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

PUBLIC MEETING AND HEARING  
OF THE BOARD OF ZONING ADJUSTMENT

9:38 a.m. to 10:42 a.m.

Wednesday, June 14, 2017

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

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1 Board Members:

2 FREDERICK HILL, Chairperson

3 CARLTON HART, Vice Chairperson

4 LESYLLEE WHITE, Board Member

5 MICHAEL TURNBULL, Zoning Commission

6 CLIFFORD MOY, BZA Secretary

7

8 Office of Attorney General

9 MARY NAGELHOUT, Esq.

10

11

12 Office of Planning

13 MAXINE BROWN-ROBERTS

14 STEVEN COCHRAN

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

2 CHAIRPERSON HILL: All right. Good morning,  
3 everyone. The hearing will please come to order.

4 We're located in the Jerrily R. Kress Memorial  
5 Hearing Room at 441 4th Street Northwest. This is the  
6 June 14th public Hearing of Board of Zoning Adjustment  
7 of the District of Columbia.

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

12 Copies of today's agenda are available to you  
13 and are located in the wall bin near the door. Please  
14 be advised that this proceeding is being recorded by a  
15 court reporter and is also webcast live. Accordingly,  
16 we must ask you to refrain from any disruptive noises  
17 or actions in the hearing room.

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

24 All persons planning to testify either in  
25 favor or in opposition must have raised their hand and



1 Procedures Act requires that the public hearing on  
2 each case be held in the open before the public,  
3 pursuant to Section 405B and 406 of that act. The  
4 Board may, consistent with its rules of procedures and  
5 the Act, enter into a closed meeting for purposes of  
6 seeking legal counsel on a case, pursuant to D.C.  
7 Official Code, Section 2-575(b)(4) and/or deliberating  
8 on a case pursuant to D.C. Official Code Section 2-  
9 575(b)(13), but only after providing the necessary  
10 public notice. And in the case of an emergency closed  
11 meeting, after taking a roll call vote.

12           The decision of the Board in cases must be  
13 based exclusively on the public record. To avoid any  
14 appearance to the contrary, the Board requests that  
15 persons present not engage the members of the Board in  
16 conversation. Please turn off all beepers and cell  
17 phones at this time so as not to disrupt the  
18 proceeding.

19           Preliminary matters are those which relate to  
20 whether a case will or should be heard today, such as  
21 a request for a postponement, continuance, or  
22 withdrawal, or whether proper and adequate notice of  
23 the hearing has been given. If you're not prepared to  
24 go forward with the case today, or if you believe that  
25 the Board should not proceed, now is the time to raise

1 such a matter.

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

4 MR. MOY: Yes, we do have a few, Mr. Chairman.  
5 Good morning. Good morning to members of the Board.

6 Very quickly as to the docket, today's docket,  
7 there are four case applications that have been  
8 postponed and rescheduled. Two cases have been  
9 rescheduled to June 21st, 2017. These two cases are  
10 Application Numbers 19507 of 1005 1st Street, and  
11 Application Number 19511 of D.C. DGS. Both of these  
12 to once again, June 21st, 2017.

13 Appeal Number 19510 of Nefretiti Makenta has  
14 been postponed and rescheduled to July 12th, 2017.

15 And Application Number 19508 of John Tekeste  
16 has been postponed, rescheduled to July 26th, 2017.

17 There are preliminary matters to two case  
18 applications scheduled for this afternoon and I think  
19 it's on staff's suggestion that the Board address  
20 those when I call the case. And that's it, Mr.  
21 Chairman.

22 CHAIRPERSON HILL: Okay. Great. Thank you,  
23 Mr. Moy.

24 If anyone is here wishing to testify, if you  
25 would please stand and take the oath administered by

1 the secretary?

2 Is no one here wishing to testify? Okay, all  
3 right. That's interesting. That's the first time  
4 that's happened.

5 Okay, we'll see how it goes then. Thanks.  
6 All right, Mr. Moy, you can call our first meeting  
7 case whenever you have an opportunity.

8 MR. MOY: Thank you, Mr. Chairman. We have  
9 one case application on the Board's expedited review  
10 calendar. This is Application Number 19501 of  
11 Christian and Susan Charnaux. This is relief pursuant  
12 to Subtitle D, Section 5201.1, for a special exception  
13 from the side yard requirements of Subtitle D, Section  
14 807. This would reconstruct and expand the front  
15 porch on an existing detached one-family dwelling, R-  
16 14 Zone at 2901 49th Street Northwest, Square 1406,  
17 Lot 10.

18 CHAIRPERSON HILL: All right. Great. Thank  
19 you, Mr. Moy.

20 Is the Board ready to deliberate? Okay. I'll  
21 go ahead and start.

22 Just the first matter, I suppose, is the  
23 motion to waive the 15-day requirement. I was  
24 satisfied with the explanation that was given in  
25 Exhibit 39 in terms of waiving that requirement. So,

1 I would not have an issue with that. Does the Board  
2 have any issues with that?

3 [No audible response.]

4 CHAIRPERSON HILL: Okay. Then, in terms of  
5 the relief that's being requested under expedited  
6 review, again, I don't really have any concerns based  
7 upon the record and the analysis with the Office of  
8 Planning. There was some issue in terms of DDOT going  
9 ahead and looking at the public space -- they were  
10 looking to get public space approval before they fully  
11 were on board, I think, and then also through the  
12 Office of Planning. But the applicant seems to be  
13 coming to us first before they're going to public  
14 space.

15 And so, again, based upon the record and the  
16 ANC that was in support, and the Office of Planning's  
17 analysis, I don't really have any issues with this  
18 particular request. Does the Board have anything else  
19 they'd like to add?

20 MR. HART: I would concur with what you just  
21 described for the case, so I would be in support of it  
22 as well.

23 MS. WHITE: Mr. Chairman.

24 CHAIRPERSON HILL: Sure, go ahead.

25 MS. WHITE: Mr. Chairman, I don't have any

1 issues with the application as well, the relief that's  
2 requested under Section 5201.1.

3 CHAIRPERSON HILL: Okay, great. Then I'll go  
4 ahead and make a motion to approve Application No.  
5 19501 as read by the secretary. Motion has been made  
6 and seconded.

7 [Vote taken.]

