



COMMISSION STAFF PRESENT:

Sheri M. Pruitt, Secretary, BZA  
Beverly Bailey, Office of Zoning  
Paul O. Hart, Office of Zoning  
Richard S. Nero, Jr., Special Assistant  
to the Director, Office of Zoning

OTHER AGENCY STAFF PRESENT:

John Moore, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Marie Sansone, Esq.

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

(9:36 a.m.)

CHAIRPERSON GRIFFIS: Good morning, ladies and gentlemen. This hearing will please come to order. This is, my goodness, the November 20, 2001 Public Hearing of the Board of Zoning Adjustments for the District of Columbia. My name is Geoff Griffis, Chairperson. Joining me today is Ms. Renshaw, Vice Chair. Also, Mr. Levy representing the National Capital Planning Commission, and I think it's important to say that Corporation Counsel is also with us, Ms. Sansone. And Staff Members, Ms. Pruitt, Mr. Hart, and Ms. Beverly, taking good care of us this morning.

Copies of today's hearing agenda are available to you. They are located to my left near the door, the door that you enter into. All persons planning to testify either in favor or in opposition are to fill out two witness cards. These cards are located at the end of the table in front of us. Upon coming forward to speak to the Board, please give both cards to the reporter who is sitting to my right.

The order of procedure for special exceptions and variances, and I do know we have an appeal. I will go through that as is -- as it comes before us, but first for variances and special exceptions, one statement of the witness, a Statement of Witnesses of the applicant. The second would be the Government reports, including the Office of Planning, Department

1 of Public Works, et cetera. Third would be the report of the  
2 Advisory Neighborhood Commission. Fourth, would be parties or  
3 persons in support. Fifth would be parties or persons in  
4 opposition, and six would be closing remarks by the applicant.

5 Cross examination of witnesses is permitted the  
6 applicant or parties. The ANC within which the property is  
7 located is automatically a party in the case.

8 The record will be closed at the conclusion of  
9 each case, except for any material specifically requested by the  
10 Board, and the Staff will specify at the end of the hearing  
11 exactly what is expected.

12 The Sunshine Act requires that the Public Hearing  
13 on each case be held in the open before the public. The Board  
14 may, consistent with its rules and procedures, and the Sunshine  
15 Act, enter into Executive Session during or after the Public  
16 Hearing on a case for purposes of reviewing the record or  
17 deliberating on the case.

18 The decision of the Board in these contested  
19 cases must be based exclusively on the public record. To avoid  
20 any appearance to the contrary, the Board requests that person  
21 present not engage Members of the Board in conversation. Please  
22 turn off all beepers and cell phones at this time so as not to  
23 disrupt the proceedings.

24 The Board will now consider any preliminary  
25 matters. Preliminary matters are those which relate to whether

1 the case will or should be heard today, such as a request for  
2 postponement, continuance or withdrawal, or whether proper and  
3 adequate notice of the hearing has been given. If you are not  
4 prepared to go forward with the case today, or if you believe  
5 that the Board should not proceed, now is the time to raise such  
6 a matter. And I would turn to staff to first go over any  
7 preliminary matters, and also welcome our other member, who will  
8 be joining us from the Zoning Commission. Oh, I'm sorry,  
9 indeed. Mr. Parsons. Preliminary matters.

10 MS. BAILEY: Mr. Chairman, Members of the Board,  
11 good morning. There are three preliminary matters. The first  
12 has to do with the postponement with the last two cases of the  
13 morning, Application Number 16793 and 16792. There is a request  
14 for both of those cases to be postponed, Mr. Chairman.

15 Staff is suggesting a new hearing date of January  
16 8<sup>th</sup>. Is there anyone in the audience here for 16792 or 16793?  
17 Mr. Chairman, no one is answering the call, and it's at your  
18 pleasure now.

19 CHAIRPERSON GRIFFIS: Indeed. Just for quick  
20 clarification, I know we did have this request in, but was there  
21 specific information basing the request for a continuance?

22 MS. BAILEY: I believe there was a verbal request  
23 based on the discussion this morning. I don't believe there is  
24 a written request.

25 CHAIRPERSON GRIFFIS: Okay. And they're asking

1 to be rescheduled for January 8, 2002. Board Members, any  
2 comments, strong feelings?

3 MEMBER LEVY: Mr. Chair, I just wanted to point  
4 out that there was an issue with how these cases were advertised  
5 as well.

6 CHAIRPERSON GRIFFIS: Right. Indeed. Right.  
7 The re-advertising with the correct relief. Okay. I know we  
8 did review these, but knowing well that these were going to be,  
9 or the potential of being moved, are there any additional  
10 information that Board Members see lacking in the case that we  
11 may make the request for now that the time is moving? Okay.

12 MEMBER LEVY: Could I just ask a question because  
13 I don't have any details on the issue of the re-advertisement,  
14 but I'm assuming it has something to do with single family  
15 residence versus a bed and breakfast. I mean, that caught my  
16 eye.

17 CHAIRPERSON GRIFFIS: Yeah.

18 MEMBER LEVY: Is that why it's being re-  
19 advertised?

20 MS. SANSONE: Mr. Chairman --

21 CHAIRPERSON GRIFFIS: Yes.

22 MS. SANSONE: -- the reason it's being re-  
23 advertised is the notice failed to mention that they needed a  
24 variance from lot occupancy and floor area ratio in both cases.  
25 The advertisement only listed the rear yard variance.

1 CHAIRPERSON GRIFFIS: I see.

2 MS. SANSONE: As well as a variance to expand a  
3 non-conforming structure.

4 CHAIRPERSON GRIFFIS: Okay.

5 MEMBER LEVY: Is there then -- there is not an  
6 issue about -- there's reference in here to a single family  
7 residence which I thought was odd. Is that correct?

8 CHAIRPERSON GRIFFIS: Well, I think in many  
9 respects, we won't know that until we call the case and get into  
10 it, perhaps. I mean, I would hope that it's been caught in  
11 terms of the re-advertising.

12 MEMBER LEVY: Yeah, that's my only concern.

13 CHAIRPERSON GRIFFIS: Yeah.

14 MEMBER LEVY: If that's an issue it needs --  
15 maybe I'm off base but --

16 CHAIRPERSON GRIFFIS: Okay. Who -- the last  
17 thing. Who caught the fact that this was not advertised  
18 correctly? Did this Office? Do we know?

19 MS. SANSONE: I did, Mr. Chairman.

20 CHAIRPERSON GRIFFIS: Okay. Good. And so,  
21 therefore, you probably looked at the fact of bed and breakfast  
22 and other things that they  
23 may --

24 MS. SANSONE: Mr. Chairman, they're seeking to  
25 use these buildings as bed and breakfast. One is already in use

1 as a bed and breakfast --

2 CHAIRPERSON GRIFFIS: Correct.

3 MS. SANSONE: -- pursuant to a home occupation.  
4 And the issue here I think that will be confronting the Board  
5 will be that the regulations require that you use the building  
6 as your principal dwelling. So now this couple has two  
7 dwellings, and are they really using this as their principal  
8 dwelling? That will be the tough issue in this case.

9 CHAIRPERSON GRIFFIS: Okay. If that suffices. I  
10 mean, I think we've kind of looked at it without getting into  
11 it.

12 MEMBER LEVY: Yeah.

13 CHAIRPERSON GRIFFIS: So I have no objection to  
14 moving them to January 8<sup>th</sup>, if that schedule is amenable to  
15 Staff and the Board.

16 MS. BAILEY: Thank you, Mr. Chairman.

17 CHAIRPERSON GRIFFIS: Sure. So that is 16793 and  
18 16792.

19 MS. BAILEY: Absolutely. The next preliminary  
20 matter has to do with the appeal of the first case, 16752. Mr.  
21 Chairman, I don't know whether you want to take it up now or  
22 discuss it at the time the case is heard, but there are two  
23 requests to address the Board. They're preliminary matters  
24 dealing with this case.

25 CHAIRPERSON GRIFFIS: No. I think we take the

1 preliminary matters right now.

2 MS. BAILEY: 16752.

3 CHAIRPERSON GRIFFIS: Did you want to come up  
4 also? Okay. Good morning, gentlemen. If you would just state  
5 your name and address then for the record so we know what's  
6 going on.

7 MR. CHAGNON: My name is John Chagnon. I'm the  
8 ANC 4A Representative. My address is 5603 14th Street, N.W.

9 MR. ABDULAH: Good morning, Mr. Chair, and  
10 Members of the Board, Staff. My name is Raouf Abdulah. I'm  
11 with the Office of Corporation Counsel, 441 4th Street, N.W.,  
12 Washington, D.C.

13 CHAIRPERSON GRIFFIS: Thank you very much both.  
14 Did you want to -- all right. I think we can address these  
15 preliminary matters in this -- actually, Ms. Bailey, do you want  
16 to just address the preliminary matters for us, or shall I jump  
17 into this?

18 MS. BAILEY: Mr. Chairman, because I don't know  
19 what they are, please jump in.

20 CHAIRPERSON GRIFFIS: Fabulous. I'll make it up  
21 -- I mean, I'll just over these myself then. Okay.

22 The -- when last you were both here, of course,  
23 we went through the -- there was a court hearing and a judgment  
24 that's remanded, or didn't actually remand it, it mooted the  
25 case. I won't go into all the details. You guys are more

1 familiar than I am, and there was a statement in that that spoke  
2 to the BZA order.

3 We have clarification. I think you both have  
4 information from Corp. Counsel on that. Is that correct? That  
5 basically stated that the court had vacated the BZA order. Is  
6 that your understanding?

7 MR. CHAGNON: That's my understanding from the  
8 memo that I assume was done by Ms. Sansone.

9 CHAIRPERSON GRIFFIS: Okay. All right. And so -  
10 - and Ms. Sansone, I will look to you to give me direction in  
11 the proper steps that I need to take here, but it seems to me  
12 that we have before us, the Appeal 16066 that we need to deal  
13 with first, and that is -- is that correct?

14 MS. SANSONE: That is correct, Mr. Chairman.  
15 It's really a housekeeping matter  
16 that --

17 CHAIRPERSON GRIFFIS: Indeed. Indeed. I just  
18 wanted to be clear so that both of the interested parties are  
19 understanding where we're going with this. But 16066 of John  
20 Chagnon, on behalf of that ZC, pursuant to 11 DCMR, which is  
21 under 3105.1, and 3200.2 for the Administrative Decision of  
22 Gladys Hicks, Acting Zoning Administrator, made on or prior to  
23 May 5, 1995, to the effect that a Certificate of Occupancy was  
24 issued for a Day Treatment Program in C-2-A District at premises  
25 5511 14<sup>th</sup> Street, N.W., at Square 2800, Lot 9.

1 I would, and I think it obviously has to take a  
2 motion for that, and I would move that we dismiss Appeal Number  
3 16066.

4 VICE CHAIRPERSON RENSHAW: Second.

5 CHAIRPERSON GRIFFIS: Good. With that second,  
6 and just to be clear again, what this is is this is an order.  
7 It's an action that wasn't taken, and it was supposed to have  
8 been taken based on the court direction, and it should have been  
9 taken, I guess, back in what, '96 or '97.

10 MS. SANSONE: Well, back in '99. The court order  
11 didn't come out until --

12 CHAIRPERSON GRIFFIS: Okay. Good.

13 MS. SANSONE: -- '99.

14 CHAIRPERSON GRIFFIS: Then having a motion and a  
15 second, any other discussion? I would -- all in favor?

16 (Vote.)

17 CHAIRPERSON GRIFFIS: Opposed. And why don't we  
18 record the vote on that, and we can move on to the next.

19 MS. BAILEY: The vote is recorded as 4-0-1, to  
20 dismiss Application Number 16066. The motion was made by Mr.  
21 Griffis, seconded by Mrs. Renshaw. Mr. Levy in agreement, and  
22 Mr. Proxy approved by proxy vote. Mr. Hood approved by proxy  
23 vote.

24 CHAIRPERSON GRIFFIS: Okay. Good. Thank you.  
25 Okay. And then now moving on, we have Appeal Number 16752, the

1 Advisory Neighborhood Commission 4A, pursuant to 11 DCMR 3100  
2 and 3101, from a decision of Michael Johnson, Zoning  
3 Administrator, for the issuance of a Certificate of Occupancy.  
4 The Occupancy Certificate is number 190720, and it is dated May  
5 7, 2001, and that's fairly pertinent, for an Adult Development  
6 Day Program for mentally retarded persons, allegedly not meeting  
7 the parking requirements, Section 2100, in a C-2-A District at  
8 premises 5511 14<sup>th</sup> Street, N.W., Square 2800, Lot 9.

9 Now the issue with this, and I -- well, the issue  
10 with this is the fact that we have a C of O that is dated in  
11 August, which is a new and enforced C of O, meaning the May 7<sup>th</sup>,  
12 I think it was, C of O is actually non-functional. And  
13 therefore, the appeal that is before us today is based on the  
14 May, when it actually should be the August, so we need to deal  
15 with that situation so that we might move on if there is any  
16 further action. And I have other things to say, but I believe  
17 other Board Members have comments on that, and perhaps some  
18 questions, so I'll --

19 VICE CHAIRPERSON RENSHAW: Do we want to hear  
20 from these two parties first?

21 CHAIRPERSON GRIFFIS: Well, let me ask quickly.  
22 Is there any questions on this at this point?

23 MR. ABDULAH: No, sir.

24 CHAIRPERSON GRIFFIS: Okay. Then -- no, I think  
25 we can ask quick questions if you have.

1 VICE CHAIRPERSON RENSHAW: All right. Mr.  
2 Chairman, I would like to ask, I suppose Mr. Abdulah, how the --  
3 and I see Mr. Bello in the audience, and perhaps he should come  
4 to the table to answer this question. But I'd like to know how  
5 the August Certificate of Occupancy got issued.

6 We had the hearings on this case on September the  
7 4<sup>th</sup>, and also November the 6<sup>th</sup>, and we did not receive this  
8 August C of O until November the 6<sup>th</sup>. And so what happened?

9 MR. ABDULAH: Madam Board Member, I first would  
10 like to point out that we actually did not have hearings. There  
11 was postponements for one.

12 VICE CHAIRPERSON RENSHAW: A postponement, but  
13 it came before the Board on those two.

14 MR. ABDULAH: It came before the Board but no  
15 evidence was taken. And now I'd like to get to the heart of the  
16 question as to why the Board got it late, I'd like Mr. Bello to  
17 speak to that. First, would you please give your name and your  
18 position.

19 MR. BELLO: Good morning. Toye Bello of the  
20 Zoning Review Branch. The current Certificate of Occupancy  
21 again is in furtherance of correcting some of the administrative  
22 anomalies that the previous Certificate of Occupancy had, with  
23 respect to the consolidation of the lots, which were several,  
24 prior to the new issuance. And to also ascribe the specific  
25 land weight since there was a concern about the previous land

1 weight of the Certificate of Occupancy, which was issued for  
2 purposes of assisting the applicant to meet, I believe, Medicaid  
3 Standards for licensure. But from the very inception, the  
4 category of use that was applied is no different.

5 CHAIRPERSON GRIFFIS: I guess the direct question  
6 for my mind and if you can't answer it, then that's fine and  
7 we'll move on.

8 The direct question is why would the ANC be  
9 allowed, or be led to proceeding with an appeal on a C of O that  
10 obviously was superseded by a more current one?

11 MR. BELLO: Mr. Chair, I take responsibility. Is  
12 was my oversight not to have placed that new C of O on this  
13 record. The responsibility of the Zoning Administrator is to  
14 place that in the public record, which that process was done.

15 CHAIRPERSON GRIFFIS: Was done. Okay.

16 MR. BELLO: The additional step of bringing it to  
17 the attention of this record was an oversight by this office,  
18 for which we apologize. As soon as we realized the mistake, we  
19 did bring it to the Board's attention.

20 CHAIRPERSON GRIFFIS: Right.

21 MR. BELLO: And to the applicant's attention.

22 CHAIRPERSON GRIFFIS: Okay. All right. I just  
23 want to be clear on that because of course, you know, we've now  
24 spent a lot of time dealing with one appeal which it looks like  
25 can't even go forward. And I'm not sure, but -- and I wouldn't

1 speculate but we may have to do this all over again, so it's  
2 your time, it's our time. It's everybody's time. We don't want  
3 to be duplicative.

4 Ms. Renshaw, any other questions on that?

5 VICE CHAIRPERSON RENSHAW: No, just to verify  
6 because I had hoped to re-read the record but the record is not  
7 in the file yet. But I wanted to ask Mr. Chagnon, when did you  
8 receive the August C of O?

9 MR. CHAGNON: November 6<sup>th</sup>.

10 VICE CHAIRPERSON RENSHAW: November 6<sup>th</sup>. All  
11 right. And you had absolutely no knowledge that this -- had  
12 been issued back in August, so you were pursuing your case.

13 MR. CHAGNON: No knowledge, and no ability to  
14 have knowledge. As far as I know, there was no additional  
15 application for a C of O, and that the C of O was issued on the  
16 original application, the second C of O.

17 VICE CHAIRPERSON RENSHAW: And so the business  
18 with the parking requirement never came back before the ANC.

19 MR. ABDULAH: No.

20 CHAIRPERSON GRIFFIS: Right. And I don't think -  
21 - I think we will have ample time if need be to get into the  
22 substance of that, but I think it was fairly clear that perhaps  
23 the second one was correcting administrative errors.

24 Be that as it may, we have before us then that --  
25 the Appeal 16752, which I would move that we dismiss as moot,

1 and without prejudice to the ANC 4A's right to file an appeal on  
2 a new certificate, if they're so moved. And I would ask for a  
3 second.

4 MEMBER LEVY: Second.

5 CHAIRPERSON GRIFFIS: Does anyone else have any  
6 other questions, clarifications that we need at this time?

7 VICE CHAIRPERSON RENSHAW: So it's just my  
8 understanding then that the ANC can file again if it wishes to  
9 pursue this case --

10 CHAIRPERSON GRIFFIS: Yeah. Basically, what  
11 we're --

12 VICE CHAIRPERSON RENSHAW: -- with a new C of O.

13 CHAIRPERSON GRIFFIS: And I will refer to Ms.  
14 Sansone to clarify if I'm incorrect, but basically we're just --  
15 we're clearing the records, and now we know exactly what's in  
16 front of us. But there is no action for this Board at this  
17 time.

18 MS. SANSONE: That is correct, Mr. Chairman.  
19 Since the August Certificate of Occupancy replaced the May  
20 Certificate of Occupancy, any appeal of the May Certificate of  
21 Occupancy would involve the Board getting into issues that are  
22 moot. There's a lot of information in the record, or arguments  
23 based on res judicata about the even older Certificate of  
24 Occupancy that would no longer be relevant.

25 By dismissing this case, it would essentially

1 clear the slate, and if the ANC finds there are still problems  
2 with the August C of O, they will have the ability, having just  
3 learned of it, to file an appeal on those issues, making their  
4 arguments clear without all the clutter in the existing record.

5 CHAIRPERSON GRIFFIS: Fabulous. Therefore, I  
6 would ask for all those in favor.

7 (Vote.)

8 CHAIRPERSON GRIFFIS: And opposed?

9 MS. BAILEY: Staff will record the vote as 4-0-1  
10 to dismiss Application number -- Appeal number 16752 as moot.  
11 The motion was made by Mr. Griffis, Mr. Levy second. Mrs.  
12 Renshaw in agreement. Mr. Hood in agreement by proxy.

13 CHAIRPERSON GRIFFIS: Great. Thank you very  
14 much.

15 Final questions? Any clarifications?

16 MR. CHAGNON: Well, it's a little disturbing to  
17 me that I've wasted a fair amount of time here. Through  
18 administrative manipulation there's a new C of O issued without  
19 an application.

20 CHAIRPERSON GRIFFIS: Right.

21 MR. CHAGNON: I mean, I don't know how that's  
22 done.

23 CHAIRPERSON GRIFFIS: Right.

24 MR. CHAGNON: But apparently, it was done.

25 CHAIRPERSON GRIFFIS: Right.

1 MR. CHAGNON: And there's something patently  
2 wrong with that. And that we're well into this process, and  
3 there's no identification of what errors have been cleared up,  
4 what the problems were with the C of O, and that why this  
5 replacement C of O was needed, and that these things should be  
6 part of the record within DCRA, and should be part of something  
7 I should be able to review. As far as I know, that's never  
8 occurred, and there's nothing in writing.

9 CHAIRPERSON GRIFFIS: Good. And I absolutely  
10 hear your words, and that was somewhat my comment also in terms  
11 of how we spent the time, and walked down this road, when we may  
12 be ending up duplicating things.

13 I think those are very pointed comments too in  
14 terms of recordkeeping. Of course, that's not something that  
15 this Board has control over, but I'm certain that those words  
16 will be heeded. And frankly, if it's not out of my  
17 jurisdiction, I would certainly hope that there would be some  
18 sit down conversation that might happen in terms of getting  
19 clarification on the new C of O, so that we may not have to walk  
20 down the road of an appeal. If, in fact, that the  
21 administrative errors were clarified, and the C of O is current  
22 and doesn't need to be appealed, obviously, that would be a  
23 fantastic situation. I'll just throw that out there as a  
24 recommendation.

25 MR. ABDULAH: Mr. Chair, we are prepared to meet

1 with Mr. Chagnon today at the conclusion of this process to have  
2 that discussion. I have had several lengthy telephone  
3 discussions with Mr. Chagnon, in order to address his concerns,  
4 and to present to him what the position of the Zoning  
5 Administrator was with regard to 16752, and then all these other  
6 related matters.

7 We have attempted to clear up some of the sins of  
8 the past with regard to being responsive to his requests for  
9 information. We do also want to correct the record, as Mr.  
10 Bello informs me that it's not entirely correct that the C of O  
11 was simply issued without any process, so I'd like to give him  
12 that opportunity to defend that actions of his office.

13 CHAIRPERSON GRIFFIS: I don't think he needs to  
14 defend it for us. I mean, to make it clear, it's not for us,  
15 and there's nothing that we can use the information for in any  
16 sort of deliberations.

17 I would trust, and I strongly urge and recommend  
18 that that's just -- there's clarity and communication between  
19 you three, because that's where it needs to happen. And  
20 obviously, if that doesn't happen or there are issues, I'm going  
21 to hear it in an appeal, and we'll get into that at that point.

22 So I would say the best use of time is for the three of you to  
23 spend some time, if your schedule allows, now that you're all  
24 here, and take time, and I'm sure we can find some space.  
25 There's space somewhere and you can utilize it, if that's

1 accommodating. That's great. Thank you all very much.

2 In which case, we can --

3 MS. BAILEY: Mr. Chairman, there's one more  
4 preliminary matter.

5 CHAIRPERSON GRIFFIS: Yes. Oh, indeed.

6 MS. BAILEY: Sorry. It has to do with  
7 Application number 16790 of Manna, Inc.

8 CHAIRPERSON GRIFFIS: Yes.

9 MS. BAILEY: There is a request from Mr. James  
10 Berry of the Advisory Neighborhood Commission for that hearing,  
11 for that case to be postponed to a later date.

12 CHAIRPERSON GRIFFIS: Right. Thank you very much  
13 for reminding me of that.

14 First of all, is the ANC Member here this  
15 morning? Oh, very good. Could you come forward, please. This  
16 is -- and we're looking at 16790. Is that correct?

17 MS. BAILEY: Yes, sir.

18 CHAIRPERSON GRIFFIS: Okay. We also have a  
19 request for Party Status. Is Mr. Aldridge here? Okay. Why  
20 don't you come up.

21 Board Members, I would -- I don't know if we want  
22 to go through Party Status first.

23 VICE CHAIRPERSON RENSHAW: I would say take up  
24 the continuance first.

25 CHAIRPERSON GRIFFIS: Well, the issue of

1       continuanance is that I'm going to need comments from the parties  
2       on schedule, so I would say we just -- I'd say we jump into that  
3       first.

4                   Mr. Aldridge has submitted a letter requesting to  
5       appear as a party in this case. It was one day late, I noted,  
6       and I would waive the rules on that, if there's not objection.  
7       In the letter dated November 2<sup>nd</sup>, Mr. Aldridge outlines that he  
8       is -- let me -- I'm just going to go through this, and if we  
9       have question we can have it, because I think we can expedite  
10      this.

11                   He is going to appear as an opponent. He has  
12      addressed all the issues that need to in terms of requesting  
13      Party Status. He is an adjacent property owner at 313 Channing  
14      Street, N.E. And I think that's -- unless we want to ask more  
15      pertinent specific things on that. Are there any questions  
16      Board Members have for Mr. Aldridge?

17                   Let me just get a quick kind of comment or read  
18      as people feel the appropriateness of this party application.  
19      It doesn't seem like there's a heck of a lot of opposition, so I  
20      would be inclined to grant Party Status to Mr. Aldridge, and  
21      there it is then.

22                   Okay. Let's move on to Mr. Berry, who is the  
23      Chairperson of 5A, if I'm not correct.

24                   MR. BERRY: C.

25                   CHAIRPERSON GRIFFIS: C. Forgive me.

1 MS. SANSONE: Okay.

2 CHAIRPERSON GRIFFIS: I'm not sure why that's  
3 catching me. Okay. Can you just briefly walk us through. You  
4 were asking for a continuance on this case.

5 MR. BERRY: Yeah. In substance, the first  
6 available opportunity that we have to consider the application  
7 of the Public Meeting is at our meeting tonight. It falls on  
8 the same date as the hearing. And we've asked for a brief  
9 postponement so that we could consider the matter, and give the  
10 Board our view with respect to it.

11 CHAIRPERSON GRIFFIS: Okay. Two things on that.  
12 One, when was -- when were you notified on this? I mean, I  
13 could find that out, but --

14 MR. BERRY: I'm not sure of the precise date, but  
15 I will say that we didn't get formal notice from the Board until  
16 a date after our October 16<sup>th</sup> meeting.

17 CHAIRPERSON GRIFFIS: Did you meet in September?

18 MR. BERRY: Yes.

19 CHAIRPERSON GRIFFIS: Okay. The other thing, you  
20 made a comment, you said a brief postponement of this. Looking  
21 at our schedule, there's no such thing these days. If we were  
22 to continue this case today, I think we're looking at a date  
23 uncertain 2002, and I'm probably projecting out February, going  
24 through the schedule this morning. So we're looking at quite a  
25 few months.

1 My concern at this point, and I will ask other  
2 Board Members to give me comments on this, but my concern is the  
3 party is here, the applicant is here. The case is ready to go  
4 this morning.

5 What I would suggest, in fact, that we could keep  
6 the record open to accept any actions that the ANC have tonight.

7 Would that be acceptable to you?

8 MR. BERRY: It would not be acceptable, but if  
9 that is the Board's judgment, I mean, obviously we have to live  
10 with it. I would say that this is in the -- I guess in the 10  
11 years I've been in the ANC, this is the first and only time  
12 we've ever asked the Board to postpone a hearing.

13 CHAIRPERSON GRIFFIS: Uh-huh.

14 MR. BERRY: And I guess unless the -- if the  
15 applicant is willing to appear tonight to make a presentation,  
16 it might be moot after the Board's decision. I don't know.

17 I mean, we would -- we have the case on the  
18 agenda for tonight's meeting --

19 CHAIRPERSON GRIFFIS: Okay.

20 MR. BERRY: -- to be considered.

21 CHAIRPERSON GRIFFIS: Okay.

22 MR. BERRY: If nobody comes tonight, for example,  
23 then we actually can't give you any informed judgment about what  
24 we should do.

25 MEMBER LEVY: Mr. Chair, could --

1 CHAIRPERSON GRIFFIS: Well, if they didn't come -  
2 - yeah. All right.

3 MEMBER LEVY: Just so there's some clarification,  
4 I guess the question in my mind is, it is just that the  
5 notification process crossed their -- the ANC's meeting  
6 schedule, and there was no opportunity to take this up before?  
7 That's what I'm not clear on.

8 CHAIRPERSON GRIFFIS: Well, let's pull out when  
9 the notification went out then.

10 MS. SANSONE: Actually, Mr. Chair.

11 CHAIRPERSON GRIFFIS: Yes.

12 MS. SANSONE: The notification went out to ANC 5C  
13 on --

14 CHAIRPERSON GRIFFIS: September 19, 2001.

15 MS. SANSONE: Correct. Yes. They go out the  
16 same times that they are published in the register, so they  
17 always have 45 days just about.

18 MEMBER LEVY: Okay. So --

19 CHAIRPERSON GRIFFIS: And this was filed on  
20 September 7. And then, so what was your September meeting?

21 MR. BERRY: It was September 18<sup>th</sup>. The notice of  
22 a hearing, that a formal hearing was going to take place came  
23 after our October 16<sup>th</sup> meeting.

