  
7 semi-detached dwelling.

8 CHAIRMAN HILL: Okay. All right. Does the Board  
9 have any question for the witnesses? For the witness. Okay.

10 All right, Ms. Gaffney. Does the Applicant have  
11 any questions for the Witness?

12 MR. SIKDER: No.

13 CHAIRMAN HILL: Okay. All right, Ms. Gaffney,  
14 thank you very much.

15 MS. GAFFNEY: You're welcome.

16 CHAIRMAN HILL: All right, let's see. All right,  
17 so, Mr. Sikder, do you have anything else that you'd like to  
18 add?

19 MR. SIKDER: I'm looking at the, I mean, looking  
20 at the map, I mean, almost all houses, at least one, two,  
21 three, houses are semi-detached, similar to ours. And we are  
22 also having side yard. Only thing is almost same side yard.

23 Most of them I see that they have opportunity to  
24 four feet side yard they have. So, I do not know --

25 CHAIRMAN HILL: Okay, that's all right, Mr.

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1 Sikder, I'm just asking if you have any conclusions  
2 concerning your application.

3 MR. SIKDER: No, that's --

4 CHAIRMAN HILL: Okay. All right. Okay, does the  
5 Board have any further questions? All right.

6 So then, I'm going to do the same thing that we  
7 did the last time, which is, unless the, unless my fellow  
8 Board Member has any opposition to this, go ahead and set  
9 this for a decision, again, and allow Commissioner Miller and  
10 Board Member John to watch this hearing and then set this for  
11 decision on the same day as we did before, Mr. Moy, which  
12 was?

13 MR. MOY: The 6th of February.

14 CHAIRMAN HILL: 6th of February. And then if  
15 Board Member John or Commissioner Miller has any questions,  
16 we can reopen the case. Okay. You said February 6th, again?  
17 I'm sorry.

18 MR. MOY: Yes, February 6th.

19 CHAIRMAN HILL: All right. So we're going to  
20 have, so both of these are going to be on decision until  
21 February 6th. So feel free to go ahead and, again, watch  
22 them if you like. The decision. We don't take any testimony  
23 during the decisions. And thank you very much.

24 MR. SIKDER: Thank you.

25 CHAIRMAN HILL: And we're going to take an actual

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1 quick five, ten minute break, okay?

2 (Whereupon, the above-entitled matter went off the  
3 record at 10:42 a.m. and resumed at 10:53 a.m.)

4 CHAIRMAN HILL: All right, Mr. Moy, whenever you  
5 like.

6 MR. MOY: Thank you, Mr. Chairman. The Board is  
7 reconvening and the time is at or about 10:53. That sounds  
8 pretty exact.

9 So, I have, if I can have, I believe, parties to  
10 the table to Case Application Number 19900. This is of  
11 Christopher and Katelyn Kimber.

12 This application is for a special exception under  
13 Subtitle E, Section 5201 from the lot occupancy requirements  
14 of Subtitle E, Section 304.1, to construct a three-story rear  
15 addition to an existing, attached, principal dwelling unit,  
16 RF-1 zone. This is at 1215 Carrollsburg Place Southwest,  
17 Square 651, Lot 69.

18 CHAIRMAN HILL: Okay, great, thank you. Could you  
19 please introduce yourself for the record?

20 MS. FOWLER: Good morning, my name is Jennifer  
21 Fowler, I'm the architect representing the homeowner.

22 CHAIRMAN HILL: Okay, Ms. Fowler. I guess, if you  
23 could go ahead and walk us through what your client is trying  
24 to propose. And then also, how you're meeting the standards  
25 for us to grant the relief requested.

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1 I'm going to go ahead and put 15 minutes on the  
2 clock just so I know. And I notice, you are case 19900, I  
3 was thinking, I was wondering, at 2000 I think we're going  
4 to give a prize.

5 (Laughter)

6 CHAIRMAN HILL: You know, just everybody wants to  
7 plan that out, we'll see. Can you give out prizes? No,  
8 probably not, Mr. Moy. All right, never mind, no prize. All  
9 right, you can go ahead and start whenever you like.

10 MS. FOWLER: Okay, thank you. So, this is a  
11 request for relief for two things. We have lot occupancy  
12 request.

13 Currently, the property, the building and porch  
14 at the back cover 68.3 percent, so we're only asking for a  
15 small increase to 69.7 percent. And that is removal of a  
16 rear porch that's in really bad condition, old sleeping  
17 porch, to be replaced with a rear addition that's going to  
18 be expanding just about a foot beyond the existing porch now.

19 The porch does have a roof. And it has kind of  
20 in-filled sizes, so it's kind of essentially, we're not  
21 changing the density of the first two floors substantially.

22 We are also proposing a third-floor addition above  
23 the house that's setback five feet, ten inches from the front  
24 of the property line from the front. So, that, again, is  
25 just not part of the relief except for we're just asking for

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1 the lot occupancy and we're expanding a non-contributing, or  
2 a non-conforming property. So 202.2.

3 So, we have substantial support on this project.  
4 We've got letters. And if you saw on the record, I have to  
5 credit my homeowner client, went and reached out to just  
6 about everyone on the block.

7 We did get letters in support from the two  
8 adjacent neighbors who were comfortable with the proposal and  
9 the impact. People from across the street as well. Because  
10 it is a visible addition, people were happy that we were  
11 setting it back and kind of maintaining the facades.

12 This is a very intact row of houses.  
13 Carrollsburg, it's a very interesting beautiful street. Very  
14 narrow. And there are examples of other third floors that  
15 are going up on the block, but we are setting back.

16 We also have the support of the ANC as well. So,  
17 in general, it was very well received throughout the  
18 community. I don't really have anything else to add unless  
19 there is questions.

20 CHAIRMAN HILL: All right, does the Board have any  
21 questions of the Applicant?

22 COMMISSIONER TURNBULL: I just had a couple. The  
23 ANC had four comments or --

24 MS. FOWLER: Yes.

25 COMMISSIONER TURNBULL: And I'm not sure, it says,

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1 provide a copy of the soils test result in case remediation  
2 is needed?

3 MS. FOWLER: Yes, there was some construction  
4 concerns they had that we discussed at the meeting. To be  
5 honest, I think they are not as familiar with small  
6 residential products.

7 COMMISSIONER TURNBULL: Okay.

8 MS. FOWLER: They deal with a lot of large  
9 development in that are. So some of them are things that  
10 they would have probably expected from a developer for a  
11 large project.

12 COMMISSIONER TURNBULL: Right.

13 MS. FOWLER: But my clients are obviously happy  
14 to stay in touch with ANC.

15 COMMISSIONER TURNBULL: Okay.

16 MS. FOWLER: I think there was some, wanted some  
17 construction, they wanted a construction timeline, which I  
18 provided them and a few other items.

19 COMMISSIONER TURNBULL: Yes. They say talk about  
20 the, ensuring that the dumpster is covered at the end of the  
21 construction day.

22 MS. FOWLER: Right. Right.

23 COMMISSIONER TURNBULL: So, I mean, just some  
24 basic housekeeping concerns, I guess.

25 MS. FOWLER: Right. Right.

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1 COMMISSIONER TURNBULL: Okay, thank you.

2 MS. FOWLER: Yes.

3 CHAIRMAN HILL: And I guess, along those lines.  
4 The condition, I don't mean conditions I guess, the specific  
5 comments that the ANC did bring up.

6 I don't necessarily know if they are conditions  
7 that we would necessarily, would necessarily fall within our  
8 purview because they're construction issues, however, I  
9 assume that your client plans mitigating some, not  
10 necessarily, as you just mentioned, will keep inform the ANC  
11 of the timeline, I guess, in terms of the construction.

12 And then, are there any other things that your  
13 client has intended on doing in order to keep everyone  
14 informed as to mitigation of dust, I mean, just taking care,  
15 basically housekeeping as Commissioner Turnbull mentioned?

16 MS. FOWLER: We did discuss that we share the soil  
17 report because that is something we'll have to do as part of  
18 the permitting process. Typically wait till we get the  
19 zoning approval before we embark on that expense.

20 So we did offer to share that with them. And  
21 also, to give them periodic updates on the schedule.

22 We didn't get into details about dust mitigation  
23 or dumpsters or anything of that matter yet. We don't have  
24 a builder onboard yet.

25 CHAIRMAN HILL: Okay. But it's the Applicant's

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1 intent to be a good neighbor --

2 MS. FOWLER: Yes.

3 CHAIRMAN HILL: -- and to construct the property  
4 in a good neighborly way?

5 MS. FOWLER: Yes. As you can see, they've done  
6 all the outreach at this phase and I don't think that's going  
7 to change. They definitely have a very well-connected block.  
8 And spoke to as many neighbors as they could get a hold of  
9 about the process.

