

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY,

NOVEMBER 3, 1999

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The public hearing convened in Room 220 South, 441 Fourth Street, N.W., Washington, D.C. 20001, pursuant to notice, at 1:00 p.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT BOARD MEMBERS PRESENT:

SHEILA CROSS REID Chairperson
JERRY GILREATH
ROBERT SOCKWELL

ZONING COMMISSION BOARD MEMBERS PRESENT:

ANTHONY HOOD Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHERI PRUITT-WILLIAMS Secretary, BZA
BEVERLY BAILEY Office of Zoning
PAUL HART Office of Zoning
JOHN NYARKU Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL:

ALAN BERGSTEIN, ESQ.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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Call to Order.....3

Preliminary Matters.....5

Application 16510, Application of5
 The Presidents and Directors of
 Georgetown College, pursuant to
 11 DCMR 3108.1, for a special
 exception under Section 210 for
 further processing of an improved
 campus plan to allow the construction
 of an addition to the Leavey Center
 for the expansion of the existing
 bookstore in an R-3 District at
 3700 O Street, N.W., Square 1321, Lot 1

Application 16512 of Veronica Ahern,28
 pursuant to 11 DCMR 3107.2, for a
 variance from the side yard set back
 requirement under Section 405 to allow
 the proposed additional to a single-family
 detached dwelling in an R-1-B district at
 5471 - 31st Street, N.W., Square 2295, Lot 7

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

(1:12 p.m.)

CHAIRPERSON CROSS REID: Good afternoon, ladies and gentlemen. The hearing will please come to order. Please excuse our delay with the commencement of our afternoon session of the BZA for November the 3rd.

My name is Sheila Cross Reid, Chairperson. Joining me today is Robert N. Sockwell and Jerry H. Gilreath representing the National Capital Planning Commission. Representing the Zoning Commission, Mr. Hood.

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

The order of procedure are for special exception variances and we'll have, one, statements of the applicant; government reports including Office of Planning, Department of Public Works, ANC, et cetera; persons or parties in support; persons or parties in opposition; closing remarks by the applicant. Cross examination of witnesses is permitted by persons or parties with direct interest in the case. The record will be closed at the conclusion of each case except for any materials specifically requested. The board and the staff will specify at

1 the end of the hearing exactly what is expected.

2 Decisions of the board in these contested cases
3 must be based exclusively on the public record. To avoid any
4 appearance to the contrary, the board requests that persons
5 present not engage members of the board in conversation.

6 Please turn off all beepers and cell phones at this
7 time so as not to disrupt these proceedings. The board will make
8 ever effort to conclude the public hearing as near as possible to
9 6:00 p.m. If the afternoon cases are not complete by 6:00 p.m.,
10 the board will assess whether it can complete the pending case or
11 cases remaining on the agenda.

12 At this time, the board consider any preliminary
13 matters. Preliminary matters are those which relate to whether a
14 case will or should be heard today such as because of a
15 postponement, continuance, or withdrawal, whether proper and
16 adequate notice of the hearing has been given. If you are not
17 prepared to go forward with the case today or if you believe that
18 the board should not proceed, now is the time to raise such a
19 matter.

20 Are there any preliminary matters?

21 The staff have any preliminary matters?

22 MS. PRUITT-WILLIAMS: No, Madam Chair.

23 CHAIRPERSON CROSS REID: If not, please call the
24 first case.

25 MS. PRUITT-WILLIAMS: The first case on the agenda

1 this afternoon is Application 16510, Application of The Presidents
2 and Directors of Georgetown College, pursuant to 11 DCMR 3108.1,
3 for a special exception under Section 210 for further processing
4 of an improved campus plan to allow the construction of an
5 addition to the Leavey Center for the expansion of the existing
6 bookstore in an R-3 District at 3700 O Street, N.W., Square 1321,
7 Lot 1.

8 All those planning to testify, could you please
9 stand and raise your right hand.

10 (Whereupon, all participants were sworn.)

11 MS. PRUITT-WILLIAMS: Could you please come
12 forward.

13 MS. SALLEY: Madam Chair, members of the board, my
14 name is Andrea Salley and I'm a senior advisor for real estate
15 matters in the Office of the University Counsel at Georgetown.
16 Here with me this afternoon is Alan Brangman seated to my right,
17 who is the university architect, as well as the executive director
18 for facilities planning. Also with me is Martin Reddy of Martin
19 Reddy Architects, the project architect, and Michael Bartoff who
20 is trying to find a parking space.

21 Georgetown University is requesting approval to
22 construct a one story addition to the existing Leavey Center
23 building. The Leavey Center is a building located in the middle
24 of the campus of the main campus at 37th and O Streets, N.W. The
25 property is zoned R-3. The property, the building, is also

1 surrounded on all sides by university owned property.

2 The original construction of the Leavey Center was
3 approved by this board back in 1984. The building currently
4 houses a number of university uses including student activities
5 and organizations as well as university services. One of the
6 university services that is located in the building right now is
7 the Leavey Center bookstore, and it is currently very crowded.
8 And that's why we're requesting this addition to the building.
9 There will be no change of use to the building as a result of this
10 proposal.

11 Approval for the construction is sought pursuant to
12 Sections 3108.1 and 210 of the zoning regulations. It's a further
13 processing case of campus plan. The last campus plan was approved
14 by this board back in 1990.

15 The addition is about 12,700 square feet and there
16 will be no additional students, or staff, or faculty as a result
17 of the project. As will be established by the testimony of the
18 witnesses, the construction of the proposed addition will not
19 adversely effect the neighborhood.

20 We submitted a statement about two weeks ago and
21 attached to that are a series of exhibits. I would just like to
22 highlight a couple of them for you right now. Exhibits B through
23 D are the site plans and the surveyor's plat. Exhibit J is the
24 transmittal memorandum from the Commission of Fine Arts indicating
25 conceptual approval. And Exhibit K are the architectural plans

1 for the project. At pages 3 and 4 of that statement is a detailed
2 statement as to how we meet the burden of proof.

3 And if there are no preliminary matters or other
4 questions from the board, at this time I would like to proceed
5 with the testimony of the witnesses.

6 CHAIRPERSON CROSS REID: We have, the board
7 members, have read your submission and I don't-- is there anyone
8 here in opposition to the case, please give a show of hands.

9 We're not aware of any opposition to your
10 application. And I think that we got our reports from -- Well, I
11 know we got a report from the Office of Planning in support of
12 your application as well as recommending approval, as well as the
13 ANC. Seemingly that came in later. Does anyone have that?

14 Did you talk to the ANC?

15 MR. BRANGMAN: Yes.

16 CHAIRPERSON CROSS REID: Is the ANC here?

17 MS. SALLEY: I don't think anybody from the ANC is
18 here. We met with them several times.

19 CHAIRPERSON CROSS REID: All right. I don't know,
20 does anyone have a copy --

21 BOARD MEMBER HOOD: Madam Chair, I didn't see one.

22 CHAIRPERSON CROSS REID: We don't see it but
23 nonetheless, if we don't have a letter, typically that means that
24 they are not opposed to your application. So, I'm saying this,
25 you can basically expedite and just give us the highlights of your

1 presentation as well as just show, demonstrate to us how you
2 comply with the existing zoning regulations and to go out to the
3 special exception that you're asking for further processing of the
4 campus plan. We do have the previous orders in regards to this
5 particular case.

6 MS. SALLEY: Great. We'll be very brief, Madam
7 Chair.

8 CHAIRPERSON CROSS REID: Thank you.

9 MS. SALLEY: Alan.

10 MR. BRANGMAN: Thank you.

11 Good morning, Madam Chair, members of the board, my
12 name is Alan Brangman. I'm the university architect, as Andrea
13 said and the executive director for facilities planning. I reside
14 at 211 South Oak Street, Falls Church, Virginia.

15 And, in the interest of expediting the issue before
16 you, I would suggest that rather reiterate background issues that
17 Andrea has addressed in terms of the location and the need for the
18 project, that perhaps I move right to the compliance and zoning
19 regulation issues.

20 We would say simply with respect to the project's
21 compliance with the zoning regulations, the proposed addition will
22 not be objectionable because of noise, traffic, number of
23 students, or other objectionable conditions.

24 Under consideration for noise, the project, as she
25 mentioned, is located interior on the campus. It's almost at the

1 dead center of the campus. It is surrounded on all four sides by
2 university property. Therefore, it's not adjacent to any of our
3 neighbors on any sides.

4 With respect to traffic, there is no change or no
5 proposed change, once this addition is completed. With respect to
6 our traffic patterns on campus, there is no projected increase
7 with respect to the number of students or enrollment as a result
8 of the bookstore or with staff and/or faculty.

9 And I would again just highlight that there are no
10 other objectionable conditions that we're aware of with respect to
11 this project.

12 On a campus FAR basis, our current FAR is 1.12
13 which I believe our report shows as a result of adding this just
14 under 13,000 square feet. The change to that FAR is out in the
15 third decimal point. So, we still are at a 1.12 in terms of our
16 current FAR with an allowable of 1.8.

17 There are couple of other issues that I wanted to
18 hit very quickly which we are required to do each time we are back
19 before you with a project of continuing attention.