24 VICE CHAIRPERSON RENSHAW: It was dated October  
25 the 4<sup>th</sup>.

1 MR. BERRY: I don't have that information in  
2 front of me.

3 VICE CHAIRPERSON RENSHAW: That's what is in our  
4 file.

5 MR. BERRY: But we got that after our October 16<sup>th</sup>  
6 meeting. As soon as we get a notice that an application has  
7 been filed, we put that on the agenda.

8 VICE CHAIRPERSON RENSHAW: Uh-huh.

9 MR. BERRY: And then we -- but we try to dispose  
10 of it in advance of whatever the hearing date is. We didn't get  
11 a notice that there was a hearing date until after our October  
12 16<sup>th</sup> meeting.

13 CHAIRPERSON GRIFFIS: You're saying that  
14 notification of the hearing date wasn't until after. All right.  
15 I'm going to need to just have the applicant come up to the  
16 table here briefly.

17 Good morning. How are you? You want to just  
18 state your name and address.

19 MR. ROTHMAN: Yes. I'm George Rothman. I'm  
20 President of Manna.

21 CHAIRPERSON GRIFFIS: Actually, I'm going to have  
22 you repeat that. If you would just touch the bottom, and there  
23 it is.

24 MR. ROTHMAN: Okay. Good morning. I'm George  
25 Rothman. I'm President of Manna, and next to me is Carl Huff,

1 who is our Land Development Manager.

2 CHAIRPERSON GRIFFIS: Okay. Do you want to give  
3 quick comment on the issue of continuing this case?

4 MR. ROTHMAN: Yes, we oppose it. We got the  
5 announcement that was sent out on September 7<sup>th</sup>, we got it in  
6 mid-September. Shortly thereafter, I tried to follow this to  
7 the letter. In fact, I even called the office here just to  
8 make sure that the process was right.

9 On September 28<sup>th</sup> at 3:58 in the afternoon, I  
10 called the ANC and left a message. There was no one there. On  
11 October 11<sup>th</sup> at 1:30, I called again. The voice mail box was  
12 full. On October 16<sup>th</sup> at 2:39 in the afternoon, I left -- I  
13 called and the general mail box was full. At 2:50 on this same  
14 day, I called Mr. Berry's mail box, and that was full. Three  
15 days later, at 2:50 in the afternoon I called again. The voice  
16 mail box was full. On October 26<sup>th</sup> in the morning, the general  
17 mail box was full.

18 CHAIRPERSON GRIFFIS: I think we get that picture  
19 that what --

20 MR. ROTHMAN: So that's why we were opposing the  
21 continuance.

22 CHAIRPERSON GRIFFIS: Okay. That's clear.

23 MR. ROTHMAN: We did everything we could do to  
24 get in -- well, almost everything.

25 CHAIRPERSON GRIFFIS: Mr. Aldridge, do you have a

1 comment on continuing this case?

2 MR. ALDRIDGE: At this particular time, I would  
3 prefer that we proceed. I would be opposed to a continuance.

4 CHAIRPERSON GRIFFIS: Okay. If you would just  
5 turn off the mike so we don't get feedback there. I have --

6 MR. BERRY: Can I make a final comment?

7 CHAIRPERSON GRIFFIS: You can make another  
8 comment. It's not going to be final yet, perhaps.

9 MR. BERRY: Okay.

10 CHAIRPERSON GRIFFIS: But go ahead.

11 MR. BERRY: I want -- I guess, I want to respond  
12 to the numerous contacts with the office that Mr. Rothman, I  
13 think, recited. We don't have an Office Manager, and we  
14 volunteer our time and talents to this process. And that's not  
15 excuse for not trying to handle our business in a timely way,  
16 but I can also say that this isn't the only application from  
17 BZA, ABC and other things that we've dealt with.

18 We were not in a position to agendize that item  
19 on October 16<sup>th</sup>, even if the contact had been made, because we  
20 had -- we were loaded with other things that were pre-existing.

21 Now --

22 CHAIRPERSON GRIFFIS: I think that's very clear.

23 And believe me, I think this Board has great understanding of  
24 the operations of ANCs. I mean, we're all active participants  
25 in our own ANCs, and know the difficulty, and frankly, the time,

1 and the volunteer time that's given to that, and the importance  
2 of it. And that's what I'm just trying to balance here, because  
3 I have two very serious issues in my mind in terms of trying to  
4 figure this out.

5 The first is our schedule, this Board's schedule.

6 It is heavier, and heavier. And obviously, the more we  
7 postpone we have to add on to other things. I mean, you talk  
8 about your own agenda for last, and trying to hear all the  
9 cases. And believe me, I know every case we have goes to the  
10 ANC, so I know how many cases ANCs look at, and we're only one  
11 Board. But there's that issue, trying to squeeze this case in.

12 And then again, you speak to time, and that's very important.  
13 One, the ANC Member's time, but we also have a neighbor who is  
14 here. We have the applicant that is here, and we also have this  
15 Board that comes in, and we all have other jobs also, so that's  
16 the balance. And I just want to be very clear with that you  
17 that that's the absolute balance that is being weighed in my  
18 mind.

19 Now to that, and I think the most important  
20 point, we will not make a decision on this case unless we have  
21 the ANC input, and that's specific to this case. You are here.

22 You are looking to make comment and review this case, the  
23 applicant's case. So again, I would underscore the fact that I  
24 believe we can proceed with this today, to hear the applicant's  
25 case and leave the record open so that we can accept the ANC

1 report. And we may leave it open for other issues, and other  
2 materials that we need, and I would say that we set a decision  
3 date that was accommodating so that we might be able to get the  
4 ANC report, and perhaps, enough time for response to the ANC  
5 report.

6 Comments. I know Mr. Parsons was going to --

7 COMMISSIONER PARSONS: I just wanted to ask Mr.  
8 Rothman if he plans to go to the ANC meeting this evening.

9 MR. ROTHMAN: If that's the decision of the  
10 Board, yes. If you're not going to reach a decision today,  
11 right now, then yes, we will go because we promised that month  
12 to the Board, to the ANC.

13 CHAIRPERSON GRIFFIS: Thank you.

14 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I'd like  
15 to ask Mr. Berry, he came to us with a request for a  
16 continuance, but are you able to stay and cross examine? Are  
17 you able to participate in this hearing on behalf of the ANC  
18 today?

19 MR. BERRY: Actually, I am not. In fact, I  
20 wasn't sure I'd be able to be here today at all, so I won't be  
21 able to do that.

22 MS. SANSONE: Mr. Chairman, I just wanted to  
23 point out there's another issue to weigh too in this. The  
24 public -- the applicant requested three variances from minimum  
25 lot area, minimum lot width, and side yard. And it was very

1 clear in the application, however, in the public notice it  
2 failed to mention the need for the minimum lot area variance, so  
3 it -- you probably should establish whether the parties are  
4 prepared, and understood that the lot area variance was also  
5 being requested.

6 MR. HUFF: My name is Carl Huff. Again, I'm with  
7 Manna, Incorporated. In response to that comment, initially we  
8 did file for the three variances that counsel has indicated, but  
9 during the process of the BZA Administrator's, it was reflected  
10 that instead of being a completely detached building, which is  
11 what we envisioned initially, that they would consider this as a  
12 semi-detached building; meaning that one side of the building  
13 would be on the property line with only one side yard. And  
14 their view was that this is a semi-detached dwelling, in which  
15 case the area variance of 4,000 square feet that's required for  
16 a detached dwelling was reduced to 3,000 square feet. And in  
17 which case, our minimum -- our actual lot width -- our lot area  
18 is 3,700 square feet, and so there was no need to request the  
19 variance for the area variance. This is an R-3 zone.

20 CHAIRPERSON GRIFFIS: So your point is that it  
21 is, in fact, advertised correctly.

22 MR. HUFF: My point is that it was advertised  
23 correctly. We've been back to the Board to make that  
24 adjustment, at their request.

25 CHAIRPERSON GRIFFIS: At whose request?

1 MR. HUFF: Well, at Staff request. There was a  
2 difference in the fee, for an example.

3 CHAIRPERSON GRIFFIS: Okay.

4 MR. HUFF: Because there was one less -- and so --  
5 -

6 CHAIRPERSON GRIFFIS: So it's Office of Zoning's  
7 Staff.

8 MR. HUFF: Yes, I'm sorry.

9 CHAIRPERSON GRIFFIS: Not the Administration.  
10 Okay.

11 MR. HUFF: Not the Zoning Administrator, no.

12 CHAIRPERSON GRIFFIS: Okay. So what we have --  
13 like you say -- if you would turn your mikes off until you  
14 speak, that would be grand.

15 MS. SANSONE: Mr. Chairman, I think I have a  
16 little bit of concern here, that we do take time to study the  
17 application. A semi-detached one family dwelling is defined as  
18 having the wall on one side has to be either a party wall, or a  
19 lot line wall, and having one yard. And it's not clear to me  
20 this building has a party wall or a lot line wall.

21 MR. HUFF: If I may respond.

22 CHAIRPERSON GRIFFIS: The -- let me just clarify,  
23 because I think his statement was, in fact, it was built on the  
24 property line. Is that correct?

25 MR. HUFF: That is correct. It's built on --

1 CHAIRPERSON GRIFFIS: So it would  
2 have --

3 MR. HUFF: One side abuts an alley. That side is  
4 the property line. The building that we are proposing will be  
5 built on that property line, with a side yard which is adjacent  
6 to the one -- to the 313 property.

7 CHAIRPERSON GRIFFIS: Ms. Sansone, if I could, is  
8 that satisfactory to you?

9 MEMBER LEVY: Mr. Chair, I think the confusion,  
10 or part of the confusion is that what's being defined as a lot  
11 line wall actually does abut an alley.

12 CHAIRPERSON GRIFFIS: Right.

13 MEMBER LEVY: So --

14 CHAIRPERSON GRIFFIS: I'm going to pass down the  
15 full size drawings were not in the -- is in the case file but  
16 was not distributed to Board Members because they were not  
17 reduced, and it's very clear. So your point, Mr. Levy, is that  
18 we are now quickly investigating the definition of whether a lot  
19 line building can actually abut an alley?

20 MEMBER LEVY: Well, I guess I would have a hard  
21 time understanding how this is semi-detached when in fact it's  
22 fully detached.

23 CHAIRPERSON GRIFFIS: Well, because I think the  
24 definition of semi-detached and detached has to do with property  
25 lines, and not necessarily an adjacent structure. I may be

1 mistaken in that, but --

2 MR. HUFF: That was the decision, just that you  
3 stated, that required that we come back down and amend our  
4 application.

5 CHAIRPERSON GRIFFIS: Right. And you say that by  
6 Staff of -- in the office here.

7 MR. HUFF: That is correct.

8 CHAIRPERSON GRIFFIS: Okay. In which case, we  
9 have just been joined, I think, perhaps by someone who can bring  
10 us some clarification on that. Are you --

11 MR. NERO: I just walked in.

12 CHAIRPERSON GRIFFIS: Right. Indeed.

13 MR. NERO: Is the question whether it's semi-  
14 detached?

15 CHAIRPERSON GRIFFIS: Yes. Exactly.

16 MR. NERO: It is. It's a semi-detached dwelling.  
17 It's -- the structure abuts one side of the lot line. The  
18 other side is not attached to the lot line.

19 CHAIRPERSON GRIFFIS: Right. And so when we look  
20 at the difference between detached and semi-detached, the semi-  
21 detached just has to do where the building stands on the site as  
22 defined at the property line.

23 MR. NERO: That is correct.

24 CHAIRPERSON GRIFFIS: Not necessarily the fact  
25 that there's a structure that it adjoins to.

1 MR. NERO: Well, in this case it adjoins to its  
2 property line on the alley side.

3 CHAIRPERSON GRIFFIS: Right. Which would go to  
4 the definition of semi-detached.

5 MR. NERO: That's correct. Yes.

6 CHAIRPERSON GRIFFIS: Okay.

7 MR. ALDRIDGE: Excuse me.

8 CHAIRPERSON GRIFFIS: Yes.

9 MR. ALDRIDGE: I'm totally confused now.

10 CHAIRPERSON GRIFFIS: Okay.

11 MR. ALDRIDGE: Is it a detached structure, or  
12 semi-detached structure?

13 CHAIRPERSON GRIFFIS: You know what, when we  
14 figure out that, I will let everyone know to make sure that  
15 we're all on the same page, but that's what we're discussing  
16 here, so we're getting -- we've been joined by a Staff Member  
17 from the Office.

18 MR. ALDRIDGE: Yeah.

19 CHAIRPERSON GRIFFIS: And that's why I just  
20 wanted to get clarification of how they were defining it, if  
21 that was the direction give.

22 MR. ALDRIDGE: Because it seems to me that --

23 MR. NERO: I could read the definition from  
24 Section 199 if you want.

25 CHAIRPERSON GRIFFIS: Yes. What do you -- yes.

1 To what --

2 MR. NERO: Under dwelling.

3 CHAIRPERSON GRIFFIS: Good.

4 MR. NERO: One family semi-detached.

5 CHAIRPERSON GRIFFIS: Indeed.

6 MR. NERO: "A one family dwelling, the wall on  
7 one side of which is either a party wall or a lot line wall  
8 having one side yard."

9 CHAIRPERSON GRIFFIS: Correct.

10 MR. NERO: That's the case in this instance.

11 CHAIRPERSON GRIFFIS: Correct.

12 MR. ALDRIDGE: I don't think it was properly  
13 advertised that way.

14 CHAIRPERSON GRIFFIS: Okay. That's very helpful.

15 Thanks.

16 MR. NERO: You're welcome.

17 CHAIRPERSON GRIFFIS: Ms. Sansone, is that --

18 MS. SANSONE: I stand corrected. I had noticed  
19 the discrepancy between the application and the public notice.

20 CHAIRPERSON GRIFFIS: Okay. Fabulous. All  
21 right. In which case, Mr. Aldridge, to bring clarification  
22 hopefully to that, this is, as defined, a semi-detached house,  
23 because it is on -- it's a building on its property line, which  
24 happens to be in this particular circumstance adjacent to the  
25 alley. Is that clear?

1 MR. ALDRIDGE: Yes. I understand the position  
2 taken by the General Counsel. However, it would seem to me that  
3 since these buildings were originally built in 1910, and they  
4 were the only two detached properties in that whole square, I  
5 think that raises an issue as to whether or not that is, in  
6 fact, a detached unit, or it would be classified as a semi-  
7 detached property.

8 CHAIRPERSON GRIFFIS: I see where you're going,  
9 and I think that's important, and we need to revisit that when  
10 we actually get into the case, but here's the issue. We're  
11 talking -- you brought up two interesting points. One is, what  
12 was originally there, and what is adjacent. But what we're  
13 talking about essentially is, what is proposed as new, and as  
14 proposed new, it's defined as a semi-detached single family.  
15 Therefore, it was advertised correctly, and therefore, there  
16 aren't any other -- well, I think that dispenses with that  
17 issue, if I'm correct, and we still are at what and how we  
18 proceed today, so any other comments based in terms of the ANC?

19 I would suggest, and I would strongly suggest  
20 that we move ahead on this today. And I think it actually  
21 serves everybody involved, the ANC included. I think that this  
22 Board takes very seriously, giving great weight to the ANC  
23 comments and review in this. I think they are one of, but an  
24 important part of any case, and also a major part of our own  
25 deliberations on every case.

1           The fact is that we have a party, a neighbor  
2 adjacent, and we have the applicant here ready to proceed. I  
3 would like to proceed with the case today, and keep the record  
4 open for submittal of the ANC letter. And I would suggest that,  
5 and we can define it further, but I would suggest that we leave  
6 it open long enough that we can actually get responses to the  
7 ANC letter if it so required.

8           Any other quick comments on that?

9           COMMISSIONER PARSONS: I concur, Mr. Chairman.

10          CHAIRPERSON GRIFFIS: Thank you, Mr. --

11          VICE CHAIRPERSON RENSHAW: Yes. Mr. Chairman,  
12 I'd like to know if it's going to be possible for the ANC to  
13 have the opportunity read the record, since the ANC will not be  
14 here to cross examine?

15          CHAIRPERSON GRIFFIS: You're asking about time.  
16 They certainly are --

17          VICE CHAIRPERSON RENSHAW: The  
18 record --

19          CHAIRPERSON GRIFFIS: -- can read the record.  
20 The record can be provided as a party to the case.

21          VICE CHAIRPERSON RENSHAW: But that we not make a  
22 decision until that record is in hand, and the ANC has an  
23 opportunity to review it.

24          CHAIRPERSON GRIFFIS: I don't relish anyone  
25 trying to read records, but we can certainly make that

1 available.

2 VICE CHAIRPERSON RENSHAW: It's up to the ANC.

3 That's what I'll --

4 CHAIRPERSON GRIFFIS: No, exactly so. Is that  
5 clear to you, what she's --

6 MR. BERRY: I understand.

7 SECRETARY PRUITT: I just want to state for the  
8 record, do you realize that puts you in January for a hearing --  
9 for a decision date?

10 CHAIRPERSON GRIFFIS: Yeah.

11 SECRETARY PRUITT: Okay. I just wanted to be  
12 clear that everyone understood that.

13 CHAIRPERSON GRIFFIS: Yeah.

14 SECRETARY PRUITT: Okay.

15 CHAIRPERSON GRIFFIS: I mean, I think that's  
16 going to be a reality here. And I don't -- I would rather have  
17 the decision date moved out a few weeks, than to move the whole  
18 case, which moves the decisions --

19 VICE CHAIRPERSON RENSHAW: Right.

20 CHAIRPERSON GRIFFIS: -- probably out three to  
21 four months.

22 SECRETARY PRUITT: Yeah.

23 CHAIRPERSON GRIFFIS: Okay. Unless there's last  
24 comment on that, I certainly understand your comments and  
25 concerns with this, and I hope you do our's also. So that, I

1 would say that we proceed with this. I would hope that the  
2 applicant would be able to make it to the meeting tonight to be  
3 on the agenda, or at least send materials to be reviewed, but  
4 that's not of my direction.

5 Mr. Berry, I'll give you the last word, if you'd  
6 like. Just turn on your mike so we can record it.

7 MR. BERRY: I appreciate the Board's considering  
8 of this matter. I guess, the only thing I would say in closing  
9 is that we can't very well give you an informed opinion of -- on  
10 this issue if we don't hear from the applicant, so your sending  
11 materials isn't sufficient to make that kind of judgment.

12 CHAIRPERSON GRIFFIS: And that's fine. And I --  
13 and again, that's a recommendation. I don't direct that.

14 I would suggest, in my mind, the way this would  
15 go, hypothetically speaking, if the application doesn't show up  
16 tonight, I can't imagine the ANC would write a letter of  
17 support. They would probably write a letter of non-support, and  
18 I think the applicant will factor in that. That would certainly  
19 be something that we would deliberate on. Obviously, it doesn't  
20 go to the substance of the case, but there is a position there.

21 So conceivably, tonight there could be a position, or I don't  
22 know. I mean, I can't get into your schedules and everything  
23 else that's happening.

24 MR. BERRY: I understand, rather than have our  
25 opinion based upon the fact that the applicant did not --

1 CHAIRPERSON GRIFFIS: That -- you know, I would -  
2 - I think the applicant understands that.

3 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I'd like  
4 to ask Mr. Berry if he's received a copy of the plans for the  
5 semi-detached house? Do you have these in your records?

6 CHAIRPERSON GRIFFIS: I'm certain he doesn't. I  
7 almost guarantee he does not, that we didn't get it. They were  
8 not reduced for transmission. Oh, unless the applicant  
9 provided. I'm sorry. You can speak to that. I won't --

10 VICE CHAIRPERSON RENSHAW: The applicant has  
11 provided these to the ANC?

12 MR. ROTHMAN: Yes, we have. And it wasn't an  
13 official meeting of the ANC, but we did appear before the ANC.

14 MR. HUFF: It was a Committee.

15 MR. ROTHMAN: It was a --

16 MR. HUFF: It was a meeting of the Committee of  
17 the whole, as opposed to --

18 MR. ROTHMAN: And we did --

19 CHAIRPERSON GRIFFIS: One at a time, otherwise we  
20 drive our recorder crazy.

21 MR. ROTHMAN: We did appear at a Committee of the  
22 whole meeting, giving plans and making a presentation, but it  
23 was not considered an official meeting.

24 CHAIRPERSON GRIFFIS: Okay. I -- you know, and  
25 there it is.

1 MR. ROTHMAN: And at that time, we said we would  
2 come back to the official meeting.

3 CHAIRPERSON GRIFFIS: I think Ms. Renshaw's point  
4 is, hopefully, that the information is getting there. I think  
5 we know where we are with this. I think we should proceed on  
6 this so that we can get through this at this stage this morning.

7 MR. BERRY: In direct response to the question  
8 you asked me, or Ms. Renshaw asked me, I don't -- we don't have  
9 a copy of the plans.

10 CHAIRPERSON GRIFFIS: Okay. And I would suggest  
11 anything else you think you need, or whatever else it is, the  
12 applicant is here. We'll take a few minutes to get into this.  
13 You may want to just jot down a note of anything else, and you  
14 guys need to coordinate schedules and all that, and hopefully,  
15 you will see each other tonight.

16 Anything else on that? Any other preliminary  
17 matters for this case?

18 SECRETARY PRUITT: Actually, we were just looking  
19 at when we would need the ANC report in order to get it on the  
20 agenda correctly and everything.

21 CHAIRPERSON GRIFFIS: Okay. Do you want to  
22 establish that before he leaves?

23 SECRETARY PRUITT: Yeah. That would  
24 be --

25 CHAIRPERSON GRIFFIS: Okay. Do you have a couple

1 of more minutes just to wait?

2 SECRETARY PRUITT: We're trying to put it on --

3 CHAIRPERSON GRIFFIS: Can we do two things at  
4 once? Can we call this case while we are getting that date, or  
5 do we want to just get that done?

6 SECRETARY PRUITT: I'd like to just get that  
7 done. It's real quick.

8 CHAIRPERSON GRIFFIS: That's perfectly fine.

9 SECRETARY PRUITT: We're looking at a December --  
10 I mean, excuse me, a January 2<sup>nd</sup> meeting which is the Wednesday  
11 after New Year's. We would like to see from the ANC something  
12 to us by September 13<sup>th</sup>. Is that doable? Excuse me. December  
13 13<sup>th</sup>.

14 MR. BERRY: Yes. That would be good.

15 SECRETARY PRUITT: Okay. And the applicant has a  
16 right to respond in writing to the ANC report, and that would be  
17 due on December 20<sup>th</sup>. And the record is only open for those two  
18 things at this point. The Board may ask later, but --

19 MS. BAILEY: What two things?

20 SECRETARY PRUITT: ANC report on the 13<sup>th</sup>, and  
21 response by applicant on the 20<sup>th</sup>.

22 VICE CHAIRPERSON RENSHAW: Ms. Pruitt, the record  
23 of this proceedings will be available prior to that?

24 SECRETARY PRUITT: I can't guarantee that. I  
25 hope it is. We can, you know, talk with Mr. Nat Gross who does

1 our recording to see,

2 but --

3 CHAIRPERSON GRIFFIS: Yeah. I think the ANC  
4 Member can delve into that. I mean, hopefully they'll be able  
5 to have all their questions answered tonight. I mean, they're  
6 getting a better --

7 VICE CHAIRPERSON RENSHAW: But in case they  
8 don't, it would be --

9 CHAIRPERSON GRIFFIS: Indeed. There it is. I  
10 think that --

11 VICE CHAIRPERSON RENSHAW: -- good for the ANC to  
12 have the opportunity to read the record if it wants to.

13 CHAIRPERSON GRIFFIS: Right. And they're  
14 perfectly aware that that's available to them.

15 Okay, so we can move on. I'm sorry. Can you  
16 just give me the date that we've decided on that?

17 SECRETARY PRUITT: The 13<sup>th</sup> and 20<sup>th</sup>. The 13<sup>th</sup> for  
18 ANC.

19 CHAIRPERSON GRIFFIS: That's fine, but the  
20 decision is the 20<sup>th</sup>?

21 SECRETARY PRUITT: No, I'm saying the decision is  
22 December 2<sup>nd</sup>. I mean, January 17<sup>th</sup>.

23 CHAIRPERSON GRIFFIS: Okay. And that's the year  
24 coming up upon us. Fabulous. Why don't we call this case and  
25 get into it.

1 MS. BAILEY: Application number 16790 of Manna,  
2 Inc., pursuant to 11 DCMR 303.2 for a variance from the minimum  
3 lot width requirements under Section 401, and a variance from  
4 the side yard requirements under Section 405, to build a single  
5 family semi-detached dwelling in an R-3 District, at premises  
6 311 Channing Street, N.E., Square 3555, Lot 12.

7 Please stand to take the oath. Mr. Aldridge,  
8 please stand. Raise your right hand.

9 W I T N E S E S S SWORN

10 MS. BAILEY: Thank you. Mr. Chairman, what you  
11 don't have, and which was just handed to me was a report from  
12 the Office of Planning on this case. Would you like to have it  
13 at this time, Mr. Chairman?

14 CHAIRPERSON GRIFFIS: Yeah. Let's get copies of  
15 it in front of us. Do we have additional copies for the party  
16 and applicant?

17 CHAIRPERSON GRIFFIS: Okay. We will get to this  
18 in the order that we have. Who has the -- ahh, good. Okay.  
19 And we have also been handed a reduced eight and a half by  
20 eleven site plan, and also floor plans and elevations. Let's  
21 put an exhibit number on that because this will probably be --  
22 who has the case?

23 SECRETARY PRUITT: Beverly.

24 CHAIRPERSON GRIFFIS: Okay. That's not a  
25 problem. This should be with Beverly. When she gets back,

1 we'll get an exhibit number on this, and -- actually, while the  
2 papers are being distributed, I just want to make one point  
3 here.

4 As you are somewhat, let's say, lucky that we've  
5 had actually cases moved off the morning schedule, we do have  
6 the morning to deal with. In fact, you have two -- Manna has  
7 two applications in to us today. But for clarification, it is  
8 roughly 10:30 at this point. We will finish the morning's  
9 hearing, which is your two cases by 12:00 today. We will lose a  
10 Board Member at 12, so we need to finalize both of these  
11 applications, so in my estimation, we have 45 minutes for each  
12 of these cases. And again, that's a parameter to work in, and I  
13 think we can get there, but I may be the worst at fault for this  
14 in wasting time. But nonetheless, as quickly and expeditiously  
15 as we can go through this, the better.

16 To that, we have now been handed also a  
17 perspective drawing, hand drawing. And it looks like it will --  
18 good, it'll correspond to exhibit, so let's move on with this  
19 then. And I would just turn it over to the applicant to present  
20 their case.

21 MR. ROTHMAN: Thank you, Mr. Chairman.

22 CHAIRPERSON GRIFFIS: Sure.

23 MR. ROTHMAN: We acquired this lot a little over  
24 a year ago. By right, we could have just designed a house that  
25 was 25 feet wide and say 30 feet deep, 35 feet, submit it for a

1 building permit, gotten it, and built it. However, we didn't  
2 think that was right.

3 We took a look at the block and the house that  
4 was next to us, and noticed that it had windows on the side, and  
5 we didn't want to interfere with the light and ventilation of  
6 our neighbor, or our future neighbor, so we decided to go the  
7 more laborious way of seeking a variance from the side yard  
8 requirement, and so we designed a house that sort of mimicked  
9 our neighbor's, with a front porch, with a five foot side yard  
10 requirement, and submitted the plans, and we're here to ask for  
11 the approval of the variance. It's as simple as that.

12 CHAIRPERSON GRIFFIS: Well, it may not be that  
13 simple. That's fairly clear. I think part of your case,  
14 obviously, or maybe you're not and we can walk you through that,  
15 but there are three prongs to the test to the variance, indeed.

16 MR. ROTHMAN: Right.

17 CHAIRPERSON GRIFFIS: And we're going to move on  
18 to that. So that was a great opening statement. I appreciate  
19 it, and I'll let you proceed.

20 MR. HUFF: Again, I'm Carl Huff. I'm with Manna.  
21 The first is whether this property and our design is of a  
22 unique circumstance or offers us some practical difficulty.

23 As Mr. Rothman explained, as a matter of right we  
24 could have built a lot line to lot line structure in this R-3  
25 zone, and had been within our right, but we felt that this was a

1 unique circumstance in which the neighboring, and the abutting  
2 building did have some penetration which offered some light, and  
3 perhaps ventilation to his property, and so rather than to  
4 obscure and become a bad neighbor, if you want to put it that  
5 way, it was our decision to take this unique circumstance, and  
6 to try to build together a project that would be compatible with  
7 all of the neighborhood, and so that's how we began our  
8 particular design.