10 CHAIRMAN HILL: Okay, great. I'm going to turn  
11 to the Office of Planning.

12 MS. FOTHERGILL: Good morning. I'm Anne  
13 Fothergill with the Office of Planning. And the Office of  
14 Planning rests on the record in support of this application.  
15 And I'm happy to take any questions.

16 CHAIRMAN HILL: Does the Board have any questions  
17 of the Office of Planning?

18 COMMISSIONER WHITE: Just one question. With the  
19 development, were they able to, with the rear addition,  
20 mitigate any privacy concerns with respect to that  
21 development?

22 I mean, there are no windows in that part of the  
23 development that I just wanted to have you address that for  
24 me quickly, just so I'm clear.

25 I'm trying to look at the architectural plans.

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1 Maybe I should have just asked the Applicant, but I thought  
2 I could just run that by you as well.

3 MS. FOWLER: Sure. On the, looking at the plans  
4 on the first floor there is a screened in porch where, as the  
5 Applicant's architect mentioned, there is currently an open  
6 porch.

7 And then the second floor has been expanded into  
8 an enclosed master bedroom with windows on the rear  
9 elevation, but there are not windows on the new side  
10 elevation. And on the third floor the same. So, there will  
11 not be windows on the sides, there will be windows off the  
12 rear.

13 COMMISSIONER WHITE: Thank you.

14 CHAIRMAN HILL: Okay. Does the Applicant have any  
15 questions for the Office of Planning?

16 MS. FOWLER: No, thank you.

17 CHAIRMAN HILL: All right. Is there anyone here  
18 from the ANC?

19 Is there anyone here wishing to speak in support?  
20 Please come forward.

21 (Off microphone comment)

22 CHAIRMAN HILL: Sure. You can go ahead and come  
23 forward. You need to speak in the microphone, I'm sorry.  
24 And if you could state your name and address?

25 MS. RUFFIN-COLBERT: My name is Vanessa Ruffin-

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1 Colbert. I live at 1224 Half Street Southwest and I'm at the  
2 end of the, I guess, the block of houses that are of concern.  
3 I share the alley.

4 CHAIRMAN HILL: Okay. Ms. Ruffin-Colbert, did you  
5 get sworn in earlier? Did you take the oath earlier?

6 MS. RUFFIN-COLBERT: I should take it.

7 CHAIRMAN HILL: Okay. If you can stand up please?  
8 And if anybody else is here wishing to testify, if you could  
9 take the oath administered by the Secretary here to my left.

10 MR. MOY: Do you solemnly swear or affirm that the  
11 testimony you're about to present in this proceeding is the  
12 truth, the whole truth and nothing but the truth?

13 MS. RUFFIN-COLBERT: I do.

14 MR. MOY: Thank you, you may be seated.

15 MS. RUFFIN-COLBERT: Thank you. Thank you.

16 CHAIRMAN HILL: Of course. So, Mr. Ruffin-  
17 Colbert, again, you're going to have, as a member of the  
18 public, three minutes to provide your testimony. There is  
19 a clock on either on the ceiling, and I think there's one  
20 right in front of you as well. And you can begin whenever  
21 you like.

22 MS. RUFFIN-COLBERT: Okay. I'm kind of the  
23 historian of that section of houses and so I'm very familiar  
24 with the structures and how they exist. Both past, present  
25 and towards the future where we're going.

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1 In reviewing the plans, I became concerned over  
2 the fact that even though the structure is planned very well,  
3 two things. I approve that we are going to have three-story  
4 structures and that this one was well designed.

5 However, a rooftop deck that only has a three foot  
6 banister above that five foot porch on the front, I have a  
7 concern about that additional rooftop decks and that there  
8 is a rear yard, not be included in whatever is passed.  
9 Because it is on the drawings, it is part of the addition  
10 that is talked about.

11 There are two small children in that household.  
12 I don't know whether there will be snowballs off the roof in  
13 the future or what, but that I do not support even though I  
14 do support the third-story.

15 The other thing, in the mitigation of the soil,  
16 all of those houses have storm water controls that originally  
17 led into the ground and into the sewer system. Presently  
18 with new construction, the new attitude is to run it off as  
19 surface water. Which we should not have to take if it should  
20 be tied into the combined system.

21 So those are my two concerns or objections in this  
22 third-story addition. But I do support the overall design  
23 outside of those two concerns. Thank you.

24 CHAIRMAN HILL: Okay, thank you. Did you go to  
25 the ANC meeting?

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1 MS. RUFFIN-COLBERT: No, I did not.

2 CHAIRMAN HILL: You didn't, okay.

3 MS. RUFFIN-COLBERT: I'm presently in the process  
4 of doing my own construction out of the city --

5 CHAIRMAN HILL: Okay.

6 MS. RUFFIN-COLBERT: -- so I don't have time.

7 CHAIRMAN HILL: All right, that's fine. And did  
8 you have an opportunity to review the Office of Planning's  
9 report?

10 MS. RUFFIN-COLBERT: Just the -- no.

11 CHAIRMAN HILL: I was just curious.

12 MS. RUFFIN-COLBERT: Not in total.

13 CHAIRMAN HILL: I'm just curious.

14 MS. RUFFIN-COLBERT: No, I haven't.

15 CHAIRMAN HILL: Okay. All right. Does the Board  
16 have any questions for the witness? Okay. D o e s t h e  
17 Applicant have any questions for the witness?

18 MS. FOWLER: I guess I'm confused about the roof,  
19 the deck. Is it a safety concern or privacy? Because I see  
20 you're down at the end of the block so I don't think that the  
21 privacy will be an issue for you but --

22 MS. RUFFIN-COLBERT: It's primarily, in long-term,  
23 a safety concern.

24 MS. FOWLER: Safety.

25 MS. RUFFIN-COLBERT: Because there is only a three

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1 foot. Most rooftop decks that go out over space that is that  
2 close to the sidewalk, because the front of that house is  
3 right on the sidewalk. So there is only five feet of space.

4 And that five foot balcony that's at the third  
5 level, before you go up to that rooftop deck is the only  
6 stoppage you have of anything that goes down. And like I  
7 said, they got two small kids that are going to turn into  
8 teenagers or whatever.

9 I have no control, none of us do, as to what can  
10 come off that roof.

11 CHAIRMAN HILL: I don't think anybody has control  
12 over teenagers.

13 MS. RUFFIN-COLBERT: Yes. But three feet.

14 CHAIRMAN HILL: Right. Yes.

15 MS. RUFFIN-COLBERT: I mean, this table is not a  
16 substantial height --

17 CHAIRMAN HILL: Okay. All right.

18 MS. RUFFIN-COLBERT: -- for safety.

19 MS. FOWLER: I would say it's 42 inches.

20 CHAIRMAN HILL: Okay.

21 MS. FOWLER: It's three and a half feet actually.

22 CHAIRMAN HILL: Okay.

23 MS. FOWLER: But --

24 CHAIRMAN HILL: Okay.

25 MS. RUFFIN-COLBERT: I'm still looking more at a

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1 concern. And it would bring them up above the elevations.

2 CHAIRMAN HILL: Okay.

3 MS. RUFFIN-COLBERT: Something on the order of  
4 five feet or a reasonable fence or abutment.

5 CHAIRMAN HILL: All right. Any more questions,  
6 Ms. Fowler?

7 MS. FOWLER: No, thank you.

8 CHAIRMAN HILL: Okay, great.

9 MS. RUFFIN-COLBERT: Thank you.

10 CHAIRMAN HILL: All right, Ms. Ruffin-Colbert,  
11 thank you very much.

12 MS. RUFFIN-COLBERT: Thank you.

13 CHAIRMAN HILL: All right. Does the Board have  
14 any questions for the Applicant? Oh, no, I'm sorry, hold on.  
15 Did anybody wish to speak in opposition?

16 (No audible response)

17 CHAIRMAN HILL: Okay. And I asked whether anyone  
18 was here from the ANC, okay. Does the Board have any more  
19 questions for the Applicant?

20 (No audible response)

21 CHAIRMAN HILL: Okay. Ms. Fowler, do you have  
22 anything else at the end?

23 MS. FOWLER: No, I don't have anything to add.  
24 Thank you.

25 CHAIRMAN HILL: Okay. All right, great. All

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1 right, I am going to go ahead and close the hearing. Is the  
2 Board ready to deliberate?

3 COMMISSIONER WHITE: Yes.

4 CHAIRMAN HILL: Okay, I can begin. I thought that  
5 the Office of Planning's report was quite thorough in terms  
6 of how they had met the requirements for us to grant the  
7 application.

8 I was also glad to see the ANC's approval of the  
9 application. In terms of the construction mitigation, some  
10 of the things that they had mentioned before, as I mentioned  
11 earlier during the hearing I don't think it's something that  
12 is within our purview, however, I am happy to see that the  
13 Applicant has agreed, well, not agreed, is planning on being  
14 a good neighbor during the construction process and I know  
15 that this architect has been before us many times and I am  
16 sure has every intent of fulfilling, you know, being a good  
17 neighbor during the construction.