20 With respect to our enrollment, or actually, our
21 bed counts, we are in the process now, as I believe you are aware,
22 of undertaking the addition of a 780 bed residence facility to the
23 campus. We are currently in the stage of our environmental
24 assessment, in completing that, and also are about to complete the
25 design development portion of that project. Our hope is, as you

1 know, when we reviewed this with you last June, to be able to
2 complete our submissions before the Old Georgetown Board and Fine
3 Arts Commission in order to be able to start construction on that
4 project late spring, early summer.

5 Also, with respect to the south entrance, the
6 Federal Highway Administration has been working on completing the
7 documents for the south entrance. The EIS on that project came
8 out last December, December of 1998. They are in the process of
9 completing drawings now and hope to be able to submit within the
10 next coming months to National Capital Planning Commission with
11 respect to finalizing that project, and hopefully within the next
12 year we'll be able to complete that project as well.

13 We have continued our community meetings with the
14 ANC as well as with the BZA quarterly folks around Georgetown
15 which is made up of the ANCs and all of the neighborhood community
16 groups. We have reviewed both this project and all other projects
17 that we're working on. And unless there are any other questions
18 of me, I would turn the presentation over to Martin Reddy to take
19 you through the architectural drawings.

20 MR. REDDY: Thank you, Alan. And thank you, Madam
21 Chair and the members of the board.

22 What I would propose doing is maybe since no one is
23 sitting on this end, just to move these a little closer to you so
24 you can see them a little better. And I, too, will be brief and
25 take you through the exhibits.

1 The first board is a campus plan which shows in the
2 blue square there, blue rectangle, the location of Leavey Center
3 which, as indicated, is almost dead center in the middle of the
4 campus. To the north is the medical center. To the west is the
5 existing athletic fields. To the right, to the east, is the
6 science building and the Henley Village. And then to the south,
7 the existing baseball field.

8 The project site itself is on what's known as the
9 esplanade level or the top deck of the Leavey Center. And that's
10 shown in the upper right and there's a campus model photo on the
11 other easel that's on the left that shows the existing conditions.

12 The existing esplanade level has two buildings. On
13 the east, or the right, in the picture is the student activities
14 building and on the left, the L-shaped building which is the
15 existing guest quarters.

16 The esplanade level has in the center and to the
17 south a nicely developed landscaped area and our site is to the
18 north edge, or the top of the diagram, which is directly in a
19 horizontal band that runs along the north. That area has
20 structural columns that were designed at the time of the original
21 Leavey Center to support this addition and there were other
22 mechanical and electrical provisions that were made for an
23 addition along these lines at that exact point. The building is
24 also listed in the campus master plan under letter O in this site
25 for this addition.

1 As you can see, on the lower right here, there's a
2 plan of the existing bookstore level in the Leavey Center which is
3 directly underneath the site of the proposed addition so that the
4 addition and the existing building, the existing bookstore, can be
5 connected up internally. The main addition, the main entrance, to
6 the bookstore, will continue to be on the lower level. And that
7 the connection between the two will be via an existing stair tower
8 that you could point out that is already exists on the -- comes up
9 to the plaza level. And an internal ADA elevator and some
10 internal enclosed escalators.

11 I think on the next board, you'll see a plan of the
12 existing, detailed plan of the existing, esplanade level. Again,
13 you can see on the right the student activities building. On the
14 left, the guest quarters, the landscaped area in the center and to
15 the south. And then the open site that's been purposely left open
16 for this addition along the north band.

17 Then the next board is a detailed plan of the new
18 addition. You can see basically the rectangular addition that has
19 the same set back as the guest quarters and is a rectangular
20 addition with a feature element to the south which in working with
21 the Fine Arts Commission and the Old Georgetown board is being
22 treated as loggia type development that spans between the existing
23 stair tower and the existing mechanical, mini tower that exists on
24 the site.

25 You can see in front of the bookstore is a

1 replacement for the open plaza that is being developed for the
2 bookstore, and a continuation of the low brick walls and
3 landscaping in the character of the existing esplanade
4 development.

5 The exterior design character will be -- this is a
6 plan of the, a detailed plan, of the bookstore. One feature I
7 might point out is the mechanical and electrical equipment for the
8 addition will be inside the building. There will be no rooftop
9 equipment that will be objectionable from the visual or noise
10 point of view. The building is of masonry construction. It will
11 be a very quiet building. The use at this level will be for
12 textbooks. And it also will have a few offices that will be moved
13 up from the lower level in order to improve the circulation in the
14 organization of the existing main bookstore which will be main
15 bookstore space below.

16 The design character will be very much in character
17 with the existing buildings on the esplanade level. This new
18 building which shows a little darker there will be a continuation
19 of the ground floor type of an aspect of the existing buildings
20 with the little brick arches, with the same sort of brick
21 detailing, with the cast stone sills and lentils, cast stone
22 coping. And we have reviewed this with the -- and have received
23 conceptual approval from the Old Georgetown board and the
24 Commission on Fine Arts. We have made some adjustments as
25 suggested by the Commission of Fine Arts to the front loggia

1 element and have introduced some standing seam metal roofs and
2 some other architectural character that picks up the design of the
3 existing stair towers on the south side.

4 We are in the process of completing the documents
5 for the final submission to the commission and are asking for some
6 minor latitude and perhaps there might be some minor adjustments
7 to the exterior design of the entrance element. But we believe
8 we've worked out any major issues.

9 In our view, the project complies with Section 210
10 of the zoning regulations and that it will be, in a sense, a
11 completion of the esplanade level which was designed to receive
12 this building in this spot and with this design character.

13 If there are any questions, I'd be happy to respond
14 to any questions.

15 BOARD MEMBER GILREATH: The addition is going to
16 fit on top of the current bookstore? In other words, if I go over
17 there now there's a one story building there, the bookstore. And
18 you can put this right on top of that, another floor?

19 MR. REDDY: Well, the bookstore is -- the existing
20 bookstore is in an inside level. You cannot perceive to the
21 bookstore from the exterior. The bookstore is on the Leavey
22 Center, on the same level as the food service facilities. And
23 there's a credit union and there's other student activities that
24 are all internal to the building. They're not on the plaza level.

25 BOARD MEMBER GILREATH: Where does this building

1 go? Does it fit on top of the thing or just goes in an open space
2 area there?

3 MR. REDDY: If you can look at the model, perhaps,
4 the model photo. On the left is the existing conditions.

5 Tony, why don't you lift it up and point out the
6 existing site which has an open plaza element on the north.

7 BOARD MEMBER GILREATH: So, it's going to go on the
8 plaza there?

9 MR. REDDY: It's going to go on the esplanade or
10 plaza level.

11 BOARD MEMBER GILREATH: You said addition. I
12 somehow thought you were going to build onto the -- it will be
13 attached but it's going to be a building that goes in an open area
14 rather than going on top of another building?

15 MR. REDDY: That's correct. It goes in an existing
16 open area. It's connected up internally.

17 MR. BRANGMAN: That's the front elevation. You can
18 see the change in level there. It's actually a roofed over
19 portion.

20 BOARD MEMBER GILREATH: Yes, I see now.
21 That clarifies it. Thank you.

22 MR. REDDY: Thank you.

23 CHAIRPERSON CROSS REID: Mr. Sockwell.

24 BOARD MEMBER SOCKWELL: Mr. Reddy, the existing
25 plaza, or esplanade, is entirely roof area at this time?

1 MR. REDDY: There are a few -- there's a stair
2 tower and there's a couple of mechanical penthouses that poke
3 through. But other than the two major buildings that are there,
4 the guest quarters and student activities building, it is an open
5 plaza.

6 BOARD MEMBER SOCKWELL: But the things that poke
7 through are poking through what is really a roof, a decked area?

8 MR. REDDY: That is correct.

9 BOARD MEMBER SOCKWELL: And as you said, it's been
10 structured to receive additional --

11 MR. REDDY: But only in the area in which we're
12 building. The rest of the plaza has not been designed for any
13 future additions. Only that north band that runs along the top
14 has been designed structurally for this addition. That's why the
15 building is so located there.

16 BOARD MEMBER SOCKWELL: So, that is the extent of
17 the additional vertical construction?

18 MR. REDDY: In fact, some of those beams are even -
19 -

20 BOARD MEMBER SOCKWELL: That would be the major
21 construction.

22 MR. REDDY: -- are 36 inches deep and they're like
23 bridge girder type beams. It would be -- it's really the only
24 spot in which to locate things. It's --

25 BOARD MEMBER SOCKWELL: Of course, with additional

1 cost, you could do virtually anything.

2 MR. REDDY: Yes, sir. But this allows for the
3 existing bookstore and the addition to be connected up entirely
4 internally, so we don't have to add any other external connections
5 between the two.

6 BOARD MEMBER SOCKWELL: And the stair towers would
7 continue to the new roof level, or at least one? I guess with the
8 current code, you'd probably have to take both of them up.

9 MR. REDDY: Well, we have one stair that will
10 continue up, yes. There's only one stair that connects up the
11 bookstore. We have a direct exit to grade for the new building.
12 So, for fire egress, you can exit directly to the esplanade level.

13 Tony, why don't you point that out. There's an
14 entrance to the south. There's one to the east and one to the
15 west that are fire exits. The two ends are fire exits. The one
16 in the bottom and the center there is another entrance into the
17 sales space.

18 BOARD MEMBER SOCKWELL: But since that roof
19 actually will be independent of any other roof area, there will be
20 but one stair going up to that new roof from what I can see?

21 MR. REDDY: That's correct.

22 BOARD MEMBER SOCKWELL: That might not fall within
23 the -- that might not meet code, just to let you know.

24 MR. REDDY: Well, there -- it does connect up to
25 the existing building on the other side. So, there's access to

1 the roof via the student activities building.