8 The motion passes, Mr. Moy.

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

15 CHAIRPERSON HILL: Thank you. Can we do a  
16 summary order, Mr. Moy?

17 MR. MOY: Yes, sir.

18 CHAIRPERSON HILL: Thank you.

19 MR. MOY: The next case application is a  
20 request for a minor modification to the plans approved  
21 in BZA Order No. 19396, Subtitle Y, Section 703. This  
22 would permit alteration of a roof plan to construct a  
23 three-story rear addition to an existing three-unit  
24 apartment house, RF-3 Zone. RF-3 Zone at premises 417  
25 4th Street in Southeast, Square 793, Lot 828.

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

3 And just so everybody knows here, we're just  
4 going to follow the agenda that's up on the wall. I  
5 neglected to mention that when we first started.

6 So, the first thing we, as a Board, need to  
7 decide as to whether or not this is a minor  
8 modification under Subtitle 11, 703.3. I remember  
9 this case and that there were two alternatives  
10 provided at the time in terms of whether or not they  
11 could come to an agreement with the neighbor  
12 concerning the chimney cutout. And we went ahead and  
13 approved it without the chimney cutout because they  
14 hadn't had a formal agreement with the neighbor, and  
15 now the neighbors have come to agreement, and I agree  
16 that this is a minor modification under that subtitle.  
17 And then, I will also agree with OP's analysis, and I  
18 would be in favor of this application based on the  
19 record. Does anyone have anything else they'd like to  
20 add?

21 MS. WHITE: No, I concur with your analysis,  
22 Mr. Chairman, that this is a minor modification under  
23 Section 703.13, and that it's not a modification of  
24 significance, so I would support that aspect of the  
25 application, as well as the application for a request

1 to construct the addition to the house, especially  
2 because of the fact that the parties have come to an  
3 agreement with respect to the chimney agreement that's  
4 submitted in the record.

5 CHAIRPERSON HILL: Okay, great. Thank you.  
6 Anyone else? Okay. Then I'll go ahead and make a  
7 motion to approve Application Number 19396A of Hatem  
8 Hatem as read by the secretary.

9 MS. WHITE: Second.

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

12 [Vote taken.]

13 CHAIRPERSON HILL: Motion passes, Mr. Moy.

14 MR. MOY: Before I read the final count, Mr.  
15 Chairman, we do have -- I'm in possession of an  
16 absentee vote from Mr. Anthony Hood and his vote is to  
17 approve any conditions that the Board might impose.

18 So, with his count that would give a final  
19 vote of four, to zero, to one. This is on your  
20 motion, Mr. Chairman, to grant the request for minor  
21 modification. Seconded the motion, Ms. White. Also  
22 in support, Vice Chair Hart, and of course Mr. Hood.  
23 We have a seat vacant, motion carries.

24 CHAIRPERSON HILL: Thank you, Mr. Moy.  
25 Summary order.

1           MR. MOY: Yes. Thank you. The next item for  
2 board action is -- there is a request or rather a  
3 filing for a motion for a stay. This is attended Case  
4 Application Number 19387 of Graham Smith and Alexis  
5 Diao, of Diao, D-I-A-O. I'll just read the caption of  
6 the underlying application, which was a request for  
7 special exception under the rooftop upper floor  
8 addition requirements of Subtitle E, Section 206.2,  
9 and the height requirements of Subtitle E, Section  
10 303.3, permitting the renovation of a flat in an RF-1  
11 Zone, 3616 11th Street Northwest, Square 2829, Lot  
12 169. As the Board is aware, the filing for the motion  
13 for stay is under Exhibit 76.

14           CHAIRPERSON HILL: Okay, great. Thank you,  
15 Mr. Moy. Gosh, I feel like we've worked all weekend  
16 long and we're just kind of humming along here today.  
17           Is the Board ready to deliberate? Okay. So,  
18 I can go ahead and start. The standard for granting  
19 the stay, we were going to have to look at Y-701.4,  
20 and I'm just going to kind of go through them as to  
21 how I went through this analysis.

22           So, we, as a Board, would have to agree that  
23 all four criteria are being met in terms of granting  
24 the stay. A, the parties seeking the stay is likely  
25 to prevail on the merits of the motion for a

1 reconsideration or rehearing, the sua sponte review or  
2 the appeal. B, irreparable injury will result if the  
3 stay is denied. C, opposing parties will not be  
4 harmed by a stay, and D, the public interest favors  
5 granting of the stay.

6           You know, there's a lot of information on the  
7 record here, or in the record, I should say. And in  
8 terms of getting past, or you know, for myself, being  
9 able to agree with all four of those in order to grant  
10 the stay, I actually wasn't even necessarily able to  
11 get past A. I don't know if they're necessarily  
12 likely to prevail on the merits of the motion. I  
13 didn't even think I was able to get past B. Maybe I'd  
14 be able to get past D in terms of the public interest,  
15 favors granting the stay, again based on the  
16 information in the record. But I wasn't really able  
17 to get to all four.

18           I did think that, you know, the injury to the  
19 property owner would be substantial in terms of  
20 granting the stay, considering that the project has  
21 moved forward. So, those were my thoughts in general.

22       Does the board have anything else they'd like to add?

23           MS. WHITE: Mr. Chairman, the standards under  
24 you know, Subtitle Y, 701.4, they're pretty high  
25 standards and the criteria. I concur with your

1 assessment that all four of the following criteria  
2 have to be met. So, I would concur with your  
3 analysis.

4 MR. HART: Yeah, thank you, Mr. Chairman and  
5 Board Member White. Excuse me. I'm trying to get  
6 over a cold so -- yeah. I think that the four pieces,  
7 the four criteria are ones that need to be met, and I  
8 think that the -- I would agree with you that Letter A  
9 would be a difficult -- is a difficult one for me to  
10 support, because I'm not really sure if the other  
11 appeal, or the other things that are going on would  
12 likely prevail. So, it's hard to kind of get past  
13 that in wanting to grant the stay. Or, not wanting to  
14 but being able to grant the stay.

15 I do, I think that there would be some injury  
16 for the -- in B. And the opposing parties, I guess  
17 they will be harmed by the stay because they actually  
18 have started construction, as noted in the exhibits.  
19 There were several exhibits showing, and several  
20 descriptions showing that the construction had already  
21 started on the project.

22 So, I would -- I'll just leave it at that.

23 MR. TURNBULL: Mr. Chair, I would agree with  
24 my colleagues. I think that the standards required  
25 for meeting a stay are pretty high. I think to meet

1 all four is increasingly very, very hard to meet. So,  
2 I would agree and not want to grant this at all.