18 There were 13 letters in support. In terms of the  
19 opposition I guess that, you know, the design or things that,  
20 you know, by code, you know, in terms of we'd be able to, are  
21 things that, you know, are allowed by code and so whether or  
22 not they are safe or not are things that, you know, will be  
23 determined by the permitting process.

24 So I would be in favor of this application. Does  
25 the Board have anything else they would like to add?

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1           COMMISSIONER TURNBULL: Mr. Chair, I would agree  
2 with your comments entirely. I also think that the Applicant  
3 -- I was very glad to see that on the rooftop on the access  
4 to the roof deck was able to utilize a roof access skylight  
5 door and not have to try to do a pop-up with actual stairs  
6 that would, with an extra building on top of the roof, so I  
7 think that was a very conscientious move.

8           I think that also is better with the scale of the  
9 surrounding buildings. So I am -- And, again, the parapet  
10 wall, as Ms. Fowler said, is 3-1/2 feet, which is a code  
11 requirement and it's -- I have no issues. Again, I think as  
12 you were making a comment, I think that's really -- None of  
13 us can control what anybody would do up there, but I think  
14 that it's been very well addressed and I think the -- and I  
15 am quite acceptable with the plans that I see.

16           COMMISSIONER WHITE: Yes, Mr. Chairman, I concur  
17 with the comments. I really don't have anything further to  
18 add. I just wanted to make sure, you know, that the criteria  
19 were met for the special exception relief that they are  
20 seeking.

21           I also note that the lot occupancy for this  
22 particular application is below 70 percent. Also, I think  
23 they have addressed the privacy concerns really well in terms  
24 of the placement of the windows for the additional part of  
25 the development for this particular case.

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1           So with ANC's support, with OP's support, both of  
2 which have provided good insight in terms of the criteria  
3 that is necessary for these particular applications, I would  
4 be in support of the application for special exception.

5           I respect the comments that came from Ms. Ruffin-  
6 Colbert. I understand, you know, her concerns, but I believe  
7 that those concerns, obviously, will be addressed during the  
8 construction code phase of this particular development, so  
9 I appreciate you keeping an eye out on things in the  
10 neighborhood.

11           But with that I would be in favor of this  
12 particular application, Mr. Chair.

13           CHAIRMAN HILL: Okay. I will make a motion to  
14 approve Application Number 19900 as captioned and read by the  
15 Secretary and ask for a second.

16           COMMISSIONER WHITE: Second.

17           CHAIRMAN HILL: Motion has been made and seconded.  
18 All those in favor in say aye.

19           (Multiple ayes)

20           CHAIRMAN HILL: All those opposed?

21           (No audible response)

22           CHAIRMAN HILL: Motion passes, Mr. Moy.

23           MR. MOY: Staff would record the vote as 3-0-2.  
24 This is on the motion of Chairman Hill to approve the  
25 application for the relief requested, seconded the motion Ms.

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1 White, also in support Mr. Michael Turnbull.

2 We have two other members not present with us  
3 today. The motion carries.

4 CHAIRMAN HILL: Okay, great. Thank you, Mr. Moy.  
5 Thank you very much. All right, Mr. Moy, if you'll call our  
6 last case.

7 MR. MOY: Thank you, Mr. Chairman. So if we could  
8 have parties to the table to Case Application Number 19841.  
9 This is of Habitat for Humanity of Washington D.C., as  
10 amended for special exception under Subtitle C, Section  
11 305.1, from the subdivision requirements of Subtitle C,  
12 Section 302.2, and pursuant to Subtitle X, Chapter 10, for  
13 an area variance from the side yard requirements, Subtitle  
14 D, Section 307.1.

15 This would replace two detached dwelling units  
16 with 17 new semi-detached and attached dwelling units on a  
17 single record lot, R-2 zone. This is at 900-914 55th Street,  
18 N.E., Square 5204, Lot 22.

19 CHAIRMAN HILL: Okay, great. Good morning. If  
20 you could please introduce yourselves from my right to left.

21 MR. BOWERS: I am Rick Bowers. I am the Senior  
22 Vice President of Habitat for Humanity.

23 MS. BLOOMFIELD: Jessica Bloomfield with the law  
24 firm of Holland and Knight.

25 MS. SLATER: Susan Slater, President and CEO of

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1 Habitat for Humanity of Washington, D.C.

2 MS. MONTANO: Ana Montano, Project Architect from  
3 Stoiber & Associates.

4 MR. WHITE: James White, resident of 822 55th  
5 Street, N.E.

6 CHAIRMAN HILL: Okay. Mr. White are you here with  
7 the application or are you here presenting in support or  
8 opposition?

9 MR. WHITE: I am not either opposing or support,  
10 I just want to be on the record.

11 CHAIRMAN HILL: Okay. So there will be the public  
12 portion of the testimony after they have had an opportunity  
13 to present their application.

14 MR. WHITE: Correct.

15 CHAIRMAN HILL: So we'll call you up at that time.

16 MR. WHITE: Okay.

17 CHAIRMAN HILL: Let's see. So, Ms. Bloomfield,  
18 you are going to present to us?

19 (No audible response)

20 CHAIRMAN HILL: Okay. So if you could go ahead  
21 and again walk us through the project and what it is you are  
22 trying to accomplish and all of the different pieces of  
23 relief that you are requesting and also how you are meeting  
24 the standard for us to grant that relief.

25 There was I know in the DDOT report some

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1 discussion about an easement, so you'd kind of like point  
2 that out as well. We did get the most recent letter from the  
3 ANC that just came in so you can speak to that.

4           You know, you are our big project of the day,  
5 right, and you're the end of the day, okay, and so, you know,  
6 we are going to let you kind of have a little bit more time  
7 because we want to hear about what you have to say.

8           So I'm going to go ahead and put 15 minutes on the  
9 clock right now for us to begin and, you know, take your time  
10 and just walk us through what you are trying to accomplish.

11           MS. BLOOMFIELD: Great. Thank you very much. As  
12 a preliminary matter I would also like to note that we filed  
13 the amendment to the application after we filed our pre-  
14 hearing submission and that modification was sent to the ANC,  
15 the 200-foot property owners, and to all the District  
16 agencies more than 40 days before this hearing but the  
17 noticed was not published in the D.C. Register until 33 days  
18 before this hearing and so we requested a waiver from the 40-  
19 day provision in our pre-hearing submission and I don't  
20 believe the Board had ruled on that yet.

21           It's our belief that since all the impacted  
22 parties were given more than 40 days notice and the property  
23 has been posted since October 3rd and the posting was updated  
24 with the new relief there would be no adverse impact in  
25 waiving the requirement. So I just wanted to raise that as

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1 a preliminary matter.

2 CHAIRMAN HILL: And that's in 58, Exhibit 58?

3 MS. BLOOMFIELD: Um --

4 CHAIRMAN HILL: I'm just trying to see where the  
5 -- because I didn't see it originally that's why I am --

6 MS. BLOOMFIELD: The request for the waiver, which  
7 is the way the Office of Zoning recommended we request it,  
8 was in, yes, 58, Exhibit 58 I think on the first or second  
9 page. Yes, the first page of Exhibit --

10 (Simultaneous speaking)

11 CHAIRMAN HILL: No, I got it. I'm looking at --

12 MS. BLOOMFIELD: Okay.

13 CHAIRMAN HILL: I'm looking at it. Okay, and it's  
14 from the D.C. Register.

15 MS. BLOOMFIELD: Just the Register, right.

16 CHAIRMAN HILL: Right.

17 MS. BLOOMFIELD: Because they needed --

18 CHAIRMAN HILL: Everything else you are in  
19 compliance with, right.

20 MS. BLOOMFIELD: Right, they need a week and a  
21 half or so to submit it before it would get published and  
22 there just wasn't enough time for Office of Zoning to do  
23 that.

24 CHAIRMAN HILL: I understand. I would agree with  
25 your argument, unless the Board has any issues, and waive

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1 that requirement.

2 (Off microphone comment)

3 CHAIRMAN HILL: Okay. So, Mr. Moy, by consensus  
4 we are going to waive that requirement, okay.

5 MR. MOY: Yes. Thank you, Mr. Chair.

6 CHAIRMAN HILL: Okay.

7 MS. BLOOMFIELD: Thank you.

8 CHAIRMAN HILL: All right, Ms. Bloomfield. Mr.  
9 Moy, could you start that clock again at 15 minutes? Thank  
10 you. Thank you.

11 MS. BLOOMFIELD: Good morning, members of the  
12 Board. We are here today requesting relief from two areas  
13 of the regulations, the first is the theoretical lot  
14 subdivisions and the second is a variance from the side yard  
15 width requirements for property at 900 55th Street, N.E. in  
16 the R-2 zone.