2 BOARD MEMBER SOCKWELL: So there's a --

3 MR. REDDY: There's an existing stair on the
4 student activities building.

5 BOARD MEMBER SOCKWELL: So the roof level
6 connection within -- Fine.

7 MR. REDDY: Absolutely.

8 BOARD MEMBER SOCKWELL: I understand.

9 And, for Mr. Brangman, just one question.
10 Actually, my question is answered. Now I know where you are.

11 MR. BRANGMAN: I haven't been hiding, Mr. Sockwell.

12 CHAIRPERSON CROSS REID: Mr. Hood.

13 BOARD MEMBER HOOD: I just have a quick question.
14 Have you told the surrounding neighborhood about what you plan on
15 doing?

16 MR. BRANGMAN: Yes, we have, Mr. Hood. We've
17 actually been before the ANC twice with this project. And we've
18 been before -- I had mentioned, the BZA quarterly group which is
19 the -- including the ANC and the other neighborhood groups that we
20 meet with every three months. So, they are fully aware of what
21 we're doing with this project.

22 BOARD MEMBER HOOD: And do I understand you
23 correctly, there are no objections and you've even taken some
24 input from them?

25 MR. BRANGMAN: That's right.

1 BOARD MEMBER HOOD: Thank you. I just wanted to
2 put that on the record.

3 MR. BRANGMAN: Thank you.

4 CHAIRPERSON CROSS REID: Thank you.

5 BOARD MEMBER SOCKWELL: Just one other thing. One
6 other thing. With regard to this particular addition, because it
7 is merely to increase the capacity and usability of the bookstore,
8 it does not contribute to additional students as would
9 dormitories, classroom facilities, et cetera. So, it's really
10 just an improvement?

11 MR. BRANGMAN: That's correct. That's correct.

12 CHAIRPERSON CROSS REID: All right. We do have an
13 Office of Planning report. The Office of Planning recommends that
14 we approve this application. And although I have yet to see a
15 letter from the ANC 2-E, contained in the report from the Office
16 of Planning is a reference to ANC 2-E saying that the ANC has
17 recommended approval.

18 Ms. Pruitt-Williams, are you aware of any letter?

19 MS. PRUITT-WILLIAMS: From the ANC?

20 CHAIRPERSON CROSS REID: Uh huh.

21 MS. PRUITT-WILLIAMS: No, and I was just talking to
22 a staff person about that. No, there is no letter and I just
23 checked the file box.

24 CHAIRPERSON CROSS REID: We assume, then, that they
25 have no objection.

1 I'm sorry, you are with the ANC?

2 MS. VOGEL: No, I'm from the Office of Planning and
3 I talked to the president of the ANC.

4 CHAIRPERSON CROSS REID: Excuse me.

5 MS. PRUITT-WILLIAMS: Ms. Vogel, you need to come
6 forward and be on the record, please.

7 MS. VOGEL: I'm Mary Vogel from the D.C. Office of
8 Planning. And I handled this case for the Office of Planning.

9 I spoke with the past president of the ANC. She
10 was president at the time that the ANC voted on this. And she
11 told me that they voted to approve it. That they felt that
12 perhaps it might actually improve the situation with noise from
13 concerts that happen on that plaza and also that it would create
14 perhaps a little additional buffer. So, they were in favor of not
15 only no objection but they actually voted to approve it. Or to
16 recommend approval.

17 CHAIRPERSON CROSS REID: Ms. Vogel, you represent
18 the Office of Planning?

19 MS. VOGEL: Yes.

20 CHAIRPERSON CROSS REID: And are you here to
21 testify?

22 MS. VOGEL: No, I didn't' come to testify. I just
23 read the report. But I just wanted to clarify that for you, that
24 I did speak to them, the ANC.

25 CHAIRPERSON CROSS REID: All right. Thank you.

1 There are no other government reports. Persons or
2 parties in support of the application, please come forward.

3 Persons or parties in opposition of the
4 application?

5 Closing remarks by the applicant.

6 MS. SALLEY: Madam Chair and members of the board,
7 in closing, we would just like to say that we feel that we've met
8 our burden of proof. The project will not be objectionable
9 because of traffic, number of students, or other objectionable
10 conditions. There is a need at Georgetown for the project to go
11 forward and it will further the academic mission of the
12 university.

13 And so, for all the reasons that we've previously
14 stated, we respectfully request that yo approve the application.

15 Thank you very much.

16 CHAIRPERSON CROSS REID: Are you asking for a bench
17 decision summary order?

18 MS. SALLEY: That would be great. That would be
19 great. If you could do that, thank you.

20 CHAIRPERSON CROSS REID: Board members?

21 BOARD MEMBER GILREATH: Madam Chair and Ms. you
22 have some kind of commentary? I'm prepared to make a motion.

23 BOARD MEMBER SOCKWELL: Go right ahead. Mr.
24 Brangman started to laugh and I felt that maybe we should postpone
25 the decision for a couple of weeks.

1 BOARD MEMBER GILREATH: In reading the material and
2 listening to the presentation, I feel that they've met the burden
3 of proof. There is nothing to indicate that this would create
4 more noise. Probably less noise. There would be no impact on the
5 traffic and so forth. And I think it's perfectly appropriate and
6 consistent with the zoning regulations that we approve this
7 special exception for this addition. And I make a motion to that
8 effect.

9 CHAIRPERSON CROSS REID: All right. A second?

10 BOARD MEMBER SOCKWELL: I'll second the motion.

11 CHAIRPERSON CROSS REID: Comments? Mr. Sockwell?

12 BOARD MEMBER SOCKWELL: No, I don't -- I really
13 don't have any comments except that I think that it's a valid
14 proposal and that it could have some impact on positive impact for
15 the community, the surrounding community, and their belief that it
16 would possibly reduce the transmission of noise from plaza
17 activities. But that might be more from the asymmetrical walls as
18 opposed to the change in activities on the plaza. But neither
19 here nor there, it seems to be a tasteful addition to the
20 surroundings in which it will reside. And certainly does not seem
21 to me to have any negative aspects at all.

22 CHAIRPERSON CROSS REID: I concur with my
23 colleagues. I think that it certainly appears to be well
24 throughout out and it is -- the approval does not appear to impair
25 the integrity of the zoning regulations or map.

1 All in favor?

2 (Whereupon, an oral vote was taken.)

3 CHAIRPERSON CROSS REID: Opposed?

4 (No response.)

5 MS. PRUITT-WILLIAMS: Staff would record the vote
6 at 4 to 0 to approve, motion made by Mr. Gilreath, seconded by Mr.
7 Sockwell, and summary order.

8 MS. SALLEY: Thank you very much.

9 CHAIRPERSON CROSS REID: Thank you.

10 You should have your order in approximately two to
11 three weeks.

12 All right. Call the next case, please. Ms.
13 Pruitt-Williams, would you please call the next case.

14 MS. PRUITT-WILLIAMS: Application 16512 of Veronica
15 Ahern, pursuant to 11 DCMR 3107.2, for a variance from the side
16 yard setback requirements under Section 405 to allow the --

17 CHAIRPERSON CROSS REID: There were some additional
18 submissions by them because this particular applicant, there was -
19 -

20 MS. PRUITT-WILLIAMS: Are you ready because I was
21 in the middle of reading?

22 CHAIRPERSON CROSS REID: I'm sorry. I'm being
23 picked up by the mike.

24 What I was saying, Ms. Pruitt-Williams, was there
25 was some additional submission that came in this morning that

1 supplemented what we've gotten on Friday. And I was just trying
2 to put our hands on.

3 But go ahead.

4 MS. PRUITT-WILLIAMS: Let me start over so we can
5 get it clear.

6 Application 16512 of Veronica Ahern, pursuant to 11
7 DCMR 3107.2, for a variance from the side yard set back
8 requirement under Section 405 to allow the proposed additional to
9 a single-family detached dwelling in an R-1-B district at 5471 -
10 34th Street, N.W., Square 2295, Lot 7.

11 All those planning to testify, could you please
12 stand and raise your right hand.

13 (Whereupon, all parties participating were sworn.)

14 MS. PRUITT-WILLIAMS: Thank you. Please be seated
15 and start.

16 MS. AHERN: Good afternoon, ladies and gentlemen.
17 I am Veronica Ahern. With me at the table is Greg Wiedemann who
18 is the architect for this proposed addition. The purpose of the
19 addition is to add a bedroom and bath for my mother who will be
20 coming to live with me and to add an additional bedroom above
21 that. It is a two-story addition. We are requesting a waiver of
22 the side yard requirements and Mr. Wiedemann can describe more
23 fully what that entails.

24 MR. WIEDEMANN: I am Greg Wiedemann, a principal of
25 Wiedemann Architects of Bethesda, Maryland. We are the architects

1 for Veronica Ahern for a single family residence at 5471 - 31st
2 Street, not 34th Street, N.W.

3 The lot width is 40 feet in width and the survey
4 revealed that the existing house is 5.3 feet from its northwest
5 property line and 4.5 feet from it's southeast property line. Our
6 understanding that the D.C. zoning ordinance permits continuation
7 of the existing line of the house if the set back from the side
8 lot line is five feet or greater. On the northwest side, because
9 it exceeds five feet, we have proposed an addition that extends
10 the line of the house and we understand that that is in strict
11 compliance with the zoning ordinance.