3 MS. WHITE: Mr. Chairman, I have another  
4 comment. I was not -- I didn't participate in the  
5 original part of the case with the hearing. But I did  
6 read the record, so I just wanted to, for the record,  
7 indicate that I am familiar with the case and I've  
8 read all of the filings that have been uploaded on to  
9 IZIS.

10 CHAIRPERSON HILL: Okay, great. Thank you.  
11 All right. Well then, I think we're in agreement.

12 So, I'm going to go ahead and make a motion to  
13 deny the -- actually, Mr. Moy, I'm trying to think  
14 now. It's -- Mr. Turnbull?

15 MR. TURNBULL: Yeah. I should also, just as  
16 Board Member White said, I did not participate on the  
17 original case either, but I did read the record  
18 carefully and went through it all.

19 CHAIRPERSON HILL: Okay, thank you. I  
20 appreciate that.

21 So, Mr. Moy, I mean, we're denying the  
22 application of the stay and I'm trying to -- so, I'd  
23 like to -- so, I'm making a motion to deny the  
24 application of the stay on Case 19387 as read by you,  
25 as announced by the secretary. And I ask for a

1 second.

2 MR. TURNBULL: Second.

3 CHAIRPERSON HILL: Motion has been made and  
4 seconded.

5 [Vote taken.]

6 CHAIRPERSON HILL: Okay. The motion passes,  
7 Mr. Moy.

8 MR. MOY: Yes, sir. The staff would record  
9 the vote as four, to zero, to one. This is on your  
10 motion to deny the motion for the stay of order number  
11 19387. Seconding the motion, Mr. Turnbull. Also in  
12 support, Ms. White, Vice Chair Hart, we have a board  
13 seat vacant.

14 CHAIRPERSON HILL: Okay.

15 MR. MOY: The motion carries.

16 CHAIRPERSON HILL: Is this -- this isn't a  
17 summary order thing, right? Okay. I always get a  
18 little confused sometimes. Okay. Thank you, Mr. Moy.

19 MR. MOY: The next case application for a  
20 decision is 19480 of Ilya Zusin as captioned and  
21 advertised for special exceptions from the accessory  
22 building lot occupancy requirements, Subtitle E,  
23 Section 5003.1; accessory building rear yard  
24 requirements, Subtitle E, Section 5004.1.

25 And under Subtitle E, Section 5201, from the

1 lot occupancy requirements, Subtitle E, Section 304.1,  
2 this would construct -- or rather, an accessory two-  
3 story carriage house for use as covered parking in an  
4 office in the RF-1 Zone at premises 202 9th Street  
5 Southeast, Square 944, Lot 814. The Board originally  
6 heard, or its last hearing date was May 17th, 2017.  
7 The Board completed hearing procedures, closed the  
8 record and requested additional information from the  
9 opposition party and the applicant, and those filings  
10 are in the record. And let me leave it at that, Mr.  
11 Chairman, unless you want me to go into all the  
12 filings.

13 CHAIRPERSON HILL: No, that's okay, Mr. Moy.  
14 Okay. So, let's see. So, this was a long hearing  
15 that we had with a lot of witnesses and a lot of  
16 participation with the community, and there was quite  
17 a few members of the community in opposition. There  
18 has been a lot of information that has come into us  
19 even as late as last night. And after, also, speaking  
20 and consulting with the Office of the Attorney  
21 General, and out of an abundance of caution, and I'm  
22 going to see what the Board thinks about this, and I'm  
23 also sorry that I'm not going to be able to move  
24 forward with this decision today now. We had, at the  
25 end of the case, there was party status, and there was

1 questions from the -- or a cross-examination, I should  
2 say, I think from the people who are in opposition and  
3 -- or the party status in opposition. And those  
4 questions I had asked for them to submit to the Office  
5 of Planning. And then there seems to have been kind  
6 of some back and forth with them and the Office of  
7 Planning.

8           And the questions during the hearing, and I'll  
9 remember to do this differently moving forward, is  
10 again, or was again to be focused upon cross just in  
11 terms of the questions based upon the presentation,  
12 and based upon the information that was given from the  
13 Office of Planning, and not to necessarily retry your  
14 case or to reargue the issues that you had argued --  
15 or that the applicant had kind of gone over before.

16           I wanted to make sure that we, as a Board, had  
17 enough time to take a look at everything that was now  
18 in the record. I mean, something came in yesterday,  
19 again. And giving everyone enough time to review all  
20 of the material.

21           So, my thoughts on this, I suppose, would be  
22 to go ahead and now -- you know, the record was  
23 already closed. There was some information that we  
24 had asked the party in opposition to present in terms  
25 of their questions with the Office of Planning. Those

1 have now been presented. There actually has been,  
2 even, some back and forth with that. So now I would  
3 maybe again clarify now that we are finished hearing  
4 getting information from anyone. And we would push  
5 this off again to, I think, there was some discussion,  
6 Ms. White, that you were not going to be available in  
7 the beginning of next week's hearing. And so, you  
8 know, I would think that the Board would definitely  
9 like to have your counsel with this since you've been  
10 involved with this since the beginning. And so, I  
11 would like to go ahead and request that we push this  
12 to the following week to go ahead and -- and now we  
13 won't take anything else in terms of what we're going  
14 to get into the record, in order to provide a decision  
15 on this two weeks from today.

16 Does the Board have any other thoughts?

17 MS. WHITE: My thought is that I would  
18 definitely like to participate in the case. Yeah,  
19 these late filings are I think, could be substantive.  
20 So, I would like an opportunity to review the back  
21 and forth that came in as late as yesterday.

22 So, the 28th for decision would work for me.

23 CHAIRPERSON HILL: Okay. So, Ms. Nagelhout, I  
24 just wanted to ask you again. So now, you know, we  
25 had some questions that the Board wanted, or that we

1 had left the record open for the applicant. Sorry,  
2 the party in opposition to submit some questions.  
3 Those questions have been answered by the Office of  
4 Planning. There has been some back and forth. And  
5 now, I just want to be very clear. I don't want --  
6 well, the Board isn't asking for anything else. The  
7 Board doesn't want to see anything else into the  
8 record, so that we can go ahead and take -- and again,  
9 out of an abundance of caution, allowing time for us  
10 to read everything. I don't want to -- I just want to  
11 be very clear that I don't want to -- the Board is not  
12 asking for anything additional from this date forward.