17 The site plan as currently proposed is up on your  
18 screen. As you can see the application proposes to construct  
19 17 new single-family for sale homes on a single record lot.  
20 Each home will have 3 bedrooms, 2-1/2 bathrooms, an open  
21 kitchen and living floor plan, an interior parking garage for  
22 one car and significant outdoor space.

23 The homes will be developed by Habitat for  
24 Humanity and will be sold at 60 to 80 percent of the median  
25 family income, thus providing true family-sized affordable

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1 housing.

2           As requested by the Office of Planning and DDOT  
3 we have revised the original site plan significantly to  
4 connect to the street grid through the site by way of a  
5 private driveway that will be open to the public at all  
6 times.

7           The application materials and the pre-hearing  
8 submission as revised sets forth how the application meets  
9 the standards of the zoning relief requested, and I will go  
10 through that quickly.

11           First, the application meets the development  
12 standards established for theoretical lot subdivisions and  
13 will not have an adverse impact on the present character or  
14 the future development of the neighborhood.

15           The application meets the general special  
16 exception standard of review as well because the theoretical  
17 lots will be in harmony with the purpose and intent of the  
18 zoning regulations and zoning map and will not adversely  
19 affect neighboring property.

20           In fact, when we met with the ANC they requested  
21 we reduce the height of the homes from 3 stories to two  
22 stories and these homes reflect that. They are now two  
23 stories with the same approximate square footage and bedroom  
24 size, et cetera.

25           The second area of relief is the variance for the

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1 side yard width. The property is exceptional due to its  
2 extremely large size compared to others in the surrounding  
3 neighborhood and square.

4 It is irregular shape and its limited street  
5 frontage which make it practically difficult to divide this  
6 site into lots with compliant side yards. Of the 17 units  
7 11 have non-compliant side yards.

8 However, this will not result in a substantial  
9 detriment to the public good or zone plan since this  
10 currently under-utilized site will be re-developed with  
11 affordable family-sized homes that are consistent with the  
12 architecture, height, and density of the surrounding  
13 neighborhood.

14 We have presented this application to Office of  
15 Planning and DDOT on multiple occasions and have revised the  
16 project from the original proposal in response to comments  
17 from those agencies.

18 We are pleased to have support from the Office of  
19 Planning on this application with no conditions. DDOT's  
20 report also noted support for the application with one  
21 condition, that the applicant record an easement over the  
22 private driveway through the site for public use.

23 It is our preference to not record the easement  
24 but to include as a condition to the BZA order that the  
25 private driveway remain open to the public at all times.

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1           We also met with ANC 7C on many occasions and this  
2 past Thursday evening they voted to support the application  
3 at their monthly public meeting and the letter was submitted  
4 at around 1:00 this morning to the record, which you should  
5 have, and I have copies if you don't.

6           Finally, I would note that on Monday night the  
7 Zoning Commission was scheduled to take final action on Case  
8 17-23 which would have approved text amendments to the R  
9 zones, which in our case our site is in the R-2 zone.

10           The hearing unfortunately was postponed due to the  
11 snowstorm, and I am bringing this up because it applies to  
12 our case under the regulations as they are currently written,  
13 single detached dwellings are required to have a yard on both  
14 sides of the building.

15           And under the proposed amendment, which should  
16 have been taken final action, was scheduled for final action  
17 on Monday night, proposed action has already been taken.  
18 This requirement was eliminated so it would make single  
19 detached dwellings not required to have a side yard on both  
20 sides.

21           Our project includes one single detached dwelling  
22 that has only one side yard. It is the southernmost dwelling  
23 on the west side of the private drive. We requested zoning  
24 relief from the side yard width requirements.

25           We did not request relief from the requirement

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1 that single detached dwellings have two side yards. The  
2 requirement was supposed to be eliminated on Monday and very  
3 likely will be eliminated by the time that Habitat applies  
4 for its building permit application, so it should have been  
5 a non-issue and we did not request relief.

6           However, out of an abundance of caution because  
7 the Zoning Commission decision meeting on this case was  
8 postponed this past Monday we would like to today request  
9 relief from Subtitle D, Section 307.4, in addition to 307.1,  
10 which we already requested.

11           The variance standard and the reason for relief  
12 is exactly the same as already in the record for the side  
13 yard width.

14           CHAIRMAN HILL: All right, can you -- Can you say  
15 that all again?

16           MS. BLOOMFIELD: I'll say it again.

17           CHAIRMAN HILL: Yes, okay. So D, 307.4 --

18           MS. BLOOMFIELD: Yes.

19           CHAIRMAN HILL: -- what relief are you trying to  
20 add?

21           MS. BLOOMFIELD: D, Section 307.1, is what we  
22 requested and that's for the width of the side yard, right,  
23 so some of the homes don't have side yards that are eight  
24 feet wide, some of them are five feet and 5-1/2 feet. That  
25 is the relief we have already requested. 307.4 is a

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1 different subsection --

2 CHAIRMAN HILL: Right, but you still need 307.1,  
3 correct?

4 MS. BLOOMFIELD: Correct, yes.

5 CHAIRMAN HILL: Right, okay.

6 MS. BLOOMFIELD: I am adding one. We don't  
7 believe we will need it at the time that Zoning reviews this  
8 application.

9 CHAIRMAN HILL: Right, and this all comes in again  
10 even -- I think you were here for a couple of these now where  
11 like, you know, the Zoning Commission is going to do  
12 something, and I always forget it has to get posted somewhere  
13 before we can actually vote on it, right, or before it takes  
14 effect, and now I am going to go to OAG again. How does that  
15 work again?

16 MR. TONDRO: In this particular case what the  
17 Applicant is stating is that they had not applied for it, I  
18 believe, if the Applicant wants to confirm that.

19 MS. BLOOMFIELD: Mm-hmm.

20 MR. TONDRO: They had not applied for it because  
21 they believed that it would have passed that would have been  
22 at their risk because they are required to build according  
23 to the plans and by the time that they submit for building  
24 permit application if the rules have changed then they  
25 wouldn't need that, but I believe the Applicant is in light

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1 of the fact that the decision meeting was postponed for the  
2 Zoning Commission they are therefore asking for this  
3 additional relief.

4 CHAIRMAN HILL: Right. And now I am just asking  
5 you, I guess, OAG, if the decision meeting had taken place  
6 on time they wouldn't, they still wouldn't need to be asking  
7 for this relief now?

8 There was something -- I always -- And this was  
9 like, you know, and our other Board member, you know, the  
10 post, I forget how the posting works.

11 MS. BLOOMFIELD: So this one is a different from  
12 what I think you are thinking of a couple times ago when I  
13 was here, which was we were trying to request relief from a  
14 portion of the zoning regulations that hadn't been put into  
15 the zoning regulations yet.

16 In this case a requirement is being removed, so  
17 we would be taking a risk by not requesting the zoning relief  
18 and assuming that by the time we apply for our building  
19 permit it gets reviewed by zoning the requirement would be  
20 removed at that point.

21 We still think it will be removed by that point,  
22 but because the final action wasn't taken this past Monday  
23 out of extra caution we would like to add that to our case  
24 if you all believe it would be, if you all think --

25 (Simultaneous speaking)

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1           CHAIRMAN HILL: I see. I still haven't decided  
2 what I think yet, but I understand what you are saying. I'm  
3 just trying to get through this. So then D, 307.4, is what  
4 you are adding?

5           MS. BLOOMFIELD: Yes.

6           CHAIRMAN HILL: Okay.

7           MS. BLOOMFIELD: Which would have likely gone away  
8 on Monday night.

9           CHAIRMAN HILL: I understand. I understand.  
10 Okay, we can get Office of Planning's take on that after we  
11 get to wherever we get to. Okay, I'm with you.

12           MS. BLOOMFIELD: Okay. So that summarizes our  
13 application. I would like to turn it over to Susan Slater,  
14 President and CEO of Habitat for Humanity of Washington,  
15 D.C., to describe the need for this project and Habitat's  
16 recent success in constructing similar projects in the area.

17           MS. SLATER: Good morning. Do you want to re-set  
18 the timer or I can be a few minutes?

19           CHAIRMAN HILL: It's okay.

20           MS. SLATER: Okay.

21           CHAIRMAN HILL: You can go ahead, that's fine.  
22 You're our last case.

23           MS. SLATER: Okay.

24           CHAIRMAN HILL: You can take all the time you'd  
25 like.

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1 MS. SLATER: Well, thank you, sir, thank you.