12 Unfortunately, on the southeast side, we are six
13 inches closer to the property line than is permitted for that
14 exception. So, we are, therefore, applying for a variance today
15 to allow us to continue the line of the house on the southeast
16 side of the property.

17 CHAIRPERSON CROSS REID: You're applying for a
18 variance?

19 MR. WIEDEMANN: We are applying for a variance from
20 the side yard set back which we understand we would be required to
21 set back eight feet because we are less than five feet from the
22 adjoining property line. So, as a result of this six inch
23 difference, we are applying for a variance of 3.5 feet.

24 CHAIRPERSON CROSS REID: And, sir, are you familiar
25 with the process of being able to get approval for a variance?

1 MR. WIEDEMANN: In terms of the test?

2 CHAIRPERSON CROSS REID: Yes.

3 MR. WIEDEMANN: Of hardship and uniqueness?

4 CHAIRPERSON CROSS REID: You need to do that. Yes.

5 MS. PRUITT-WILLIAMS: Excuse me, sir. Just for
6 clarification, you are requesting a variance for 3.5 feet, is that
7 correct, or six inches?

8 BOARD MEMBER SOCKWELL: It's 3.5 feet based on
9 this.

10 CHAIRPERSON CROSS REID: What did you say?

11 MR. WIEDEMANN: As I said, I believe the zoning
12 ordinance states that if the house has been five feet from its
13 side yard property line, we would be able to continue the line of
14 the house. On the southeast side of the house, because it is 4
15 foot 6, we understand that the zoning ordinance requires that we
16 set the addition back eight feet.

17 So, it is the circumstance that the existing wall
18 of the house on the southeast side is six inches closer to the
19 property line that subjects us to the eight foot set back.

20 CHAIRPERSON CROSS REID: Do you want to make your
21 case?

22 MR. WIEDEMANN: Certainly.

23 Functionally, on the ground floor, we are
24 providing, as Veronica Ahern has stated, accommodation for her
25 mother. There is a bedroom and bathroom that is accessible from a

1 wheelchair that we are providing on the ground floor.

2 This is the bedroom. This is the bathroom.

3 We are proposing an addition that extends the line
4 of the house that encroaches no closer to it's property line than
5 the existing house to permit us to carry the roof line and extend
6 the house in such a way that there would be adequate provision for
7 the wheelchair to get access to the bathroom and for there to be
8 easy access between the main house and the addition.

9 CHAIRPERSON CROSS REID: We understand that. But
10 the purpose of your being here today is to demonstrate to us how
11 you are able to, given the three prong test, how you meet -- make
12 your burden of proof to show us why you should not have to comply
13 with existing zoning regulations. And the first test, there are
14 three tests, the first test is uniqueness. Something that is
15 unusual or unique that's inherent in the land. So, do you want to
16 start there?

17 MR. WIEDEMANN: First is the lot width. We have a
18 40 foot lot width. And a series of houses on that street that are
19 30 feet wide, plus or minus a few inches.

20 CHAIRPERSON CROSS REID: Looking at the map that
21 demonstrates to us the siting of the other properties in the same
22 row of your house, I'm hard put to see any differentiation between
23 the subject property and the other houses in that row. What is
24 unique or different, or unusual, exceptional about, inherent in
25 the land, about this particular property?

1 BOARD MEMBER GILREATH: Is your lot width the same
2 as the other adjacent houses on your block, or is there something
3 different about it? It's more narrow?

4 MR. WIEDEMANN: I believe it's approximately the
5 same. If the uniqueness is measured against other lots in the
6 same block, I can't demonstrate that uniqueness. However, the 40
7 foot width is a narrow lot.

8 CHAIRPERSON CROSS REID: All right. Then the
9 second prong of that test is, the way it's structured, is that you
10 have to show how your property is unique and different, unusual or
11 exceptional such that it would cause you some practical difficulty
12 for you to comply with existing zoning regulations.

13 Is there a practical difficulty for you comply with
14 the existing zoning regulations?

15 MR. WIEDEMANN: Yes, there is in order to provide
16 adequate flow through the house and connection for this room, for
17 my client's mother, and access to the bathroom that would serve
18 that bedroom.

19 CHAIRPERSON CROSS REID: All right. Then, the next
20 thing is adverse impact. Do you know of any adverse impact in
21 regard to noise, traffic, light, or parking that would cause some
22 nuisance to the abutting neighbors or the community?

23 MR. WIEDEMANN: No, we do not believe there would
24 be any adverse impact. In fact, I believe in your file you have
25 supporting letters from the neighbor, including the neighbor that

1 would be most effected in support of the application.

2 BOARD MEMBER HOOD: Madam Chair, any I just ask?

3 I saw the submissions by the neighbors but it
4 didn't specify to which side. Apparently you've have houses on
5 both sides of you. Were they both in agreeance?

6 MS. AHERN: Yes.

7 BOARD MEMBER HOOD: And the one in front of you?

8 MS. AHERN: Yes, sir. There have -- the neighbors
9 have been extremely supportive of this and I think you have a
10 number of letters from neighbors.

11 BOARD MEMBER HOOD: And also, have you spoken to
12 the ANC?

13 MS. AHERN: Yes, you should have received a letter
14 dated October 29th from the ANC which I received a copy of
15 yesterday, which says -- I'm sorry?

16 BOARD MEMBER HOOD: That may have been submitted.
17 Was it submitted or was it in -- Yes, we've seen it.

18 Thank you.

19 CHAIRPERSON CROSS REID: Anything that granting
20 your approval would impair the intent or integrity of the zoning
21 regulations and map? You have to demonstrate that it will not.

22 MR. WIEDEMANN: We do not believe so. Our addition
23 would have the same relationship to the side yard as the existing
24 house.

25 CHAIRPERSON CROSS REID: Well, I have a difficult

1 time coming to grips with this particular application. Because,
2 for one, you have to pass the three-prong test and the first test
3 in regards to uniqueness or something exceptional, or something
4 that is different about your property that's inherent in your
5 property that is not the same as the other properties. If I hear
6 you correctly, you're telling me that you don't -- you cannot
7 demonstrate to us that you pass that first test.

8 MS. AHERN: I am not certain that I could
9 demonstrate it either. But, it would strike me that the fact that
10 the existing house, which was built in 1929, does not meet the
11 five foot set back might be considered to be a matter of
12 uniqueness in terms of the zoning requirements.

13 So that, we're doing nothing more than asking for a
14 continuation of the plane of the existing house and the fact that
15 the existing house does not comply with the five foot set back
16 would, I imagine, make it somewhat unique.

17 MR. WIEDEMANN: I would have expected the house to
18 be centered in the lot. I think that would have been the
19 intention of the original builder. But the circumstance is that
20 it is further away from its northwest property line than its
21 southeast property line.

22 BOARD MEMBER GILREATH: Your house is a non-
23 conforming use, built before the R-1-B zone was placed over it.
24 So, non-conforming use.

25 MR. WIEDEMANN: Yes.

1 BOARD MEMBER SOCKWELL: Not non-conforming use,
2 non-conforming structure.

3 MS. PRUITT-WILLIAMS: They're not extending a non-
4 conforming structure. It's already non-conforming but they're not
5 extending that non-conformity.

6 BOARD MEMBER SOCKWELL: If I might, Madam Chair, I
7 want to ask. Where is the point of connection between the
8 addition and the existing home?

9 MR. WIEDEMANN: It occurs in two locations. Here
10 and here. What is shaded in red is the addition.

11 BRD MEMBER SOCKWELL: So the actual shape of the
12 rear of the house is --

13 MS. PRUITT-WILLIAMS: It doesn't change.

14 MR. WIEDEMANN: We are continuing the gambrel roof
15 of the existing house and the shape of the gambrel roof in order
16 to make the addition sympathetic with the original house.

17 BOARD MEMBER SOCKWELL: Now, I'm looking at the
18 rear of the house now?

19 MR. WIEDEMANN: You are.

20 BOARD MEMBER SOCKWELL: And the addition--

21 MR. WIEDEMANN: This is all addition. The whole
22 width of the house, the part that, the six inch encroachment is
23 over here.

24 BOARD MEMBER SOCKWELL: The question that I would
25 raise would be that your -- under any other circumstance, let's

1 say six inches more side yard, the office, the zoning office at
2 DCRA, would have been able to grant you, under the ordinance in
3 particular section --

4 MS. PRUITT-WILLIAMS: It's this two percent
5 flexibility.

6 BOARD MEMBER SOCKWELL: Yes.

7 MS. PRUITT-WILLIAMS: That's what I thought this
8 could first come under.

9 BOARD MEMBER SOCKWELL: Yes, I thought about the
10 two percent flexibility but it's different from what they're
11 asking for because they're asking for more than two percent.

12 But the flexibility, even if six inches were
13 considered as the difference between five feet and four and a half
14 feet, that's more than two percent flexibility in that respect as
15 well. So, it would bring you here anyway.

16 But, my question is, if the relief that could be
17 granted were to allow the side yard of less than four and a half
18 feet -- less than five feet, to not to be an impediment to your
19 being able to encroach to five feet, it would allow you most of
20 the width of your desired addition, but would be consistent with
21 the five feet that would normally be provided for under the
22 section of the zoning ordinance that we're dealing with here as
23 opposed to granting you a narrower than allowable side yard as a
24 continuation of a non-conforming side yard. But to assume that
25 the non-conformity would not prejudice the encroachment to five

1 feet.