9 We feel that perhaps in some way, secondly, that  
10 in some way if we were to have built this building by right, lot  
11 line to lot line, that it would have had some perhaps negative  
12 impact on the neighborhood, and so we feel by using this five  
13 foot setback, and -- that that would -- that we would mitigate  
14 that kind of an impact on the neighborhood, and especially the  
15 intentioned owner.

16 Thirdly, whether this is -- it's an R-3 Zone,  
17 will granting this variance impaired the integrity of the zone,  
18 we feel no, that it is an R-3 Zone. It is a low density zone,  
19 primarily for single families, and that's precisely what it is  
20 that we propose to do, is to build one single family residence  
21 on this property. And those are the three challenges or  
22 statements that you wanted me to make in this regard.

23 And I also have Mr. Aldridge's letter. I'd like  
24 to speak to it for a moment, if I may. It would have been good  
25 if we could have met sooner, and we would have -- this letter,

1 in my opinion, would not have to be written. I think Mr.  
2 Aldridge's view was that in some way our building would be, what  
3 he perceived, as a semi-detached, meaning it was attached to his  
4 building. I can assure him that it will not be attached to his  
5 building, that there will be a side yard between his property  
6 and the property that we plan to build.

7 He also -- we took a look at the property, but we  
8 couldn't tell everything. But we had some sense of what,  
9 perhaps, could have been on this site previously. And on the  
10 side between the two properties, we could see -- and adjacent to  
11 Mr. Aldridge's property we could see a walkway, so we presumed  
12 that there was a side yard on that side.

13 CHAIRPERSON GRIFFIS: I'm sorry. On which? On  
14 your property?

15 MR. HUFF: There's a sidewalk on our property.

16 CHAIRPERSON GRIFFIS: Which is where your  
17 proposed side yard is now.

18 MR. HUFF: Which is where we're proposing to make  
19 --

20 CHAIRPERSON GRIFFIS: Okay. Just trying to get  
21 it clear.

22 MR. HUFF: Okay. We were not aware that the two  
23 buildings were built simultaneously, but we had some sense that  
24 they were built somewhat similarly, and actually -- and as Mr.  
25 Aldridge has indicated, since he has more of a history of the

1 building than we do, in his statements he indicates that the  
2 buildings were built approximately the same, and that they were  
3 similar. And somehow, we've come up with a similar design.

4 The building that we have, first of all, is  
5 approximately the same footprint. Secondly, it will have a  
6 porch which mimics the porch on his property. It has a gable  
7 roof which his building also -- we will also mimic. And yes, we  
8 do have some minor and subtle changes, but the basic -- and  
9 that's why I offered the little block study. The basic outline  
10 of the building from the front will look pretty much the same.  
11 And the building that we propose to build will be in pretty much  
12 the same foundation as what's there previous.

13 At this time, I would entertain any questions  
14 with regard to -- well, Mr. Aldridge also indicates some  
15 question as far as drainage, and landscaping and things of that  
16 sort. I can only say that we will not necessarily meet those  
17 requirements, but we will do what we feel is most beneficial for  
18 our site. In no way will it impact his property in that swales  
19 or any other drainage that's required to restrict water from our  
20 property from falling onto his, will be done. I can give him  
21 that assurance. But as far as to indicate exactly how this is  
22 to be done, I think that should be left to our designers and our  
23 group to handle.

24 And so, I feel that most of Mr. Aldridge's  
25 comments were based on a misconception that he may have felt

1 that the building that we would build would be abutting his  
2 property, and that is not the case. So now I will either ask  
3 for other questions, or --

4 CHAIRPERSON GRIFFIS: Great. That's perfectly  
5 appropriate. In fact, I do have some, and then the party that's  
6 here is offered the ability to cross examine, so hopefully we'll  
7 get some meeting of the minds here.

8 But just to start out, we were -- what was  
9 distributed was this. I believe you referred to it as a  
10 massing. It's kind of a perspective massing of the elevation of  
11 the properties. Do we have an exhibit number on this yet so I  
12 can speak to it? And while that's happening, if you would just  
13 indicate. It's an eight and a half by eleven perspective hand  
14 drawn -- if I'm looking at this sheet, on the right side is the  
15 --

16 MR. HUFF: Those are the two properties involved,  
17 the ones on the right side.

18 CHAIRPERSON GRIFFIS: Okay. And my question is,  
19 the one on the right side of the sheet is your property.

20 MR. HUFF: That's correct.

21 CHAIRPERSON GRIFFIS: And that's the proposed  
22 building.

23 MR. HUFF: That's correct.

24 CHAIRPERSON GRIFFIS: I just want to make sure  
25 that everyone is looking at the same. And this is Exhibit

1 Number 22. Great.

2 Can you talk very briefly about the history of  
3 this site. There was -- you're speaking about an existing  
4 structure that was there. When did it come down, if you know  
5 anything about it. I mean, basically when you -- it's my  
6 understanding, if this is correct. Perhaps, this is -- you  
7 acquired this as an empty lot. Is that correct?

8 MR. HUFF: That's correct.

9 MR. ROTHMAN: Mr. Chairman, it was owned by the  
10 Homestead Administration of the City, and I think it was the --  
11 Mr. Aldridge can comment on this. I think the Homestead  
12 Administration had the house demolished. Is that correct?

13 MR. ALDRIDGE: Yes.

14 MR. ROTHMAN: And then we got the -- we acquired  
15 the house from the Homestead Administration. I mean, the  
16 property from the Homestead Administration.

17 CHAIRPERSON GRIFFIS: I see. I see. So it was  
18 probably in terrible repair and dangerous, so that it was taken  
19 down, we can only assume. It's not part of this, so we won't go  
20 further into that.

21 This -- what was the other question? Oh, for my  
22 clarification, my thought, basically what you're saying,  
23 essentially, is that you have a unique situation here because  
24 that there was an existing structure. It is not there. It's a  
25 lot that obviously needs to be developed to be put back to use.

1                   The practical difficulty, I believe you stated,  
2 was the fact that, and you can tell me more as I finish. The  
3 practical difficulty went to the fact that at a lesser density,  
4 if you went to a lesser -- yeah, well, a lesser density on this  
5 site, you could do matter of right.

6                   I'm sorry. At increased density, you could do a  
7 matter of right. Lesser density, you actually are coming in  
8 and having to go in for variances, which seems to be going  
9 against what, perhaps, the zoning should be for R-3. And more  
10 importantly, in order to match the existing adjacent  
11 architectural amassing, you actually are required to get a  
12 variance. When in fact, if you didn't match that, you would be  
13 able to move in as matter of right. Is that correct?

14                   MR. HUFF: That is correct. Further, the  
15 requirement of R-3 zone for side yards is eight feet.

16                   CHAIRPERSON GRIFFIS: Correct.

17                   MR. HUFF: We're requesting the variance. We  
18 feel that that would be something of an imposition to design on  
19 the property that we intend, in that it narrows the footprint of  
20 the building to only 17 feet. If you take out walls, it means  
21 that the building that -- to get a similar amount of square  
22 footage would have to be narrow and longer. And plus, I feel in  
23 this particular circumstance, and to mimic what we understand  
24 now was there, would be more appropriate than to try to squeeze  
25 this type of building into a 17 foot space.

1 CHAIRPERSON GRIFFIS: Okay. So the --

2 MR. HUFF: The request for the eight foot side  
3 yard variance.

4 CHAIRPERSON GRIFFIS: There's two issues with  
5 that in terms of you're asking for an additional three feet  
6 taken out of the side yard, going down to five feet, if I'm  
7 correct. And that is, basically setting up a useable footprint  
8 for a residential single family house. Also, you're saying that  
9 it matches the existing adjacent, and I think we can get to  
10 that.

11 Any other questions? Great. I would ask, Mr.  
12 Aldridge, if you had any cross examination of the applicant.  
13 And I can describe that to you if you need -- I'm not a lawyer,  
14 so I always have to get these legal terms defined to me. But  
15 basically, let me just state it out, that cross examination is  
16 your opportunity to ask questions.

17 MR. ALDRIDGE: I understand.

18 CHAIRPERSON GRIFFIS: Fabulous. Better than I do.

19 MR. ALDRIDGE: Well, at this point in time, no, I  
20 really don't have any questions to ask. I would like to make a  
21 correction.

22 I would note for the record that these properties  
23 were built in 1910, long before the zoning regulations, which  
24 came in in 1938, took effect. As such, whether or not this is a  
25 matter of right, is a question that in all probability the

1 courts would have to decide.

2 CHAIRPERSON GRIFFIS: Okay. I think that's an  
3 excellent point. And in fact -- well, there it is. I think you  
4 can talk more about that in your own testimony, if you would  
5 bring that up.

6 MR. ALDRIDGE: But let me state for the record  
7 that I was, in fact -- I come here under the presumption that  
8 the property would be built adjacent to my property, and  
9 attached to my property.

10 CHAIRPERSON GRIFFIS: Good. I tell you what, let  
11 me -- there's a certain process, and you're going to have ample  
12 time. In fact, as much time as you need to go into all these  
13 things, and I think these are very important. But I want to hit  
14 them at the proper time, so that we have an opportunity to  
15 discuss, so we don't get --

16 MR. ALDRIDGE: Well, I'm about to save you a  
17 tremendous amount of time.

18 CHAIRPERSON GRIFFIS: Oh, fabulous. Then I'll --  
19 see, I always get talking --

20 MR. ALDRIDGE: As such, I think that most of the  
21 issues that were identified today can be resolved in a mutual  
22 discussion with Manna and myself. I will withdraw my opposition  
23 to the variance, in light of the fact that the conditions as it  
24 relates to my property is being protected.

25 CHAIRPERSON GRIFFIS: Fabulous. I think that is

1 welcome news. I would request -- actually, let me just take a  
2 minute to talk to Mr. Aldridge here. If I could just request  
3 that you stay, and I think you ought to hear this case. And I  
4 absolutely appreciate that statement, so let us move on, and get  
5 right into Government reports, and let's do Office of Planning.

6 Who has joined us this morning, and I think we  
7 need to waive in the report as we have been handed it. And so I  
8 would so waive, and let's hear it.

9 MR. MOORE: Good morning. I'm John Moore, and as  
10 is our tradition, I am requesting that our report be waived.

11 CHAIRPERSON GRIFFIS: It's already done.

12 MR. MOORE: I will get to the test that the  
13 applicant had to meet. If you follow me, in my report it starts  
14 on page 3. Regarding the uniqueness, the property is unique by  
15 reason of its exceptional narrowness, it's extreme long width,  
16 and existing small size.

17 Small row houses characterize most of the lots on  
18 Square 3555. Most of the dwellings on this square are attached.

19 The unit proposed for the subject lot will be somewhat detached  
20 from the unit to the east. That's Mr. Aldridge's unit we talked  
21 about. You've already gone through that, so I won't repeat that  
22 again.

23 There are, as I think the applicant has  
24 mentioned, windows on the west side of Mr. Aldridge's house.  
25 And of course, to build the property right up -- house right up

1 to that would violate his air and space -- I mean, light  
2 provisions, as well as offer a cubbyhole by which trash could  
3 gather between the two units.

4 As it would relate to the practical difficulty,  
5 the strict application of the regulation would result in --  
6 except no practical difficulty. The property is exceptionally  
7 long, as mentioned. It's 150 feet, but it's only 25 feet wide.

8 The width of a one family semi-detached dwelling in our --  
9 excuse me -- R-3 District. On my report I have R-4.

10 According to 401.3, the minimum lot area  
11 permitted for a one family semi-detached is 3,000 feet. This  
12 unit exceeded. It's 3,700. The applicant proposed to construct  
13 a two story four bedroom semi-detached single family dwelling on  
14 what is presently a vacant lot. The resulting unit would be  
15 constructed to within five feet, where it doesn't meet the  
16 necessary eight feet required for side yard. I think the  
17 applicant attempted to compromise pretty well here, in terms of  
18 coming close to Mr. Aldridge's property, but still allowing some  
19 space, so I believe they meet the practical difficulty test.

20 And if the Board were to grant the requested  
21 variance, it would cause no substantial detriment to the public  
22 good, if granted, and would not impair the intent, purpose and  
23 integrity of the zone plan as embodied in the regulations.

24 I don't know if you want me to read the community  
25 comments, because I'm somewhat confused myself. There seemed to

1 have been adequate time by which the community could have  
2 reviewed the application, but as indicated in my report, the  
3 applicant met with the Committee of a whole on November 6<sup>th</sup>.  
4 And where Committee Members raised no objection, there were some  
5 concerns about exactly what were the setback areas.

6 I think the community believed that the setback  
7 was from Mr. Aldridge's side, as opposed to the alley. And  
8 there was some concern, as demonstrated on the drawing submitted  
9 this morning by the applicant, that the new unit will be set  
10 back from Channing further than the other houses on the block,  
11 and that was a concern, and that's been resolved this morning.

12 With all of this taken into consideration, the  
13 Office of Planning recommends that the Board -- don't ask me why  
14 I've still got R-4 through this report, when it's R-3. The  
15 Office of Planning finds that the applicant has satisfactorily  
16 met the test specified in Section 3103.2, and 401.3 and 405.9,  
17 and concludes that the application will not cause substantial  
18 detriment to the public good, and will not interfere with the  
19 purpose and intent of the zone plan as embodied in the  
20 regulations.

21 We do recommend that if the Board grant it, that  
22 there be no windows on what would be the east side of the new  
23 unit, which is next to Mr. Aldridge's house. With that, that  
24 concludes our report. If there are any questions, I'll be glad  
25 to try to answer them for you.

1 CHAIRPERSON GRIFFIS: I have a quick question.  
2 Can you just walk me through your thinking on the uniqueness of  
3 this lot. I understand that it is very narrow, or rather it is  
4 very long, but touch on how you established that that was a  
5 unique condition.

6 MR. MOORE: It is -- as I viewed the property and  
7 walked the alley to the rear of the property, it seemed to be  
8 much longer than the other properties on the block. And as  
9 already stated, it is extremely narrow. It is a challenge, as I  
10 think I mentioned in the report, to build a quad unit on there.

11 However, I think the applicant has demonstrated that they can  
12 build a quad unit on it, but I think that narrow width of the  
13 property and extremely long length are two unique features that  
14 are not standard and normal.

15 CHAIRPERSON GRIFFIS: Okay. And I don't question  
16 the fact that it's problematic, and it's a strange lot dimension  
17 to build on. And let me just digress. I think this uniqueness  
18 test that we, obviously, have to have satisfied, I think is  
19 often fairly archaic and cumbersome. But be that as it may, I  
20 can't see how I can accept your statement that it's extremely  
21 narrow, as Lot 89 adjacent is more narrow.

22 Also, in terms of its length, extremely long is -  
23 - yes, it absolutely is extremely long, but Lot 13, Lot 89, Lot  
24 90, Lot 12 are as -- and identical in length. Unless your  
25 definition goes to a larger scope of area that creates its

1 unique characteristic, I don't know if you have -- if you want  
2 to just speak lastly to that, and we can move on.

3 MR. MOORE: The only explanation I will offer is  
4 that all of the lots you just referenced are already built upon.

5 This one being vacant is unique with respect to it's in a  
6 community where everything else is built up, and where there was  
7 a unit raised. Now obviously, for some purpose that must have  
8 been a detriment to the community, if the DCD had it raised in  
9 the first place.

10 I think it would strangely unique not to allow a  
11 structure to be -- a residential structure to be built on this  
12 property.

13 CHAIRPERSON GRIFFIS: And I absolutely agree, and  
14 I don't question. But you can't say it would be strangely  
15 unique for us not to allow it, because that doesn't go to the  
16 uniqueness of the property, which I'm trying to get to. But I  
17 understand your point. I think your report is clear.

18 I just want to be very clear. I mean, we have --  
19 the regulations are in front of us. It's obvious. You know  
20 this better than I do, but we need to have the information that  
21 we can deliberate on, whether the test is made for that. Okay.

22 To that, any other questions of Planning? Mr. Levy.

23 MEMBER LEVY: A quick question for Mr. Moore,  
24 just to clear up the record because there's some conflicting  
25 information regarding the required lot width. I have 40 feet,

1 30 feet, and 20 feet, all listed as the required lot width in  
2 different parts of the record, so if you would just clarify that  
3 for me, I'd appreciate it. It is 30 feet. Okay.

4 MR. MOORE: I think the applicant wanted to  
5 respond.

6 CHAIRPERSON GRIFFIS: Mr. Huff, did you?

7 MR. HUFF: Yeah. Getting back to Corporation  
8 Counsel's misunderstanding, again this is considered as a semi-  
9 detached, not a detached dwelling. In which case, in this  
10 particular zone, the minimum lot width is 30 feet. The minimum  
11 lot area is 3,000 square feet.

12 MEMBER LEVY: Okay. So you think the discrepancy  
13 came from the earlier issue of whether it was semi-detached or  
14 not. I just wanted to clarify it because the record contains  
15 three different figures, and I just want to make sure we have  
16 the correct one on the record.

17 MR. HUFF: When the project was initially filed,  
18 it was our perception that perhaps it could be considered as a  
19 detached structure, but Staff indicated that that was not the  
20 case.

21 MEMBER LEVY: Okay.

22 MR. HUFF: That it means lot line on one side of  
23 the property, and a side yard on the other. That makes it semi-  
24 detached. In that case, 3,000 square feet.

25 CHAIRPERSON GRIFFIS: Right. And I think Mr.

1 Levy's point is what we have in front of us, which is the --

2 MEMBER LEVY: Right.

3 CHAIRPERSON GRIFFIS: -- application sheet. And  
4 let me correct it for the record, and that is the fact that the  
5 lot area in R-3 at a one family semi-detached, minimum lot area  
6 is 3,000 square feet. Therefore, you can take that number that  
7 is currently there, and write 3,000 over it. And the minimum  
8 width of lot in feet is 30.

9 MEMBER LEVY: Okay.

10 CHAIRPERSON GRIFFIS: So lot required, 30. Okay.

11 There it is. Board Members, any other questions of OP at this  
12 time? Applicant, cross examination of OP's report? Any  
13 questions of OP?

14 MR. ROTHMAN: No.

15 CHAIRPERSON GRIFFIS: Fabulous. And the party --  
16 you still are a party to this.

17 MR. ALDRIDGE: Yes, I am.

18 CHAIRPERSON GRIFFIS: I'll give you an  
19 opportunity to --any questions of OP, clarifications?

20 MR. ALDRIDGE: No. I would just add to the  
21 statement in the sense that there are four other lots in that  
22 area that are also 150 feet long, and they are row properties on  
23 those particular properties. And the reason for that was  
24 subsequent to 1910, row houses were erected in those lots, in  
25 those areas. And that's the reason why you have that unique

1 situation in that square.

2 CHAIRPERSON GRIFFIS: And interesting point.  
3 Good. Thank you. Do we -- we didn't have any other Government  
4 reports. Correct? I don't have any listed, so let's move on to  
5 the ANC. Of course, we've dealt with that, that we are keeping  
6 the record open. In fact, we will be looking forward to their  
7 report coming in shortly. And then is there anyone else here  
8 today, persons wanting to testify on this case? Okay. So we  
9 have no other persons testifying in support or in opposition.

10 Of course, Mr. Aldridge, just to be formal, you  
11 are a party in opposition, although you're withdrawing that, I'm  
12 well aware. But now is the time I will allow you to have a  
13 couple of minutes to make any other further comments if you'd  
14 like.

15 MR. ALDRIDGE: At this point in time, I have no  
16 further comments. Thank you.

17 CHAIRPERSON GRIFFIS: Great. Well, and I  
18 absolutely appreciate you being here, and I think it's,  
19 obviously, been informative for you, and for us in getting all  
20 this information out. Therefore, if there aren't any other  
21 questions or comments from the Board Members, I would ask the  
22 applicant to provide us with a closing statement. You can turn  
23 your mike on so we can --

24 MR. ROTHMAN: I guess there's no real closing  
25 statement, other than just thanking you for the opportunity to

1 appear here today, and for the fair hearing you've given us.

2 CHAIRPERSON GRIFFIS: Great. Anything else?

3 Very good. Thank you very much then.

4 I would say that would take care of this case for  
5 today. Let us just reiterate time frame and schedule on this,  
6 and what is required.

7 SECRETARY PRUITT: The Board left the record open  
8 for one item, which is the ANC report, which is due by December  
9 13<sup>th</sup>, and any responses from the applicant or the party is due  
10 by December 20<sup>th</sup>, for a decision date of January 2<sup>nd</sup>, 2002.

11 CHAIRPERSON GRIFFIS: Great. Thank you very  
12 much.

13 SECRETARY PRUITT: You're welcome.

14 CHAIRPERSON GRIFFIS: And let's call the next  
15 case.

16 MS. BAILEY: Application number 16789 of Manna,  
17 Inc., pursuant to 11 DCMR 3104.1, for a special exception to  
18 establish a child development center with 50 students and six  
19 teachers and staff, under Section 205 in an R-4 District at  
20 premises 614 S Street, N.W., Square 442, Lot 108.

21 Mr. Huff, are you testifying on this case?

22 CHAIRPERSON GRIFFIS: Yes, he is.

23 MS. BAILEY: Okay. Please raise your right hand,  
24 sir.

25 C H A R L E S H U F F, WITNESS SWORN

1 MS. BAILEY: Thank you.

2 CHAIRPERSON GRIFFIS: All right. Do -- let us  
3 take just 30 seconds to get organized here, and we'll allow you  
4 time to do the same. We are getting information passed to us  
5 right now that I believe we're going to need some clarification  
6 on. And Ms. Bailey, I would ask when you get back to your -- if  
7 we could just an exhibit number on this.

8 Also, it's -- I understand this may have been  
9 faxed out to us. What we have in front of us has not been  
10 stamped in. I just want to make sure that it was stamped into  
11 the record. Okay. So we're at -- Exhibit 26, Board Members,  
12 was just handed out. Great. Why don't I keep that. Here,  
13 right up here.

14 Okay. We have special exception to establish a  
15 child development center on 614 S Street, N.W., and if you are  
16 ready, I would turn it over to the applicant.

17 MR. HUFF: Good morning again. I'm Carl Huff  
18 with Manna, Incorporated. Manna is an outgrowth of a church,  
19 which is the New Community Church, which is located at 614 S  
20 Street, N.W., and it's the premise on which we're here today.

21 You may have plats which show the shape and size  
22 of the existing buildings.

23 CHAIRPERSON GRIFFIS: I know we have floor plans,  
24 and I believe we do have the plat that -- but if you want to  
25 refer to it, please go right ahead, if we don't have all your

1 copies.

2 MR. HUFF: Are you ready?

3 CHAIRPERSON GRIFFIS: Oh, yeah. Please, go right  
4 ahead.

5 MR. HUFF: At some point -- well, there are two  
6 buildings. One we'll call the annex, and the other one we'll  
7 call the main building. The annex building will also be used as  
8 a part of this child development center.

9 What we are attempting to do though, is to take  
10 what were church offices out of the main building, and to make  
11 them into classrooms, which should show on your floor plans.

12 We're required in this special exception to meet  
13 certain criteria, but before we go into that part of it, I would  
14 like to give an indication to the Board as to what we mean by  
15 this particular project in terms of a child development center.

16 It's actually an after-school program, but it falls under the  
17 broad heading of child development center, and so you have some  
18 brief, but why don't you go on to explain.

19 MS. TYLER: What you have before you is some --

20 CHAIRPERSON GRIFFIS: Actually, before you start,  
21 if you wouldn't mind just stating your name.

22 MS. TYLER: Oh, I'm sorry. I'm Donna Maurey  
23 Tyler, and I'm the Executive Director of the After-School  
24 Program.

25 CHAIRPERSON GRIFFIS: Thank you.

1 MS. TYLER: What I had distributed to you is a  
2 history of our program, and I'd like to read that to you now.

3 "The New Community After-School and Advocacy  
4 Program, Inc., NCASAP or New Community for short, was  
5 inaugurated in the fall of 1988, the dream of Mrs. Grace  
6 Dickerson, educational advocate for Love of Children's Hope and  
7 a Home Program, and member of New Community Church, where the  
8 after-school program is housed.

9 The Church has been in existence since 1982, and  
10 the after-school program was an outgrowth of that ministry. The  
11 Church also serves as a community center for arts and public  
12 meetings.

13 The program has grown from serving six first  
14 graders in 1988, to currently serving 49 children in grades K-  
15 12. We have academic enrichment programs, remedial assistance  
16 programs, individual tutoring in math and reading, a computer  
17 lab, as well as an art program to support the cultural  
18 enrichment of our students, their parents, and adults in the  
19 neighborhood.

20 NCASAP empowers children through educations,  
21 cultural and spiritual enrichment. Towards that end, we work  
22 with parents, teachers, the community, and other social service  
23 organizations in the District of Columbia, to address the  
24 comprehensive educational needs of children.

25 We prepare children for post-secondary education,

1 careers and/or vocational training to become responsible,  
2 productive adults, who in turn will give their time and talents  
3 back to their communities.

4 The program employs six persons, four full-time  
5 and two part-time. There are three teachers, a program  
6 assistant, a volunteer coordinator, and the Executive Director.

7 The program assistant and the volunteer coordinator hold the  
8 part-time positions.

9 Members of the staff have a food handler's  
10 license, and hold CPR Certifications. The four full-time  
11 employees and one part-time employee have post secondary degrees  
12 in education, and the other part time employee is working  
13 towards a post secondary degree.

14 Before acceptance into the program, parents are  
15 to provide the following information for their child or  
16 children. Number one, completed application for admission.  
17 Number two, updated health form. Number three, proof of  
18 residency. Number four, proof of employment. And number five,  
19 student's most recent report card and SAT-9 test scores.

20 Upon completion of the aforementioned process,  
21 the parents and students are required to sign a release form,  
22 giving the New Community Staff permission to advocate for the  
23 children in their schools.

24 Parents and students are also required to sign  
25 contracts in regards to the student's behavior and attendance in

1 the program. Parents are expected to attend monthly meetings,  
2 and volunteer their time to the program at least once a month.

3 As an after-school program, we have not been  
4 required to secure a license, but we are currently seeking a  
5 license to qualify for district funding; that is, vouchers for  
6 our low income families.

7 A representative from the Department of Human  
8 Services has reviewed us prior to our submission of the  
9 licensure application, and encouraged us to go forward with the  
10 process based on our facility and staff credentials. We were  
11 approved for a total of 51 children.

12 There are ten legal and existing off-street  
13 parking spaces as a part of the facility, with the possibility  
14 of two additional spaces. We are within one block of the Shaw  
15 Howard University Metro Stop. The majority of our children are  
16 residents of the Shaw neighborhood. We also transport the  
17 children in grades K-6 to our site. The older children walk to  
18 the program.

19 As a part of the facility, we have ample outdoor  
20 play space, and there have been no objections at any time from  
21 any of the neighboring property owners in regards to noise or  
22 visual impacts. The children are well protected from vehicular  
23 traffic within our fenced outdoor play space."

24 CHAIRPERSON GRIFFIS: Thank you very much.

25 MR. HUFF: Do you have any comments or questions

1 regarding this testimony?

2 CHAIRPERSON GRIFFIS: Let me jump in quickly, in  
3 terms of you did provide a plat on this, but can you walk us  
4 through briefly. I don't know if you have a larger exhibit, or  
5 we can refer to that.

6 As was just addressed, and as is in the  
7 requirement, there is supposed to be substantial area for play  
8 outdoors. If you want to -- if you would just point to where  
9 that actually happens, and then how vehicles get in and out.  
10 Oh, of course. Do we have an extra plat? Actually here, hand  
11 him this. Oh, there it is. Great. You've got a larger one.

12 MR. HUFF: Okay.

13 CHAIRPERSON GRIFFIS: Whenever you're ready.

14 MR. HUFF: We'll start outdoors. If you orient -  
15 - well, I'll orient it the way that you have it.

16 CHAIRPERSON GRIFFIS: Let's do this. At the top  
17 --

18 MR. HUFF: SV being at the bottom.

19 CHAIRPERSON GRIFFIS: No. The top of the sheet -  
20 -

21 MR. HUFF: Top of the sheet.

22 CHAIRPERSON GRIFFIS: -- we'll call it Project  
23 North.

24 MR. HUFF: Okay. To the right and to the left of  
25 the main building are outdoor play spaces. The one on the left

1 is like for gardening, things of that nature. The area to the  
2 left and adjacent to the annex building is outdoor play space  
3 which is more oriented towards games or basketball, other types  
4 of games of that sort. And the alley to the right goes from S  
5 Street and continues all the way to Rhode Island Avenue. The  
6 parking spaces are existing, and the total of the legal parking  
7 spaces is 10. I say legal, only because the two parking spaces  
8 that are adjacent to the annex building often smaller cars,  
9 compacts park at like a 90 degree, and provides for maybe two  
10 additional, but there are 10 legal striped parking spaces.