2 CHAIRMAN HILL: Okay, there you go.

3 MS. SLATER: Good morning. As described I am the  
4 President and CEO of D.C. Habitat for Humanity of Washington  
5 D.C. Habitat has --

6 CHAIRMAN HILL: Mr. Moy, why don't you just stop  
7 the clock just so I don't freak anybody out, okay.

8 MS. SLATER: Okay. I'm just staring at what I've  
9 --

10 (Simultaneous speaking)

11 CHAIRMAN HILL: That's okay, I understand.

12 MS. SLATER: Okay.

13 CHAIRMAN HILL: I understand and that's why it's  
14 distracting.

15 MS. SLATER: Okay. D.C. Habitat has a 30-year  
16 history in the District of Columbia producing quality housing  
17 that is available to families earning between 30 and 80  
18 percent of area median income as defined by the D.C.  
19 Department of Housing and Community Development and the  
20 Federal Department of Housing and Urban Development.

21 We are approaching our 200th home and this project  
22 will probably put us over the top. We are very pleased to  
23 report that we work closely with the ANC. As Jessica just  
24 described we have been working on these plans with the ANC.

25 We came in with a different design originally and

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1 through numerous meetings we showed them previous projects  
2 that we've completed and so forth and they were able to make  
3 many concrete suggestions which we incorporated into this  
4 plan resulting in the final meeting of the successful vote  
5 in support.

6 Habitat is an important organization in the  
7 District for the following reasons. The organization  
8 squarely addresses the city's housing problem by purchasing  
9 land and managing a pipeline of homes for below market rate  
10 and mortgages that are lower than rent payments and we are  
11 able to provide families in this development between 60 and  
12 80 percent of area median income.

13 We are providing high quality homes that are safe  
14 and provide strong foundation for families. We also, as you  
15 may be interested to know, we also have a home repair program  
16 where we are assisting older adults allowing them to stay in  
17 their homes by repairing homes and making modifications as  
18 needed.

19 This project is, of course, new construction and  
20 we also work closely with families both pre-purchase and  
21 post-purchase to ensure a very successful home ownership  
22 experience.

23 We also focus on the needs of Legacy D.C.  
24 residents who otherwise would not be able to participate in  
25 the equity gains in the D.C. real estate market. We are

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1 very, very pleased to be working in the Deanwood  
2 neighborhood.

3 We have built extensively in this neighborhood and  
4 we are very, very pleased to present this project for  
5 consideration.

6 MS. BLOOMFIELD: And that would do it for our  
7 direct presentation and we are available to answer any  
8 questions that you may have.

9 CHAIRMAN HILL: Okay. Does the Board have any  
10 questions for the applicant?

11 COMMISSIONER WHITE: Yes. I just want you to  
12 address this whole issue of the easement that DDOT is  
13 recommending and I wanted you to kind of give me your take  
14 on why you are thinking that that's not something you want  
15 to support, but also kind of explain to me looking at the  
16 graphic that you have here just exactly what they were asking  
17 you to do from an easement perspective.

18 But overall I understand the other issues and they  
19 look fine, but the easement one is one that's kind of a  
20 sticking point for me.

21 MS. BLOOMFIELD: Sure thing. We rearranged our  
22 site plan significantly from what we had originally proposed.  
23 The reason we did that was based on meetings with OP, with  
24 DDOT, with OP and DDOT, and the resounding feedback we  
25 received was that it was important for J Street, which is at

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1 the north and the south of the site, it never ran through the  
2 site.

3 We went back and looked at the history of this  
4 parcel, it never ran through this site but it was DDOT and  
5 OP's strong opinion that the street grids should connect, and  
6 so as you see on this revised site plan we did that.

7 We also reoriented the homes along 55th Street so  
8 that they faced 55th Street to be more consistent with the  
9 surrounding homes.

10 The request for the public easement was in order to  
11 ensure that we never close off that north/south private  
12 drive, so that it is always available for cars and for  
13 pedestrians to drive or walk through, or bicycles, all modes  
14 to go through.

15 At 20 feet wide it is a private driveway and it  
16 has a sidewalk on both sides. The sidewalk on the east side  
17 doesn't connect all the way through, but that has sort of  
18 been accepted by OP and DDOT.

19 I think both of those reports noted it as being  
20 acceptable and they want to ensure that we don't close that  
21 private driveway, that we don't put a fence up or that nobody  
22 in the future puts a fence up, whether Habitat owns it or the  
23 individual property owners who they sell to owns it.

24 We don't have a substantive reason why we don't  
25 want to do the easement. Our belief is that if we have it

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1 as a condition in the BZA order that will be a good enough  
2 mechanism to enforce it.

3 We have no intention of closing that street. If  
4 the Board -- If it is a sticking point we will do the  
5 easement. It's just another layer of paperwork and processes  
6 and getting approvals that we just don't think is necessary.  
7 I will leave it at that.

8 COMMISSIONER WHITE: Okay. Thank you.

9 COMMISSIONER TURNBULL: Thanks, Mr. Chair. Thank  
10 you for your presentation. You are going to have 17 units  
11 and they are all at 60 to 80 percent AMFI and two of them are  
12 IZ units at the same rate, 60 --

13 MS. BLOOMFIELD: That's right. So an IZ unit per  
14 the regulations for sale would be an 80 percent unit. That  
15 would be the, you know, maximum MFI level. You know,  
16 according to the regulations two of these homes have to be  
17 IZ so they will go through the IZ process.

18 COMMISSIONER TURNBULL: Right, process.

19 MS. BLOOMFIELD: But for all purposes of  
20 everything else the rest of the homes will be at a lower MFI  
21 lower also.

22 COMMISSIONER TURNBULL: Okay.

23 MS. BLOOMFIELD: They just won't go through the  
24 IZ process.

25 COMMISSIONER TURNBULL: Okay. I guess my next

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1 question, since it's a private drive and it's only 20 feet  
2 there is not going to be any parking then on either side, so  
3 there's no parking?

4 MS. BLOOMFIELD: No parking. There is not room  
5 for parking.

6 COMMISSIONER TURNBULL: Right.

7 MS. BLOOMFIELD: There is one parking space within  
8 each home, an interior garage and there is space on each lot  
9 for a second car.

10 COMMISSIONER TURNBULL: Okay.

11 MS. BLOOMFIELD: So there is no intent for that  
12 driveway ever to have cars parked on it.

13 COMMISSIONER TURNBULL: Will these 17 units sort  
14 of have an HOA, homeowner's association, or --

15 MR. BOWERS: Yes.

16 COMMISSIONER TURNBULL: Okay. Because I am  
17 wondering because you're going to have, since it's not a city  
18 street you're going to have private trash pickup and I guess  
19 snow removal would be then hired out to a private company?

20 MR. BOWERS: Yes.

21 COMMISSIONER TURNBULL: Okay, so there is HOA fees  
22 with the ownership of this. Yes, and as you mentioned about  
23 the regulations on Monday, in all likely it's going to go  
24 forward.

25 I don't know if we would have decided it Monday,

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1 and the only reason is I am not sure whether the Chair wants  
2 a full Zoning Commission to vote on it. Since Mr. May is on  
3 furlough we may have decided -- It's going to go forward.  
4 I just don't know whether we would have -- I don't know what  
5 the chair would have done on Monday night, but it will  
6 eventually be resolved.

7           And I'm not sure, and I guess I would look to OAG  
8 whether simply having in the order that it's going to be a  
9 free and open drive is -- I mean I guess there is always a  
10 question whether the -- I think we have had problems before  
11 of actually asking for an easement in an order.

12           That's kind of a complicated thing for us to do  
13 or it's a little sticky I think for -- It can be messy, I  
14 guess.

15           MR. TONDRO: Yes, there can be some concerns. I  
16 believe, I don't want to speak out of place, that the Office  
17 of Planning may have an update from DDOT as to their  
18 position.

19           COMMISSIONER TURNBULL: Oh, okay. All right,  
20 good. And I think those are my questions so far, Mr. Chair.

21           CHAIRMAN HILL: Okay. Well I had some questions  
22 about the easement but I'll go ahead and wait now until the,  
23 since the foreshadowing of with the Office of Planning. Go  
24 ahead, Office of Planning.

25           MR. JESICK: Thank you, Mr. Chairman, and members

1 of the Board. My name is Matt Jesick. First of all we are  
2 very pleased that the Applicant re-designed their project.  
3 The original site plan was very inward looking and not  
4 connected to the neighborhood.

5 We feel this design is a vast improvement, so we  
6 really appreciate that, and we also support the areas of side  
7 yard relief that have been mentioned that are basically a  
8 result of the re-design. So we are supportive of those two  
9 variances, the one previously requested and the one requested  
10 today.

11 Regarding the easement, I did have a chance to  
12 speak with DDOT. They regretted that they could not be here  
13 today, but they were fine with using the mechanism of a Board  
14 condition as opposed to an easement just to ensure that that  
15 street would be open to the public in the future.