2 Something like that seems to me to be more
3 reasonable and more consistent with the ordinance and its intent
4 than to grant a greater than five foot, or a less than five foot
5 encroachment, side yard, with a greater than allowable normally
6 allowable, addition. Because that would, then, allow a reason for
7 granting other more, or shall we say, more significant
8 encroachments onto the minimum five yard -- five foot side yard
9 which the ordinance has provided for.

10 But it would -- and that's why I wanted to see what
11 the gambrel roof looked like. Now that I see it, that -- you --
12 you could accommodate --

13 MR. WIEDEMANN: This is the side specifically that
14 we're speaking of. What you're suggesting is that there would be
15 a break?

16 BOARD MEMBER SOCKWELL: Exactly.

17 MR. WIEDEMANN: Between the main wall and the --

18 BOARD MEMBER SOCKWELL: Exactly. And you could
19 pick up some of that in overhang because you'd be allowed a
20 certain amount of overhang anyway.

21 CHAIRPERSON CROSS REID: So, Mr. Sockwell?

22 BOARD MEMBER SOCKWELL: What I am suggesting --
23 Yes.

24 MS. AHERN: I'm very concerned about having enough
25 room for a wheelchair.

1 BOARD MEMBER SOCKWELL: I understand that. And the
2 issue is not one of the wheelchair as much as it is of the
3 continuity of enforcement of the zoning ordinance. And the zoning
4 ordinance is a document that we are trying to adhere to as much as
5 possible while granting or considering granting relief from the
6 ordinance.

7 This, in this case, would, if we could do this,
8 remove six inches of width from your addition. How you and your
9 architect might choose to accommodate that six inch loss would be
10 something that should be easily handled within the context of
11 providing adequate access, unless there is something that is
12 absolutely rules out being able to provide wheelchair width,
13 minimum 36 inch, passageway. And that would be something that Mr.
14 Wiedemann could respond to.

15 BOARD MEMBER GILREATH: Well, if they went that
16 route, do they still need a variance?

17 BOARD MEMBER SOCKWELL: Well, you'd be --

18 CHAIRPERSON CROSS REID: Matter of right?

19 BOARD MEMBER SOCKWELL: It would not be matter of
20 right because the zoning ordinance specifically states that it's a
21 side yard is less than five feet, you have to, then, produce an
22 eight foot side yard for any addition. In this case, the side
23 yard is four feet six inches. And what we would be looking to do
24 is to act as if that six inch deficit did not exist for the
25 purpose of allowing them to encroach to five feet of the property

1 line on that side, to within five feet of the property line on
2 that side, rather than being forced back to eight feet.

3 The applicant would be gaining three feet of width
4 for her addition, in my view. Perhaps in your view, you'd be
5 losing six inches. Somehow, I think I'm giving more, or I'm
6 suggesting that you'd be gaining more than you'd be losing. Now,
7 you may not agree with me but I would certainly like your --

8 BOARD MEMBER GILREATH: Well, it's not clear to me
9 what we'd be granting.

10 CHAIRPERSON CROSS REID: Right. Before you answer
11 --

12 BOARD MEMBER GILREATH: What would we be granting?
13 What would we be approving?

14 CHAIRPERSON CROSS REID: That's what we --

15 BOARD MEMBER SOCKWELL: Let me do it very quickly.

16 Going to Section 405.8, it states specifically that
17 in the case of a building existing on or before of May 12th, 1958,
18 with a side yard less than eight feet wide, an extension or
19 addition may be made to the building provided that the width of
20 the existing side yard shall not be decreased. And provided
21 further, that the width of the existing side yard shall be a
22 minimum of five feet.

23 Existing side yard, minimum five feet. At this
24 point, we have an existing side yard 4 foot 6, which pushes any
25 additions back to the eight foot standard requirement.

1 CHAIRPERSON CROSS REID: Wait a minute, Mr.
2 Sockwell.

3 BOARD MEMBER SOCKWELL: And I'm just --

4 CHAIRPERSON CROSS REID: Before you go any further.

5 BOARD MEMBER SOCKWELL: Yes.

6 CHAIRPERSON CROSS REID: You're saying that the
7 zoning regulation requires that a side yard be five feet?

8 BOARD MEMBER SOCKWELL: It requires that they be
9 eight feet but in pre-existing buildings, dated back to before May
10 12th of 1958 when the ordinance was enacted, a five foot side yard
11 might have existed, or a less than eight foot side yard might have
12 existed. And they take into consideration that if that less than
13 eight foot side yard width is at least five feet, they will allow
14 an extension to follow that five foot line rather than be pushed
15 back to allow an eight foot side yard.

16 Let's say you have a four foot side yard on an
17 existing building. Then any addition would have to be eight feet
18 from the point that it begins. It would have to have an eight
19 foot side yard attached to it. But if the side yard that existed
20 in the existing building was five feet or more, then the extension
21 could follow the wall line of that side yard as a continuation of
22 that width.

23 CHAIRPERSON CROSS REID: Well, wait a minute.

24 BOARD MEMBER GILREATH: Why do they need relief,
25 then?

1 CHAIRPERSON CROSS REID: Wait, wait, wait.

2 BOARD MEMBER GILREATH: Is it a matter of right?

3 CHAIRPERSON CROSS REID: Can I ask my question?

4 BOARD MEMBER SOCKWELL: No, they can't do it as a
5 matter of right. Because we -- they don't have a five foot side
6 yard to begin with.

7 CHAIRPERSON CROSS REID: So, wait a minute. Then
8 why aren't we looking at it as if, on the one side they have 5.3.
9 On the other side, 4.5. So, isn't it just a half a foot?

10 BOARD MEMBER SOCKWELL: If we were to --

11 CHAIRPERSON CROSS REID: I mean, what is it, what -
12 -

13 BOARD MEMBER SOCKWELL: Yes, I mean, basically I
14 looked at it that way. We're only -- we're talking about three
15 inches, but it's not three inches that she's asking for. She's
16 asking for three feet, three inches. Three feet, six inches,
17 actually. She's asking for all of the distance to the five foot
18 minimum line plus another six inches. And I believe that the way
19 the ordinance should be interpreted if we want to go pretty much
20 strictly to where it is, is never to offer more than an adjacent
21 neighbor would be able to receive as a matter of right.

22 In other words, try to be uniform in application.
23 If we give them less -- If we allow them to encroach more than to
24 the five foot minimum line, then we are offering a narrow side
25 yard than would be available to any other neighbor without that

1 neighbor coming to BZA. And therefore, the five foot side yard is
2 no longer really an important limiting factor.

3 But, if we can allow -- if we can take into
4 consideration this house was built at a time when that five foot
5 side yard wasn't required and it's 4 foot, six, then I would like
6 to be able to allow them to encroach to the minimum established
7 under this ordinance, which is five feet.

8 MS. PRUITT-WILLIAMS: Mr. Sockwell, let me try to
9 understand.

10 Are you suggesting that the board could amend the
11 application to have a variance from Section 405.8?

12 BOARD MEMBER SOCKWELL: Uh huh.

13 MS. PRUITT-WILLIAMS: And therefore allow them to
14 extend the non-conformity for three feet -- or, rather, to have an
15 addition of three feet to then maintain a five yard -- five --

16 BOARD MEMBER SOCKWELL: Yes, five foot side yard.

17 MS. PRUITT-WILLIAMS: Set back?

18 BOARD MEMBER SOCKWELL: Set back for the addition.

19 That's what I am suggesting.

20 MS. PRUITT-WILLIAMS: I just wanted to be sure.

21 BOARD MEMBER GILREATH: They need only six inches,
22 then, to make it five feet, do they not? It's 4 point something?

23 MS. PRUITT-WILLIAMS: No, they need -- that's --
24 No, they three -- they're trying to add three and a half feet to
25 the house. They -- What Mr. Sockwell is contending is that they

1 can add three feet and come under Section 405.8. And their
2 practical difficulty would be --

3 BOARD MEMBER GILREATH: No, they already have 4.6
4 set back already now?

5 MS. PRUITT-WILLIAMS: They have -- Technically they
6 have to have an eight foot set back. That's why they need a 3.5.

7 BOARD MEMBER GILREATH: And they have, what, 4.6 on
8 the effected side?

9 MS. PRUITT-WILLIAMS: Yes, but what he's suggesting
10 is that the addition not come out to 4.6 but come out to --

11 BOARD MEMBER GILREATH: Five point oh.

12 MS. PRUITT-WILLIAMS: So that they have a five --
13 Come out three feet so that they have a five foot side yard. And
14 therefore would be in compliance, or at least in compliance with
15 what buildings were, if this building was built before 1958, which
16 we know it was. It was built in 1929.

17 I believe he's trying to reach a compromise that
18 would allow us to maintain the integrity of the zoning code but
19 also allow the homeowner to use their home in a practical way
20 that's reasonable and economic. And that's where we're trying to
21 go.

22 BOARD MEMBER HOOD: If I may add, Madam Chair, I
23 believe the reason that Mr. Sockwell is going this way is because
24 you're not able to answer the -- which one was it?

25 CHAIRPERSON CROSS REID: Uniqueness.

1 BOARD MEMBER HOOD: Uniqueness. So, -- and I think
2 that's -- and I just wanted you to know that. So, I believe
3 that's the way he's going. Because you do have to answer those
4 three prong tests. And you're not able to answer -- Given the
5 difficulty, I concur with you. But the uniqueness, you were not
6 able to answer. So, I think that's what Mr. Sockwell is alluding
7 to.