11 With the annex, the first floor of the annex is  
12 completely devoted to the child develop -- the after-school  
13 program. In the main building, approximately one-half of the  
14 building is devoted to the Church Sanctuary, which is the  
15 portion that fronts towards S Street. The rear portion of the  
16 building contains toilet facilities, and offices for the after-  
17 school program.

18 CHAIRPERSON GRIFFIS: Okay. Actually, before we  
19 go -- yeah. Before we walk inside, let's deal with the  
20 exterior. And then I think there are questions that will be  
21 specific to the interior plans.

22 Actually, in our -- just for clarification. In  
23 our case that we get to review, we get black and white copies of  
24 photographs, which on their nature don't read very well. I'm  
25 looking at the color, and I think it's much clearer. And what

1 you stated, and correct me if I'm wrong, no need to correct if  
2 I'm not.

3 Adjacent to the accessory building which is the  
4 carriage house, let's call it.

5 MR. HUFF: Yes.

6 CHAIRPERSON GRIFFIS: Is actually a paved play  
7 area. You could see there's a basketball hoop there, a mural.  
8 It's surfaced appropriately for that. And you're saying  
9 flanking the existing structure is actually additional play  
10 area. As I'm looking at it, you're saying one is green, and one  
11 is the other.

12 Does any of these -- well, it's your anticipation  
13 that after-school -- in terms of the program, that there may be  
14 a time where all 50 kids are outside?

15 MS. TYLER: Not generally.

16 CHAIRPERSON GRIFFIS: Okay.

17 MS. TYLER: We have different age groups.

18 CHAIRPERSON GRIFFIS: Indeed. And so the age  
19 groups would be scheduled in terms of that area. I'm,  
20 hopefully, clearing up some issues that will expedite this, but  
21 I'm going to pass these color -- the original photographs down  
22 because I think it brings some clarity. And there are -- as  
23 stated, there's gardening opportunities on one of that small  
24 area.

25 The other thing that is a part of the

1 regulations, and I'm sure you're aware, is in terms of we have  
2 the ability to require special treatment in terms of design, and  
3 screening of buildings, and planting, and parking areas, and  
4 stuff like that. And I state that because it is something we  
5 have to look at at Section 2005.6.

6 I want Board Members to take note of the  
7 photographs because it doesn't read in our black and whites.  
8 There is a designed gate into this area on the side. There is a  
9 brick wall that divides it from the adjacent alley. And so, in  
10 that, let me pass this down, and we can continue with other  
11 questions, and I think I'm clear on the exterior.

12 Board Members, anything else?

13 MEMBER LEVY: Mr. Chair.

14 CHAIRPERSON GRIFFIS: Yes.

15 MEMBER LEVY: Two quick questions. One about the  
16 parking spaces. You said there are 10 legal spaces, Mr. Huff,  
17 and then two additional spaces, but the plat in front of me  
18 shows eight and two, so I just want to know where are the two  
19 that I'm missing.

20 MR. HUFF: There are 10 legal spaces, the eight  
21 and the two that you show there. The two though, even though  
22 they're not "legal" parking spaces, often the people who drive  
23 there turn into them perpendicular to the building.

24 MEMBER LEVY: Right.

25 MR. HUFF: In which case, instead of two parking

1 spaces being up against the side of the building, they come in  
2 perpendicular to the building, and therefore, provide for two  
3 additional spaces.

4 MEMBER LEVY: I see. Okay. And then a related  
5 question is, maybe I missed this, but where is the driveway  
6 located for that parking area?

7 MR. HUFF: The driveway is located off of the  
8 alley.

9 MEMBER LEVY: Okay.

10 MR. HUFF: Off of the alley, approximately midway

11 --

12 MEMBER LEVY: Okay.

13 MR. HUFF: -- between the two spaces and the  
14 eight spaces.

15 MEMBER LEVY: Okay. Thanks. And the -- one more  
16 quick question, and maybe this is clear on the color  
17 photographs, but did you also say, Mr. Huff, that there's a play  
18 area adjacent -- between the alley and the building toward the  
19 north side of the site? Are there three or --

20 MR. HUFF: It's an outdoor space.

21 MEMBER LEVY: Okay. Does that include the  
22 handicap ramp that I see?

23 MR. HUFF: It includes the handicap ramp.

24 MEMBER LEVY: Okay.

25 MR. HUFF: Also, the little garden. Also,

1 between -- you can also see benches and so forth, tables towards  
2 the carriage house.

3 MEMBER LEVY: Okay.

4 MR. HUFF: Can you see those?

5 MEMBER LEVY: I see those. So you have an active  
6 play space, sort of a garden space, and then you have another  
7 outdoor space that has a sitting area and the handicap ramp.

8 MR. HUFF: Yes.

9 MEMBER LEVY: Okay. Great. Thank you.

10 VICE CHAIRPERSON RENSHAW: Mr. Chairman, related  
11 to the outdoors, I would like to hear from Ms. Tyler where the  
12 children are dropped off?

13 CHAIRPERSON GRIFFIS: Actually, can I interrupt  
14 you for a second? We have -- and I don't want to get into it  
15 totally, but if I could ask you to ask your question, perhaps,  
16 pertaining to -- I think you had questions on the third floor.

17 VICE CHAIRPERSON RENSHAW: Uh-huh.

18 CHAIRPERSON GRIFFIS: And let's deal with that,  
19 because it may lead us to something that we need to deal with  
20 right away.

21 VICE CHAIRPERSON RENSHAW: All right. The  
22 question about the third floor we see on the plans, that there  
23 is an apartment, two bedrooms, living room, kitchen and dining.  
24 Would you describe that? Who is in that apartment? Is that a  
25 --

1 MR. DICKERSON: Resident manager is in that  
2 apartment, a person that lives there and takes care of the  
3 buildings and the grounds.

4 CHAIRPERSON GRIFFIS: And your name is?

5 MR. DICKERSON: My name is Jim Dickerson. I'm the  
6 pastor of the New Community Church.

7 CHAIRPERSON GRIFFIS: And your address.

8 MR. DICKERSON: Chairman of Manna. 3418 17<sup>th</sup>  
9 Street, N.W.

10 CHAIRPERSON GRIFFIS: Thank you. Mr. Dickerson,  
11 while I have you, has this property been used continuously as a  
12 church?

13 MR. DICKERSON: Yes.

14 MR. HUFF: Continuously? No. May I respond?

15 CHAIRPERSON GRIFFIS: Yes.

16 MR. HUFF: I believe your answer was from the  
17 time the building was built until the present?

18 CHAIRPERSON GRIFFIS: Yes.

19 MR. HUFF: The answer is no.

20 CHAIRPERSON GRIFFIS: Right.

21 MR. HUFF: But it has been in existence for the  
22 past 20 years, but it was not built as --

23 CHAIRPERSON GRIFFIS: Well, you know where I'm  
24 going with that.

25 MR. HUFF: Yes, I do.

1 CHAIRPERSON GRIFFIS: I'm going to ask Corp.  
2 Counsel when she comes back just to make comment on that, just  
3 so everyone knows, so I'm not being evasive here. But Section  
4 330.5E stipulates in an R-4, that if this is -- was -- if the  
5 building was built as a church and had been continually used as  
6 a church, this is a matter of right use. You wouldn't need to  
7 be here so we could, you know, move you on.

8 MR. HUFF: We are aware of that stipulation --

9 CHAIRPERSON GRIFFIS: Okay.

10 MR. HUFF: -- but we hoped that we should come  
11 before the Board in this matter.

12 CHAIRPERSON GRIFFIS: Right. It's your  
13 understanding that this was built as a residential townhouse,  
14 and then was converted to other use.

15 MR. HUFF: That's correct.

16 CHAIRPERSON GRIFFIS: Okay.

17 MR. HUFF: But it has been in existence -- the  
18 church has been in existence for at least the past 20 years.

19 CHAIRPERSON GRIFFIS: Right. Okay.

20 SECRETARY PRUITT: Excuse me. And in that time,  
21 it's always been a church? There was no down time?

22 MR. HUFF: It's always been a church.

23 VICE CHAIRPERSON RENSHAW: I would just like to  
24 add -- ask the applicant if you have a C of O for the resident  
25 manager? Did you get permission for a resident manager on the

1 third floor?

2 MR. HUFF: We have a Certificate of Entire  
3 Building, and it should have included the -- there's only the  
4 one residential use on that site. There's only the one  
5 residential use. Usually -- I don't have the certificate before  
6 me, but usually single families are one unit aren't required to  
7 have a certificate. It's only two or more units that require  
8 it. However, I'm certain that the balance of the building  
9 indicates the various uses of the church and the church office  
10 in this way, and that's where the Certificate of Occupancy was  
11 derived for the entire building.

12 And when plans were submitted back 20 years ago,  
13 or whenever it was that the renovations were done, that  
14 apartment unit was indicated on the plans, just as you see them  
15 there. Also, there were special requirements for the prior  
16 section to allow for that unit to be there, which were met  
17 before the Certificate of Occupancy was issued.

18 CHAIRPERSON GRIFFIS: Yeah, indeed. Ms. Sansone  
19 is back, and we -- I had brought up as you just stepped our  
20 briefly, the Section 330.5, Paragraph E. And the point of the  
21 fact, the building is built as a row house or semi-detached,  
22 knowing the definition. And that it has been continuously used  
23 as a church for 20, if not more, years. Does that in any way  
24 impact the utilization of Paragraph E, or is it -- and I have a  
25 current copy, I certainly hope, of the regulations, but has

1 there been interpretation of that differently?

2 MS. SANSONE: Mr. Chairman, I think -- I don't  
3 think there's any amendments to that regulation other than to  
4 make it applicable to the elderly development centers as well,  
5 but I had raised this with Staff yesterday. There was a  
6 possibility of this being a matter of right use, and it just  
7 turns on the continuous use of the building for a church.  
8 There's no -- it just specifies located in a building built as a  
9 church.

10 CHAIRPERSON GRIFFIS: But if -- is your  
11 interpretation that we can at 20 years plus say that this was  
12 continually used, or do we need to read to the end of that  
13 sentence? That it says, "Continuously as a church since it was  
14 built."

15 MS. SANSONE: Since it was built.

16 CHAIRPERSON GRIFFIS: So that's the deal, so we  
17 can put this to rest and move on.

18 Now the next question that has just come up in  
19 terms of when the church is built out, Ms. Renshaw has brought  
20 up the issue of whether the C of O was required for the unit  
21 that's showing on the third floor. It's given an indication  
22 that it was properly permitted and provided for. However, do we  
23 have any sort of additional items to look at in terms of  
24 addition or change of uses if we're adding in this after-care or  
25 child development center, with a church, and then a residential

1 on the third floor?

2 MS. SANSONE: Mr. Chairman, the Board has been in  
3 some recent cases trying to specify the areas -- the particular  
4 use in the areas to which it's going to be confined. That had  
5 just come up the other day in the Alliance France case with the  
6 issue of the use of one of the floors for the school, but I  
7 don't -- you know, it's a question of the level of detail that  
8 you wish to specify in the order, and what would provide the  
9 applicants sufficient flexibility for their use.

10 CHAIRPERSON GRIFFIS: Right. I would say for our  
11 purposes today, Ms. Renshaw, if this is acceptable to you, that  
12 we establish the fact that the unit on the third floor is a  
13 conforming use for this property, if I'm not mistaken, so it'll  
14 be the after-school program, and so is the existing church.  
15 Therefore, I don't see a requirement for any sort of relief from  
16 use, unless anyone has other information. I think it's very  
17 applicable to note that, but what I'm looking for, frankly, is  
18 do we have a regulation that doesn't allow it, that relief needs  
19 to be -- and I guess Corp. Counsel is telling us that that  
20 would not be the case. Is that correct, just to reiterate?

21 MS. SANSONE: Yes, Mr. Chairman.

22 CHAIRPERSON GRIFFIS: Is that clear, Ms. Renshaw?

23 Is that --

24 VICE CHAIRPERSON RENSHAW: Yes, but I was just  
25 curious as to why on the Certificate of Occupancy that's dated

1 12/2/98, the apartment was not recognized as a requirement. Not  
2 a requirement, but the fact that you were going to have a  
3 resident manager on site. Put your mike on please, Mr. --

4 MR. HUFF: You have only one certificate?

5 VICE CHAIRPERSON RENSHAW: I have one  
6 certificate.

7 MR. HUFF: You just mentioned a date, you said  
8 ?89?

9 MEMBER LEVY: ?98.

10 MR. HUFF: ?98.

11 VICE CHAIRPERSON RENSHAW: Uh-huh.

12 MR. HUFF: That's for the -- that's not for the  
13 main building. That's for the --

14 VICE CHAIRPERSON RENSHAW: After-school.

15 MR. HUFF: No, that's for the annex building.

16 MS. SANSONE: It states the address as 1614 S  
17 Street in the rear.

18 VICE CHAIRPERSON RENSHAW: Rear, and the rear is  
19 the annex?

20 MR. HUFF: The rear is the annex building. Yeah.

21 VICE CHAIRPERSON RENSHAW: Uh-huh. All right.

22 CHAIRPERSON GRIFFIS: Yeah, Mr. Levy.

23 MEMBER LEVY: I guess -- let me just clarify.  
24 Maybe I missed this then. Will parts of both buildings be used  
25 for the after-school program or just -- because this is a

1 Certificate of Occupancy for 15 students, and we're talking  
2 about 50 students.

3 MR. HUFF: What we will eventually ask for is a  
4 certificate for 50 students, which would include one level of  
5 the annex building. It will include the basement of the main  
6 building, plus half of the first floor --

7 MEMBER LEVY: Okay.

8 MR. HUFF: -- of the main building, and  
9 approximately half of the second floor of the main building.

10 MEMBER LEVY: Thank you.

11 CHAIRPERSON GRIFFIS: Anything else at this time?  
12 Very good. Let's move on to Planning.

13 MR. MOORE: Good morning. John Moore again,  
14 Office of Planning.

15 Mr. Chairman, is it your pleasure that I go  
16 through the special exception test?

17 CHAIRPERSON GRIFFIS: I don't know if I'd stretch  
18 it to say my pleasure, but that I think it would be great if you  
19 do just briefly give us an overview of your report. Thank you,  
20 Mr. Moore.

21 MR. MOORE: Okay. Under 205, starting with  
22 205.2, the center shall be capable of meeting all applicable  
23 codes and license requirements. As already indicated, the  
24 Department of Health has already been through the building.  
25 There was a punch list of items that the Department asked the

1 applicant to correct, and they've all since been corrected, and  
2 they have been approved by DHS.

3 205.3, the center shall be located and designed  
4 to create no objectionable traffic, no unsafe condition for  
5 picking up and dropping off children, or elderly persons. The  
6 block that the church is on is not a major block in terms of  
7 Washington, D.C. traffic patterns. However, parents are  
8 required to pick up and drop the kids off in to the rear in the  
9 parking area that's already been discussed, where the parking  
10 spaces are. And I think it's already somewhat of a practice.  
11 There is adequate space, of course, in front of the church by  
12 which pickup and drop off can happen. And the applicant also  
13 mentioned that the center is close to the Shaw Howard University  
14 Metro Station. And since most of the older children in the  
15 program live in the community, walk to the program, and the  
16 younger ones are picked up by the Center Staff.

17 Next point, 205.4, the center shall provide the  
18 parking. I think there's no need to mention it again, since the  
19 applicant just finished talking about the available parking  
20 space.

21 The center including outdoor play areas, again  
22 these are things that have been done. But although there is  
23 adequate fencing in the play area available for children, most  
24 of the program activities take place inside.

25 In the long history of the program, there's been

1 no objection from neighboring property owners regarding noise or  
2 negative impact typically associated with the center.

3           Regarding the special treatment that the Board  
4 may require, you mentioned a couple of the components. The  
5 subject property is adjoined on the -- on one side by another  
6 building, and on the east side the nearest property again is 100  
7 feet. There is a fence enclosure in the rear of the property,  
8 and there is sufficient landscaping and lighting on the back of  
9 the property.

10           Regarding 205.7, regarding off-street play areas  
11 shall be located so as not to result in endangerment to  
12 individuals in attendance at the center. Children in the after-  
13 care program who participate in outdoor activities are protected  
14 from vehicular traffic by a fence, as I've already mentioned  
15 that covers the property, and I think some of the color  
16 renderings may already show that.

17           Regarding 205.8, the applicant NOP are not aware  
18 that there's another child development center within 1,000 feet  
19 of this one in the four -- in Square 442.

20           The community -- the New Community After-Care  
21 Program, After-School Program has existed in the community, the  
22 New Community Church since 1988. During this long period,  
23 there's been no objection from other neighboring property  
24 owners, community residents as a result of noise generated by  
25 the church, or any negative visual impacts associated with the

1 church.

2 The ANC -- I did talk to the ANC Chairperson  
3 personally, and where they did -- this was presented to the ANC,  
4 and they unanimously supported. They too had a concern that  
5 there be no drop off and pickup in front of the church, and the  
6 applicants agreed that that would take place in the rear of the  
7 building, so I think we put that in as a condition.

8 After reviewing the application, the Office of  
9 Planning finds that the applicant satisfactorily met the tests  
10 specified in Section 3104.1 and 2, and conclude that the  
11 application will be in harmony with the general purpose and  
12 intent of the zoning regulation and map, and will not tend to  
13 affect adversely the use of neighboring properties in accordance  
14 with the zoning regulations, and zoning maps.

15 If there are any questions, I'll be glad to  
16 attempt to answer.

17 CHAIRPERSON GRIFFIS: Any questions, Board  
18 Members?

19 VICE CHAIRPERSON RENSHAW: Yes. I would like to  
20 ask Mr. Moore if you have anything in writing from the ANC?

21 MR. MOORE: I did ask the ANC Chairperson to  
22 forward a copy to me, as well as to this Board. I thought you  
23 may have gotten it by now.

24 VICE CHAIRPERSON RENSHAW: We have not.

25 MR. MOORE: When I get mine, I'll be glad to

1 provide it to the Board.

2 VICE CHAIRPERSON RENSHAW: Uh-huh.

3 CHAIRPERSON GRIFFIS: Is the adjacent building  
4 not on the alley side, adjacent to -- is that a residential?

5 MR. MOORE: Yes, on the west side.

6 CHAIRPERSON GRIFFIS: And it's my under -- and  
7 then can you just talk to me a little bit about the other  
8 adjoining or adjacent properties across the street, just paint  
9 the picture of --

10 MR. MOORE: On the north side of the block, well  
11 the whole block on both sides is residential in character, with  
12 the exception of the church itself, i.e., the after-care  
13 program. The block is, I would say, very well maintained, very  
14 wide width. There are no signs of decay on the block; although  
15 as you cross to the south on Rhode Island Avenue there are some  
16 precarious conditions that exist.

17 CHAIRPERSON GRIFFIS: Okay. Let me -- and the  
18 north side of S Street is also residential, or is it commercial?

19 MR. MOORE: That's residential also.

20 CHAIRPERSON GRIFFIS: Okay. There it is. Thank  
21 you. Any other questions of Mr. Moore? Applicant have any  
22 cross examination? Planning? Excuse me. Thank you. I've been  
23 informed there's an ANC Member here. Did you want to come  
24 forward? I'm sorry that wasn't brought to my attention  
25 beforehand. Do you want to just state your mind. If you

1 wouldn't mind turning your mike on as you do that.

2 MR. PADRO: Yes. I'm Alexander M. Padro. I am  
3 Advisory Neighborhood Commissioner for single member District  
4 ANC-2C-L-1 where the subject property is located. And I have a  
5 written statement, which I would like to submit for the record,  
6 and I have sufficient copies to distribute to the Board, if it  
7 is your pleasure. Or I can read the statement, or summarize, at  
8 your pleasure.

9 CHAIRPERSON GRIFFIS: Great. Let me step you  
10 back just a second, and ask if you had any cross examination of  
11 the applicant at this point in terms of their testimony? Any  
12 questions on their testimony?

13 MR. PADRO: No.

14 CHAIRPERSON GRIFFIS: Do you have any questions  
15 of Office of Planning?

16 MR. PADRO: I have a few corrections, but they  
17 can be phrased in the form of a question, if you prefer.

18 CHAIRPERSON GRIFFIS: Good point, Mr. Padro. Have  
19 you been sworn in? Were you sworn?

20 MR. PADRO: No, I have not been.

21 CHAIRPERSON GRIFFIS: Okay. Were you here when  
22 we called this case?

23 MR. PADRO: Yes, but I was not -- I am not here  
24 on behalf of the full ANC, just in my capacity as the Single  
25 Member Commissioner.

1 CHAIRPERSON GRIFFIS: Oh, fabulous. In which  
2 case, if I'm not mistaken, then he's actually not a party on  
3 this.

4 MR. PADRO: Correct.

5 CHAIRPERSON GRIFFIS: Fabulous. That's  
6 absolutely fine. I'm going to dispense with these small  
7 Government reports, and then turn to you, and that will make it  
8 logical and in sequence.

9 Planning did indicate a Department of Health  
10 walk-through, and I think the applicant also did. We have the  
11 letter dated October 12<sup>th</sup>, and it stands on its own. DPW also,  
12 Mr. Layton. Excuse me. Transportation put in a letter dated  
13 November 14, 2001, and it stated: "According DOT has no  
14 objection to this application."

15 VICE CHAIRPERSON RENSHAW: Human Services, not  
16 Health.

17 CHAIRPERSON GRIFFIS: Oh, I'm sorry. Yeah. I'm  
18 sorry. I have been corrected. Department of Human Services,  
19 not Department of Health. Indeed, from Barbara Ferguson. Okay.

20 That being said, any other Government reports I'm  
21 missing or overlooking? Fabulous. We do not have an ANC 2-C  
22 report, but we do have an ANC Single Member District with us  
23 today, so we will turn it over to you for your statement, and we  
24 will roll this into testimony. And I'll just ask you to stand  
25 and be sworn in.

1 A L E X A N D E R P A D R O, SWORN

2 MS. BAILEY: Thank you.

3 MR. PADRO: Thank you again. And for the record,  
4 I am again, Alexander M. Padro. I'm Advisory Neighborhood  
5 Commissioner for ANC 2-C-L-1 where the subject property is  
6 located. If it is the Chair's pleasure, I will read the  
7 prepared statement, and then offer some additional comments.

8 CHAIRPERSON GRIFFIS: Great. Yeah. Did you want  
9 to pass that to us and -- that's fabulous. You can -- thank  
10 you.

11 MR. PADRO: This is a letter directed to the  
12 Board of Zoning Adjustment dated today. BZA Case Number 16789,  
13 a request for a special exemption under DCMR 11 Section 3104.  
14 The subject property is at 14 S Street, N.W., Square 442, Lot  
15 108, owned by Manna, Inc., 838 Everett Street, N.W., is zoned R-  
16 4. The property is located in my Single Member District, ANC  
17 2C-L-1.

18 The property currently houses New Community  
19 Church, whose program is including a small child development  
20 center and offices. The applicant seeks to enlarge the child  
21 development center by converting existing office space in the  
22 building to this purpose. A total of 50 students, aged 6 to 18  
23 years, and six staff are proposed to be housed in the expanded  
24 child development center at this location.

25 I personally contacted nearly three dozen

1 residents of the 600 Block of S Street, N.W., as well as the  
2 1700 and 1800 Blocks of 6<sup>th</sup> Street, N.W., and the 1800 Block of  
3 Wiltburger Street, N.W., in late September of this year to  
4 determine whether there was any objection to the proposed  
5 change, and whether there were any conditions that could be  
6 addressed in the BZA to assuage specific concerns raised.

7 I determined that there were no objections raised  
8 to the proposed increase in the number of students at the child  
9 development center, per se, but there were associated traffic  
10 congestion and parking concerns.

11 S Street, N.W. between 7<sup>th</sup> Street and New Jersey  
12 Avenue, N.W., a two-way east/west thoroughfare is a frequently  
13 used shortcut for rush hour commuters. The 600 Block of S  
14 Street, N.W. is narrower than the 400 and 500 Blocks. The 600  
15 Block does not have rush hour parking restrictions imposed. The  
16 block also is the location of the entrance to the Shaw Howard  
17 University Greenline Metro Station.

18 As a result, the parking lanes on the 600 Block  
19 of S Street are generally fully occupied before, during, and  
20 after business hours on weekdays. Commuters, residents, and  
21 customers of nearby business establishments compete for the  
22 limited number of parking spaces on these streets.

23 As previously mentioned, the street is a narrow  
24 one. When cars double park, even momentarily, the street  
25 becomes an obstacle course. Cars frequently travel at high

1 rates of speed through the block in order to cross either 6<sup>th</sup> or  
2 7<sup>th</sup> Street while the light is green or yellow.

3           Increasing the number of vehicles that would be  
4 stopping in front of 614 S Street, N.W. in the morning and late  
5 afternoon when children would be arriving and departing from the  
6 child development center would increase traffic congestion, and  
7 endanger pedestrians, including the students. As a result,  
8 residents suggested that student drop off and pickup not take  
9 place in front of 614 S Street, N.W. I suggested that since  
10 there is a parking area with 10 spaces at the rear of the  
11 property, that all loading and unloading of students take place  
12 there, not on S Street, or the alley on the east side of the  
13 property.

14           At a meeting of the ANC 2C-L-1 Community Forum  
15 held on Wednesday, September 27<sup>th</sup>, 2001 at 7 p.m. on the Walter  
16 T. Daniel Shaw Branch Library of the District of Columbia Public  
17 Library, 1701 8<sup>th</sup> Street, N.W., three representatives of Manna,  
18 Inc., including James Dickerson and Carl Huff, appeared to  
19 present their project and associated requests for zoning relief  
20 to neighborhood residents, and answer questions about their  
21 plans.

22           The approximately 30 residents in attendance  
23 expressed no concerns about the proposed increase in the number  
24 of students at the child development center, other than those  
25 cited above.

1                   When asked whether the applicant had any  
2 objections to requiring that pickup and drop off of students  
3 occur only in the parking lot, and not on S Street or the  
4 adjacent alley, the Manna, Inc. representatives agreed to do so.  
5 They also suggested changing the parking regulations in front of  
6 the subject location in order to facilitate child pickup and  
7 drop off, which was objected to because that action would result  
8 in a loss of already limited parking resources in the area.

9                   At the conclusion of the discussion of the  
10 Community Forum, the Manna, Inc. representatives agreed to issue  
11 a letter indicating that pickup and drop offs would take place  
12 only in the parking lot, and that no changes in the parking  
13 regulations on the 600 Block of S Street, N.W. would be sought.

14                   I, in turn, agreed that if said conditions were  
15 fulfilled, that I would support the application and appear at  
16 the BZA Hearing on November 20<sup>th</sup>, 2001 to testify to the  
17 Committee's support.

18                   Attached to this letter is a copy of a letter  
19 signed by Carl Huff of Manna, Inc., indicating their agreement  
20 to the conditions detailed above, dated November the 16<sup>th</sup>, 2001.

21                   Since this document was received after the monthly ANC 2C  
22 Commission Meeting on November 7<sup>th</sup>, 2001, the full Commission  
23 has taken no position on the application. But as the affected  
24 Single Member District Commissioner, I endorse Manna, Inc.'s  
25 request for a special exception, with a request that the final

1 BZA order include the restrictions stipulated in the letter from  
2 Manna, Inc.

3 I specifically request that the restrictions be  
4 included in the decision, rather than the Findings of Fact, to  
5 ensure that there is no doubt that these conditions of the --  
6 these are conditions of the approval of the applicant's request,  
7 and not merely Findings of Fact."

8 And I thank you for take community concerns and  
9 importance in consideration in your deliberations regarding  
10 this application. Sincerely, Alexander M. Padro, Commissioner,  
11 ANC 2C-L-1." And that letter is attached.

12 Now the couple of points that I wanted to add  
13 regarding the Office of Planning's report. Number one, I had  
14 made several requests to Mr. Moore for, you know, specific  
15 citations of law which I had intended to include in my  
16 correspondence before sending it to him. That is the reason why  
17 it was not submitted to him, as I indicated that I would.

18 In terms of current conditions on the block and  
19 uses, there are some, you know, dilapidated housing units on the  
20 block. And directly across the street from 614, or diagonally  
21 across from 614, in addition to the residential units, there is  
22 also a currently unused commercial facility, commonly known as -  
23 - referred to as "The Wonderbread Factory". There is also an  
24 adjacent empty lot that is under control of Metro, so I just  
25 wanted to provide those additional clarifications.