13 MS. NAGELHOUT: Right, but you are accepting  
14 the filing from the applicant that was made yesterday  
15 or whenever.

16 CHAIRPERSON HILL: Yes. The one that was made  
17 yesterday that was allowing the applicant to  
18 respond --

19 MS. NAGELHOUT: Right.

20 CHAIRPERSON HILL: -- to everything that had  
21 been put into the record.

22 MS. NAGELHOUT: And that's it.

23 CHAIRPERSON HILL: And that's it.

24 MS. NAGELHOUT: Yes.

25 CHAIRPERSON HILL: Okay. All right. So, I'm

1 just being very clear that there's nothing else that  
2 we're going to get, so that we have an opportunity now  
3 to look at everything and move forward on this two  
4 weeks from today. So, okay. All right.

5 Mr. Moy, I guess that's what we're going to  
6 do.

7 MR. MOY: Okay. And so we'll --

8 CHAIRPERSON HILL: So, we're putting this on  
9 the meeting calendar again, and it's the only way we  
10 can do this now, so just to let everybody here know, I  
11 wish that we would be able to move forward. But the  
12 date, what's the date again?

13 MR. MOY: June 28th. That's a Wednesday.

14 CHAIRPERSON HILL: And that's for meeting.

15 MR. MOY: That's right.

16 CHAIRPERSON HILL: Okay. All right. Thank  
17 you, Mr. Moy.

18 [Pause.]

19 CHAIRPERSON HILL: All right. Okay. So,  
20 there seems to be some questions concerning this last  
21 case that we had started to speak about. And that was  
22 again, Application No. 19480 of Ilya Zusin. I'm not  
23 pronouncing that correctly, probably.

24 So, now I think that there was some question  
25 from the Office of Planning and Mr. Cochran, if you

1 wouldn't mind just coming up here for a second?

2 Sorry.

3 MR. COCHRAN: Sorry, Mr. Chair. My question  
4 is, first off, apparently the party in opposition  
5 filed something after the Office of Planning had filed  
6 its response to the party in opposition's questions.  
7 It had been the Office of Planning's understanding  
8 that that would be the end of what was required of  
9 Office of Planning. The party in opposition just  
10 informed me that they had filed this.

11 I admit, I did not check the record again  
12 because I didn't think the party in opposition was  
13 entitled to file anything, and they didn't send it to  
14 us directly. My question is, are we now obliged to  
15 respond to the party in opposition's response to the  
16 Office of Planning's response to the party in  
17 opposition's questions?

18 CHAIRPERSON HILL: I enjoy the riddle that  
19 that just was given out.

20 So, I'm going to let the Board kind of talk  
21 this one through just a little bit with me. So, my,  
22 again, out of an abundance of caution, and with the,  
23 you know, the Office of the Attorney General can let  
24 us know here. If you would -- I know you haven't had  
25 a chance to really look at, then, whatever this is.

1 Okay. So, if the Office of Planning could file a  
2 supplemental to those -- because this also became a  
3 circle that the Board perhaps started by having  
4 questions submitted later, that the Office of Planning  
5 was going to respond to. And this is probably  
6 something that the Board will not do again.

7           So, what I would think, if this is also what  
8 the Board, and if, you know, the Office of Attorney  
9 General has any thoughts, ask the Office of Planning  
10 to provide a supplemental report to those questions,  
11 and then allow the applicant again, time to respond to  
12 those questions. So, there would be two filings. If  
13 the applicant wants to, there would be a deadline, and  
14 then everyone would have had the opportunity, and we  
15 would have the ability to review everything in the  
16 record and come to a decision still, two weeks from  
17 today.

18           Ms. Nagelhout, do you have any thoughts on  
19 that?

20           MS. NAGELHOUT: This computer is finally  
21 working. So, I see that there were two rounds of  
22 questions from the party in opposition to the Office  
23 of Planning, and the Office of Planning responded to  
24 both of them. Then there's the applicant who  
25 responded to the previous filings, and then there's a

1 third supplemental submission from the party in  
2 opposition. That's Exhibit 126 and 127. This is  
3 addressed to the Board, not to the Office of Planning.

4 I haven't read it. It came in yesterday, or Monday  
5 night. I don't know what's in it, but it's not  
6 addressed to the Office of Planning, it's addressed to  
7 the Board. So, you know, this is not something the  
8 Board requested. I don't know what it is, but it's in  
9 the record now. They didn't -- I don't see a motion  
10 that asks for permission to file stuff late. It's up  
11 to the Board whether you want to accept this or not.

12 CHAIRPERSON HILL: So, it's Exhibit 126 and  
13 127?

14 MS. NAGELHOUT: Right.

15 CHAIRPERSON HILL: And the Office of Planning  
16 has not seen 126 or 127, I assume. Is that --

17 MR. COCHRAN: The Office of Planning was sent  
18 a copy of, I assume it's Exhibit 127, which is the new  
19 proposals that were filed by the applicant. They sent  
20 us a copy of it at the same time they filed it. So, I  
21 saw that yesterday. I did not know there was also  
22 something from the party in opposition that was filed,  
23 apparently, the day before, because they did not send  
24 us a copy so I did not look at the record.

25 I would not have known that the applicant had

1 filed anything additionally, had they not sent  
2 something also, to me. To us.

3 CHAIRPERSON HILL: Okay. So, again, I'm still  
4 back to where I was in terms of my thoughts. And I'm  
5 looking to my colleagues so that I'm not out here all  
6 by myself, you know. That allowing the Office of  
7 Planning time to respond to everything that's in the  
8 record that has just recently been -- we'll have an  
9 opportunity then, to take a look at it as well. I'll  
10 get a supplemental from the Office of Planning. And  
11 then the applicant will have an opportunity to respond  
12 to that -- the applicant will have an opportunity to  
13 respond to that. And then, that would be the end of  
14 the record, and then we would have an opportunity to  
15 have a meeting.

16 MR. COCHRAN: If I might, Mr. Chair? Could  
17 the Board make clear whether or not the party in  
18 opposition would then be able to file something after  
19 the documents you've just requested are filed?

20 CHAIRPERSON HILL: Yeah. And that's where I  
21 was originally looking at Ms. Nagelhout. No. This is  
22 all we're asking. The board is only asking to make  
23 sure that again, out of an abundance of caution we  
24 have had an opportunity to look at everything that's  
25 been submitted into the record. The Office of

1 Planning will go ahead and respond to that, those  
2 questions that have been submitted. And, I'm sorry,  
3 comments that have been submitted. The applicant will  
4 have the opportunity to respond to the comments that  
5 have been submitted. And then we can move forward.