8 MS. AHERN: May I just ask this question?

9 If we go back and look at the effect of taking six
10 inches off that room, which is already quite small for someone who
11 needs a wheelchair, and a commode, and some other medical
12 equipment, oxygen, et cetera, and we determine that it's just not
13 practical to build the addition without that extra six inches, is
14 there any opportunity to appeal a decision made on the basis that
15 Mr. Sockwell is discussing?

16 MS. PRUITT-WILLIAMS: One of the things the board
17 may consider is to have you submit additional information before
18 they make a decision.

19 CHAIRPERSON CROSS REID: In the first place --

20 MS. PRUITT-WILLIAMS: Which would you allow you to
21 go back and restudy that, and then come back with a determination.

22 CHAIRPERSON CROSS REID: And first of all, Ms.
23 Ahern, what you have to understand is that Mr. Sockwell is trying
24 to help. And by looking at the regulations and determining how
25 they can be interpreted in such a way that it may help you, that's

1 what he's trying to do.

2 Secondly, the deck -- in the surveyor's map, the
3 site map depicts a wood deck. Is there a deck there?

4 MS. AHERN: Yes, there is presently a desk.

5 MR. WIEDEMANN: That would be removed.

6 CHAIRPERSON CROSS REID: You're going to take the
7 deck down?

8 MS. AHERN: Yes.

9 CHAIRPERSON CROSS REID: And replace the deck with
10 your addition?

11 MS. AHERN: Correct.

12 CHAIRPERSON CROSS REID: And the addition is going
13 to be somewhat larger than the deck that's there?

14 MR. WIEDEMANN: Approximately the size of the deck.

15 MS. PRUITT-WILLIAMS: How high is the deck, less
16 than four feet from a ground grade?

17 MS. AHERN: I don't know.

18 BOARD MEMBER SOCKWELL: To the floor of the deck?

19 CHAIRPERSON CROSS REID: Because on the surveyor's
20 map, it's showing it as proposed. It's not showing --

21 MR. WIEDEMANN: The deck exists.

22 CHAIRPERSON CROSS REID: I thought that a broken
23 line --

24 CHAIRPERSON CROSS REID: So, here's the thing. If
25 it's already there --

1 BOARD MEMBER SOCKWELL: But that's a deck.

2 CHAIRPERSON CROSS REID: What I'm saying, if the
3 space is utilized already --

4 BOARD MEMBER SOCKWELL: But the deck isn't as wide
5 as the house. The deck is 28 feet wide.

6 CHAIRPERSON CROSS REID: Six inches. Six inches
7 different.

8 BOARD MEMBER SOCKWELL: No, the deck is two feet
9 two inches different in total width in the house. The deck is 28
10 feet. The house is 30.2 feet.

11 CHAIRPERSON CROSS REID: And they want to bring it
12 out to the --

13 BOARD MEMBER SOCKWELL: They want to come all the
14 way out --

15 CHAIRPERSON CROSS REID: I see. Well, you're
16 talking about a width. You're not going out any --

17 BOARD MEMBER SOCKWELL: We're not dealing with rear
18 yard projections.

19 MS. PRUITT-WILLIAMS: It's side.

20 BOARD MEMBER SOCKWELL: We're just dealing with the
21 side yard issue. They have more than enough side yard on this
22 side of the house, on what would be the northwest side of the
23 house, to accommodate their addition to the full, to continue the
24 line of the house straight back.

25 CHAIRPERSON CROSS REID: But they're not taking up

1 any more side yard than is taken up by the house?

2 BOARD MEMBER SOCKWELL: No, not on this side. No.

3 CHAIRPERSON CROSS REID: No, I mean here. They
4 want to come out to the house?

5 BOARD MEMBER SOCKWELL: Right.

6 CHAIRPERSON CROSS REID: So, then, they're not
7 taking up any more than is already being taken up by the house
8 itself?

9 BOARD MEMBER SOCKWELL: True.

10 MS. PRUITT-WILLIAMS: correct. They're not
11 extending --

12 BOARD MEMBER SOCKWELL: They're extending a non-
13 conforming --

14 MS. PRUITT-WILLIAMS: A non -- No, they're not.
15 It's existing.

16 CHAIRPERSON CROSS REID: But Ms. Pruitt-Williams
17 said it was not extending non-conforming.

18 MS. PRUITT-WILLIAMS: They're not extending --
19 they're not adding a new -- well, it's sort of a semantics.
20 They're not adding a new non-conformity but the non-conformity
21 that exists by regulation is allowed to be extended. Because it's
22 not --

23 CHAIRPERSON CROSS REID: By matter of right?

24 MS. PRUITT-WILLIAMS: Yes, because it already
25 exists.

1 CHAIRPERSON CROSS REID: Then why are they here?

2 MS. PRUITT-WILLIAMS: Because they don't have the
3 side yard requirement. If the side yard -- If there was a five
4 foot side yard, they wouldn't be here. It's a six inch problem
5 that causes them -- that kicks them here, to be honest.

6 BOARD MEMBER SOCKWELL: See, less than eight foot
7 side yard makes them non-conformity.

8 MS. PRUITT-WILLIAMS: Right. But --

9 BOARD MEMBER SOCKWELL: Five feet is the kicker.
10 That's the end of it.

11 MS. PRUITT-WILLIAMS: If they had a five foot side,
12 they could extend that non-conformity to the back. But they
13 don't, unfortunately.

14 CHAIRPERSON CROSS REID: Mr. Sockwell, do you see,
15 with your architectural knowledge, not your expertise, a
16 irregular, or unusual, or unique situation here that you could --

17 BOARD MEMBER SOCKWELL: Let me say this. They have
18 the support of the neighbor to the east, the neighbor to the west.
19 They have support of a neighbor across the street.

20 CHAIRPERSON CROSS REID: And the ANC.

21 BOARD MEMBER SOCKWELL: And there's an ANC letter.
22 Right. Yes. Which came in.

23 My judgment on this was primarily in response to
24 the zoning ordinance and what I would prefer to do with regard to
25 maintaining the zoning ordinance. My issue on width, or the issue

1 on width, as brought forth by the applicant, was one of being able
2 to get accessible access for her mother. It has not been shown to
3 me that the six inches will effect the accessible access.

4 Now, being an architect myself, licensed in the
5 District of Columbia since 1975, I do believe that there is a
6 possibility that some of the usable square footage that would have
7 been devoted to the bedroom might be lost. The width as shown
8 between the two closets for access to the dining room appears to
9 be sufficient to accept a six inch reduction without leaving less
10 than 36 inches of clear path.

11 Mr. Wiedemann, you may be able to help me with
12 that.

13 MR. WIEDEMANN: That is correct. And I also agree
14 that the bedroom would be reduced.

15 BOARD MEMBER SOCKWELL: Yes, by six inches.

16 MR. WIEDEMANN: Yes.

17 MS. PRUITT-WILLIAMS: Mr. Sockwell --

18 BOARD MEMBER SOCKWELL: And the bedroom is quite
19 generous from what I can see if you were showing a queen sized, 60
20 by 80, bed in the bedroom.

21 So, it is at least -- it's probably 15 feet deep by
22 13 and a half feet wide, which is a generous space.

23 I'm saying that if I felt that there were a
24 compelling reason to leave the six inches in there, I would want
25 to do that. I don't see a compelling reason for leaving the six

1 inches in there. But I am but one member of this board and I
2 think that whatever is the majority's view on it is the way we
3 should go.

4 My reason for requesting that it be held to five
5 feet, while it does present some, but not significant,
6 difficulties in making the attachment, my reason for holding to
7 the five feet is that the five feet is really the standard. And
8 the standard is for light and ventilation as much as anything
9 else. And although the neighbors are willing to accept less, it
10 leaves a permanent condition where the neighbor on the effected
11 side may not be a permanent neighbor.

12 And I just feel that we should try to work within
13 the ordinance rather than extending a non-conforming situation to
14 a greater degree than would normally be the case if Section 405.8
15 was adhered to. That's my only statement on it.

16 MS. PRUITT-WILLIAMS: Excuse me, Madam Chair. I
17 did have a question because I don't know if everyone heard this.
18 This was new information to me.

19 You indicated that there's other medical equipment
20 that is required. Can you elaborate on what actually would be in
21 that room that is needed in order for --

22 MS. AHERN: Yes. My mother needs 24 hour oxygen
23 and there is a machine which is about half the height of a lectern
24 but about that width. I would guess it to be roughly two feet by
25 two and a half feet. It's a compressor to which she must be

1 attached which must be in that room.

2 And in addition to that, she has a commode next to
3 her bed for -- and a walker and a wheelchair, all which must be in
4 that room.

5 Mr. Wiedemann tells me that he thinks that it is
6 possible to accommodate the six inch change. I am concerned,
7 obviously, and will have to bring it to my mother, if that is the
8 decision of this board. But could I ask whether that is a
9 decision that could be reached quickly since we were hoping to be
10 able -- in other words, if this would require us to resubmit the
11 application and to come back in, get on your schedule again?