1                   Because of ANC 2C's heavy caseload, we have, you  
2 know, fully booked our meetings for some time. We have, you  
3 know, the Wax Museum RFP that you may be familiar with that has,  
4 you know, ten separate applicants, and it is -- it would be  
5 unlikely that even if we had several months, that we would get  
6 around to actually presenting this particular case before the  
7 ANC. But since there was no objection raised by the community,  
8 you know, we have dispensed with that, and we have handled the  
9 matter in the manner that I have specified. You know,  
10 consulting other community residents, and also, you know,  
11 holding a Public meeting at which any objections could be  
12 raised.

13                   CHAIRPERSON GRIFFIS: Great. Mr. Padro, I  
14 absolutely appreciate you coming down and speaking to us, and I  
15 have two things. One, that it is an exciting time in this City  
16 when the ANC is overloaded with applicants for new developments,  
17 and hopefully, some of them are good, and very big. I did see  
18 some of the Wax Museum, so you have your job cut out for you,  
19 but it's an exciting process.

20                   But with that, I think we absolutely appreciate  
21 and understand why this case couldn't be heard for this special  
22 exception. But again, underscore the fact that we take very  
23 seriously the ANC's recommendations for approval or denial, and  
24 appreciate you coming down as a Single Member District. And I  
25 think the information is very clear, and exactly what we needed

1 at this point.

2 Any other questions of Mr. Padro while he is here  
3 on his report?

4 VICE CHAIRPERSON RENSHAW: Yes. Mr. Padro, you  
5 stated in your presentation that a total of 50 students, age 6  
6 to 18 years, and the Office of Planning is talking about  
7 students Pre-K through 12. Is that correct, that it's 18 years  
8 is the top level, or is --

9 MR. PADRO: The impression that I provided was  
10 based on communications that I have from Manna, Inc., and also  
11 the information that was included in the application. For any  
12 other clarifications, I would have to refer you to the Manna  
13 representatives.

14 VICE CHAIRPERSON RENSHAW: Thank you.

15 MS. TYLER: We do have students currently now in  
16 grades K through 12, which would encompass ages 6 through 12.  
17 We have had as young as Pre-K.

18 VICE CHAIRPERSON RENSHAW: Uh-huh.

19 CHAIRPERSON GRIFFIS: Anything else? Mr. Levy.

20 MEMBER LEVY: Just to clarify for the record. You  
21 said ages 6 through 12. Do you mean 6 through 18? Okay.

22 MS. TYLER: Six to 18. Grades --

23 MEMBER LEVY: Thanks. Just so it's clear.

24 MS. TYLER: -- Pre-K to 12.

25 MEMBER LEVY: Right.

1 CHAIRPERSON GRIFFIS: Thank you. He's our Board  
2 Member in charge of getting the record straight.

3 MEMBER LEVY: Given that I sometimes have to read  
4 the record, it's --

5 CHAIRPERSON GRIFFIS: Yeah. No, indeed. Review  
6 those, and you want it to be straight. Mr. Padro.

7 MR. PADRO: One further clarification. Mr. Moore  
8 identified me as the Chair of ANC 2C. I am not the Chair.

9 CHAIRPERSON GRIFFIS: Good. And you so  
10 identified yourself, and in fact your letterhead states so.  
11 That's appreciated also. Okay.

12 Am I missing any other reports? I think we've  
13 gone through everything then. It looks like we're running down  
14 very good. I would say that we are prepared to hear closing  
15 statements by the applicant, unless Board Members disagree with  
16 that. I would turn it over to the applicant.

17 MR. HUFF: We have no further comments, except to  
18 say that we request that we be permitted to secure the special  
19 exception. We feel that items which go to make up the special  
20 exception, that we have identified, and we covered adequately.  
21 And if there is a point of those requirements of the special  
22 exception rule that you need any further clarification, then  
23 we'd be glad to answer, but I will stand on the basis that it's  
24 our feeling that we've met the test of what is required for the  
25 special exception. Thank you.

1 CHAIRPERSON GRIFFIS: Great. Thank you very  
2 much. Okay. Obviously, drop off is the one issue that was  
3 brought up, and can -- appreciate question marks, although I do  
4 have a follow-up question for clarification.

5 Hopefully we don't, as our time is ticking on,  
6 but can you talk to me about where the alleys -- in that I have  
7 heard in this case that it's proposed that their drop off take  
8 place in the parking area. And if I'm not mistaken, that's what  
9 the ANC is also indicating.

10 The issue is then we're bringing traffic down the  
11 public alley which is 15 feet off of S Street, and the drop off  
12 would actually happen at the 20 foot public alley at the rear of  
13 the site. Is that your understanding?

14 MR. HUFF: No. NO that's not. Let's say a  
15 parking space is 19 feet. If you look at the eight spaces that  
16 are along the rear --

17 CHAIRPERSON GRIFFIS: Correct.

18 MR. HUFF: -- the entrance to the parking space -  
19 - I mean, to the parking area --

20 CHAIRPERSON GRIFFIS: Indeed, is --

21 MR. HUFF: -- is 19 feet north of the property  
22 line at the rear on the right hand side.

23 CHAIRPERSON GRIFFIS: Right. It feeds off of the  
24 --

25 MR. HUFF: It feeds off of the 15 foot alley.

1 CHAIRPERSON GRIFFIS: -- alley. Right. The 15  
2 foot alley what is there.

3 MR. HUFF: That's correct.

4 CHAIRPERSON GRIFFIS: So it -- logically, you  
5 take a turn off of S Street, pull into that alley. And you're  
6 proposing that automobiles are pulling into that parking area,  
7 dropping the kids off, backing out into the alley, or perhaps  
8 being able to turn around and come back out into the alley.

9 MR. HUFF: Normally, they find a place to park in  
10 one of the spaces, and then they pull out. They back into the  
11 parking space.

12 CHAIRPERSON GRIFFIS: I see. I see. Okay.  
13 That's clear to me. Is that clear to everybody, what's being  
14 proposed? Fine. Okay. And then lastly, the 15 foot alley  
15 that comes off of this, it runs off of our plat plan, but that  
16 then -- if you see where it crosses the 20 foot alley, it  
17 actually extends off to another street. Is that correct?

18 MR. HUFF: It goes to Rhode Island Avenue.  
19 Sorry, say it again.

20 CHAIRPERSON GRIFFIS: That's exactly it. Okay.  
21 To Rhode Island. The point being, you don't have a choke point  
22 when the cars are coming in if there is, frankly, traffic in  
23 that 15 foot alley. Any other residents on that block would  
24 have the opportunity to take a right at the end of the 20 foot  
25 alley to go out on Rhode Island, and not have to wait for

1 parents dropping off and pulling into that parking area.

2 VICE CHAIRPERSON RENSHAW: And I'm glad you  
3 mentioned that this was --

4 CHAIRPERSON GRIFFIS: Well, let me just mention  
5 it because I didn't notice it in the case. Ms. Renshaw is  
6 drawing my attention to the photograph of the front of the  
7 building. And I think there was an issue that was brought up, I  
8 believe by Mr. Levy, the Board Member, that you indicated that  
9 there were 10 legal parking spaces, and 12 total, which would  
10 make two illegal, 10 legal. And I pointed out, and if you can  
11 correct me if I'm wrong, but there is parking at the front of  
12 that building. There are two cars that are showing in a  
13 photograph there, which I would say are illegal spots. Is that  
14 correct?

15 MR. HUFF: It's a paved area and what's --  
16 sometimes the -- the answer is yes to your question.

17 CHAIRPERSON GRIFFIS: Yeah. Okay. In which  
18 case, it's not -- we ought to get clarification if we have  
19 jurisdiction over dealing with that at this point. And if not -  
20 - it is public -- it looks to me from the plat that -- a Staff  
21 Member just mentioned it. It looks to be parking in a public  
22 space, which is out of our jurisdiction, but I think you may be  
23 well aware of it, and it may come back to haunt you. Who knows?  
24 But I think you ought to just be aware of that, and take care  
25 of that.

1 MS. SANSONE: And DPW has already looked at this  
2 site.

3 CHAIRPERSON GRIFFIS: And did not bring that up.

4 MS. SANSONE: Right. And that they have an  
5 excess of parking required for the --

6 CHAIRPERSON GRIFFIS: Okay. Well, it will be  
7 noted that we took note of it, and there it is. I would turn it  
8 over to the Board for their pleasure, unless there are other  
9 questions, comments.

10 SECRETARY PRUITT: Excuse me, Mr. Chair. Do you  
11 want to try to establish some conditions based on -- you know,  
12 with the applicant?

13 CHAIRPERSON GRIFFIS: Yeah. Actually, what --  
14 yeah, Mr. Parsons.

15 COMMISSIONER PARSONS: I would move approval of  
16 this application.

17 CHAIRPERSON GRIFFIS: Thank you.

18 COMMISSIONER PARSONS: And cite the two  
19 conditions that Mr. Huff has agreed to in his letter with Mr.  
20 Padro as conditions for this order.

21 MEMBER LEVY: I'll send that.

22 CHAIRPERSON GRIFFIS: Very good. Mr. Levy, for  
23 clarification, the two conditions would be that there would not  
24 be a request for a variance or relief for the parking. If I'm  
25 not mistaken, they're not right in front of me. And the other

1 was the drop off situation which we've discussed.

2 MR. PADRO: Right. On-street parking. Correct.  
3 On the 600 block of S Street.

4 CHAIRPERSON GRIFFIS: Great.

5 MR. HUFF: I believe that's an indication that we  
6 would not -- I'm getting hoarse. We would not submit any  
7 applications to deviate from the current parking practice. At  
8 some point, we had considered that we would have a no parking  
9 zone in front of the church, but as Mr. Dickerson pointed out,  
10 at some point there was this no parking zone. However, it was -  
11 - we have agreed at this point that we will leave the existing  
12 parking signage as it is, and not further request a no parking  
13 zone in front of the church. And that further, that's one of  
14 the conditions. The other one is that we will have the drop off  
15 and pickup for all children that are in vehicle to be at the  
16 rear of the building. Those were the conditions that we agreed  
17 to.

18 CHAIRPERSON GRIFFIS: Right. And that's -- Mr.  
19 Parsons has cited that, and that's what will go into the order,  
20 if so approved that way. But it is -- and item number two is no  
21 change in existing parking regulations on 600 Block of S Street,  
22 which frankly, we don't need to know what they are. Just as  
23 long as there's change, that would be the condition. And then  
24 the drop off, we've stated that.

25 SECRETARY PRUITT: What about hours of operation,

1 maximum numbers of students and staff, trash collection, and --

2 VICE CHAIRPERSON RENSHAW: That the maximum  
3 number of children enrolled at the facility shall be 50.

4 CHAIRPERSON GRIFFIS: Uh-huh.

5 VICE CHAIRPERSON RENSHAW: And the maximum number  
6 of staff shall be six. The ages of the children shall range  
7 from 6 to 18. The hours of operation shall be from 3:30 to 6:30  
8 Monday through Friday. The drop off and pickup of children  
9 shall be from the alley --

10 SECRETARY PRUITT: Uh-huh.

11 VICE CHAIRPERSON RENSHAW: -- to mitigate traffic  
12 congestion. A staff person shall assist in the dropping off and  
13 picking up of the children.

14 SECRETARY PRUITT: Usually that's a condition we  
15 have when we have our really young children. I don't know if  
16 you may want to impose this much restriction like on the 18 year  
17 old. If you want to qualify it for a smaller group.

18 MEMBER LEVY: Could I ask a question on that, Mr.  
19 Chair?

20 CHAIRPERSON GRIFFIS: Yeah.

21 MEMBER LEVY: I realize that we have in front of  
22 us a list of typical conditions for these types of cases.

23 CHAIRPERSON GRIFFIS: Right. I don't -- the --

24 MEMBER LEVY: Yeah. Is it necessary to impose  
25 any of these if they were not addressed during the case? Are we

1 required to impose these conditions?

2 CHAIRPERSON GRIFFIS: We're not required to  
3 impose them. They are typical conditions on day care. We may  
4 want to make some of these points of clarification. And  
5 frankly, if we are getting as specific in proposing conditions,  
6 I'm going to take -- I would like the applicant, at least, to  
7 respond to them so that we get some feedback on this, because I  
8 think Ms. Renshaw is being very articulate in detailing this.

9 VICE CHAIRPERSON RENSHAW: Well, I was going  
10 through all of them, and then going to ask that the applicant  
11 respond.

12 Another point was trash collection shall occur at  
13 least once a week. Next, the applicant shall comply with all  
14 D.C. code and licensing requirements. And lastly, the applicant  
15 shall continue to work with the community to address any  
16 concerns that arise.

17 MS. TYLER: I'd like to address the issue of age.  
18 Sometimes we may have children who are Pre-K, which means they  
19 may be five years old. If a child does not graduate from high  
20 school on time, he may go over the age of 18, so I'd like to ask  
21 that you not put stipulations on exact ages of the children that  
22 we serve.

23 There is -- I think we can meet, or we do meet  
24 with all the other requirements, and I think there was in our  
25 letter from the Department of Human Services, that there would

1 be 51 children as opposed to 50.

2 VICE CHAIRPERSON RENSHAW: Any comments about  
3 age?

4 CHAIRPERSON GRIFFIS: I think we can keep as  
5 general -- I mean, this is -- first of all, let me -- another  
6 comment. Mr. Levy made the point that this is usual in the  
7 conditions typical of day care centers.

8 VICE CHAIRPERSON RENSHAW: Uh-huh.

9 CHAIRPERSON GRIFFIS: This being an after-school  
10 child development -- you know, I would say by the case and by  
11 its definition, we're assuming that the kids are in school. So  
12 I could even say school age children or school age people for  
13 that sense.

14 VICE CHAIRPERSON RENSHAW: Uh-huh.

15 CHAIRPERSON GRIFFIS: I don't think that -- I  
16 don't think in terms of also the -- what these need to go to is  
17 some of negative impact on the area, so age, I don't think, is  
18 pertinent.

19 MS. TYLER: And one other point about the time.  
20 There may be times that we have our children there earlier. For  
21 instance, when school is out, for parent/teacher conference.  
22 Kids may be out of school by 12. We pick them up by 12:15, and  
23 we may extend longer than 6:30 because of certain activities.

24 MEMBER LEVY: Yeah. Mr. Chair, this is -- pardon  
25 me. This is my point exactly. Given that the only concern that

1 was expressed by the community, the only concern that appears to  
2 exist was regarding the location of pick up and drop off. I  
3 just think it's unnecessary to get into some of these issues,  
4 because they'll -- they would impose, perhaps, unreasonable  
5 constraints on the applicant.

6 CHAIRPERSON GRIFFIS: Thank you, Mr. Levy. I  
7 think that point is well taken. I think Ms. Renshaw brings up  
8 good points to bring down with this, and I would say this.

9 First of all, we have basically two main uses in  
10 this building. One, the -- if we wanted to be iron clad in  
11 conditions -- I'm not sure how we ever, ever make sure they were  
12 in compliance because how could you tell whether they were  
13 church kids that were out there playing, or whether they were  
14 after-school kids. And I'm not aware of the last time our  
15 Zoning Administrator went and did age checks. But nonetheless,  
16 I think in appropriate cases we have needed and have required  
17 conditions of this nature. And I think the point that the  
18 Board, I think, is probably in consensus with is let's make  
19 appropriate recommendations and appropriate conditions.

20 Mr. Levy's point is that ANC has put forth two  
21 conditions. Those are conditions that, in fact, were discussed.

22 I think the fact of the matter that there's no opposition to  
23 this, and that there were no concerns in terms of the past  
24 operation, that we look quickly again at what's in front of us  
25 in terms of typical conditions, and pare them down

1 substantially, and make recommendations out of those that we  
2 don't need to have conditions.

3 So I think number one, though -- are we -- have  
4 putting in approval for a certain time period on this relief  
5 request?

6 VICE CHAIRPERSON RENSHAW: I would recommend five  
7 years.

8 CHAIRPERSON GRIFFIS: Okay.

9 VICE CHAIRPERSON RENSHAW: Mr. Chairman, on the  
10 matter of the maximum number of children enrolled in the  
11 facility, Ms. Tyler mentions 51 approved for. The application  
12 was advertised for a child development center with 50 students,  
13 and six teachers and staff.

14 CHAIRPERSON GRIFFIS: Okay.

15 VICE CHAIRPERSON RENSHAW: So do we keep it at  
16 50?

17 CHAIRPERSON GRIFFIS: Yeah, I would -- that's  
18 fine by me that we make it for clarification of an order, a  
19 condition -- I'll leave it to brief discussion on that. I don't  
20 feel strongly that it should be a condition based on this fact.

21 There is a specific square footage of this  
22 building by which they will only legally by building code,  
23 legally be able to occupy it. And that will set a population  
24 and occupancy on that building, so in that sense, I would make  
25 it a matter of the case that the -- well --

1 VICE CHAIRPERSON RENSHAW: Well, I would  
2 recommend 51. One more child, I don't think is going to strain  
3 the seams of the community --

4 CHAIRPERSON GRIFFIS: Okay. That --

5 VICE CHAIRPERSON RENSHAW: -- and the church.

6 CHAIRPERSON GRIFFIS: Good. Let's put 51 then.

7 VICE CHAIRPERSON RENSHAW: And that the maximum  
8 staff members shall be six.

9 CHAIRPERSON GRIFFIS: Six. Well, we've got seven  
10 full time already indicated. Isn't that correct?

11 VICE CHAIRPERSON RENSHAW: It -- Mr. Padro says  
12 six in his material.

13 CHAIRPERSON GRIFFIS: Yeah, I mean --

14 VICE CHAIRPERSON RENSHAW: The application says  
15 six.

16 CHAIRPERSON GRIFFIS: And Mr. Padro gives us a  
17 lot of good information, but I would rather refer to the  
18 applicant's information and my notes.

19 VICE CHAIRPERSON RENSHAW: So then it says six.

20 CHAIRPERSON GRIFFIS: My notes indicate that  
21 there are four full, two part-time, and three teachers, which  
22 would add up to seven full and two part-time. Is that correct?

23 MS. TYLER: No. The teachers are included --

24 CHAIRPERSON GRIFFIS: In the four.

25 MS. TYLER: -- in that number, but I also have a

1 question.

2 CHAIRPERSON GRIFFIS: I used the new math.

3 MS. TYLER: If we -- if there is a time that we  
4 need to add additional persons, say part-time or whatever, if  
5 you -- are you going to limit us to six? We may need them for  
6 different programs or things that go on.

7 CHAIRPERSON GRIFFIS: Well, I have one concern  
8 that I'm not sure why we'd want to limit the number of teachers.  
9 First of all, I look at three teachers, 50 kids ages Pre-K to  
10 18, and I'm not seeing a large enough staff.

11 VICE CHAIRPERSON RENSHAW: I think it might have  
12 to also impact the parking arrangement in the back --

13 CHAIRPERSON GRIFFIS: Right.

14 VICE CHAIRPERSON RENSHAW: -- if you have many  
15 more instructors.

16 CHAIRPERSON GRIFFIS: And that's where -- that's  
17 the important piece, is what will happen is it will go 2100 in  
18 terms of parking requirements based on the number of staff that  
19 are in the building.

20 MEMBER LEVY: Mr. Chair.

21 CHAIRPERSON GRIFFIS: Yeah.

22 MEMBER LEVY: I believe that's one space for  
23 every four staff, which -- so if they have 10 legal spaces --

24 CHAIRPERSON GRIFFIS: Uh-huh.

25 MEMBER LEVY: -- I don't see that as an issue.

1 CHAIRPERSON GRIFFIS: With the resident, and also  
2 I imagine the church has staff.

3 MR. PADRO: Could I interject one thing there, a  
4 point of clarification. There are other offices that are  
5 located on the premises, and they would also require parking.

6 CHAIRPERSON GRIFFIS: Right.

7 SECRETARY PRUITT: Well, you could always come  
8 back for a modification, which is a separate hearing, where you  
9 want to just modify the order within the five years if you find  
10 you have to increase your staff or something. That's one  
11 option.

12 CHAIRPERSON GRIFFIS: All right. Let's just  
13 address it quickly in terms of your projection needs and  
14 comfortableness in terms of staffing. You're indicating four  
15 full-time, two part-time right now. In terms of the next five  
16 years, growth potential for staff, what would you project it to  
17 be? And I'm more concerned with full-time, not part-time,  
18 frankly.

19 MS. TYLER: I don't project that we'd need many  
20 more full-time. It would just be the part-time concern.

21 CHAIRPERSON GRIFFIS: Good. Okay. Well, that's  
22 fairly clear then. I would say that if the Board feels strongly  
23 that we make staff a condition, I would remove the part-time. I  
24 would add full-time positions and leave it at that.

25 VICE CHAIRPERSON RENSHAW: So four full-time.

1 CHAIRPERSON GRIFFIS: Yeah, to four full-time.  
2 And part-time could be two hours in an afternoon, two days a  
3 week --

4 VICE CHAIRPERSON RENSHAW: Uh-huh.

5 CHAIRPERSON GRIFFIS: -- helping out with the  
6 program activities. I mean, we're all familiar with this.  
7 We've been through this before.

8 VICE CHAIRPERSON RENSHAW: Well, the number of  
9 children in this center are not going to -- is not going to grow  
10 a great deal. You have 49 now, I think you said, and you're  
11 going to be limited to 51, so it's just the number of part-time  
12 programs that you might want to include. So we're putting it  
13 down that the maximum number of staff members shall be four  
14 full-time?

15 CHAIRPERSON GRIFFIS: Correct.

16 VICE CHAIRPERSON RENSHAW: And that gives you  
17 some flexibility as to the number of part-time.

18 All right. And that the ages of the children  
19 shall range from Pre-Kindergarten, but what is the level? Are  
20 you taking infants?

21 MS. TYLER: No.

22 VICE CHAIRPERSON RENSHAW: At what age do you  
23 start?

24 MS. TYLER: They're generally five years old.

25 VICE CHAIRPERSON RENSHAW: All right. So from

1 five years to 18?

2 MS. TYLER: Again, I wouldn't want to put a limit  
3 on that. Again, if children do not graduate on time, they could  
4 exceed that 18 year limit, and we do have children who come back  
5 to our program. As I indicated, we stress post-secondary  
6 education, so we have children who come back to our program for  
7 certain services once they're in college.

8 VICE CHAIRPERSON RENSHAW: They're no longer  
9 children.

10 MS. TYLER: Well, we just put 19 then? It's  
11 still in the teenage years.

12 VICE CHAIRPERSON RENSHAW: All right. So five to  
13 19.

14 CHAIRPERSON GRIFFIS: What's the difference  
15 between 19 and 20?

16 VICE CHAIRPERSON RENSHAW: They're grown up by  
17 that time. And that the hours of operation shall be from -- you  
18 now have it from 3:30 to 6:30.

19 MS. TYLER: And that needs to be flexible, as  
20 well. And we do the summer program as well, so I don't want our  
21 hours to be limited.

22 SECRETARY PRUITT: Can you give us sort of the  
23 widest range of -- from what the earliest an event would start,  
24 and what's the latest probably an event would end?

25 MS. TYLER: 7:30 in the morning.

1 SECRETARY PRUITT: Uh-huh.

2 MS. TYLER: Until 8 or 8:30 at night. Sometimes  
3 later if they go to field trips, and we have to bring them back  
4 and get them home.

5 SECRETARY PRUITT: I'm just trying to think of a  
6 way to get -- you know, to not constrain you.

7 MS. TYLER: Right.

8 VICE CHAIRPERSON RENSHAW: Mr. Padro, was it  
9 understood when you were reviewing the case that it was from  
10 7:30 in the morning until 8:30 at night?

11 MR. PADRO: That is we had the specific request  
12 for the stipulation for all the drop offs and pickups to be in  
13 the rear, because of the fact that we foresaw issues of  
14 additional congestion in the A.M. hours. My understanding is  
15 that in the summer program, that yes, there are drop offs that  
16 take place at 7:30 in the morning.

17 CHAIRPERSON GRIFFIS: But let's be clear here.  
18 Standard operating hours of this after-care program would not be  
19 7:30 a.m. to 8:30 p.m. Rather, you're going to have -- give us  
20 a school calendar afternoon basic operations.

21 MS. TYLER: 3:30 then to 7.

22 CHAIRPERSON GRIFFIS: Okay. So that establishes  
23 --

24 MS. TYLER: That's during the school year.

25 CHAIRPERSON GRIFFIS: That establishes long term

1 impact that it's basically when school lets out, to pickup time  
2 after-care type facility. So that's -- I mean, that's the block  
3 -- this is what I'm thinking, but that's the block of time of  
4 operation.

5 If we -- I would that it may be well put in, and  
6 let me get clarification if we can, but I would say that this is  
7 part of the facts of the case, that the operating hours are  
8 such. That the Board understands that there are out of hours  
9 operations based on the nature of the use of this program, and I  
10 think we can leave it at that.

11 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I  
12 reviewed this as an after-school program --

13 CHAIRPERSON GRIFFIS: Yeah.

14 VICE CHAIRPERSON RENSHAW: -- for school age  
15 children.

16 CHAIRPERSON GRIFFIS: Right.

17 VICE CHAIRPERSON RENSHAW: I was not reviewing  
18 this application for a summer program, or an extended day  
19 program from 7:30 in the morning. It was strictly an after-  
20 care. That's how it was presented to us.

21 CHAIRPERSON GRIFFIS: I see. I see. And I can  
22 see where you'd go there. To me, in my mind, after-care means  
23 it's basically a facility when school is not in session.

24 VICE CHAIRPERSON RENSHAW: Uh-huh.

25 CHAIRPERSON GRIFFIS: In fact, that's what my

1 daughter uses it as. So if there's a holiday, for instance, or  
2 if school is closed that day, then this facility and the other  
3 facilities I'm aware of, would be open all day.

4 VICE CHAIRPERSON RENSHAW: And the first line of  
5 the Office of Planning is that there is a critical shortage of  
6 quality after-school programs in the Shaw Howard University  
7 neighborhood.

8 CHAIRPERSON GRIFFIS: Indeed. Across the city  
9 perhaps we can say, but we don't --

10 VICE CHAIRPERSON RENSHAW: But we're specific  
11 here, but it was after-school program, so that's how we reviewed  
12 the --

13 CHAIRPERSON GRIFFIS: Okay. No, and I absolutely  
14 appreciate that. Well, let's --

15 SECRETARY PRUITT: Mr. Chair, may I make a  
16 suggestion?

17 CHAIRPERSON GRIFFIS: Of course.

18 SECRETARY PRUITT: Maybe we'd say typical hours  
19 of operation is 3 to 7:00, with special events ranging from the  
20 hours from 7:30 to whatever, because that will then take it --  
21 you have special events. They're not all the time, and these  
22 are the range of the hours that you're going to use.

23 CHAIRPERSON GRIFFIS: Right. And that's where I  
24 was going, because it would give some definition. And if there  
25 were problems that developed, then you could -- we could address

1 them based on that fact.

2 Let me do this. Office of Planning, do you have  
3 any comment on that hours of operation?

4 MR. MOORE: None.

5 CHAIRPERSON GRIFFIS: Okay. Thank you. And does  
6 Single Member District ANC who is here, do you have any comments  
7 on that, hours of operation?

8 MR. PADRO: No, except that indeed it was our  
9 expectation that there would be at certain times of year, you  
10 know, a.m. operations. And that's why in my documentation we  
11 continued to refer to it is as a child development center,  
12 rather than after-care center, because that is how it was  
13 presented at our meeting.

14 CHAIRPERSON GRIFFIS: Good. Okay. Thank you.  
15 Last comments. Mr. Levy.

16 MEMBER LEVY: Yeah, it's a procedural question.  
17 Given that Mr. Parsons made the motion with only two conditions,  
18 and now he's no longer with us, do we need a new motion, or can  
19 we vote on the motion that's on the floor?

20 CHAIRPERSON GRIFFIS: Well, Mr. Parsons has left  
21 a proxy with me, and I should probably speak to that. I think  
22 we can, and legal counsel can let us know, but I think we can  
23 move ahead with his motion. And he left the proxy, of which I  
24 won't tell you which direction it's going, but he made a comment  
25 that, in fact, he did not feel that there was need for -- I'll

1 paraphrase, but rigidity in conditions beyond those two that  
2 were listed. But he also has left it our discretion to deal  
3 with that, so I think we're getting where we need to go. Ms.  
4 Renshaw, last word on that.

5 VICE CHAIRPERSON RENSHAW: Yes. Again, the  
6 applicant supplied a statement. Ms. Tyler read from it, for an  
7 after-school and advocacy program. And again, I don't see in  
8 this application that she read the business about the time, and  
9 the summer program.

10 MS. TYLER: The statement I read from, I'm simply  
11 using the name of the school which was established, or the  
12 program which was established in 1988. I mean, there are  
13 several programs that we do have at that school, but I'm simply  
14 going under the auspices of the name of the program.