16 But, yes, I would be happy to take any questions.  
17 Thank you.

18 CHAIRMAN HILL: Okay. Does the Board have any  
19 questions for the Office of Planning?

20 (No audible response)

21 CHAIRMAN HILL: Does the Applicant have any  
22 questions for the Office of Planning?

23 MS. BLOOMFIELD: No, thank you.

24 CHAIRMAN HILL: Okay. Ms. Bloomfield, just so I  
25 know if we get to this how this condition might be, what is

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1 that street called?

2 MS. BLOOMFIELD: Well it's called J Street on  
3 either side. It would not be a street. It would be a  
4 private driveway.

5 CHAIRMAN HILL: Private drive. I'm just trying  
6 to figure out the conditions, so a private drive open from  
7 Hunt Place, N.E. to 55th Street, N.E.?

8 MS. BLOOMFIELD: Yes. And DDOT actually put it  
9 pretty clearly, the report says no objection to the approval  
10 on the condition that a surface easement -- Well, in this  
11 case a -- That is provided across the private portion of the  
12 driveway to allow for the passage of pedestrians and vehicles  
13 through the site.

14 That language is what they are trying to do and  
15 I would say we would do --

16 (Simultaneous speaking)

17 CHAIRMAN HILL: Which exhibit is the DDOT, do you  
18 know?

19 MS. BLOOMFIELD: Exhibit 60.

20 CHAIRMAN HILL: Thanks.

21 MS. BLOOMFIELD: And it's on the second half of  
22 the second paragraph. So it would be "At all times the  
23 Applicant shall provide pedestrians and vehicles to" -- I  
24 would have to think about it.

25 CHAIRMAN HILL: Yes, so would I, right.

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1 MS. BLOOMFIELD: But the second half of that  
2 sentence is exactly what they are trying to do and we would  
3 do it by a condition order not by the words private surface  
4 easement, or surface easement.

5 CHAIRMAN HILL: I understand. I understand. I  
6 mean so -- But there is -- So that's Hunt Place, N.E., right?  
7 I just want to understand. It's Hunt Place, N.E. on one side  
8 --

9 MS. BLOOMFIELD: And 55th Street.

10 CHAIRMAN HILL: -- and 55th Street, N.E. on one  
11 side, right?

12 MS. BLOOMFIELD: Yes.

13 CHAIRMAN HILL: Okay, all right. Let me just  
14 think a minute. All right, so is -- Oh, yes, right. So no  
15 questions for the Office of Planning from the Applicant. No  
16 more questions from the Board to the Office of Planning?

17 (No audible response)

18 CHAIRMAN HILL: All right. Is the ANC here? I  
19 know I asked that before.

20 (No audible response)

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

23 (No audible response)

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

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1 (Off microphone comment)

2 CHAIRMAN HILL: Oh, that's okay, you can come  
3 speak. We'll just say does anybody want to come speak on the  
4 record, let's do that. Is there anyone else that wants to  
5 come speak on the record in either support or opposition?

6 (No audible response)

7 CHAIRMAN HILL: Okay, all right. Let's see, then  
8 why don't we do -- In fact, if you could -- Let's see. Oh,  
9 maybe I got enough chairs, okay. Ma'am, you can just sit  
10 over on that side there. Okay. Has everybody been sworn in  
11 already?

12 (Off microphone comment)

13 MR. WHITE: Yes.

14 CHAIRMAN HILL: Okay, all right. And, I'm sorry,  
15 you did get sworn in?

16 MS. SAFFELL: Yes. I --

17 (Simultaneous speaking)

18 CHAIRMAN HILL: Okay, all right, great, perfect.  
19 Okay, if you would let me first get introductions first, so  
20 name and address, please. Could you, please?

21 MS. SAFFELL: Yes. Lynn Saffell, 5501 Hunt Place.  
22 I am right at the end of the private driveway on Hunt Place.

23 CHAIRMAN HILL: Okay, great. Could you spell your  
24 last name for me?

25 MS. SAFFELL: S-A-F-F-E-L-L.

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1 CHAIRMAN HILL: Okay, S-A-F-F-E-L-L, all right.  
2 Ma'am, could you give us your name again?

3 MS. GAFFNEY: Mary Gaffney.

4 CHAIRMAN HILL: I'm sorry, you just have to speak  
5 in the microphone.

6 MS. GAFFNEY: Oh, I'm sorry.

7 CHAIRMAN HILL: That's all right.

8 MS. GAFFNEY: Mary Gaffney, 328 62nd Street, N.E.

9 CHAIRMAN HILL: Okay. And it's Gaffney, G-A-F-F  
10 --

11 MS. GAFFNEY: N-E-Y.

12 CHAIRMAN HILL: -- N-E-Y. All right. And, sir,  
13 your name again?

14 MR. WHITE: James White, 822 55th Street, N.E.,  
15 Washington, D.C. 20019.

16 CHAIRMAN HILL: Okay, great. So as members of the  
17 public you'll each be given three minutes to present your  
18 testimony. Ms. Saffell, I am going to start with you if  
19 that's okay, and you can begin whenever you like.

20 MS. SAFFELL: Okay. Well I certainly support  
21 Humanity for their efforts in developing the neighborhood,  
22 but I am concerned about this private driveway. How are you  
23 going to stop cars from parking?

24 As I mentioned, I live on Hunt Place and J Street  
25 dead ends right on Hunt Place at my area and there is cars

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1 that come and park all the time where they do have no parking  
2 signs and whatnot.

3 I am concerned about the drug traffic that it will  
4 bring because it is a --

5 (Simultaneous speaking)

6 CHAIRMAN HILL: Ms. Saffell, I'm sorry, if you  
7 could just not address the Applicant and just tell us what  
8 you are trying to do.

9 MS. SAFFELL: Yes.

10 CHAIRMAN HILL: So your concerns --

11 MS. SAFFELL: So my concern is about the --

12 CHAIRMAN HILL: Parking?

13 MS. SAFFELL: -- how they are going to control the  
14 no parking on their project.

15 CHAIRMAN HILL: Got you.

16 MS. SAFFELL: As well as, you know, there is a lot  
17 of excavation and whatnot which uproots critters and whatnot.  
18 Are they planning to do anything with the current community  
19 about rodent control and whatnot? That's a major concern of  
20 mine.

21 CHAIRMAN HILL: Okay, great. All right. Okay,  
22 Ms. Gaffney, I am going to start with you next. You will  
23 again have three minutes as well and, Mr. Moy, if you could  
24 put three minutes on the clock, and you can begin whenever  
25 you like.

1 MS. GAFFNEY: Okay. I came to support the Habitat  
2 community for the work that they are doing in this particular  
3 location. We have met with them many times and we have asked  
4 them to do this and to do that and that's why they came with  
5 the street location of the private drive and what have you.

6 And even last Saturday we went to see one of the  
7 homes that they are building, which is smaller than these,  
8 but it's very good. We looked at the structure of it and the  
9 material that they have in it and for that particular  
10 location on 55th Street it's really opening, it really opens  
11 a great eyesight in the community for improvement in the  
12 community.

13 And we strongly support it because we really work  
14 with them and every time they come to a meeting we tell them  
15 do this, I think you need to do this, and do that, and they  
16 were in compliance, and a group like this we really support  
17 them and we are happy that they help to improve the  
18 neighborhood.

19 CHAIRMAN HILL: Okay, great. Thank you, Ms.  
20 Gaffney. Mr. White?

21 MR. WHITE: Yes. My name is James White again.

22 CHAIRMAN HILL: Mr. Moy, I'm sorry, could you turn  
23 on the -- Give Mr. White three minutes, please? Thank you.

24 MR. WHITE: Okay. Again, James White. Actually  
25 out of college I did work with Habitat for Humanity. I did

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1 work with President Carter with the project on Benning Road.

2 One of my concern was the quality of the houses  
3 and as I spoke with Rick, he and I have been in  
4 correspondence several times, because of my line of work I  
5 am just not able to get to the ANC meetings because they like  
6 to take pictures and I am in a very sensitive capacity where  
7 I don't like to have anything posted, but I have no issues.

8 One of the concerns I had was about the vegetation  
9 that they cut down last week and so forth. My only concern  
10 was always the construction as far as my property because I  
11 guess my property will be where this private driveway is and  
12 so forth, as far as having a wall there and so forth.

13 I was also concerned about the traffic for 17  
14 homes. It has nothing to do with Habitat for Humanity. It  
15 has something to do with the District of Columbia because a  
16 lot of times they approve certain things but they don't look  
17 at the end results, the impact that it has to the people  
18 that's been there.

19 I personally moved back into the neighborhood to  
20 be a part of the growth, but one of the things I do notice  
21 is that when they build certain things there is certain  
22 things that they cannot be on top of.

23 And, again, I am concerned about the actual  
24 private driveway and I am also concerned about the actual  
25 sewage, how they are going to actually have that set up, and

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1 this is something that is going to be a continuation, but  
2 right now there is an excessive amount of water that sits in  
3 the back of my house, which Rick and I have talked about.