12 CHAIRPERSON CROSS REID: No.

13 MS. PRUITT-WILLIAMS: No, ma'am. We could --
14 actually that's what I was checking.

15 CHAIRPERSON CROSS REID: We could do that today.

16 MS. PRUITT-WILLIAMS: We can amend the application
17 today to come under Section 405.8.

18 CHAIRPERSON CROSS REID: Because what happening,
19 Ms. Ahern, is that Mr. Sockwell is presenting a scenario whereby
20 you may not get all that you're asking for but it's a compromise
21 so that you won't be completely turned down. Predicated upon the
22 fact that it's a stretch to help -- for you to meet the burden of
23 proof.

24 So, our role is to try to insure that we're in
25 compliance with -- that you're in compliance with existing zoning

1 regulation unless you can demonstrate otherwise. And to scale it
2 down a bit, it might be a little tighter but as long as it's
3 adequate enough for you to be able to accommodate your mom, then
4 maybe then we could work it out for you so that you would be able
5 to have a better chance of getting approval.

6 MS. AHERN: Well, I presume, then, that what is
7 required is for me to request an amendment to our application. Is
8 that the case?

9 MS. PRUITT-WILLIAMS: Actually, you could or the
10 board can decide that they --

11 CHAIRPERSON CROSS REID: We can decide it.

12 MS. PRUITT-WILLIAMS: So, it can be done right now
13 at this process. So, you don't have to make a formal request or
14 come back.

15 CHAIRPERSON CROSS REID: Mr. Hood, do you have any
16 other questions?

17 BOARD MEMBER HOOD: No, I just want to concur on
18 while we're trying to be accommodating, we still have to follow
19 the regulations. I'm very sympathetic to the situation. But I
20 know on down the line, maybe three or four doors down, we may be
21 called on it again. So, we have to make sure we stay within the
22 ordinance. So, that's where we are.

23 BOARD MEMBER GILREATH: How much variance are we
24 granting, then? How many -- departing from whatever the
25 regulation permits now, how much more are we giving them? Five

1 inches or --

2 MS. PRUITT-WILLIAMS: You're granting it under a
3 different section.

4 BOARD MEMBER GILREATH: What are we granting, then?

5 MS. PRUITT-WILLIAMS: Basically three -- six
6 inches.

7 BOARD MEMBER GILREATH: Six inches. We'd be
8 granting six inches of relief.

9 BOARD MEMBER SOCKWELL: Yes, six inches of relief
10 from --

11 CHAIRPERSON CROSS REID: Rather than what they're
12 asking --

13 BOARD MEMBER SOCKWELL: Three foot, six inches,
14 right. We're granting six inches relief from the provision within
15 Section 405.8 that requires the width of the existing side yard to
16 be a minimum of five feet in order for them to extend their --
17 make their extension at the five foot line.

18 CHAIRPERSON CROSS REID: We're granting all but six
19 inches.

20 BOARD MEMBER GILREATH: No, they have the 4.4 now
21 or something --

22 CHAIRPERSON CROSS REID: To the three feet, six
23 inches --

24 MS. PRUITT-WILLIAMS: You're granting a variance
25 for six inches.

1 BOARD MEMBER SOCKWELL: Yes.

2 BOARD MEMBER GILREATH: Yes.

3 BOARD MEMBER SOCKWELL: But we're granting it from
4 a different section.

5 MS. PRUITT-WILLIAMS: Right. But the bottom line
6 is the variance is for six inches only.

7 BOARD MEMBER SOCKWELL: Yes, is for six inches.

8 CHAIRPERSON CROSS REID: And that --

9 MR. WIEDEMANN: Isn't the board considering the
10 adoption of that section that would only apply to this house?

11 BOARD MEMBER SOCKWELL: Yes.

12 MR. WIEDEMANN: Had it been at five feet? That the
13 board is allowing this property to be considered within that
14 exception?

15 BOARD MEMBER SOCKWELL: Yes.

16 MR. WIEDEMANN: That's one way of stating it.

17 CHAIRPERSON CROSS REID: And that resulting in them
18 being able to --

19 BOARD MEMBER SOCKWELL: To construct an addition --

20 MR. WIEDEMANN: Six inches further.

21 BOARD MEMBER SOCKWELL: That encroaches to within
22 five feet of the property line.

23 CHAIRPERSON CROSS REID: Which is how much less
24 than what they're asking for?

25 BOARD MEMBER SOCKWELL: Six inches.

1 CHAIRPERSON CROSS REID: That's what I thought. We
2 can live with that.

3 BOARD MEMBER SOCKWELL: We're granting -- the
4 relief is -- And I understand it sort of gets complicated when you
5 talk about it. But, we're granting them relief from the five foot
6 minimum side yard --

7 CHAIRPERSON CROSS REID: Which is a different
8 section.

9 BOARD MEMBER SOCKWELL: Yes, which is a different
10 section. So that they can encroach to within five feet of the
11 side property line.

12 BOARD MEMBER GILREATH: And that will enable them
13 to put the addition with the horizontal or with the side plane of
14 the house?

15 BOARD MEMBER SOCKWELL: Yes.

16 BOARD MEMBER GILREATH: In other words, the
17 addition will be even with the sides of the house?

18 BOARD MEMBER SOCKWELL: It will be even with one
19 side but it will notch in six inches from the other side.

20 BOARD MEMBER GILREATH: Six inches from the other
21 side.

22 BOARD MEMBER SOCKWELL: And if -- and I defer,
23 again, to Mr. Wiedemann because he is the designer, that the
24 attachment is going to have a seam in it somewhere or it would be
25 -- the basic house is brick?

1 MR. WIEDEMANN: Yes, we've been able to match the
2 brick.

3 BOARD MEMBER SOCKWELL: So you are going to do a
4 brick addition?

5 MR. WIEDEMANN: In fact, the second floor -- this
6 is gambrel construction in which the corner of the second floor is
7 directly above the corner of the first floor.

8 CHAIRPERSON CROSS REID: Or it was.

9 MR. WIEDEMANN: And so, there's an existing shed
10 dormer along the back. What you're suggesting would require that
11 we set back both the upper and lower floor six inches.

12 BOARD MEMBER SOCKWELL: So, it's a two story
13 extension?

14 MR. WIEDEMANN: Yes.

15 BOARD MEMBER SOCKWELL: Where's the second floor of
16 it?

17 MR. WIEDEMANN: It's directly above the bedroom.

18 BOARD MEMBER SOCKWELL: Have we shown that? Have
19 we been shown that?

20 BOARD MEMBER GILREATH: It's a pitch roof going up
21 the second floor.

22 MR. WIEDEMANN: This is the second bedroom above
23 the one in question. What I'm suggesting is that that would be
24 inset six inches.

25 BOARD MEMBER GILREATH: Do we need to delay a vote

1 today for him to check all the plans and consult with the owner,
2 and they come back and they say they agree with this? Or do you
3 agree with what we're suggesting now?

4 MS. AHERN: If it is not possible to do, my mother
5 goes into a nursing home. That's it. So, we won't be coming
6 back.

7 BOARD MEMBER GILREATH: What we need to know is if
8 indeed this is acceptable. Certainly I could vote in favor of it.

9 But on the other hand, if you can show me your architect this six
10 inches is going to create all kinds of problems, so I'm not --

11 It's your call as to whether you think you can do
12 it. If you can, fine. Or if you need more time to explore it.

13 MS. AHERN: I don't think we need more time. I
14 think time is of the essence now.

15 CHAIRPERSON CROSS REID: Just one second, please.

16 BOARD MEMBER SOCKWELL: Will you show your
17 elevation again? The proposed rear elevation.

18 So the upper pitched -- the higher pitched roof is
19 following the existing. Yes.

20 MR. WIEDEMANN: Actually, only recently did we
21 change the second story to wood. So, as a subtlety, that line of
22 the proposed second floor is a few inches, not as much as six, but
23 two or three inches back from the line of the brick. But not a
24 full six inches.

25 The second floor is not as critical as the first.

1 BOARD MEMBER SOCKWELL: So we can accommodate this
2 without -- I'm trying to see that it is not a tremendous
3 imposition upon you to accommodate this. I understand that it is
4 an imposition.

5 MR. WIEDEMANN: The greatest imposition is in the
6 size of the bedroom for my client's mother. It is -- that is the
7 greatest imposition.

8 BOARD MEMBER SOCKWELL: So, your walls that
9 separate the bedroom from any corridor are a fixed location for
10 specific structural reasons that you can't accommodate the six
11 inches as three and three, or four and two, or --

12 MR. WIEDEMANN: The opening is currently centered
13 in the dining room. So, we would have to place it.

14 BOARD MEMBER SOCKWELL: And it's best to pull it in
15 from one wall anyway because it minimized the detail changes, I'm
16 sure.

17 BOARD MEMBER GILREATH: Madam Chair, I understood
18 the applicant to say that time was very important and she was
19 prepared to accept the six inch--

20 CHAIRPERSON CROSS REID: I think we're talking
21 about something else, now. I think we've gone to the second story
22 addition. And kind of like -- kind of discussing that to see the
23 impact of the second floor because then that's a greater --

24 BOARD MEMBER GILREATH: Well, he said the second
25 floor was less critical than the first.

1 CHAIRPERSON CROSS REID: Yes.

2 BOARD MEMBER SOCKWELL: Where the roof line
3 changes.

4 MR. WIEDEMANN: You see the back -- this is the
5 back of the house. It has a continuous shed dormer along the
6 back. This plane of the brick is in line with this plane of the
7 brick. What we're looking at here is the side that we're not
8 discussing today. If you look at the side that we are discussing,
9 this plane and this plane --

10 BOARD MEMBER SOCKWELL: Would have been the same.

11 MR. WIEDEMANN: Are the same. That's the existing
12 condition.

13 BOARD MEMBER SOCKWELL: Right.

14 MR. WIEDEMANN: This plane you're proposing to be
15 in line with this.

16 BOARD MEMBER SOCKWELL: Right.

17 MR. WIEDEMANN: This plane, we are proposing to be
18 set back a couple of inches because it's going from a wood
19 construction to a brick construction.