15 VICE CHAIRPERSON RENSHAW: But I think that in  
16 your application, you should have been specific as far as your  
17 program, and the months, and the time of your programs. And so,  
18 hence, its caused confusion. And it may cause some kind of  
19 community impact, I don't know. But we put the stipulations,  
20 the conditions on this just in case. I don't think that they  
21 are being suggested, or advanced with the thought of imposing  
22 anything on you. I think that this is definition for the order,  
23 and definition for the community, and for the ANC in just  
24 explaining your operation, so I don't see these as any kind of a  
25 hardship or a penalty.

1                   CHAIRPERSON GRIFFIS:    What if -- and I would  
2                   agree.  I mean, I think what we always strive for is clarity,  
3                   and I think that's where you're going with this, and I  
4                   appreciate that.  I wonder if we don't then phrase a condition  
5                   that stipulates that this is, as Staff has mentioned, basically  
6                   we would adopt their language into a condition.  And that would  
7                   be that there is -- the standard operating academic year would  
8                   be certain hours, and that it is known that special events and  
9                   special timings in off-school season, however we want to phrase  
10                  it, would be lengthened hours, and leave it at that.  I know you  
11                  want specific hours, and --

12                  VICE CHAIRPERSON RENSHAW:  I do.  I do, because -  
13                  -

14                  CHAIRPERSON GRIFFIS:    The problem is we have  
15                  before us then -- we have specific hours of use that would be  
16                  7:30 a.m. to 8:30 p.m.  And that -- I mean, we -- it's not even  
17                  worth writing that down.  I mean, that's all day --

18                  VICE CHAIRPERSON RENSHAW:  Uh-huh.

19                  CHAIRPERSON GRIFFIS:    -- 13 hours a day, seven  
20                  days a week, so I'm trying to help out in terms of getting to  
21                  where you want to be.  And I think the pertinent issue here is  
22                  to define what is the standard time and operating of this  
23                  particular program.  And I say program, inclusively of all those  
24                  that would make the child development or after-care.  And then I  
25                  think we need to acknowledge that there is times that will not

1 be standard operating, but will be in large part specific event,  
2 or specific day which would -- I think we need to provide some  
3 sort of flexibility.

4 VICE CHAIRPERSON RENSHAW: Well, as you know, Mr.  
5 Chairman, we have had a number of school and child development  
6 center cases that have come before the Board of Zoning  
7 Adjustment. And we are always trying to help the community, and  
8 help the applicant by being rather specific so that there are no  
9 misunderstandings.

10 I think in being vague, it does not help the  
11 applicant, and it certainly doesn't help the community. What we  
12 have as a suggestion here, that number seven, that the applicant  
13 shall work with the community to address any concerns that  
14 arise.

15 I'm wondering if we can't keep the hours of  
16 operation from 3:00 or 3:30 until 6:30 or 7, Monday through  
17 Friday. And then have the applicant work with the ANC, which is  
18 the duly recognized body of the community, to formulate whatever  
19 additional hours are necessary to cover additional programs, and  
20 to cover any special events that the center might wish to hold.

21 CHAIRPERSON GRIFFIS: Two things. I'm not sure  
22 how that would go into the order, any decision that they made.  
23 And then how would it actually be enforceable?

24 MEMBER LEVY: Mr. Chair, I'd like to reiterate my  
25 concern that this is unnecessarily complicated, that there are

1 no issues that have arisen in this case that would suggest that  
2 we need to place these kinds of specific conditions on the  
3 applicant. I think it's just unnecessarily confusing. I think  
4 it's unnecessarily burdensome, especially if we're going to  
5 impose operating hours that don't address what they're really  
6 trying to do here.

7 CHAIRPERSON GRIFFIS: I agree with you.

8 MEMBER LEVY: And if I could, just another. I  
9 want to reiterate that Mr. Parsons' motion had two conditions on  
10 it, and not all of these that we're struggling with now.

11 CHAIRPERSON GRIFFIS: Okay. Then we only have  
12 one thing to figure out. Ms. Sansone, since Mr. Parsons did do  
13 the motion, he has two conditions to it. We are potentially  
14 adding at least one, which would be approval for five years. Do  
15 we need a new motion? Do we need to table his motion? We have  
16 a proxy from him in terms of the final vote, approval or  
17 disapproval of this? Or can we just move ahead?

18 VICE CHAIRPERSON RENSHAW: Can Ms. Sansone please  
19 help us through this stalemate that we have about the hours, and  
20 the fact that this material addressed after-school.

21 MS. SANSONE: Well, I think the Board, of course,  
22 has many options. You know, if you want, you could proceed with  
23 Mr. Parsons' motion, and perhaps amend it, but then there's a  
24 question of his proxy. You could make a new motion listing the  
25 specific conditions on which there's agreement, and then reserve

1 the issue of hours for a separate motion and separate vote, or  
2 you could try to struggle through the hours.

3 The purpose of the conditions are to mitigate  
4 issues about adverse impacts, and if there -- there would have  
5 to be evidence in the record that the hours that are being  
6 proposed here by the applicant, even the broader hours, are  
7 having an adverse impact on the community. That's the basis for  
8 trying to set a condition, so I guess in trying to think through  
9 the hours of operation, while most of these orders do have hours  
10 and days, there really needs to be some evidence that supports  
11 having those particular hours, and that additional hours or  
12 special programs are having an adverse affect, if we want to  
13 start trying to limit.

14 CHAIRPERSON GRIFFIS: Good. So directly, your  
15 point is this hasn't come up in the case, and hasn't been shown  
16 as a problem, so we really may not have the ability to put a  
17 condition on the operation hours.

18 MS. SANSONE: Well, I think, Mr. Chairman, if  
19 you're going to put limits on the hours, then there would need  
20 to be evidence that there's a problem, if the center is having a  
21 special event, and during the summer.

22 CHAIRPERSON GRIFFIS: Okay.

23 MS. SANSONE: Having early morning hours.

24 CHAIRPERSON GRIFFIS: Okay. That's clear to me,  
25 and I would underscore, in fact talking about hours again, that

1 this is a multi use facility, so that in terms of hours of  
2 operation, I think it's going to be hard to separate these out.

3 So therefore, I would -- geez, I wish Mr. Parsons --

4 MEMBER LEVY: Mr. Chair --

5 CHAIRPERSON GRIFFIS: Yes.

6 MEMBER LEVY: -- given that I seconded Mr.  
7 Parsons' motion --

8 CHAIRPERSON GRIFFIS: Indeed.

9 MEMBER LEVY: -- and Mr. Parsons has left  
10 comments regarding that he would leave it to the Board's  
11 discretion to some extent --

12 CHAIRPERSON GRIFFIS: Uh-huh.

13 MEMBER LEVY: -- I would be comfortable going  
14 forward with a vote on the motion that's on the table. And if  
15 we want to add a condition that it's for -- unless the -- unless  
16 this is an issue as well, Ms. Sansone, that we want to issue -  
17 excuse me - add a condition of a particular number of years.  
18 Mrs. Renshaw suggested five. I wouldn't have any problem with  
19 that. I just -- it's the other ones that I objected to.

20 CHAIRPERSON GRIFFIS: Okay. I would say that the  
21 motion is amended for the condition of approval for five years  
22 on special exception.

23 VICE CHAIRPERSON RENSHAW: Are you eliminating  
24 the hours?

25 MEMBER LEVY: I'm not opposed to having

1 conditions that -- I'm opposed to having conditions that are  
2 unnecessarily burdensome on the applicant.

3 VICE CHAIRPERSON RENSHAW: But what is burdensome  
4 here?

5 MEMBER LEVY: Well, obviously the operating hours  
6 are burdensome, because the applicant has testified to that  
7 effect.

8 VICE CHAIRPERSON RENSHAW: Yeah, but the  
9 applicant has testified to an after-school program.

10 MEMBER LEVY: Well, an after-school --

11 VICE CHAIRPERSON RENSHAW: It has only come out  
12 when we got to these conditions that there are summer hours.

13 MR. DICKERSON: Well, there are different hours  
14 for when the children are available. We are there for the  
15 children for 20 years in the neighborhood. These are not --  
16 these people -- all of the folks live there. This -- they are  
17 part of the ANC. They are part of this community. We are there  
18 for the children 24 hours a day. We have a variety of programs  
19 that work to ensure their well-being, and their families' well-  
20 being as well. And we have been there in the community. We  
21 have renovated all the houses around there.

22 The property that you come to see, the  
23 neighborhood and everything is a result of all of this 20 years.

24 The ad -- there is no adverse impact. There is a -- just the  
25 opposite impact for what is going on with these children, and

1 what the parents want for their children as well, so our  
2 programs are varied, and they are directed in many ways related  
3 to what the parents', what the children's express needs are of  
4 the community as well. So it is not something that's just  
5 starting that we are bringing, it's something that's already  
6 there, that's the parents themselves are on the Board. They are  
7 the ones directing this. The community is very much involved in  
8 this, so the variety of hours -- it is not school hours. It is  
9 when the children are out of school, and it includes Sunday as  
10 well, so it is -- and the children come to church, as well as  
11 come to the after-school program. So we are a full --

12 CHAIRPERSON GRIFFIS: Mr. Dickerson --

13 MR. DICKERSON: -- service group. We're a  
14 community group with the people who are living there.

15 CHAIRPERSON GRIFFIS: Thanks.

16 MEMBER LEVY: But, Mr. Chair, I'd just like to  
17 point out that the application is a special exception to  
18 establish a child development center, so I think we should look  
19 to that and see if that prescribes that it's particularly after-  
20 school or not. And I think counsel has made it clear, that if  
21 there has been no adverse impact demonstrated through the  
22 testimony in the case, it's not an issue, in terms of setting  
23 conditions.

24 MR. PADRO: Mr. Chairman, if I might offer a  
25 point of clarification. While I definitely do appreciate Ms.

1 Renshaw's, you know, desire to provide as much specificity as  
2 possible here for the protection of the community, in this  
3 particular instance, you know, the community has been of the  
4 assumption that the hours of operation, you know, during the  
5 summer and special circumstances would be extended, so I believe  
6 that our, you know, support, you know, for the exception, you  
7 know, extends to this additional use, so I would not have any  
8 objection to not having any specific language, you know, in the  
9 order about hours.

10 CHAIRPERSON GRIFFIS: I'm sorry. You said you  
11 would not have objection?

12 MR. PADRO: I would not have objection to not  
13 including --

14 CHAIRPERSON GRIFFIS: Right.

15 MR. PADRO: -- anything about hours.

16 CHAIRPERSON GRIFFIS: Got a double negative  
17 thrown at me.

18 MR. PADRO: Yeah. Sorry about that.

19 CHAIRPERSON GRIFFIS: Okay.

20 MEMBER LEVY: Mr. Chair --

21 CHAIRPERSON GRIFFIS: And I think you've said  
22 that, but I appreciate your reiterating that point. I think  
23 we're clear on that. Mr. Levy.

24 MEMBER LEVY: I think Ms. Sansone has a  
25 clarification.

1 MS. SANSONE: Well, Mr. Chair, we were just  
2 looking at the definition of child/elderly development center,  
3 and it does specify that children are present for less than 24  
4 hours a day with staff, so presumably that's -- there's no  
5 intent for a 24 hour operation. I mean, maybe -- I don't know  
6 if it would give anybody comfort if the applicants could  
7 articulate if there's hours that they definitely, midnight until  
8 6 in the morning. I don't know if that would help.

9 CHAIRPERSON GRIFFIS: Well, if we do ask for that  
10 clarification, I think we ought to be very clear that we're  
11 asking specifically about the after-care program that's before  
12 us for relief, so that's not including any sort of church  
13 programs, or anything else, or existing programs that don't have  
14 anything to do with the after-care that's going for the relief.

15 Is that clear? So in terms of -- well, Mr. Dickerson, you  
16 made the comment, and I think that's where Corp. Counsel is  
17 picking up on, that you were there 24 hours a day.

18 MR. DICKERSON: We are there personally, as our  
19 presence, as relationships. We don't have the program itself  
20 operating --

21 CHAIRPERSON GRIFFIS: Yeah.

22 MR. DICKERSON: -- 24 hours a day, but we are  
23 there from these children's lives, from the very early stages of  
24 their lives until after. This is a -- this is why the community  
25 has changed for the better. This is what we're doing, you see.

1 CHAIRPERSON GRIFFIS: Right.

2 MR. DICKERSON: We have programs for specific  
3 times.

4 CHAIRPERSON GRIFFIS: Let me focus you for a  
5 second, Mr. Dickerson. Forgive me for cutting you off, but I  
6 don't want to complicate it any more than we already seem to be.

7 So if there is a quick statement in terms of the after-care,  
8 and I think Mr. Dickerson is speaking eloquently of the fact  
9 that they are part of the community, and that is always an  
10 ongoing 24 hour, seven days a week, all through life cycles, and  
11 that's important and pertinent. But for the after-care program,  
12 what are the hours that are not anticipated to be in the  
13 facility?

14 MR. HUFF: I don't believe that --

15 CHAIRPERSON GRIFFIS: Can you turn on your mike,  
16 please.

17 MR. HUFF: I don't believe from 12 midnight until  
18 6:30 in the morning, that any of that activity would occur.

19 MEMBER LEVY: If we could narrow it down a little  
20 bit further.

21 CHAIRPERSON GRIFFIS: 10:00 or so for, you know -  
22 - I don't know. I mean, here we are. We're talking about 18  
23 year olds potentially, maybe a couple of 21 year olds, but boy  
24 oh boy.

25 MS. TYLER: Can we say 7:30 in the morning until

1 10:00 at night?

2 MR. HUFF: Okay. That's --

3 MS. TYLER: And as a matter of terminology,  
4 things are always changing. Buzz words are always coming up,  
5 and now they're using the term out-of-school time.

6 CHAIRPERSON GRIFFIS: Right.

7 MS. TYLER: As opposed to after-school. And  
8 that's what we do, out-of-school time.

9 CHAIRPERSON GRIFFIS: Right. Okay. This is what  
10 I would propose, is that there is a statement in the order that  
11 there has been testimony that this is a program that operates  
12 out of standard school time, and that facilitates off-academic  
13 use. Right. Functioning program during non-traditional  
14 academic time. Believe me, Staff will get the wording down  
15 correctly, I hope. It won't take me for the -- but the point  
16 is just establish that there are standard operating times that  
17 this program, it's been testified, that there will be, and that  
18 there are special times that -- summer, off-season, and then  
19 special events that may expand that. And I would leave it at  
20 that, and I would, frankly, then call for all those in favor of  
21 the motion made by Mr. Parsons. And I will clarify it, it is  
22 for an approval of a special exception for a child development  
23 center with -- well, I'm going to read it as advertised. If I'm  
24 incorrect -- but here it is.

25 "The child development center with 50 students

1 and six teachers and staff under Section 205, premises 614 S  
2 Street, N.W." With the conditions as stated by the ANC and Mr.  
3 Parsons, and those are briefly, loading and unloading would be  
4 in the parking area in the rear, and that no relief would -- no  
5 request would be made to change the existing parking  
6 configuration. That this approval would be for five years, and  
7 therefore, I would ask for all those in favor.

8 (Vote.)

9 CHAIRPERSON GRIFFIS: And any opposed? Thank you  
10 very much. And we do have a proxy from Mr. Parsons which would  
11 make the vote as Staff would record it.

12 MS. BAILEY: Mr. Chairman, the number of students  
13 are 51, and the number of full-time staff is four. Is that  
14 correct?

15 VICE CHAIRPERSON RENSHAW: We voted -- that's not  
16 what we voted on. We voted on 50 students and six teachers and  
17 staff.

18 CHAIRPERSON GRIFFIS: Yeah, and I'm sorry. I  
19 mean, the -- we're going to need to go to the record because I  
20 was reiterating the motion. And frankly, I was reading off of  
21 my notes and on this, but I think we did establish that there  
22 were going to be -- and I'm sorry, but we were going to  
23 establish that there were going to be seven. Now my memory is  
24 fading, but --

25 VICE CHAIRPERSON RENSHAW: We voted on the --

1 CHAIRPERSON GRIFFIS: -- seven full-time. Is  
2 that not correct?

3 VICE CHAIRPERSON RENSHAW: Yeah, but we voted on  
4 this.

5 MEMBER LEVY: Mr. Chair, we voted on Mr. Parsons'  
6 motion, which was as --

7 CHAIRPERSON GRIFFIS: As stated?

8 MEMBER LEVY: -- as applied, so we voted on 50  
9 and six.

10 VICE CHAIRPERSON RENSHAW: And that's what we've  
11 got to do.

12 MS. BAILEY: Staff will record the vote as 4-0-1  
13 to approve the application. Mrs. Renshaw, you did vote to  
14 approve it. Am I correct?

15 VICE CHAIRPERSON RENSHAW: Yes. Uh-huh.

16 MS. BAILEY: Motion made by Mr. Parsons. Mr.  
17 Levy second. Mrs. Renshaw and Mr. Griffis in agreement.

18 CHAIRPERSON GRIFFIS: Okay. Wow, that wasn't as  
19 clean as I thought but it -- are there questions of  
20 clarification as we muddle the waters here?

21 MS. TYLER: I'd just like to thank you all very  
22 much.

23 CHAIRPERSON GRIFFIS: Yeah. Well, and I think,  
24 frankly, if I could just take one more minute of your time. I  
25 mean, I think the issues that come up at the end of this is just

1 to show, frankly, the number of issues that we need to weigh.  
2 One, the community interest, one the applicant, one the case, of  
3 course, with the regulations. And I think each of the Board  
4 Members brings an important part to that in terms of our own  
5 deliberations. And frankly, it wouldn't be as -- I think, as  
6 valuable if we didn't argue a little bit, and get into all these  
7 issues, as long as we get to a resolution. Even though we're  
8 half an hour late now, we appreciate your time, and we're glad  
9 you were here, and thank you very much.

10 MS. TYLER: Thank you.

11 CHAIRPERSON GRIFFIS: This ends the morning  
12 session of November 20, 2001. Thank you, Ms. Renshaw.

13 VICE CHAIRPERSON RENSHAW: Uh-huh.

14 (Off the record at 12:30 p.m.)

15 CHAIRPERSON GRIFFIS: Good afternoon, ladies and  
16 gentlemen. We are starting a little delayed, and appreciate  
17 your patience. We had some business to get through during our  
18 lunch break, but this hearing will please come to order.

19 This is the November 20, 2001, Public Hearing of  
20 the Board of Adjustments of the District of Columbia. My name  
21 is Geoff Griffis, Chairperson. Joining me today is Ms. Renshaw,  
22 the Vice Chair. Representing National Capital Planning  
23 Commission is Mr. David Levy, and representing the Zoning  
24 Commission is Mr. Peter May.

25 Copies of today's agenda are available to you.

1 They are located at the door where you entered in on the small  
2 table. All persons planning to testify, either in favor or  
3 opposition are to fill out two witness cards. These cards are  
4 located at the end of the table in front of us, and upon coming  
5 forward to speak to the Board, please give both cards to the  
6 reporter, who is sitting to my right.

7 The order of procedure for special exceptions and  
8 variances will be, first, a statement and witnesses of the  
9 applicant. Second will be the Government reports, including the  
10 Office of Planning, and any other reports that are submitted.  
11 Third, report of the Advisory Neighborhood Commission. Fourth,  
12 parties or persons in support. And fifth, would be parties or  
13 persons in opposition. Sixth, we will be having closing remarks  
14 by the applicant. Cross examination of the witnesses is  
15 permitted by the applicant or parties. The ANC within which the  
16 property is located is automatically a party in the case.

17 The record will be closed at the conclusion of  
18 each case except for any material specifically requested by the  
19 Board, and the Staff will specify at the end of the hearing  
20 exactly what is expected.

21 The Sunshine Act requires that the Public Hearing  
22 on each case be held in the open before the public. The Board  
23 may, consistent with its rules and procedures, and the Sunshine  
24 Act, enter into Executive Session during and after the Public  
25 Hearing, on a case for purposes of reviewing the record or

1 deliberating on the case.

2 The decision of the Board in these contested  
3 cases must be based exclusively on the public record. To avoid  
4 any appearance to the contrary, the Board requests that persons  
5 present not engage the Members of the Board in conversation.

6 Please turn off all beepers and cell phones at  
7 this time, so as not to disrupt the proceedings. And we will  
8 conclude -- well, we're going to make every effort to conclude  
9 by 6:00, and I anticipate we'll do better than that today.

10 At this time, the Board will consider any  
11 preliminary matter. Preliminary matters are those that relate  
12 to whether a case will or should be heard today, such as  
13 requests for postponement, continuance, or withdrawal, or  
14 whether proper and adequate notice of the hearing has been  
15 given.

16 If you are not prepared to go forward with this  
17 case today, or if you believe that the Board should not proceed,  
18 now is the time to raise such a matter. I would ask Staff first  
19 if they have preliminary matters for this afternoon.

20 MS. BAILEY: Mr. Chairman, yes. It concerns  
21 Application Number 16753. That application has been withdrawn,  
22 so no further action will be taken on that case.

23 CHAIRPERSON GRIFFIS: Thank you very much. Hold  
24 on just a moment while I -- and any other preliminaries for this  
25 afternoon?

1 MS. BAILEY: No, not from Staff, Mr. Chairman.

2 CHAIRPERSON GRIFFIS: Very good. Any other  
3 preliminary matters that the Board is aware of, or any of the  
4 applicants want to bring up? Then we can call the first case  
5 for the afternoon.

6 MS. BAILEY: The first case is Application Number  
7 16788 of Iraklis Karabassis, pursuant to 11 DCMR 3013.2, for a  
8 variance from the front yard setback requirements under  
9 Subsection 1543.4, and a variance from the non-conforming  
10 structure provisions under Subsection 2001.3, to allow an  
11 addition to a single-family dwelling in the WHOD/R-1-A District  
12 at premises 4774 Dexter Street, N.W., Square 1397, Lot 4.

13 All those wishing to testify, please stand.  
14 Please come forward. Please raise your right.

15 W I T N E S S E S SWORN

16 MS. BAILEY: Thank you.

17 MS. HICKS: Good afternoon.

18 CHAIRPERSON GRIFFIS: I'll turn it over to you.  
19 If you would, of course, introduce, and you might want to just  
20 introduce the panel here for us so we don't interrupt, and it's  
21 all your's.

22 MS. HICKS: Okay. Thank you. My name is Gladys  
23 Hicks. I'm a zoning consultant. To my right is Mrs. Karabassis.  
24 She's one of the property owners. Her husband is out of town  
25 today, so he couldn't be with us. Also, next to her is Mr.

1 Woody Endres. And also, Mr. Kadissi. And they will give  
2 testimony on this case.

3 CHAIRPERSON GRIFFIS: Are you entering any of  
4 them as expert witnesses, or are they just your witnesses?

5 MR. HICKS: Mr. Kadissi is a construction  
6 contractor, so he's the contractor for the proposed  
7 construction.

8 CHAIRPERSON GRIFFIS: Oh, you want him then to be  
9 expert witnesses?

10 MS. HICKS: Yes.

11 CHAIRPERSON GRIFFIS: Okay. Do we have resumes  
12 and credentials?

13 MS. HICKS: No, but could we qualify them through  
14 asking maybe Mr. Kadissi, how many years he's been in the  
15 construction industry? He's located on M Street, N.W. in  
16 Georgetown.

17 CHAIRPERSON GRIFFIS: Yeah. Conceivably, we  
18 could take the time to do that. You could also assess the  
19 importance of having them as expert witnesses, or just using  
20 them as witnesses. Let me just lay it all out here. I don't  
21 see any opposition in this case noted at this point. There's  
22 obviously no one else here to testify. The crowds may be  
23 outside waiting to come in, but I don't know.

24 MS. HICKS: Hopefully, not.

25 CHAIRPERSON GRIFFIS: In which case, unless Board

1 Members have strong feelings, they are going to be witnesses and  
2 testify. We could just move on. That's what I would propose.

3 MEMBER LEVY: Just that they move on as  
4 witnesses, and not expert witnesses?

5 CHAIRPERSON GRIFFIS: Yeah.

6 MEMBER LEVY: I would concur with that.

7 CHAIRPERSON GRIFFIS: And then get back to the  
8 applicant if they feel strongly that they wanted to be submitted  
9 as expert witnesses, then we would do that. I think it will  
10 take some time. Here we have five diverse people that the  
11 questions may go on and on, and we could be here all day, but I  
12 leave it up to you. It is your decision whether it's important  
13 to have them in as experts.

14 MS. HICKS: Non-expert witnesses, just to give  
15 additional information and support to the case.

16 CHAIRPERSON GRIFFIS: I think that's valuable.

17 MS. HICKS: Okay.

18 CHAIRPERSON GRIFFIS: And you have a general  
19 contractor, and the other gentleman is?

20 MR. ENDRES: I've simply been associated with the  
21 project --

22 CHAIRPERSON GRIFFIS: If you wouldn't mind, turn  
23 on your mike if you're going to speak.

24 MS. HICKS: Press the button, the middle.

25 MR. ENDRES: I've simply been involved with the

1 project from day one, with Mr. and Mrs. Karabassis. I'm an  
2 employee of Mr. Karabassis, and I manage his construction  
3 projects throughout the country.

4 CHAIRPERSON GRIFFIS: I see. Okay. That's  
5 clear.

6 CHAIRPERSON GRIFFIS: I see. Okay. That's clear.

7 MEMBER LEVY: Mr. Chair.

8 CHAIRPERSON GRIFFIS: Yes.

9 MEMBER LEVY: Could I just ask the gentleman to  
10 repeat his name? I didn't catch it.

11 MR. ENDRES: Woody Endres.

12 MEMBER LEVY: Endres.

13 MR. ENDRES: E-N-D-R-E-S.

14 MEMBER LEVY: Endres. Thank you.

15 CHAIRPERSON GRIFFIS: Great. Okay. I will try  
16 not to interrupt again, Ms. Hicks.

17 MS. HICKS: Thank you. For the record, this is  
18 Board of Zoning Adjustment Case Number 16788. The street  
19 address is 4774 Dexter Street, N.W., Lot 4 in Square 1397.

20 The property is zoned WHOD/R-1-A. There's a  
21 Wesley Heights Overlay District Restrictions. The property  
22 owners did not know that they had a overlay until they went in  
23 to get the building permit, and the building permit was turned  
24 down. And then that's how it got involved in the case during  
25 the early part of the summer.

1           The applicants were trying to get an addition to  
2 the structure to accommodate a growing family, and before we  
3 could get the permit and get at least through the Board of  
4 Zoning Adjustment, Mrs. Karabassis has had a second child, so  
5 they need room to expand.

6           The house currently has only two bedrooms on the  
7 second floor level, and the minimum front yard setback is 41  
8 feet. If you look at the plat, on the existing it shows about  
9 approximately 15 feet, and that was pinpointed from records in  
10 the D.C.'s Office of the Surveyor. The setback on the new  
11 addition would be more than 15 feet. It's approximately 23  
12 feet, so I want to correct the record. I think I showed that it  
13 was 15 feet on the computation sheet, but it's actually 23 feet.

14         The structure goes back at an odd angle.

15           It's located on a street which has a radius. We  
16 think that the property is unique in that it has a modern house  
17 on it, but the modern house is not conducive to a growing  
18 family. The -- to try to put an addition on to the rear, I have  
19 panoramic photos that show the -- how the property slopes to the  
20 rear. There's a drop of about 40 feet from the front of the  
21 structure, and if you go down the sides, it goes all the way  
22 down to a very deep point, and it's very difficult even to walk  
23 down to the lowest point, so that's why they wanted to put the  
24 addition on to the front, therefore needing the front yard  
25 setback variance.

1           The existing structure conforms to -- since it  
2 was built prior to the mid-1980s when the overlay was put on the  
3 property, so that's why we need a variance from Section 2001.3,  
4 in order to put an addition onto an existing non-conforming  
5 structure. The structure now does not conform to the 41 foot  
6 setback that's required under the Wesley Heights Overlay  
7 District.

8           The property, as it's been proposed would be  
9 existing, in addition would comply with the height, rear yard  
10 and side yard setbacks, lot occupancy and also the FAR  
11 requirement of the Wesley Heights Overlay District. We just  
12 could not meet the front yard setback.

13           Also, another reason for putting the addition to  
14 the front, there is no off-street parking except for a driveway.

15           Parking to the front of the structure is really illegal, and  
16 under Section 2101 of the D.C. Zoning Regulations, you can only  
17 park to the side or to the rear of a structure, or in an  
18 interior attached garage, or detached garage. Currently,  
19 they've been using street parking or the driveway, and the --  
20 Mr. Karabassis' car, I think was stolen. Was it on the weekend?