6 MS. NAGELHOUT: So, you're allowing in the  
7 record, what's in the record now. And you're offering  
8 the Office of Planning an opportunity to submit a  
9 supplemental report in response, if they want to.  
10 Yeah.

11 CHAIRPERSON HILL: Okay, I suppose actually --  
12 and again, I'm going to let the Board -- and that's  
13 because that's why this -- well, this is an open  
14 public meeting. You know, this is how this -- it's a  
15 little sloppy, but it -- so, it does work. And so, my  
16 new thought is that we would go ahead and allow the  
17 applicant -- I don't know whether the applicant now  
18 has seen these latest filings. I mean, the applicant  
19 submitted something again on the 13th, and then I  
20 haven't read that yet. So, then the applicant would  
21 have an opportunity to submit anything -- now I'm  
22 about to bring everybody up.

23 So, I'm just trying to get to the end here.  
24 Okay, I'm going to bring everybody up. Let's just go  
25 ahead. Would all the parties that are here, if you're

1 here, come on forward, please?

2           Okay, before you guys introduce yourselves,  
3 and please introduce yourselves -- well, actually,  
4 let's introduce ourselves first. Okay, if you could  
5 please do that, from my right to left?

6           MR. GAON: Joe Gaon of Holland and Knight on  
7 behalf of the applicant.

8           MR. GLASGOW: Norman M. Glasgow Jr., Holland  
9 and Knight for the applicant.

10          MR. ZUSIN: Ilya Zusin, applicant.

11          MS. OPPER-WEINER: Good morning. Ellen Opper-  
12 Weiner representing the party, Candace Gill in  
13 opposition.

14          MS. GILL: Candace Gill, opposition.

15          CHAIRPERSON HILL: All right. One second, you  
16 guys. Okay?

17                 [Pause.]

18          CHAIRPERSON HILL: Okay, so what I'm just --  
19 just before we get into any of this, I'm just trying  
20 to clear up. We, as a Board, and again the Board  
21 please join in whenever you'd like. We're just trying  
22 to make sure that we have everything we need in order  
23 to analyze the case, in order to get to a decision.  
24 Today was just supposed to be a decision.

25                 So, I'm not here to hear the case, or we're

1 not here to hear any arguments or discussion, and we  
2 might not even get to a question for you guys. I'm  
3 just -- since you're here in the audience, and we're  
4 trying to figure this out together, I thought I'd  
5 bring you guys up.

6 MR. HART: Mr. Chair?

7 CHAIRPERSON HILL: Yes, sure. Go ahead.

8 MR. HART: Just so you don't have to -- I  
9 think that we've gotten more than enough information  
10 here. It's I think, the timeliness of it. Not that  
11 it's untimely, just, I just want to make sure that we  
12 have time to actually review all of this stuff. I  
13 mean, I feel that we have enough information to be  
14 able to go on and to be able to have a meeting on.

15 I am not looking forward to not thinking that  
16 we need to actually have another, you know, hearing,  
17 or reopening the hearing. I just think that we need  
18 to be able to have time to review this in a manner  
19 that is respectful for both parties here, and be able  
20 to then decide on the case.

21 If you want another filing from the Office of  
22 Planning, that's okay. I mean, we've gotten quite a  
23 bit from the Office of Planning so far. So, I'm not  
24 exactly sure what the Office of Planning would be  
25 adding into you know, I don't know.

1           CHAIRPERSON HILL: Okay. Well, Mr. Hart,  
2 thank you so much for, you know, voicing your  
3 thoughts. I'm also comfortable with your line, which  
4 is that we have all the information we need. The  
5 information that has been given to us has actually  
6 been addressed to us in order to come to a decision,  
7 and we don't need anything further from anyone. We  
8 just need to have the time again to digest this and  
9 get back to a meeting on two weeks from today.

10           MS. WHITE: Yes, Mr. Chairman. I think I have  
11 more than enough information, but I understand just  
12 in, you know, for fairness you wanted to give Office  
13 of Planning an opportunity to at least look at the  
14 documents.

15           But I don't expect to learn anything new from  
16 additional filings. There is a substantial amount of  
17 information here. Unless the parties have learned  
18 something dramatically new in this case. I'm  
19 comfortable, either way, if you want to close it  
20 today, or if you want to give Office of Planning time  
21 to at least review the docs and give a final, final  
22 feedback on what's been filed on the 13th.

23           CHAIRPERSON HILL: Okay. All right. Then,  
24 I'm comfortable not asking for anything additional,  
25 and we'll take the information that we've been given,

1 and then take the time to digest this again and come  
2 back to a meeting decision on the 28th.

3 And I guess since I have brought everybody  
4 forward, does anyone have any comments? So, basically  
5 what I'm saying is, we're done. Like, we're going to  
6 go ahead and take everything that we've got, we're  
7 going to go ahead and take a look at everything.  
8 There's going to be no more filings into the record,  
9 and we're going to go ahead and move forward from this  
10 point.

11 MS. OPFER-WEINER: I have a comment, yes.

12 CHAIRPERSON HILL: All right.

13 MS. OPFER-WEINER: Mr. Chair and board  
14 members. Filing No. 123 is not -- is the one that I'm  
15 referring to. And that we filed a response to Mr. --  
16 to the Office of Planning's submission, which was  
17 incomplete. There were many, many questions not  
18 answered.

19 Now, I included that in the supplemental  
20 filing as well, because that's really the crux of what  
21 we still need to know. They also had suggested that  
22 we ask the applicant for certain things, the answers  
23 to certain things, because it wasn't in the Office of  
24 Planning's purview.

25 We did that. We were told we were not going

1 to get any answers. And then lo-and-behold, the  
2 filing on the 13th, last evening, was in fact their  
3 answers to those questions. So, what's still missing  
4 are the -- there were quite a few questions that just  
5 were not answered.

6 So, if I didn't send it to you, Mr. Cochran,  
7 and I'm willing to take your word for it, my  
8 apologies. I'm happy to -- I mean, it's in the  
9 record. It's not as if I ignored doing what should be  
10 done. But I do apologize if in fact I failed to send  
11 it to you.

12 So, that's -- so, we're focusing on the wrong  
13 thing. It's up to you. I believe the record is  
14 incomplete. It's big. I've had something to do with  
15 that, as has the applicant, so that it's up to you.