20 MS. AHERN: From a brick to wood.

21 MR. WIEDEMANN: From brick existing to a proposed
22 wood. Continuing the line of a primary structure rather than the
23 veneer.

24 So, I think the issue -- what you're suggesting is
25 there would be a break here.

1 BOARD MEMBER SOCKWELL: Right.

2 MR. WIEDEMANN: This plane would be pushed back six
3 inches.

4 BOARD MEMBER SOCKWELL: Right.

5 MR. WIEDEMANN: This plane would be pushed back six
6 inches as well because there's a continuity of structure all the
7 way. So, both the first floor and the second floor would be
8 reduced in width about six inches.

9 What I was stating was that the greatest hardship
10 has to do with the first floor in terms of maneuverability of my
11 client's mother.

12 BOARD MEMBER SOCKWELL: Fine.

13 CHAIRPERSON CROSS REID: What is the square
14 footage, with the reduction, what would be the square footage of
15 the bedroom?

16 MR. WIEDEMANN: I am sorry, Madam Board Chair, I do
17 not have the precise dimensions on my drawings. These are --

18 CHAIRPERSON CROSS REID: Just looking at it at this
19 and looking at the siting of the bed in the bedroom, it appears
20 that six inches would not compromise space considerably.

21 MR. WIEDEMANN: It would simply reduce six inches
22 of the floor space in and around the bed.

23 CHAIRPERSON CROSS REID: Yes, but still there's
24 ample room from what I can see, and not having the square footage
25 where I can see --

1 MR. WIEDEMANN: We haven't furnished it with the
2 equipment showing the wheelchair, showing other furniture in that
3 room as well. That's the only thing that I would bring to your
4 attention.

5 BOARD MEMBER SOCKWELL: Right. I mean, it appears
6 that the sun room portion of the bedroom has a line across it.
7 What is that line? Is that just a --

8 MR. WIEDEMANN: That's just a change in structure.
9 That -- in the ceiling plane because the-- it's effectively like
10 a bay window. It's just one story at that point.

11 BOARD MEMBER SOCKWELL: I see.

12 CHAIRPERSON CROSS REID: That -- this being the sun
13 room over here?

14 BOARD MEMBER SOCKWELL: It's at the top of the
15 page, at the top of the sheet. That's addition to it.

16 Which in reality, I was looking at that really in a
17 improper way. The bedroom is virtually square. Which means that
18 it's probably, what, 18 by--

19 MR. WIEDEMANN: Probably 18 by 18.

20 BOARD MEMBER SOCKWELL: Yes, it's about 18 by 18.

21 CHAIRPERSON CROSS REID: That's how I feel.

22 BOARD MEMBER SOCKWELL: Which is --

23 CHAIRPERSON CROSS REID: That's a very generous
24 size --

25 BOARD MEMBER SOCKWELL: Very generous size.

1 CHAIRPERSON CROSS REID: -- bedroom.

2 BOARD MEMBER SOCKWELL: The line threw me off at
3 first.

4 CHAIRPERSON CROSS REID: Six inches shouldn't make
5 that much difference.

6 BOARD MEMBER SOCKWELL: Six inches is merely going
7 to push the bed six inches closer to the connecting doors.
8 Connecting passageway. And I don't think that it's a significant
9 reduction in space for a bedroom that size, 400 square feet. I
10 mean, a nursing home, believe me, would not give you anywhere near
11 that much room.

12 MS. AHERN: I appreciate that.

13 CHAIRPERSON CROSS REID: All right. Then let's
14 move on, please. We don't have any government reports. But we do
15 have a letter from the ANC.

16 We have a letter from the ANC?

17 That came in just last -- I think we have to waive
18 the rules to accept it, do we not? So, I have no problem with
19 waiving the rules by concession. Can we -- by consensus. Can we
20 just waive the rules. And they are in support of the application.

21 Persons or parties in support of the application?

22 Persons or parties in opposition?

23 There does not appear to be any opposition. I'm
24 sorry, I should say we've received a letter in support from the
25 neighbors. The letter that stated that would be in support from

1 the community.

2 MR. WIEDEMANN: There was. Supporting the mother.

3 BOARD MEMBER SOCKWELL: There was only one letter
4 the address to which I couldn't read.

5 MS. AHERN: There were several letters.

6 BOARD MEMBER SOCKWELL: Several letters.

7 CHAIRPERSON CROSS REID: Several letters.

8 BOARD MEMBER SOCKWELL: No, I'm saying there was
9 one the address for which I couldn't read.

10 CHAIRPERSON CROSS REID: And none in opposition.
11 So, then, we move to closing remarks by the applicant.

12 MS. AHERN: I have nothing in addition to say
13 except that I am grateful for your time and your effort, and for
14 Mr. Sockwell's compromise. And I am hopeful that we can move
15 quickly in this matter.

16 Thank you.

17 CHAIRPERSON CROSS REID: So, then, you're asking
18 for a bench decision, summary order today?

19 MS. AHERN: If possible, yes.

20 CHAIRPERSON CROSS REID: Mr. Sockwell, would you
21 like to make a motion since you --

22 BOARD MEMBER SOCKWELL: Yes, I'll make the motion.

23 I would move that the application for relief be to
24 specifically Section 405.8 for the minimum five foot side yard
25 requirement that allows an extension into an existing side yard to

1 be granted at a minimum of five feet from the property line, to be
2 reduced to 4.5 feet for this particular application. In other
3 words, in that the requirement that allows a five foot side yard
4 for properties in existence before May 12th of 1958. That that
5 requirement be allowed with the side yard existing being at 4.5
6 feet wide from the interior property line.

7 CHAIRPERSON CROSS REID: Is all that your motion?

8 BOARD MEMBER SOCKWELL: Yes, that's basically the
9 motion. I mean, every time I read it, it's -- I should have
10 written down what I'm saying. But you know what I'm saying.

11 CHAIRPERSON CROSS REID: Ms. Pruitt-Williams,
12 should there not be also an amendment?

13 MS. PRUITT-WILLIAMS: I've already noted that in
14 the file. The order would indicate that the application has been
15 amended.

16 BOARD MEMBER SOCKWELL: Right. Thank you.

17 And that the applicant has met the burden of proof
18 that the condition of the property in question is a condition of
19 some uniqueness and causes hardship because at the time the
20 property was developed to the present home, the five foot side
21 yard requirement was not a part of the zoning ordinance and that
22 the addition will meet the intent of the ordinance by not
23 extending an addition that would have been allowed under the
24 normal requirements of Section 405.8 to a greater intrusion into
25 side yard requirements than would have been normally allowed. And

1 that I move for approval of the application as amended.

2 BOARD MEMBER HOOD: Madam Chair, I'll second that
3 motion. And I'll also add that is one of the longest motions --

4 BOARD MEMBER SOCKWELL: Was I good?

5 BOARD MEMBER HOOD: You were good, Mr. Sockwell but
6 that was a long motion. But I think it was very thorough. Very
7 thorough.

8 CHAIRPERSON CROSS REID: You really worked that
9 one. I have to say, Mr. Sockwell, and I appreciate your utilizing
10 your expertise to try to make this fit within the auspices of what
11 we're -- our responsibilities are. And I do also feel that there
12 is no adverse impact in regard to noise, light, traffic, or
13 parking. And that it does not intend to impair the intent and
14 integrity of the zoning regulations and map.

15 All in favor?

16 Did you have any comments?

17 BOARD MEMBER GILREATH: I have no comments. I'm
18 fully satisfied in what I've heard.

19 CHAIRPERSON CROSS REID: All in favor?

20 (Whereupon, an oral vote was taken.)

21 CHAIRPERSON CROSS REID: Opposed?

22 (No response.)

23 MS. AHERN: Thank you.

24 MS. PRUITT-WILLIAMS: Staff would record the vote
25 as 4 to 0 to approve the amended application. Motion made by Mr.

1 Sockwell and seconded by Mr. Hood. Summary order?

2 CHAIRPERSON CROSS REID: Yes.

3 And you should have your order in about two to
4 three weeks.

5 MS. AHERN: Thank you very much.

6 MR. WIEDEMANN: Thank you.

7 CHAIRPERSON CROSS REID: Does that give you
8 adequate time?

9 MS. AHERN: I hope so.

10 MR. WIEDEMANN: Yes.

11 CHAIRPERSON CROSS REID: If not, then you need to -
12 - what you need to do is to --

13 MS. AHERN: No, we'll have to redo the drawings
14 anyway.

15 CHAIRPERSON CROSS REID: I was just referring to
16 your time and if that is a problem, then you just need to discuss
17 it with staff.

18 MS. AHERN: No, I think we'll be okay.

19 CHAIRPERSON CROSS REID: Thank you. Good luck.

20 MS. AHERN: Thank you very much.

21 MR. WIEDEMANN: Thank you very much.

22 CHAIRPERSON CROSS REID: That concludes the
23 November 3rd hearing for the Board of Zoning Adjustment.

24 (Whereupon, at 2:36 p.m., the hearing was
25 concluded.)

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