21

22           MRS. KARABASSIS: Saturday, off the street.

23           MS. HICKS: Saturday. He had it parked in the  
24 front of the street. It's kind of a narrow street off of  
25 Foxhall Road, N.W., but it's a winding street, and it's hard to

1 maneuver and drive through when cars are parked on the street.  
2 He would prefer having a garage, accessory garage on the first  
3 floor level with the addition.

4 On the second floor, they wanted to expand the  
5 bedrooms to accommodate the second child. And at the lower  
6 level, they're wanting to put an addition in the basement on top  
7 of -- to the bottom of the garage. And they want to accommodate  
8 -- have living quarters for the live-in help, Mrs. Karabassis'  
9 mother, and also any guests that might come to visit.

10 And I would like for Mr. Kadissi to maybe talk  
11 about the -- okay. Mrs. Karabassis wanted to add something  
12 about the existing structure.

13 MS. KARABASSIS: Also, another reason why we  
14 wanted to do it in the front was an aesthetic reason, because if  
15 you look at the house, the existing structure at this point is  
16 on an angle. And basically, the addition would just come up to  
17 the existing structure, where that's -- when we purchased the  
18 house, we didn't think it would be a problem, since it was  
19 already at that line, and apparently it was, so I wanted to add  
20 that.

21 And also, the second bedroom that's upstairs used  
22 to be somewhat of a dressing area, so I literally have to go  
23 through this bedroom to go to my son's bedroom, so there's --  
24 it's really not family friendly. And this additional would  
25 definitely make it so. That's all I have to add.

1 MS. HICKS: I would like for Mr. Kadissi to talk  
2 about the construction, why it would be easier and more cost  
3 effective to add to the front than the rear, because I have  
4 panoramic photos of the site, but they're two dimensional  
5 photos. You actually have to go out and see the site to see how  
6 bad the drop is. If you go to the right, there is a rock that  
7 juts out, and I took photos standing from that rock looking  
8 down. And to the left is also a steep slope. There's a patio  
9 to the rear, but even the elevation drops down at that basement  
10 level, down even farther, so I could -- I'd like to proffer  
11 panoramic photos, and I'd also like for Mr. Kadissi to talk  
12 about construction techniques, and why it would be better to add  
13 to the front than to the rear.

14 CHAIRPERSON GRIFFIS: Good. Do you have those  
15 photos to put in now?

16 MS. HICKS: Yes, I have them.

17 CHAIRPERSON GRIFFIS: It's going to be helpful to  
18 do it.

19 MS. HICKS: Yes.

20 CHAIRPERSON GRIFFIS: And I -- what I would  
21 suggest is, although less costly and easier may no be the way  
22 you want to go with that, but the point is I would -- and it is  
23 in the case file that the slope is fairly extreme. If you want  
24 to just walk us through that fairly quickly, and then also I  
25 would speak to you, and I think you probably will. In terms of

1 the lay out of the house, also in the case file, and I think  
2 you've alluded to it, and specifically stated, but in terms of  
3 the symmetry of the house, where the addition is going, as  
4 opposed to what and how it might connect in the rear, in terms  
5 of floor plan use, et cetera. So I think you could be fairly  
6 focused and expeditious in that.

7 Oh, do we have -- I'm sorry. Hold on just a  
8 second. We're just going to -- you just submitted in the  
9 original photos.

10 MS. HICKS: Yes, those -- I have negatives, so  
11 you can have those for the record.

12 CHAIRPERSON GRIFFIS: Okay. That's the first  
13 issue, you won't be getting those back.

14 MS. HICKS: Right. You can have those.

15 CHAIRPERSON GRIFFIS: The second is the -- well,  
16 we'll establish each one of these as an exhibit then, and then  
17 we'll get copies around. But I'm sorry, I don't want to  
18 interrupt you but -- and then we'll just pass them down here, so  
19 forgive us if we're passing photos while you speak, but that's  
20 all I have to say. Why don't you talk.

21 MR. KADISSI: Good afternoon. My name is Riad  
22 Kadissi. I'm the President of Catcom Construction, and  
23 hopefully we will be constructing this project for Mr. and Mrs.  
24 Karabassis.

25 I'm only here to tell you about the logistics of

1 the project. I'm an engineer by education, and --

2 CHAIRPERSON GRIFFIS: What type of engineer?

3 MR. KADISSI: Structural engineer.

4 CHAIRPERSON GRIFFIS: Good.

5 MR. KADISSI: And as far as the floor goes in the  
6 house that's, you know, an architectural point, and Mrs.  
7 Karabassis is more familiar with it, but from the construction  
8 point of view, adding to the rear of the house is simply a  
9 nightmare. Nothing is impossible. It's difficult to say it's  
10 impossible, but it would be very, very difficult and very  
11 costly.

12 It's very steep. It would be very difficult to  
13 get a machine back there, and everything would have to be done  
14 by hand, and moved up to the street. It's the only access to the  
15 front. And it would be very time consuming, and very costly.  
16 It's not -- I don't know if -- costly is not the right word, but  
17 it's very time consuming, very difficult. And I think for them,  
18 they would give up on it, if they had to go through that.

19 MS. KARABASSIS: Not even convenient. I'm sorry  
20 to interrupt you, but it's not -- it wouldn't make sense to put  
21 it to the back, because the --

22 CHAIRPERSON GRIFFIS: Turn on your mike if you're  
23 going to --

24 MS. KARABASSIS: I'm sorry. It just -- yes, it  
25 wouldn't serve us to put it to the back, because that's not

1 where it's needed, you know.

2 CHAIRPERSON GRIFFIS: But --

3 MS. KARABASSIS: The bedroom and everything -- I  
4 mean, the way it's designed is -- that's the only way you could  
5 really bring it to look, symmetry, and everything. I mean, it  
6 doesn't make sense from the back anyway.

7 CHAIRPERSON GRIFFIS: Right. And I think he's  
8 underscoring the fact -- and we concede, you have boards up that  
9 are in our records also. I can't pick up any page on that, but  
10 the point is the -- it appears, and correct me if I'm wrong, the  
11 site --

12 MS. HICKS: The first one is the lower level,  
13 which is the basement.

14 CHAIRPERSON GRIFFIS: Right. I'm just trying to  
15 get a sheet number that --

16 MS. HICKS: Okay.

17 CHAIRPERSON GRIFFIS: -- I can reference in for  
18 the record, but if you look at the --

19 MS. KARABASSIS: This is existing, and this is  
20 what we're adding.

21 CHAIRPERSON GRIFFIS: Okay. Yeah, before we get  
22 into that, if we look at the side elevation is showing the slope  
23 of the site, and I think that's where you were going in terms of  
24 the difficulty of adding onto that area, and also getting back  
25 to that area.

1 MS. HICKS: Right. And it drops and then it --

2 CHAIRPERSON GRIFFIS: It looks like it's  
3 dropping.

4 MS. HICKS: -- stops, and then it drops down  
5 farther. As you go out into the lot it goes really -- it drops  
6 really low to the rear of the lot. And then if you look on the  
7 hill beyond this lot, there's an adjacent property, and there's  
8 a house built on the hill of the adjacent property, so it's a  
9 very hilly site. There's no way to access the property from the  
10 rear, only from the two steep sides.

11 CHAIRPERSON GRIFFIS: Okay.

12 MR. KADISSI: Actually, the slope that we see on  
13 this elevation doesn't even do it justice --

14 CHAIRPERSON GRIFFIS: Right.

15 MR. KADISSI: -- because it doesn't continue all  
16 the way down. It's much steeper, much steeper.

17 CHAIRPERSON GRIFFIS: Anything else? You don't  
18 have to add anything else. I'm just asking.

19 MR. KADISSI: Unless you have any questions, I'll  
20 be happy to answer them.

21 CHAIRPERSON GRIFFIS: Did you do the structural  
22 drawings on these?

23 MR. KADISSI: No, I --

24 CHAIRPERSON GRIFFIS: Okay.

25 MR. KADISSI: We don't -- our firm doesn't do any

1 design. We just do the construction.

2 CHAIRPERSON GRIFFIS: Okay.

3 MR. KADISSI: I was a structural engineer. I  
4 used to do design, but now we just do construction.

5 MS. HICKS: Okay. The architects aren't here.  
6 Did you want me to go over the drawings, or are the drawings  
7 sufficient? I believe I brought about 10 or 12 extra copies in  
8 so there would be enough to be passed around. But the addition  
9 is going to the front left side of the structure, and they're  
10 trying to make the structure look symmetrical to what's existing  
11 on the right hand side.

12 CHAIRPERSON GRIFFIS: Okay. Yes. In fact, what  
13 I would do, the Board Members had some question because of the  
14 reduced scale that we had. I'm going to just open mine up that  
15 is marked where the new addition is, and I think it's clear now,  
16 but for our edification, I would ask that you just go up to the  
17 board. And I'm going to ask you this so that you don't have to  
18 talk when you're up there, because you can't -- because there's  
19 no microphone. We can't get you on record.

20 All I need you to do is indicate for the Board  
21 Members, if we can move our attention to Ms. Hicks at the board  
22 on the elevation on the larger board. The other one. Right.  
23 Ms. Renshaw, and Mr. Levy, if you want to just focus on that for  
24 a second. Just point out the area that is new addition.

25 MS. HICKS: Okay. This is east, so the new

1 addition would be --

2 CHAIRPERSON GRIFFIS: Okay. You -- I can't --  
3 anything you say is not on the record, so I'd ask -- you can  
4 just -- all you need to do is just point. And Ms. Renshaw, is  
5 it clear to you on the bottom elevation where the new addition  
6 is going? There are two towers that are showing on this  
7 addition. One is original and one is new.

8 MS. HICKS: That's new.

9 CHAIRPERSON GRIFFIS: And that's the addition.  
10 Correct. Okay. Thanks. I think that's -- unless other Board  
11 Members want other things --

12 VICE CHAIRPERSON RENSHAW: Is the connector  
13 between the two towers new?

14 MS. HICKS: Yes.

15 CHAIRPERSON GRIFFIS: The question was whether  
16 the connector between the two towers is new, and the indication  
17 has been yes.

18 VICE CHAIRPERSON RENSHAW: And, Ms. Hicks, you  
19 gave these photographs to the Board, but is there any better  
20 front view of the house than this? This looks to be the only  
21 front view. Is there anyone -- any picture that shows the front  
22 view as it is now?

23 MS. HICKS: In the Board folder. There are other  
24 color photos submitted with the application.

25 CHAIRPERSON GRIFFIS: Right.

1 MS. HICKS: Those are --

2 MEMBER LEVY: These views don't really capture  
3 the entire front, but we have --

4 CHAIRPERSON GRIFFIS: But it shows the existing  
5 condition. I think that's maybe where you're going with that.

6 VICE CHAIRPERSON RENSHAW: Where I'm going is --

7 MS. HICKS: Those are photos that were taken by  
8 the architect, the ones that were -- that came in with the  
9 application.

10 MEMBER LEVY: That connector, the wall is moving  
11 out about a foot. If you look carefully at the plans, there's  
12 an existing wall, and it looks like it's just moving that wall  
13 out about a foot.

14 MS. HICKS: This is existing. This is the lower  
15 level --

16 CHAIRPERSON GRIFFIS: The recorder is going to  
17 give me a very hard time if you're not speaking into a mike  
18 because you can't be put on the recorder.

19 MEMBER LEVY: Why don't you bring the boards over  
20 to the table.

21 CHAIRPERSON GRIFFIS: Yeah. Bring them up close  
22 and then we'll get you a mike here that will --

23 MS. HICKS: Okay. This is the first floor level.  
24 This is what is existing where the gray area is. It goes back  
25 here. This is the addition on the upper level first floor, and

1 this is the symmetrical part that's going to be added, and also  
2 the entryway gallery. This is the addition here. And it's  
3 supposed -- the design is to make these two areas look  
4 symmetrical. This is the second floor level. The bedrooms wall  
5 existing goes here, and they're going to push it out here. This  
6 is going to be near here over the first floor.

7 At the lower level, they're going to put closets  
8 here below. There's an area here that's a game room, and this  
9 is the existing wall. This is in the lower level. This is to  
10 the front. You cannot see the lower level -- will not be able  
11 to see the lower level at the front because it's going to be  
12 graded back, and you'll be able to come into this garage at the  
13 first floor level. This is below grade at the front.

14 CHAIRPERSON GRIFFIS: Any other questions for --  
15 based on plans? Okay. This is -- we've got some processing to  
16 do with some of the stuff up here, which is all this activity  
17 that's happening, so don't be alarmed.

18 MS. HICKS: Also, on the site plan I'd like to  
19 note that is looking north. This is the 15 foot building  
20 restriction line. This is the edge of what's existing, and it's  
21 going to go straight across and go back at an angle. The front  
22 of the house doesn't set kind of even with the tangent of this  
23 radius. It sets back at an odd angle, so when you come out of  
24 this house over here, you won't be able to see the addition.  
25 And still further, there's landscaping over here, landscaping to

1 the rear here, and to the side here.

2 Across the street the house is up. I've shown  
3 you photos of that, and it's up on a -- kind of a terraced area  
4 with a lot of landscaping in front.

5 Also, Mr. Karabassis has gotten a petition from  
6 the neighbors, the most adjacent neighbors, and the original  
7 should be in the Board folder. They approve of the addition.

8 VICE CHAIRPERSON RENSCHAW: Ms. Hicks was  
9 referring to Exhibit Number 22 which is in the Master File,  
10 which is not in our file, and it's on letterhead of Mr.  
11 Karabassis, dated October the 3<sup>rd</sup>. And it's a Dear Neighbor  
12 letter, stating that he has applied for a variance to improve  
13 his property. "The addition I have planned will not extend into  
14 the overlay any further than my existing residence, and will in  
15 fact, help to reduce the number of automobiles on the street. I  
16 believe the plan I have developed will enhance my residence,  
17 while working in harmony with the existing structure in our  
18 neighborhood, and will help the preservation of open space we  
19 all cherish so much. I'm asking for your support. By signing  
20 below, you signify that I have explained the project, shown you  
21 the drawings that I have submitted to the City, and that you  
22 have no objection to my moving forward with the plan."

23 And we have the residents of 4770 Dexter, 4780  
24 Dexter, 4777 Dexter, 4773 Dexter, and those are the families.

25 Now are these abutters, direct abutters to the

1 property?

2 MS. KARABASSIS: The right, left, and the two in  
3 the front.

4 VICE CHAIRPERSON RENSHAW: Right, left, and two  
5 in the front. Anybody behind you?

6 MS. KARABASSIS: Is in the crescent. I mean, we  
7 could do it, but they wouldn't be affected since it's all in the  
8 front.

9 VICE CHAIRPERSON RENSHAW: All right. I pass  
10 this along to Mr. May. Mr. May, do you want to see that.

11 Did you have an opportunity to take this  
12 application before the Wesley Heights Society?

13 MS. HICKS: Mr. Watson was at the ANC Meeting at  
14 Sibley Hospital Auditorium, and he spoke on behalf of the  
15 Karabassis. He has been out on the site, and he approved of the  
16 application. We assumed that he was sending something in in  
17 writing along with the ANC, but he did go on record at the ANC  
18 meeting as saying he approved of the addition. And reasons  
19 being given, basically the same reasons we have given, as the  
20 steep slope of the site to the rear. It's a really difficult  
21 site, and as you come out of the house, it's kind of at a  
22 radius, and it will be difficult to really see it -- see the  
23 addition from the left hand side. More you'll be able to see it  
24 from the right hand side of the adjacent property. And across  
25 the street, the ? it's up on a -- the house is put up on an

1       embankment. It's landscaped, and it would be an improvement to  
2       get parking off of the street.

3               The street is not too wide. It narrows down once  
4       someone parks on the street, so he did -- he was at the ANC  
5       meeting, and I put, I believe, it was the orange notice for the  
6       ANC meeting. He was there, yes.

7               VICE CHAIRPERSON RENSHAW: But the matter did not  
8       come before the Society as a whole. He was speaking as an  
9       individual, or was he --

10              MS. HICKS: As President of the Wesley Heights  
11       Historical Society.

12              VICE CHAIRPERSON RENSHAW: He was.

13              MS. HICKS: Yes.

14              VICE CHAIRPERSON RENSHAW: All right. Thank you.

15              MS. BAILEY: Mrs. Renshaw, I just wanted to make  
16       note that the ANC letter does indicate that Mr. Watson is one of  
17       the neighbors of the Karabassis.

18              VICE CHAIRPERSON RENSHAW: I'm reading that now.  
19       Thank you, Ms. Bailey.

20              CHAIRPERSON GRIFFIS: Okay. Well, they're  
21       reviewing that letter, and we'll get someone to give us an  
22       overview. We were just -- it was in the case file. It was not  
23       delivered to the Board Members --

24              MS. HICKS: Okay.

25              CHAIRPERSON GRIFFIS: -- which is our error, and

1 we'll just take a moment to review that.

2 MS. HICKS: Okay.

3 CHAIRPERSON GRIFFIS: However, let me just get  
4 some quick clarification. First of all, this building was built  
5 before the overlay, the WHOD. Correct?

6 MS. HICKS: Yes.

7 CHAIRPERSON GRIFFIS: It was built in accordance,  
8 and they're built to the building restriction line that's noted  
9 on the plat. Is that correct?

10 MS. HICKS: Yes.

11 CHAIRPERSON GRIFFIS: That's a 15 foot set back  
12 on that.

13 MS. HICKS: Yes.

14 CHAIRPERSON GRIFFIS: It actually follows the  
15 curve of the road itself, Dexter Street. Now a quick aside.  
16 No, I'll bring that up if we have time.

17 Okay. The -- oh, can you talk to me a little  
18 about how you calculated the front yard setback, because now we  
19 have a couple of different dimensions on it. And, of course,  
20 according to 1543.4, it's actually -- well, let's look to it.

21 MS. HICKS: It's hard to calculate the front yard  
22 setback because you're on a radius. You don't have parallel lot  
23 lines --

24 CHAIRPERSON GRIFFIS: Right.

25 MS. HICKS: -- so that front yard is going to

1 vary, and the new construction sits back at an angle from it 15  
2 feet, so it's going to vary.

3 CHAIRPERSON GRIFFIS: We'll get there because --

4 MS. HICKS: Okay.

5 CHAIRPERSON GRIFFIS: -- that may be some  
6 complication.

7 MS. HICKS: Okay.

8 CHAIRPERSON GRIFFIS: And I think that goes to  
9 the uniqueness of the site, perhaps, as you had mentioned.  
10 However, it states that 1543.4, "All residential buildings shall  
11 have a front yard setback equal to or greater than the average  
12 setback of all structures on the same side of the street, in the  
13 Block where the building is in question is located." Is that  
14 how you established the setback?

15 MS. SANSONE: Mr. Chairman, maybe I  
16 can --

17 MS. HICKS: There's a map --

18 CHAIRPERSON GRIFFIS: Good, maybe I'm wrong.  
19 Let's get the

20 THE COURT:

21 MS. HICKS: There's a map that the Office of  
22 Planning has put out on a street by street basis.

23 CHAIRPERSON GRIFFIS: Okay.

24 MS. HICKS: It has circles on the street what the  
25 setback, established setback is. They've already done the

1 calculations. It's 42 feet.

2 CHAIRPERSON GRIFFIS: Okay.

3 MS. HICKS: So that's how I got the 41 feet.

4 CHAIRPERSON GRIFFIS: Good. Well, that's clear.

5 MS. HICKS: At first I thought it was 44 feet,  
6 and then Mr. Watson corrected me and said no, it's 41 feet,  
7 because he had a hand in establishing the regulations for this  
8 overlay.

9 CHAIRPERSON GRIFFIS: Okay. That's what I needed  
10 to know.

11 MS. HICKS: It's actually 41 feet. It's  
12 established by maps --

13 CHAIRPERSON GRIFFIS: By Planning.

14 MS. HICKS: -- that are published in the Office  
15 of Planning. Yes.

16 CHAIRPERSON GRIFFIS: Okay. Let me hear from Ms.  
17 Sansone, who is our Corporation Counsel.

18 MS. SANSONE: That is correct, Mr. Chairman.  
19 When the Zoning Commission adopted the regulations, they  
20 published attached to the Notice of Final Rulemaking a map, and  
21 that map is available in the D.C. Register.

22 CHAIRPERSON GRIFFIS: Okay.

23 MS. SANSONE: And I didn't bring it down with me.  
24 I can bring it down, and we can actually have the volume and  
25 page number, and date for it. It establishes -- there's little

1 circles drawn next to the blocks, and you can see each block has  
2 pretty much a different setback.

3 CHAIRPERSON GRIFFIS: Do we have indication of  
4 how we'd actually set that? I mean, for instance, this may be a  
5 digression we don't need to go, but just for our own  
6 understanding, if you have a 15 foot setback for a building  
7 restriction, I would assume that we then have that setback for  
8 the front yard, which would follow the same radius as the  
9 street. Or are they doing it like you measure a building  
10 height, that it's off the center of the lot, and that's where  
11 you establish it?

12 MS. SANSONE: I'm going to have to check on the  
13 Rulemaking, but I think it's --

14 CHAIRPERSON GRIFFIS: I stumped the attorney.  
15 Can the record reflect that -- no.

16 MS. SANSONE: I think it's measured from the  
17 building.

18 CHAIRPERSON GRIFFIS: I don't think it's  
19 important. I mean, I think obviously, when we're looking, we're  
20 not getting close to the 40, 41 feet, so this case -- and I  
21 don't want to belabor that, but at a general purpose, it may be  
22 something that I'll do and look to.

23 MS. SANSONE: I'm going to run up and just pull  
24 that regulation and make copies for everyone.

25 CHAIRPERSON GRIFFIS: Fabulous. Thanks. Okay.

1 Other questions, concerns, comments? Want to walk through  
2 anything else? Okay.

3 VICE CHAIRPERSON RENSHAW: Are we going to go  
4 through the Government reports?

5 CHAIRPERSON GRIFFIS: Oh, yeah. We haven't  
6 finished the case. I just wanted to see where we were on the  
7 Board. I'll turn it back over to Ms. Hicks, because I think she  
8 had further -- did you --

9 MS. HICKS: Unless the witnesses had any -- would  
10 you like to say anything, Woody?

11 MR. ENDRES: Sure.

12 CHAIRPERSON GRIFFIS: You don't have to. Look, I  
13 mean it's -- just because no one else is in the room doesn't  
14 mean we need to be here all day.

15 MR. ENDRES: Like I said, I manage some of the  
16 construction activity for the company that Mr. Karabassis owns,  
17 and from the very beginning this house and this location was  
18 something that the family wanted to purchase and build on. And  
19 the plans that you see before you now were actually initiated  
20 prior to the purchase of the house, subsequent to an  
21 investigation by the architect to confirm they could build this.

22 And we've already established that the overlay was -- they were  
23 unaware of the overlay. But I think more than anything else,  
24 the neighborhood and the ANC kind of revel in the fact that  
25 they're doing something with this house, because according to

1 the neighbors, they thought it was always off balance, needed  
2 something different, it just kind of set there. And I think now  
3 with the drawings that we have displayed here, the house has  
4 symmetry. It's not intrusive on the landscape. It does get the  
5 cars off the street, and it provides a healthy environment for a  
6 growing family.

7 Again, the neighbors all appreciate the fact that  
8 they're doing something with the house.

9 CHAIRPERSON GRIFFIS: Great. Thank you.

10 MS. HICKS: At the ANC meeting, Mr. Watson said  
11 if you had anything that you could change about the house it  
12 would be the color of the house. He just did not like the shade  
13 of whatever color it is, of the house, so that was the only  
14 negative comment, but everything else was positive. He didn't  
15 like the shade, the color of the house.

16 VICE CHAIRPERSON RENSHAW: Did he pick something  
17 out?

18 MS. HICKS: No, but I think they're going to have  
19 to consult with him to see what he would suggest.

20 CHAIRPERSON GRIFFIS: I thought we were supposed  
21 to pick it out.

22 VICE CHAIRPERSON RENSHAW: We'll consult. Okay.  
23 Let's get serious here.

24 Okay. In that case then, if there's not anything  
25 else you want to do in terms of the case, let's move on to

1 Government reports. We don't have a Planning report on this.  
2 Am I correct?

3 SECRETARY PRUITT: Correct.

4 CHAIRPERSON GRIFFIS: Okay. ANC 3-D did vote to  
5 support this application, and we were just handed a letter. I  
6 haven't had time to read it, so Ms. Renshaw, do you want to  
7 quickly summarize while I --

8 VICE CHAIRPERSON RENSHAW: Well, the letter is  
9 dated November the 10<sup>th</sup>, and it is from the Chair, Eleanor  
10 Roberts Lewis of ANC-3D concerning Case Number 16788.

11 ANC-3D held its regularly scheduled monthly  
12 meeting on November the 7<sup>th</sup>. Proper notice of the meeting was  
13 published in the local newspapers, and notices were posted in  
14 all of the SMDs, and notification by email and fax to interested  
15 party. A quorum of four was present at all times during the  
16 meeting. And the letter states that Gladys Hicks, a Zoning  
17 Consultant, hand delivered prior to the meeting the drawings,  
18 the plats, the computations, and copies of the application to  
19 the six ANC Commissioners.

20 And the case was presented by Gladys Hicks, and  
21 the property owners, Mr. and Mrs. Karabassis were present to  
22 provide information. And the letter states that Mr. and Mrs.  
23 Karabassis testified that the existing house has only two  
24 bedrooms, and additional space was needed for their family, a  
25 caretaker, Mrs. Karabassis' mother.

1 Mr. Watson, the President of the Wesley Heights  
2 Overlay District Historical Society was at this meeting, and he  
3 testified and he was in support. He recommended approval of the  
4 application for the proposed construction of the addition.

5 The ANC Commissioners noted that due to the steep  
6 topographic conditions of the property to the rear, and the  
7 addition and the existing house can only be seen from the  
8 neighbors on the left and the right of Lot 4. The house across  
9 the street sits on a hill and is screened by landscaping.

10 The case was discussed at the Commission voted 5-  
11 0-0 to approve the application, to allow the proposed addition  
12 to an existing single-family dwelling. And Ms. Lewis asks that  
13 the decision be given great weight to which it is entitled under  
14 D.C. law.

15 CHAIRPERSON GRIFFIS: Thank you very much. That  
16 was timely filed, I guess you said.

17 MS. BAILEY: No, Mr. Chairman, it wasn't.

18 CHAIRPERSON GRIFFIS: There it is. Then I would  
19 suggest that we waive that in as we've just read it, and give it  
20 -- and afford it the great weight that it so deserves.

21 Quick question, Ms. Hicks, if you could walk  
22 through me again. And forgive me --

23 MS. HICKS: Yes.

24 CHAIRPERSON GRIFFIS: -- me if I didn't hear you  
25 when you stated it, but this is a variance for the front yard

1 setback, and we're getting additional information on that, which  
2 is important. But talk to me a little bit about why this is a  
3 non-conforming structure which would need relief under 2001.3.  
4 Does it go to the setback?

5 MS. HICKS: It goes to the setback, yes.

6 CHAIRPERSON GRIFFIS: So there is no other non-  
7 conformity.

8 MS. HICKS: There is no other non-conforming  
9 aspect of the structure.

10 CHAIRPERSON GRIFFIS: Okay. That is helpful. I  
11 would then go to -- well, that's all that's in there.

12 Looking around and seeing an empty room, I don't  
13 think we have any parties or persons in support or opposition to  
14 call to give testimony. And therefore, let's just take a moment  
15 for the Board to ask any other further follow-up questions,  
16 before we go to closing remarks on this. Anything? Let's take  
17 quiet moment.

18 Actually, you know, I had one question. I'm not  
19 sure, and this is a digression, but I do want to seriously take  
20 a little time so that we get all the information on it, because  
21 there's been a lot thrown at us right now that we're trying to  
22 evaluate and go through, and then the stuff that was submitted  
23 in before, so I will do something that may be off point, but  
24 maybe give other Board Members some time to generate some  
25 questions and comments.

1                   And that is, have you looked strongly at the  
2 columns in your garage?

3                   MS. KARABASSIS: The columns in the garage?

4                   CHAIRPERSON GRIFFIS: If I don't read -- if I'm  
5 reading the plans correctly in the case -- and again, this has  
6 nothing to do with the case, necessarily. On the structural  
7 plans -- I'm not sure if you guys went this far, but the  
8 structural plans show from -- pardon me?

9                   MS. HICKS: I didn't bring the structural plans.  
10 I only brought the elevations and floor plans with me.