16 But I do think if you look at 123, our  
17 responses are reasonable. He says -- Mr. Cochran says  
18 he never received it or never saw it, and that's --  
19 so, it's hard to make a decision.

20 CHAIRPERSON HILL: Ms. Oppen-Weiner, that's  
21 okay. So, when you say he never received or never  
22 saw, which exhibit are you speaking to?

23 MS. OPPEN-WEINER: 123. Which is titled --

24 CHAIRPERSON HILL: Okay. All right. Give me  
25 one second. I'm sorry.

1 MS. OPPER-WEINER: Candace Gill's reply, it  
2 should say to the Office of Planning.

3 CHAIRPERSON HILL: All right. So, you're  
4 saying that you did not get the -- you did not think  
5 that the Office of Planning had seen 123, had Exhibit  
6 123?

7 MS. OPPER-WEINER: I have no idea. It was  
8 filed on June 9th, on Friday. So, it was in the  
9 record.

10 CHAIRPERSON HILL: Mr. Cochran.

11 MS. OPPER-WEINER: It is in the record, I  
12 guess.

13 MR. COCHRAN: Now that I have now looked at  
14 it, I became aware of it only this morning. I believe  
15 that the party in opposition did, for the last two  
16 filings, rely on the Office of Planning to open the  
17 case record to find that they had filed something.  
18 The previous filing, I had opened the case record as  
19 of the date that the filing was due. It wasn't in  
20 there.

21 The following week, something was submitted  
22 late, but we did respond. I knew nothing about this  
23 one. I have now read it. It is clearly addressed to  
24 the Board. They may have problems about some of the  
25 answers that the Office of Planning provided to their

1 previous filing. But there are no new questions of  
2 the Office of Planning in this one and a half page  
3 filing.

4 CHAIRPERSON HILL: Okay. All right. Okay.  
5 So, I don't want to hear from anybody just for a  
6 second, okay, from the parties here. I'm just  
7 speaking with my board members.

8 I'm back to, again, my original thought, which  
9 is that I'd like the Office of Planning to go ahead  
10 and take a look at the items that the applicant is  
11 speaking of, and provide a supplemental report.  
12 Again, I just would like this to be tidy so we are all  
13 clear that everything has been -- whether or not the  
14 Office of Planning thinks that those questions should  
15 be answered, or whether they are -- whether the  
16 applicant -- I'm sorry, the party in opposition is  
17 satisfied with their answers is regardless. I will at  
18 least get something and know that the record is  
19 complete. I will get that from the Office of  
20 Planning.

21 We're going to go ahead and pick a date for  
22 that, and then -- and this is where Ms. Nagelhout, I  
23 forget, as the applicant they would -- so then they  
24 would have an opportunity, the applicant would have an  
25 opportunity to respond to that from the Office of

1 Planning?

2 MS. NAGELHOUT: I believe both parties would  
3 have an opportunity to respond to that.

4 CHAIRPERSON HILL: Okay. And then, that would  
5 be the end of it.

6 MS. NAGELHOUT: Yes.

7 CHAIRPERSON HILL: Okay. So, Mr. Cochran, do  
8 you know when -- I'm trying to get back here in two  
9 weeks.

10 MR. COCHRAN: I could file something this  
11 afternoon.

12 CHAIRPERSON HILL: Okay. So, if you could  
13 file something this afternoon, then, Mr. Moy, when  
14 could we have a date for which the party in opposition  
15 and the applicant could provide any comments if they  
16 have them, to what the Office of Planning supplies,  
17 and then that would be the end of the record.

18 MR. COCHRAN: Excuse me, Mr. Chair.

19 CHAIRPERSON HILL: Certainly.

20 MR. COCHRAN: Because I forgot, this has to go  
21 through a review before we can submit it. If you  
22 could give the Office of Planning until the end of  
23 this week, that would probably be better.

24 CHAIRPERSON HILL: Certainly. That's plenty.  
25 I mean, we're not going to be back here for two

1 weeks, so I think we're okay. But, so Friday will be  
2 fine?

3 MR. COCHRAN: Yes.

4 CHAIRPERSON HILL: All right.

5 MR. MOY: Okay. So, if Office of Planning  
6 makes their filing to the Board this Friday, that's  
7 June 16th, then if the Board wishes, then could allow  
8 the applicant and the opposition party to file say the  
9 following Wednesday, which would be June 21st. And  
10 then the Board can reconvene for a decision on June  
11 the 28th.

12 CHAIRPERSON HILL: Okay. So, the response  
13 from the party in opposition, as well as the  
14 applicant, will just be towards the report. It's not  
15 anything else, just from the supplemental report that  
16 the Office of Planning is going to provide. And then  
17 the Board will have all of the information. So,  
18 again, the Office of Planning is going to submit a  
19 report on Friday. The applicant and the party in  
20 opposition would have an opportunity to provide  
21 comments on that one filing by the following  
22 Wednesday, and then the Board will have time to go  
23 ahead and make a decision. Okay? Are we clear?  
24 Okay, great.

25 MS. OPPER-WEINER: That works. Thank you.

1 CHAIRPERSON HILL: Okay, certainly. Okay.  
2 All right.

3 [Pause.]

4 CHAIRPERSON HILL: All right, Mr. Moy. You  
5 can go ahead and start calling our hearing cases.

6 MR. MOY: There are two hearing cases, as you  
7 just said, Mr. Chair, with preliminary matters. The  
8 first is Case Application Number 19492 of Henry M.  
9 Hunt. This was filed for special exception relief  
10 under Subtitle E, 5201 lot occupancy requirements,  
11 Subtitle E, 304.1; rear yard requirements, Subtitle E,  
12 306.1; special exception from the penthouse setback  
13 requirements of Subtitle C, and Section 1502.1;  
14 constructing a one-story rear addition with roof deck  
15 to an existing one-family dwelling, RF-1 Zone, 1529  
16 8th Street Northwest, Square 421, Lot 80.

17 Stated, this is a preliminary matter in that  
18 the applicant filed yesterday, request to postpone.  
19 So, that request is before the Board.

20 CHAIRPERSON HILL: Okay. Great. Thank you,  
21 Mr. Moy. I mean, I don't see anyone -- none of the  
22 parties are here for this case, correct?

23 MR. MOY: That's correct, sir.

24 CHAIRPERSON HILL: All right. So, the Board,  
25 you know, the appellant indicates that they and the

1 property owner seem to be working on a settlement  
2 agreement which could result in the withdrawal of the  
3 appeal. And they are both in agreement to reschedule  
4 this to another day.