4           Also, with Eastern Avenue, even though they have  
5 the cameras up there for the speed cameras, you still have  
6 people who drive excessively as well most accidents and now  
7 that you're getting ready to add 17 more homes going out  
8 there by Incarnation Church where Eastern Avenue and 55th  
9 Street intersect it's going to be a major problem again  
10 because you can barely get out of there now and so you're  
11 getting ready to add additional persons living in that area.

12           So at the ANC a lot of those people probably don't  
13 really see what I see. I see -- I was responsible for the  
14 speed bumps on 55th Street because they were driving so fast  
15 that they was crashing in my front yard.

16           So I just wanted to come here just to make a note  
17 of my concerns, nothing against Habitat for Humanity, but to  
18 the Zoning Commission. I just want them to be cognizant of  
19 some of the things that I do have concerns about.

20           CHAIRMAN HILL: Okay, great, thank you. I guess  
21 to all of you what -- And if you don't mind turn off your  
22 microphones because they feed back. Thank you.

23           In terms of a lot of the things that you brought  
24 up I mean what we as the Board do look at is we look at the  
25 different standards that we are supposed to look at in order

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1 to decide whether or not the applicant has met the burden,  
2 its burden of proof to approve the application.

3 Some of the things that you all have mentioned are  
4 things that are kind of outside of our purview, but I am  
5 going to kind of let the Applicant, or hear from the  
6 Applicant in terms of things, in terms of like construction  
7 or, you know, some of the concerns that you have heard from  
8 people here.

9 Before we move on to that, however, I suppose I  
10 am going to go through this process, which is if the Board  
11 has any questions of anybody. I just had a quick question.  
12 Ms. Gaffney, when you say "we" who is the "we?" I mean you  
13 said "we've" presented to them and "we've" talked to them.  
14 Do you mean the ANC or just -- If you could just --

15 (Simultaneous speaking)

16 MS. GAFFNEY: Sorry.

17 CHAIRMAN HILL: That's all right.

18 MS. GAFFNEY: The ANCs. We had several meetings  
19 and we had executive meetings and they came and made their  
20 presentation to us and they have their slides and the  
21 pictures and whatnot and what have you.

22 CHAIRMAN HILL: Okay. Okay, that's great. You  
23 mean though you were a member of the public at the ANC  
24 meetings and they presented to you?

25 MS. GAFFNEY: Yes.

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1 CHAIRMAN HILL: Okay. You are not -- I am just  
2 clearing up, you're not an ANC commissioner?

3 MS. GAFFNEY: Yes.

4 CHAIRMAN HILL: You are an ANC commissioner?

5 MS. GAFFNEY: Yes, yes.

6 CHAIRMAN HILL: Well I was asking earlier if  
7 anyone was -- I was asking earlier if anybody from the ANC  
8 was here and so I didn't understand. So you are a  
9 commissioner of the ANC?

10 MS. GAFFNEY: Yes, I am a commissioner of the ANC.

11 CHAIRMAN HILL: Oh, okay, great. Well, welcome,  
12 Commissioner, that's great. All right, so -- Okay, all  
13 right, so that was my first question. Does anybody else have  
14 any questions of the witnesses?

15 COMMISSIONER TURNBULL: I just had one. Mr.  
16 White, from what I am hearing you live actually in one of the  
17 homes that will be adjacent to the new drive?

18 MR. WHITE: Yes. I live right at 822 55th Street,  
19 N.E.

20 COMMISSIONER TURNBULL: Oh, you're that single  
21 house right --

22 (Simultaneous speaking)

23 MR. WHITE: So I am the -- So there is two twin  
24 houses and then there is the brick wall.

25 COMMISSIONER TURNBULL: Okay.

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1 MR. WHITE: I am alongside the brick wall.

2 COMMISSIONER TURNBULL: Okay. Are you worried  
3 about traffic coming down that new drive or --

4 MR. WHITE: Again, I have no issues with the plans  
5 and so forth. My only issue is after everything is built  
6 that that was one of my concerns, because like I expressed  
7 with, Rick and I have been corresponding via email, that  
8 particular property, I've lived in Ward 7 all my life. I  
9 moved back from Virginia Beach after graduating from college,  
10 so I know that area.

11 So what was supposed to have happened on 900 55th  
12 Street at one time they was supposed to have an alleyway from  
13 I believe James Place up to Incarnation I believe and then  
14 turn.

15 But then the Public Works they put in a drainage  
16 on the houses parallel to James Place I believe, but all that  
17 water still sits in the back of my house. And so when we  
18 have snow and rain and so forth there is a puddle of water  
19 just sitting there and most of those houses on 55th Street  
20 have sump pumps so they are constantly running.

21 And so as Rick had assured me that that will be  
22 addressed because that's what we talked about because I don't  
23 want that to infringe on my property because more houses  
24 bring on more problems as far as if the water is not flowing  
25 like it's supposed to then I am going to get all that

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1 excessive water onto my property, which in turn will impact  
2 the foundation of my house.

3 COMMISSIONER TURNBULL: Okay, all right.

4 MR. BOWERS: Can I address that?

5 CHAIRMAN HILL: Sure.

6 MR. BOWERS: So, you know, we have actually been  
7 communicating quite a bit since we started launching this  
8 project. This is the first time we have met, as a matter of  
9 fact, but we have already started addressing some of his  
10 concerns.

11 And, actually, removing the existing homes there,  
12 putting in a new community, actually gives us the ability to  
13 grade it properly and try to do our best to eliminate this  
14 grading and drainage problem that he is having right now.

15 COMMISSIONER TURNBULL: Okay.

16 MR. BOWERS: So we will absolutely work with our  
17 civil engineer to try to accommodate that as best as can, and  
18 hopefully we can meet onsite sometime, too, just so we can  
19 pinpoint the exact issue.

20 COMMISSIONER TURNBULL: Yes.

21 MR. BOWERS: But, yes, I think there is in general  
22 a lot of problems with the site as it exists. This gives a  
23 brand new chance to do it right.

24 COMMISSIONER TURNBULL: Okay, so you've got a  
25 whole new drainage system planned for that whole area?

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1 MR. BOWERS: Yes, absolutely.

2 COMMISSIONER TURNBULL: Okay. Do you foresee a  
3 need for any speed bumps on that alley or that drive or --  
4 I mean you've only got 17 --

5 MR. BOWERS: No. No. And we are happy to enforce  
6 no parking through the HOA.

7 COMMISSIONER TURNBULL: Okay. Would you have  
8 signs that would say no parking?

9 MR. BOWERS: We can absolutely do signs, yes.

10 COMMISSIONER TURNBULL: Okay. All right, thank  
11 you. You had a comment?

12 MS. SAFFELL: I heard your answer about the  
13 drainage, does that include property at 5501 or anything off  
14 of Hunt Place, because, again, like Mr. White was saying  
15 there is a lot of standing water. I do get a lot of standing  
16 water in my yard as well.

17 CHAIRMAN HILL: Okay, let me -- So just -- You're  
18 Rick, I guess?

19 MR. BOWERS: Yes.

20 CHAIRMAN HILL: Okay. So, Mr. Bowers, is it  
21 Bowers? You need to say -- Okay, you're nodding your head,  
22 okay.

23 MR. BOWERS: Yes.

24 CHAIRMAN HILL: So, Mr. Bowers, I mean you have  
25 two people here that are adjacent neighbors to the property

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1 and so it's both of whom is Mr. White and Ms. Saffell and so,  
2 you know, if you could go ahead and continue to work with  
3 them and try to understand, you know, as you are clarifying  
4 the fact that you are coming in there and doing this new  
5 development you'll be able to grade things properly in a way  
6 that will actually prevent the water that might have been  
7 taking place.

8 I don't think that's really necessarily under our  
9 purview in terms of what we do. However, the fact that you  
10 are here today and have spent the time being here today and  
11 our adjacent properties to the project I think it serves you  
12 well that you get the information from Mr. White, I'm sorry,  
13 Mr. Bowers here in terms of, you know, contact information  
14 to making sure that, you know, during this process you are  
15 kept in touch with and informed and I think both of you have  
16 concerns, some which I think, again, can be alleviated by  
17 communications with Mr. Bowers, and then some of which aren't  
18 within our purview.

19 So that all being said does the Applicant have any  
20 questions or comments on some of the things that were brought  
21 up? I'll turn that over to you, Ms. Bloomfield.

22 MR. BOWERS: Let me address one thing. Happy to  
23 meet with both parties, with our civil engineer and our  
24 construction staff and look at the problems and work as hard  
25 as we can to improve it, eliminate it, whatever we can do.

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1 CHAIRMAN HILL: Okay, great. Thank you.

2 MS. BLOOMFIELD: I will make just another comment  
3 on the concern about traffic and speed of cars through the  
4 private drive.