11                   CHAIRPERSON GRIFFIS: Okay. Well, anyway, as I  
12 say, I'm not going to spend a lot of time on this, but I'm  
13 looking at structural plans, and it is -- oh, they're not  
14 labeled. But anyway, I'm looking at the foundation plan and the  
15 first floor framing plan.

16                   Now the garage, to my understanding, would  
17 actually be on the first floor.

18                   MS. HICKS: Yes.

19                   CHAIRPERSON GRIFFIS: Not on the foundation plan,  
20 of course. So if I'm looking at it correctly, the first floor  
21 plan, you have the two columns landing in the garage. Right?  
22 Are you seeing -- anyway, in my knowledge, what I did was  
23 overlay the doors, and the openings, and the parking spaces, and  
24 then looked at where your columns would be. You're actually  
25 going to be driving into those things, so --

1 MS. KARABASSIS: Off the record. This is --

2 MEMBER LEVY: I think you're looking at the  
3 framing for the floor, and that what you're seeing is the --

4 CHAIRPERSON GRIFFIS: So that's going up.

5 MEMBER LEVY: That's going --

6 CHAIRPERSON GRIFFIS: I have -- anyway, we don't  
7 need to go further. When you -- if and when this starts to get  
8 built, because it doesn't make sense. Even once we've  
9 established -- obviously, these aren't a full set of plans,  
10 there it is. But I just thought it was an amusing point. And  
11 see, my timing is so perfect, now Corporation Counsel is back,  
12 and we can focus on this case at hand.

13 MEMBER LEVY: She's not been stumped after all.

14 VICE CHAIRPERSON RENSHAW: I have a question, Mr.  
15 Chairman.

16 CHAIRPERSON GRIFFIS: Yeah.

17 VICE CHAIRPERSON RENSHAW: I've lost bed and bath  
18 number five. I can account for two bedrooms upstairs, and I see  
19 a bedroom downstairs on the lower level and a bath.

20 CHAIRPERSON GRIFFIS: Yeah.

21 VICE CHAIRPERSON RENSHAW: So that makes three at  
22 this point, and I see four, and six, because down on the lower  
23 level you will have a game room, and a bedroom, and a bath  
24 added. On the first floor, a garage and a gallery, and then on  
25 the top floor a bed and a bath number four. But I lost bed

1 number five.

2 MS. KARABASSIS: Upstairs is a master bedroom,  
3 and then there's what was a dressing area, which we're using as  
4 a room now for the baby, but it's a dressing area because you  
5 have to go walk through that to go to the other room. It's not  
6 really -- I mean, you could use it as a bedroom. There's no  
7 connection between -- for the two kids there. I don't know if  
8 you can see. And downstairs, there's an existing bedroom for  
9 the nanny, at this point. And my mother would be in the other  
10 bedroom that we're adding. And upstairs would be my child. And  
11 until I have another one, a guest room would be available  
12 upstairs, for a couple of years.

13 VICE CHAIRPERSON RENSHAW: Fine. Six is found.

14 CHAIRPERSON GRIFFIS: Okay. So in that moment  
15 also with clarity of bedrooms, we've found clarity of the  
16 structural framing. I think it looks like you're all right.  
17 You're not going to run into -- it is a complicated issue. I  
18 mean, it is a complicated site to -- first of all, just partial  
19 plans. Obviously, you have walk out back, you have below grade  
20 front, and then with the garage setting in, which goes to  
21 actually your case of uniqueness on this property and site.

22 Board Members, any other information, questions?

23 We have been handed by Corporation Counsel, thankfully, or  
24 thanks to them, the Zoning Commission Notice of Final Rulemaking  
25 Case Number 90-5, which is the text and map amendment for the

1 Wesley Heights Overlay District. I would put that in as an  
2 exhibit as part of the case, that this will establish the front  
3 yard setback that is coming in for relief today.

4 MEMBER LEVY: Mr. Chair, since Corp. Counsel went  
5 to the trouble to dig this up for us, I want to draw our  
6 attention to page 6890, I believe. Six eight nine zero. Just  
7 in that -- that's the section that pertains to the front yard  
8 setback under the overlay, and it gives the reason for the  
9 setback saying, "The effect of this limitation will be to  
10 prevent additions from extending ahead of neighboring houses  
11 toward the street."

12 CHAIRPERSON GRIFFIS: Is that the point you  
13 wanted to make?

14 MEMBER LEVY: Yeah, that was my point. That's  
15 not an issue that's been addressed. I know that the neighbor,  
16 both the neighbors have signed the petition saying that they  
17 support the project, but I just wanted to --

18 CHAIRPERSON GRIFFIS: Okay. Well, here is the  
19 issue. I mean, as part of -- and that's where I went in terms  
20 of 1543.3 in the regs, that's actually how that 41 foot is  
21 established, so it is based on the fact that they have measured  
22 the setback of all the buildings, and done a calculation in  
23 order to establish that. So I would say by definition, the 41  
24 feet is in compliance with that and establishing those setbacks.  
25 So that being understood, we appreciate you bringing that up.

1                   MR. MAY: Can I mention that when -- I mean, it's  
2 hard to tell. It would have been helpful if the case had -- that  
3 was presented by the applicant actually included this  
4 information, and had knowledge of the reason for this  
5 requirement. But if you look at the one photograph that was  
6 provided of the block, it doesn't appear as if this addition  
7 will project out passed the neighbor's house. I mean, if you  
8 look at the existing face of the building, and compare it to the  
9 face of the building next door, in fact it's going to wind up  
10 kind of completing that line.

11                   CHAIRPERSON GRIFFIS: Yeah. I would concur that  
12 it would have been helpful in terms of making this case in terms  
13 of having the area map with the properties. It looks like, and  
14 we will -- let me pass it down, because I think that point is  
15 well taken, that in your panoramic shot that was submitted  
16 today, which will get an exhibit number, doesn't have it yet,  
17 from Dexter Street, I would say that that building adjacent was  
18 built before the overlay also. And it looks like their garage  
19 extends out --

20                   MS. HICKS: Yes.

21                   CHAIRPERSON GRIFFIS: -- to the building line,  
22 which is a setback. Which as that curve comes, the actual  
23 visual impact coming up Dexter is such that that projects  
24 extremely far out. I think the main structure, according to  
25 that photograph, we don't know, appears to be further out than

1 the corner of the existing structure under review today.

2 MR. MAY: I would agree based on that photograph.

3 Of course, it's not -- it's hard to tell without having a  
4 survey of the neighboring properties as well.

5 I guess the one concern that this does raise is  
6 the likelihood that the next door neighbor is going to be here  
7 next month with an addition projecting out as far as his or her  
8 garage, which is out by the building restriction line. But all  
9 things considered, it doesn't seem to defy the intent of the  
10 regulation.

11 CHAIRPERSON GRIFFIS: Good. Appreciate that, Mr.  
12 May, and I would think -- and certainly, there's a possibility  
13 that any of the adjacent neighbors might. Of course, this case  
14 will not be a precedent by which they could establish their own  
15 cases.

16 MS. HICKS: Right. The Advisory -- the ANC  
17 discussed that matter, and they said they would only review each  
18 project on a case by case basis. And you had to really need, or  
19 show proof that you really needed the front yard setback. It's  
20 not something that you're going to automatically get approved  
21 for the ANC. They're very strict, and they're handling  
22 everything on a case by case basis.

23 CHAIRPERSON GRIFFIS: As do we.

24 MR. MAY: I think the important thing to note,  
25 and not that there's a big audience who's going to recognize

1 this fact, but the need with regard to the difficulty of the  
2 property, and how this addition is placed. The case for that is  
3 not exceptionally well made, and if there was opposition to  
4 this, it would be a much more difficult decision. It seems like  
5 it's kind of -- we don't have good documentation about the  
6 difficulty of the site, or how well this addition does, in fact,  
7 conform to the neighborhood.

8 MS. KARABASSIS: I just want to add, the ANC  
9 Members, all of the Commissioners have been to my property, and  
10 can attest to that. They've all -- that's why, you know --

11 CHAIRPERSON GRIFFIS: I think Mr. May's point,  
12 and that's good information. I think Mr. May's point is that the  
13 ANC and OP, and anything else are part and parcel of the case  
14 that's put together before us. This is a deliberative body, and  
15 so it -- the case really has to be shown here. Otherwise, you  
16 have small pieces that may be in support, and may lose the case.

17 MS. KARABASSIS: It's difficult to show the  
18 steepness of it. I mean, as you were describing --

19 MS. HICKS: It would actually take a site visit  
20 to really understand the --

21 MS. KARABASSIS: You would need to see it.

22 MS. HICKS: -- difficulties of the site.

23 MR. MAY: That is something that can be shown  
24 with survey information. You can show a drawing that shows a  
25 section through it. It doesn't have to be perfectly accurate.

1 And the other drawing that's missing is a survey of the other  
2 properties in the area, which can be had fairly readily, without  
3 having to pay for additional survey information, so it's -- this  
4 is not to say that -- I'm not going to predict how this case  
5 will end up, but if it were contested in some way, it's the --  
6 the information that we need to make the decision is largely  
7 inferred, and not here on paper.

8 MS. HICKS: Well, if you need additional  
9 information, we could submit -- could we submit additional  
10 information to support the application, such as a survey or any  
11 topographic drawings of the area that we could get?

12 CHAIRPERSON GRIFFIS: Let's flesh out as much  
13 information as we can in the next -- I would say we spend 15  
14 more minutes on this, unless we need more time. But setting  
15 that as a deadline that we might -- and let's ask as many  
16 questions as we can. If we need to add further information to  
17 this case for our deliberations, so be it. We'll set a date for  
18 decision, or we can move ahead with this.

19 So anything else you want to point to? I think  
20 Mr. May's point is well taken, that a topographical map would  
21 have, frankly, taken any question or unknowns out of this. But  
22 why don't we give -- and I will turn to you then. Why don't you  
23 just give -- if we don't know, but give an estimation of, for  
24 instance, the site level at the front, and at the drop to the  
25 midpoint at the rear, or an estimation of a low point in the

1 rear. Or maybe more simply, I don't know if anyone can do that  
2 here, what is the drop in elevation overall. I mean, what's the  
3 most extreme?

4 MR. KADISSI: If I may, it's -- in my estimation,  
5 it's probably at least 40 feet.

6 CHAIRPERSON GRIFFIS: Forty feet.

7 MR. KADISSI: To the bottom of the --

8 CHAIRPERSON GRIFFIS: From the front of the  
9 elevation to the rear of the property.

10 MR. KADISSI: And that's not an exaggeration. I  
11 mean, if you see the site, you'll see how steep how it is. It's  
12 --

13 MR. MAY: I'm impressed that the building hasn't  
14 slid down the hill.

15 CHAIRPERSON GRIFFIS: Yeah. Exactly.

16 VICE CHAIRPERSON RENSHAW: Just like California.

17 CHAIRPERSON GRIFFIS: I mean, that's  
18 extraordinary.

19 MR. KADISSI: From -- I'm talking from the street  
20 level to the lowest point of the back yard.

21 MR. MAY: Yeah, that's a big drop.

22 MS. KARABASSIS: We actually wanted to get it  
23 graded and leveled because I have children and we wanted them,  
24 you know -- and we went through drawings. That's why I have  
25 those drawings if you would want that. They have all this

1 information of the back yard. And it was very -- a huge, very  
2 difficult, and we had to drop it. And, you know, I take the  
3 kids to the park because it's impossible to do anything back  
4 there. It's so steep.

5 CHAIRPERSON GRIFFIS: Good. Any follow-up?

6 MR. MAY: I have no further questions.

7 CHAIRPERSON GRIFFIS: Oh, okay. Board Members?

8 MEMBER LEVY: I don't have any questions.

9 CHAIRPERSON GRIFFIS: Okay.

10 VICE CHAIRPERSON RENSHAW: I'd like to hear a  
11 little bit more about this practical difficulty, either Mrs.  
12 Karabassis, or Ms. Hicks. Other than just an emphasis on a  
13 family friendly interior, so if you could give me any other  
14 background, logic, what have you.

15 MS. KARABASSIS: Okay. Well, aside from the  
16 garage, which is the main thing, to get the cars off the street,  
17 our bedroom only has a shower, so we wanted to get, you know,  
18 might as well, since we're going to take that -- we're going to  
19 get a bathtub. And at the same time, the bedroom for my child  
20 is very important.

21 Right now the way it's set up, I don't know if  
22 you can see clearly in the drawings, but the master bedroom only  
23 has access to the one room on the left, the right when you get  
24 out. And then I have to go through that room to get to the  
25 other room, so right now my kids are there, and I don't think

1 it's safe because it's not accessible properly, so basically the  
2 other bedroom would be accessible from my room as well. That's  
3 why we're adding that bedroom over there. And the third one  
4 would be, you know, for guest or whoever.

5           Downstairs my mother would move in with us, and  
6 the nanny is already in the other bedroom, and then a play area  
7 for the kids in between since, you know -- if we're going to do  
8 the garage, we want -- we figured we might just accommodate the  
9 growing family while we're there, because we don't plan on  
10 moving for quite a while. And that was our goal at this point.

11           Also, the washer/dryer is ~~between~~ -- is set up  
12 between the two supposedly bedrooms, which is really a dressing  
13 room and a bedroom, so right now we've got the fluff. We've got  
14 asthma developing, so there -- the connection you see between  
15 the two towers, that would be sort of mud room to connect the  
16 garage to the kitchen, but at the same time we put the  
17 washer/dryer at that level to make it, you know, more --

18           MR. ENDRES: If you look at the footprint of the  
19 house, it appears to be a relatively large home. Contrary to  
20 the appearance, it really isn't. There's a huge atrium in the  
21 house that goes from the basement through the roof. There's a  
22 pool in the basement which takes up a large portion of the  
23 house. The rooms themselves are relatively small. The room  
24 that Mrs. Karabassis is housing her children in is probably, if  
25 I had to guess, and you've probably studied the plans more than

1 me, it's eight feet wide and maybe ten or twelve feet long.  
2 It's literally a hall.

3 It really isn't family friendly. I think the  
4 gentleman that owned the house was single, and wasn't worried  
5 about a family.

6 MS. KARABASSIS: The neighbors are also aware of  
7 it, because we have a very tight knit neighborhood, and they've  
8 seen the house. They know what it's about, and that's why they  
9 were very supportive of this project and understood, because  
10 they all have children, and they all understand the family space  
11 you need to raise them. So that's another reason why they were  
12 so supportive.

13 MR. ENDRES: I think the other issue, as well,  
14 regarding the rear of the property is not only the slope, but the  
15 setback from the sides. I don't know how you would get by there  
16 or back there if you were to put a garage on to get the cars off  
17 the street. Riad, maybe you have thoughts on that, but don't  
18 that you could do that either.

19 MR. KADISSI: I don't think this was a  
20 possibility.

21 MS. HICKS: You would have to infill the lot with  
22 a lot of clean infill soil, and there are a lot of trees to the  
23 rear which would have to be down also.

24 VICE CHAIRPERSON RENSHAW: I was just interested,  
25 Ms. Hicks, on your comment about parking in front is illegal.

1 MS. HICKS: Right. Parking in the front is not -  
2 - is prohibited in the District of Columbia.

3 VICE CHAIRPERSON RENSHAW: And yet every single  
4 street, because people don't use their garages, it becomes  
5 storage space. And there's not a house in, I think in  
6 Washington where these garages are used.

7 MS. KARABASSIS: May I add one thing, is that we  
8 don't even have a driveway. And when they had to pave the  
9 street, I had to park my car at the neighbor's driveway.

10 VICE CHAIRPERSON RENSHAW: Uh-huh.

11 MS. KARABASSIS: We don't have -- and my  
12 husband's car got stolen off the street. So literally, we just  
13 need a little space to just minimum some kind of a --

14 VICE CHAIRPERSON RENSHAW: It's in line with the  
15 hood. It's not unique to your situation about the car being  
16 stolen.

17 MS. KARABASSIS: No, I understand, but it would  
18 be -- you know, the kind of car my husband would be safer in a  
19 garage, and he would have kept in a garage if we had had one.  
20 And, you know, I think just getting them off the street is also  
21 the goal. We're the only ones -- everybody's got a way to -- at  
22 least a driveway to pull them in. We don't, so that was another  
23 thing.

24 MS. HICKS: One thing I noticed about Dexter  
25 Street, if there's a service van -- when I drove up a couple of

1 Saturdays ago, there was a Verizon, a telephone company van  
2 there, and there was only room enough for my -- I have a 1994  
3 Nissan Sentra. It was only room enough for me to get passed the  
4 Verizon. It's not a very wide street, so if you have cars parked  
5 on the street, it's difficult to navigate through Dexter Street,  
6 so I was happy that no one was coming in the opposite direction.

7 It was difficult for me to drive passed the Verizon van in  
8 order to find a parking space.

9 CHAIRPERSON GRIFFIS: Good. Well, first of all,  
10 and you do still have closing remarks, so I will get to you at  
11 that point, but I want to make a quick statement.

12 I'm not surprised, frankly, that your architects  
13 may have missed this in terms of there was that overlay, in that  
14 if you look at this as an R-1-A, conceivably it is in total  
15 compliance. If it wasn't, in fact it may come under another  
16 section which gives relief, which is under -- what was it? Oh,  
17 223 which relief from courts and side yards, rear yards, lot  
18 occupancy, lot dimension, which seems to be -- and it's also a  
19 special exception which is a very clear, easy, and I think the  
20 intent of it was to -- I'm fairly certain of that, was to ease  
21 the burden of single-family houses that are so important in the  
22 District of Columbia in every neighborhood, in terms of  
23 retaining and maintaining families and households as they grow  
24 and develop. And that may mean increasing of size, it may also  
25 increase in other cases, taking on family members as the family

1 requirement changes, so we have anticipated that in the  
2 regulations.

3 Now specifically with this case, we are looking  
4 at, obviously, the Overlay District, which is a new overlay. It  
5 is a very important one also, and it is, I think, an integral in  
6 maintaining and -- well, maintaining the feel and the  
7 environment through the regulations of this area.

8 To that, I would say one, that this existing  
9 structure as it was built, obviously, was in conformance with  
10 the property setback. This addition, obviously, is not by  
11 definition increasing the projection of this building. It  
12 actually is setting back, even though it is on a -- well, it's  
13 in parallel with the existing structure by nature of the fact  
14 that this lot curves, which I think goes also to its uniqueness,  
15 which has been stated, and finishes out the building.

16 I think it holds well in terms of the purposes of  
17 the Overlay District in its restrictions, and its limitations of  
18 new buildings, and new structures.

19 Now I have more to say, which is probably more  
20 substantive of the case, but unless we have any other quick  
21 questions, I would turn to the applicant for closing remarks,  
22 and then we might figure out where we're going with that.

23 MS. HICKS: The applicants feel that the proposed  
24 addition and the variance would not be detrimental to the public  
25 good, and since all of the other zoning requirements can be met,

1 the applicant has a pressing need for additional space for their  
2 expanding family. Therefore, a request for a variance from  
3 Section 1543.4, front yard setback requirements in the Wesley  
4 Heights Overlay District is submitted, along with the request  
5 for a variance from Section 2001.3 we've submitted before the  
6 Board of Zoning Adjustment.

7 We feel that there are some very unique  
8 topographic situations that are inherent with the land, and  
9 there -- since there is a severe drop in elevation from the  
10 front to the back of the structure, we've submitted photographs  
11 which are two dimensional, and they can only show it so much.  
12 It actually takes a site visit to show the great depth that the  
13 property slopes to.

14 We feel that this application would be approved  
15 without any detriment to the public good. That's my conclusion.

16 CHAIRPERSON GRIFFIS: Thank you.

17 MS. HICKS: Okay.

18 CHAIRPERSON GRIFFIS: Okay. Let me reiterate, I  
19 think, what I've just heard, but that is -- actually, if we're  
20 going to the uniqueness of the site, we do have -- whether we've  
21 established the exact -- which I think is important, but we have  
22 not established, actually, the fact of the matter of the  
23 elevation drop, but what we have established, I think by  
24 drawings, by testimony, and by photographs, is that there's a  
25 very large drop in elevation on the back side, which would, in

1 fact, render almost very difficult addition on to the back. The  
2 uniqueness goes to that in terms of the site and the slope, also  
3 in terms of the curve of the avenue or the street, I think we  
4 talked about also.

5 The practical difficulty, of course, goes to  
6 that, that the expanding of the space one, also the uniqueness  
7 that this structure was built prior to the Overlay District, and  
8 was built in compliance with the existing at that time setback  
9 from the street, that the practical difficulty that is involved  
10 is the fact that you could, as a matter of right, build out on  
11 the back of this structure but for the uniqueness of it, which  
12 is a drop in slope. And that, in fact, it could be established,  
13 as your statement has said, that it would not be in any way  
14 detrimental to the Planning, and that would specifically speak  
15 to the Overlay District.

16 Board Members, any other comments or questions,  
17 or motions and directions?

18 VICE CHAIRPERSON RENSHAW: There's something  
19 that, Mr. Chairman, that I would like to see in the file, and  
20 that -- even though in the ANC letter from Ms. Lewis, she goes  
21 into the explanation of Mr. Watson from the Wesley Heights  
22 Historical Society being at the meeting and approving this  
23 application. It's because the overlays are so very special to  
24 these communities, and they are held, as we might say, close to  
25 the chest, I would like to see a letter from Mr. Watson for this

1 file that would give his judgment on the case, just so that we  
2 have it separate and distinct. Here it is, Mrs. Lewis is  
3 transmitting his opinions for us to read, but I'd rather have it  
4 in the file as a separate document. I think it's important,  
5 because this property does sit in an Overlay District.

6 CHAIRPERSON GRIFFIS: Ms. Renshaw, if I could  
7 just comment on that. I agree that additional information and  
8 any sort of letter from that party and association would be  
9 absolutely important, and probably would help this case, as  
10 would, you know, a topographic site plan, but I don't see the  
11 regulations where it was required that the applicant have that  
12 submission or review. And my only concern is that I'm not sure  
13 we want to delay this case, or can necessarily, in order to try  
14 and get that. They may have reviewed it, and not wanted to -- I  
15 mean, we're trying to deal with something that --

16 VICE CHAIRPERSON RENSHAW: Right. I'm not saying  
17 that we are delaying the case. I am just asking that the  
18 applicant ask Mr. Watson and the Historical Society for a letter  
19 that would then be put into this file.

20 CHAIRPERSON GRIFFIS: Okay. Let me just get  
21 process and semantics down then. Are you talking about then  
22 keeping the record open to accept it?

23 VICE CHAIRPERSON RENSHAW: Uh-huh. I am.

24 CHAIRPERSON GRIFFIS: Okay. Which would mean we  
25 would not -- I mean, I can poll the Board now if we're prepared

1 to do -- to take a motion on this, or whether we're setting this  
2 up for decision making. I mean, if we set this up -- well,  
3 let's talk realities.

4 SECRETARY PRUITT: Excuse me, Mr. Chair. May I  
5 make a comment from Staff then?

6 CHAIRPERSON GRIFFIS: Of course.

7 SECRETARY PRUITT: Leaving the records open for  
8 after you've left, after you've, you know, voted on an order,  
9 it's very difficult because it starts then letting other stuff  
10 get in that you don't really need to. And that's not our  
11 procedure.

12 CHAIRPERSON GRIFFIS: No, but --

13 SECRETARY PRUITT: The record is closed, it's  
14 closed.

15 CHAIRPERSON GRIFFIS: Right. And let be clear,  
16 that I think what's before us right now, is we make a motion on  
17 this case, a bench decision, or we set this up for decision  
18 making and keep the record open.

19 SECRETARY PRUITT: Correct.

20 CHAIRPERSON GRIFFIS: We're not doing a bench  
21 decision with an open record.

22 SECRETARY PRUITT: Right. But I mean, if you  
23 have -- if you do a bench decision, then to have the letter  
24 submitted for the record, it's really useless because it's not -  
25 - you're not looking at it for your deliberation, so it doesn't

1 matter.

2 MEMBER LEVY: Mr. Chair.

3 CHAIRPERSON GRIFFIS: Well, Mr. May follows that.

4 Hold on a second.

5 SECRETARY PRUITT: Well, maybe Mr. May can  
6 explain it better.

7 CHAIRPERSON GRIFFIS: Well, if we keep the record  
8 open --

9 MR. MAY: Nodding my head doesn't mean I can  
10 explain it.

11 CHAIRPERSON GRIFFIS: Right. I would fully  
12 understand that we would get that in proper time, and that's my  
13 point, is if we do that, we're now waiting on an unknown. We're  
14 waiting on somebody that may not want to respond to this, and  
15 we're keeping the record open for them. Where do we set the  
16 date for decision making, because yes, we're going to need a  
17 week or two to have that, and we probably should have the  
18 applicant be able to respond to it, if need be, so it adds time,  
19 so I don't think we would submit it for the record and not  
20 review it.

21 VICE CHAIRPERSON RENSHAW: Well, I would just  
22 say, Mr. Chairman, if we are not going to ask the applicant to  
23 ask Mr. Watson to put something on letterhead of the Historical  
24 Society, that we just subtract the Historical Society's  
25 recommendation from this application, because I really do think

1 it is something that should be separate and distinct from being  
2 included in an ANC letter, because of the importance of the  
3 overlay.

4 SECRETARY PRUITT: Ms. Renshaw, I want to make  
5 sure I'm clear on this. You're suggesting that the ANC letter  
6 that we got today, you remove some language in there?

7 VICE CHAIRPERSON RENSHAW: I am stating that for  
8 the deliberation, that we set aside the remarks about the  
9 Historical Society, and just take the approval of the ANC.

10 SECRETARY PRUITT: I guess I have some concerns  
11 about that because this is an official ANC letter coming in --

12 VICE CHAIRPERSON RENSHAW: Uh-huh.

13 SECRETARY PRUITT: -- and we really don't have  
14 the right to edit --

15 CHAIRPERSON GRIFFIS: Well, let me --

16 SECRETARY PRUITT: Or I'd feel very  
17 uncomfortable, excuse me.

18 CHAIRPERSON GRIFFIS: And I think Ms. Renshaw's  
19 point, as Board Members we would instruct ourselves not to  
20 deliberate on this, as if it has the Historical Society's  
21 support --

22 VICE CHAIRPERSON RENSHAW: Stamp of approval.

23 CHAIRPERSON GRIFFIS: -- or endorsement, but that  
24 it does have ANC. And that it was noted in the ANC letter that  
25 their -- we just wouldn't take that with great weight, which I

1 didn't think we were, frankly, because I didn't see a report on  
2 it.

3 If that's clear with Board Members, clear in mind  
4 of that paragraph, and then I'm prepared to move forward on  
5 this, unless others are not. Ms. Renshaw, are --

6 MR. MAY: I am prepared to move forward on this  
7 and issue a bench decision.

8 CHAIRPERSON GRIFFIS: The mike is all your's.

9 MR. MAY: Okay. I'm not sure I can do this  
10 right. In the case of Application Number 16788, pursuant to 11  
11 DCMR 3013.2 for a variance from the front yard setback  
12 requirements under Subsection 1543.4, and a variance from the  
13 non-conforming structure provisions under Subsection 2001.3, to  
14 allow an addition to a single-family dwelling at the premises  
15 4774 Dexter Street, N.W., Square 1397, Lot 4, I move that this  
16 variance -- that these variances be approved.

17 MEMBER LEVY: I'll second that.

18 CHAIRPERSON GRIFFIS: Thank you very much,  
19 gentlemen. Discussion?

20 MEMBER LEVY: I just point out that I think that,  
21 Mr. Chair, that you outlined the merits of the case fairly well  
22 before our final discussion, so I would say that we approve it  
23 based on the record.

24 VICE CHAIRPERSON RENSHAW: Uh-huh.

25 CHAIRPERSON GRIFFIS: Very good. Any other

1 comments, discussion. Very well. Thank you very much. I would  
2 ask all those in favor.

3 (Vote.)

4 CHAIRPERSON GRIFFIS: Opposed. Staff will record  
5 the vote.

6 MS. BAILEY: The vote is recorded as 4-0-1.  
7 Motion made by Mr. May, Mr. Levy second. Mr. Griffis and Mrs.  
8 Renshaw in agreement. Summary order bench decision.

9 CHAIRPERSON GRIFFIS: Thank you all very much,  
10 and congratulations on your new family member, and have fun.

11

12 MS. HICKS: Thank you very much.

13 MR. KADISSI: Thanks a lot.

14 MS. KARABASSIS: Thank you.

15 CHAIRPERSON GRIFFIS: Oh, and don't be too hard  
16 on your architect. This will -- I don't think we have any other  
17 business. Is that correct?

18 MS. SANSONE: That is correct.

19 CHAIRPERSON GRIFFIS: Very good. This will then  
20 end the afternoon session of November 20, 2001.

21 (Off the record at 2:45 p.m.)

22