5 MR. MOY: Sorry about that, Mr. Chair.

6 CHAIRPERSON HILL: All right. That's all  
7 right. Sorry, I got -- I was following a different  
8 order.

9 MR. MOY: I'm sorry. You can put it on me.  
10 The Chinese go from left to right.

11 CHAIRPERSON HILL: Yeah, you do. Definitely.

12 MR. MOY: Or, actually, right to left.

13 CHAIRPERSON HILL: Okay, right, because -- I  
14 was following the -- as I said at the beginning, I'm  
15 following the schedule that -- so, all right. Right.  
16 Okay.

17 So, this again, the Board, you know, at this  
18 current point the Office of Planning is unable -- and  
19 again I'll ask, is anybody here for the 19492 of Hunt,  
20 Henry Hunt? No. Okay.

21 So, the Office of Planning is unable to make  
22 recommendation at this time. There's no ANC report.  
23 DDOT, you know, has no objection, but there's no ANC  
24 report. I don't see how we could move forward anyway,  
25 and I don't think that the case is fully ready to

1 hear. However, now the Office of Planning is suddenly  
2 here. And so, this is an interesting day. So, before  
3 I -- let me just finish my statement, which was that I  
4 was in concurrence with postponing this. I don't  
5 think that it's fully ready to hear. And however, now  
6 that the Office of Planning has joined us, if you  
7 could please let us know why you're joining us?

8 MS. BROWN-ROBERTS: Good morning, Mr.  
9 Chairman. Maxine Brown-Roberts for the record.

10 At the last -- when the case was last called  
11 up, we had recommended that we didn't have enough  
12 information to go on, and then you postponed it today.  
13 The applicant subsequently submitted and you had  
14 asked for the additional information to have the  
15 hearing today. The applicant provided some  
16 information last Friday, and we submitted a report  
17 yesterday.

18 Again, so I'm not sure if you have that. But  
19 it was submitted yesterday.

20 MR. HART: Mr. Chair, the applicant has  
21 actually also submitted a request to postpone after  
22 the OP report.

23 MS. BROWN-ROBERTS: Okay.

24 MR. HART: That's exhibit -- the applicant's  
25 second request to postpone is Exhibit 31. The OP

1 supplementary report is Exhibit 30.

2 CHAIRPERSON HILL: Okay. So, I haven't had  
3 time to -- I mean, it came in yesterday. So, I  
4 haven't had time to look at yet, even the Office of  
5 Planning's supplemental report. And then the  
6 applicant, right, has requested a second request to  
7 postpone.

8 And I suppose, Mr. Moy, did you have a slot  
9 for the application? If we were to postpone it. And  
10 again, is the -- the Office of Planning is just up  
11 here to clarify that you did submit a report.

12 MS. BROWN-ROBERTS: Yes, Mr. Chairman.

13 CHAIRPERSON HILL: Okay. You're not taking a  
14 position one way or the other on the postpone --

15 MS. BROWN-ROBERTS: No, no, no, it's stated in  
16 our report --

17 CHAIRPERSON HILL: All right.

18 MS. BROWN-ROBERTS: -- what our position is.

19 CHAIRPERSON HILL: Okay. Which I haven't had  
20 a chance to read yet, so just, I don't know.

21 So, I would still be in approval. I mean, I  
22 don't know how many times we're going to postpone this  
23 is, I guess what we're going to come up against next.

24 So, does the Board have any issues with us postponing  
25 this?

1           Okay. Then, Mr. Moy, when can we postpone  
2 this to?

3           MR. MOY: Staff would suggest Wednesday, June  
4 28th. And June 28th.

5           CHAIRPERSON HILL: Okay. And this is the  
6 second postponement now?

7           MR. MOY: This would be the second. My  
8 suggestion is, I know Office of Planning and I know  
9 from my staff we've been in communication with the  
10 applicant. So, my suggestion is, wherever the  
11 applicant is, at that point that he appear before the  
12 Board.

13           CHAIRPERSON HILL: Yeah. I mean, I don't see  
14 how -- I mean, the Board is -- this is our second  
15 postponement of this. I don't know if they're going  
16 to get a third postponement of this, and so you know,  
17 unless the Board has any, you know, further thoughts.  
18 I mean, the applicant, I would assume is watching, or  
19 will be watching.

20           And so, again, the 28th is when you -- that  
21 doesn't seem to give the applicant a whole lot of time  
22 to get this ready, but I don't know if that -- I mean,  
23 I think we'll be back here again with another  
24 postponement because we don't have anything from the  
25 ANC.

1 MR. HART: Mr. Chair, I was wondering if we  
2 wanted to actually have a longer postponement. I  
3 don't know, maybe a month.

4 CHAIRPERSON HILL: Uh-huh.

5 MR. HART: To give them enough time to be able  
6 to come back and have all of the, you know,  
7 information here, the Office of Planning would have a  
8 chance to actually submit -- you know, I'm not exactly  
9 sure why the postponement is for -- why we're doing  
10 the postponement for today. But if they do need the  
11 time, maybe it is --

12 CHAIRPERSON HILL: Okay. All right. Okay.

13 MR. HART: -- better for us to actually give  
14 them a month.

15 CHAIRPERSON HILL: So, what's the last meeting  
16 in July before we break, and how busy are we that  
17 meeting?

18 MR. MOY: As you may guess, the last meeting  
19 in July before the recess is the 26th. That's already  
20 a full docket.

21 CHAIRPERSON HILL: Okay.

22 MR. MOY: A very full docket.

23 CHAIRPERSON HILL: Okay.

24 MR. MOY: So, unless you want to stay late  
25 that day.

1 CHAIRPERSON HILL: No, that's all right. So,  
2 what's --

3 MR. MOY: Then I would say September. We can  
4 go either September 6th or September 13th.

5 CHAIRPERSON HILL: Okay. It doesn't matter,  
6 either one says --

7 MR. MOY: So on the 13th -- on September 6th  
8 we've got six cases for hearing, three for decision.  
9 If that doesn't do it for you then I would suggest the  
10 13th of September.

11 CHAIRPERSON HILL: Okay.

12 MR. MOY: Which is a lighter, lighter day for  
13 the month.

14 CHAIRPERSON HILL: Let's do the 13th. I mean,  
15 we don't have enough information and there's going to  
16 be a lot of things that the applicant is going to need  
17 to get together in order for us to hear the hearing.  
18 So, the 13th of September.