5 This is actually what DDOT recommended to disperse  
6 traffic so there is less of an impact on the surrounding  
7 roadways and when they looked at this project and the  
8 original site plan they found such a minimal impact in the  
9 17 homes on traffic, on an increase in traffic that it didn't  
10 rise to a level where we needed to do even a full report for  
11 them.

12 So DDOT was very comfortable that there would not  
13 be a traffic congestion issue with the site plan and that  
14 this was actually a better, an improvement to the congestion  
15 that might even be there now since there will be a new cut-  
16 through through the block.

17 At 20 feet wide, you know, we don't intend to have  
18 parking and we would agree to assign no parking, but at that  
19 width, I mean that's an alley that you can't speed through.  
20 We intended that to be narrow because its first and foremost  
21 intent is to be a driveway to the homes.

22 So they won't be speeding through there and at 20  
23 feet wide we don't anticipate that cars are going to speed  
24 through there. I think those are the impacts that affect the  
25 relief that we have requested and I will leave it at that

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1 unless there is something else you would like us to respond  
2 to.

3 CHAIRMAN HILL: Okay, all right. So you don't  
4 have any questions for the witnesses?

5 MS. BLOOMFIELD: No.

6 CHAIRMAN HILL: Okay, all right. Okay, well,  
7 thank you all very much. Thank you. All right, so, let's  
8 see. So back to the conditions. I mean so just for the  
9 Office of Planning again, you were in agreement to the  
10 argument that's been given for relief from D, 307.4?

11 MR. BOWERS: Yes.

12 CHAIRMAN HILL: Okay, so that's that one. In  
13 terms of the condition, I mean I don't know, you know, if,  
14 and I'm just trying to look, I'm kind of discussing this with  
15 the Board as well as the Applicant and the Office and OAG is  
16 right here, a condition of something that like, you know, the  
17 private drive between Hunt Place, N.E. and 55th Street, N.E.  
18 will always remain open?

19 MS. BLOOMFIELD: To the public.

20 CHAIRMAN HILL: Open to the public, there you go,  
21 I'll go with open to the public. Because I can't see --  
22 Okay. Will that address the issue with DDOT? So once again  
23 the condition would be that the private drive between Hunt  
24 Place, N.E. and 55th Street, N.E. shall always remain open  
25 to the public?

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1 MS. BLOOMFIELD: I would add maybe mentioning that  
2 the 20-foot private driveway instead of just saying private  
3 driveway to distinguish from the 14-foot private driveway  
4 which also is in between Hunt Place and 55th Street but that  
5 was not the portion of the private drive that DDOT asked to  
6 remain open to the public.

7 CHAIRMAN HILL: Okay. So the condition, the 20-  
8 foot private driveway between Hunt Place, N.E. and 55th  
9 Street, N.E. shall always remain open to the public?

10 MR. TONDRO: Just it's probably worthwhile  
11 emphasizing pedestrian and vehicular traffic.

12 CHAIRMAN HILL: So, again, right, the condition,  
13 the 20-foot private driveway between Hunt Place, N.E. and  
14 55th Street, N.E. shall always remain open to the public to  
15 pedestrian and vehicular traffic. Okay, all right, if we get  
16 to that point.

17 So, all right, does the Applicant have anything  
18 else they would like to add in conclusion?

19 MS. BLOOMFIELD: Just that we believe we meet the  
20 standards, including the variance standards for 307.4,  
21 Subtitle D, and that we would request the Board's support for  
22 this application. Thank you.

23 Okay. I'm going to go ahead and close the  
24 hearing. Is the Board ready to deliberate?

25 COMMISSIONER TURNBULL: Mm-hmm.

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1           COMMISSIONER WHITE: Yes. I can kind of start.  
2 First of all I think it's a great project. I am a big fan  
3 of affordable housing and Habitat for Humanity has a very  
4 good reputation for generating affordable units in D.C. and  
5 all over the country.

6           But for purposes of this, you know, our job is  
7 specifically to look at the criteria that you are requesting  
8 for special exception as well as the variance relief under  
9 D, 307.1, and also D, 307.4, right, as well as the special  
10 exception request that you are making for theoretical  
11 subdivisions.

12           I think you met the criteria. Looking at the  
13 provisions and looking at the record in terms of the Office  
14 of Planning's support as well as the ANC's support. Ms.  
15 Gaffney was here, who is also a commissioner, and two  
16 community members provided good feedback.

17           I think that you have met the criteria for the  
18 theoretical subdivisions. I think that we have been able to  
19 address the concerns that I had with respect to the potential  
20 easement that DDOT was requesting.

21           I think that having that condition in the record  
22 just specifically stating that the vehicular and pedestrian  
23 traffic will have access to that private drive between Hunt  
24 Place and 55th Street, N.E. should be acceptable in this  
25 particular case.

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1           Also, with respect to the request that you are  
2 making for the side yard, you are generating 17 units, I  
3 think 11 of which needed side yard relief, so I think you've  
4 met the standard for variance in terms of it being an  
5 exceptional practical difficulty with respect to the  
6 necessity for having those variances in place for those  
7 particular lots for this particular subdivision.

8           So, Mr. Chair, I would be in support of this  
9 particular application and if you have any other questions  
10 let me know.

11           COMMISSIONER TURNBULL: Mr. Chair, I would concur  
12 with Ms. White's analysis and my only other comment I think,  
13 as she said, they meet all the requirements for the relief  
14 they are requesting.

15           I would just -- I think it's very complimentary  
16 that they changed the plan to the plan that they have now.  
17 I think it's much more of a neighborhood plan. I think it  
18 makes more sense in blending in with the community.

19           So I congratulate you on coming up with that plan.  
20 I think it makes a lot more sense and I would be in favor of  
21 supporting this.

22           CHAIRMAN HILL: Okay, great, thank you. I concur  
23 with all of the comments that my colleagues have just made  
24 and also I would like to express it looks like a wonderful  
25 project. I mean it looks just like a great project.

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1           You guys have spent a lot of time trying to work  
2 on it and I think that, you know, working with DDOT and how  
3 you came up with this solution is, as to Mr. Turnbull  
4 mentioned, I think it's just going to be a much nicer  
5 experience for everyone that lives there and I am sure, you  
6 know, everybody is going to love being able to join the  
7 neighborhood.

8           So I didn't have an issue with -- and we talked  
9 about the conditions. I think the condition is well-founded  
10 in terms of what we will put in there rather than an easement  
11 and also I'm glad to see that DDOT also has at least shared  
12 that with the Office of Planning that they are comfortable  
13 with that being a condition rather than making an easement.

14           And I also do think that you have met the criteria  
15 for us to grant the application, so with that I am going to  
16 go ahead and make a motion, and I am going to go through the  
17 whole process here, approve Application Number 19841 of  
18 Habitat for Humanity of Washington, D.C., Application of  
19 Habitat for Humanity of Washington, D.C., as amended pursuant  
20 to 11 DCMR Subtitle X, Chapter 9, for a special exception  
21 under Subtitle C, 305.1, for the subdivision regulations of  
22 Subtitle C, 302.2, and pursuant to 11 DCMR Subtitle X,  
23 Chapter 10, for area variances from the side yard  
24 requirements of D, 307.1, and D, 307.4, to replace two  
25 detached dwelling units with 17 new semi-detached and

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1 detached dwelling units on a single record lot in the R-2  
2 zone.

3           The premises is 900-914 55th Street, N.E., Square  
4 5204, Lot 22, with the condition that the 20-foot private  
5 driveway between Hunt Drive, N.E. and 55th Street, N.E.,  
6 shown on Sheet 6 of the approved plans will remain open to  
7 the public for pedestrian and vehicular traffic. And I ask  
8 for a second.

9           COMMISSIONER WHITE: Second.

10           CHAIRMAN HILL: The motion made and seconded. All  
11 those in favor say aye.

12           (Multiple ayes)

13           CHAIRMAN HILL: All those opposed?

14           (No audible response)

15           CHAIRMAN HILL: The motion passes, Mr. Moy.

16           MR. MOY: Staff would record the vote as 3-0-2.  
17 This is on the motion of Chairman Hill to approve the  
18 application for the amended relief as he has just read into  
19 the record, including the condition.

20           Seconding the motion is Ms. White. Also in  
21 support Mr. Michael Turnbull. We have two members not  
22 present with us today. The motion carries.

23           CHAIRMAN HILL: Okay. Thank you, Mr. Moy. Thank  
24 you all very much and a continued success in your mission.  
25 Mr. Moy, do we have anything else today?

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1 MR. MOY: Not from the staff, sir.

2 CHAIRMAN HILL: Okay. The Board stands adjourned.

3 Thank you.

4 (Whereupon, the above-entitled matter went off the  
5 record at 12:04 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC BZA

Date: 01-16-19

Place: Washington, DC

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



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