19 MR. MOY: Done.

20 CHAIRPERSON HILL: Okay, thank you.

21 MR. TURNBULL: It would also give more time  
22 for the ANC to weigh in on this, since they haven't  
23 responded. And OP's report right now is sort of a  
24 mixed, I won't say a mixed bag but --

25 CHAIRPERSON HILL: Mixed bag, right.

1 MR. TURNBULL: Yeah.

2 CHAIRPERSON HILL: You've got denial on the  
3 variance and then -- I haven't been able to read the  
4 analysis yet.

5 MR. TURNBULL: Right. I haven't either, so --  
6 but it would give everybody time to --

7 CHAIRPERSON HILL: It seems like there's a lot  
8 going on. So, okay. All right. So, let's do that  
9 then, Mr. Moy.

10 MR. MOY: Okay, that's good.

11 CHAIRPERSON HILL: Thank you --

12 MR. MOY: That's good.

13 CHAIRPERSON HILL: -- Mr. Hart, for providing  
14 your input.

15 MR. MOY: Okay. Going back to the American  
16 version. So that would be Appeal No. 19485 of the  
17 Chain Bridge Road Preservation Committee. And I'll  
18 read for the record, because this is captioned for --  
19 this is appeal of the decision of the Zoning  
20 Administrator, Department of Consumer and Regulatory  
21 Affairs made on January 13th, 2017, to issue building  
22 permits B-1611845, B-1611846. Again, that's B-1611846  
23 and B-1611848, which allowed construction of three new  
24 three-story with cellar detached dwellings, with  
25 swimming pools and driveways in the R-1-A Chain Bridge

1 Road, University Terrace Overlay, now R-21 Zone at  
2 3006, 3010, and 3016 University Terrace Northwest,  
3 Square 1426, Lots 51, 52, and 53.

4 As I mentioned earlier, Mr. Chair, there is a  
5 consent motion in the record from all the parties and  
6 I had received an e-mail yesterday -- as late as  
7 yesterday, that the appellee, DCRA, is in agreement  
8 with the consent to continue; to continue the appeal  
9 to -- this consent motion to postpone and continue it  
10 to June 21st.

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

13 All right. So, I was going to again be clear.  
14 There is no one here, as I can see that the room is  
15 empty. There is no one here wishing to speak on this  
16 appeal right now.

17 And so, if the Board is comfortable, this was  
18 again, as I was stating earlier when I was mistaken as  
19 to what case we were speaking on, but that the  
20 appellant and the property owners seem to be working  
21 towards an agreement that could possibly result in a  
22 withdrawal. And so, since they all are on the same  
23 page in terms of moving this to another date, I don't  
24 have an issue with it. Does anyone else?

25 MS. WHITE: I don't have an issue, but I'd

1 just like to note that if they're not able to come to  
2 an agreement, the 21st is still going to be an issue  
3 for me.

4 CHAIRPERSON HILL: Okay. Okay, great. Thank  
5 you. In terms of scheduling.

6 MS. WHITE: In terms of scheduling.

7 CHAIRPERSON HILL: In terms of scheduling.  
8 Okay. All right. Well, we'll --

9 MS. WHITE: [Speaking off microphone.]

10 CHAIRPERSON HILL: Thank you. So, Mr. Moy,  
11 we'll go ahead and push this to the 21st and hope that  
12 they come to an agreement. Otherwise, we might lose  
13 Ms. White.

14 [Pause.]

15 CHAIRPERSON HILL: All right. So, we're  
16 clear, Mr. Moy?

17 MR. MOY: Yes, I am.

18 CHAIRPERSON HILL: Okay. All right. So, then  
19 is there anything else before us today? Oh, there  
20 was, I thought another -- okay.

21 MR. HART: Yes, Mr. Chairman. This is, let's  
22 see, announcement for a closed meeting in accordance  
23 with -- excuse me, an announcement for closed meetings  
24 for legal advice and deliberating, but not for voting,  
25 in accordance with Section 405(c) of the Open Meetings

1 Act, the D.C. Official Code Section 2575(c), I move  
2 that the Board of Zoning Adjustment hold a special  
3 closed meeting on Wednesday, June 21st, 2017, or June  
4 28th. And this is depending on the attendance of the  
5 board members. We're not sure if we're going to  
6 actually have the board members all on the 21st. So,  
7 if not the 21st, then the 28th.

8 This meeting would start at 9:00 a.m. and be  
9 held for the purpose of obtaining legal advice from  
10 our counsel and deliberating upon, but not voting on  
11 the reprimand. Excuse me. On the remand of  
12 Application No. 18878 of Alba 12th Street, LLC to  
13 determine whether the record is sufficient for further  
14 deliberations, or whether more information is needed.

15 A closed meeting for these purposes is permitted by  
16 Sections 405(b)(4) and (b)(13) of the act. Is there a  
17 second?

18 MR. TURNBULL: Second.

19 CHAIRPERSON HILL: Mr. Moy, I'm sorry. I  
20 didn't mean to interrupt you. I was just going to  
21 state, Mr. Moy, before you read the roll call, I'm  
22 going to be recusing myself from everything concerning  
23 this case. Thank you.

24 MR. HART: Will the secretary please read the  
25 roll call vote for the motion?

1           MR. MOY: Yes, if the members could -- would  
2 respond with a yes or a no, yea or nay, when I call  
3 your name?

4           [Roll call vote taken.]

5           MR. MOY: Mr. Turnbull.

6           MR. TURNBULL: Yes.

7           MR. MOY: Ms. White.

8           MS. WHITE: Yes.

9           MR. MOY: Vice Chair Hart.

10          MR. HART: Yes.

11          MR. MOY: And Chairman Hill is recused, so the  
12 motion carries, Vice Chair Hart.

13          MR. HART: Thank you, Mr. Moy, Secretary Moy.

14 I request that the Office of Zoning provide notice of  
15 this special closed meeting in accordance with the  
16 act. Thank you.

17          CHAIRPERSON HILL: All right, Mr. Moy, do we  
18 have anything else or the Board has anything else  
19 before us?

20          MR. MOY: Nothing from the staff today, Mr.  
21 Chairman.

22          CHAIRPERSON HILL: All right. Thank you.  
23 Then, we stand adjourned.

24          [Whereupon, at 10:42 a.m., the public meeting  
25 and hearing were adjourned.]