

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETNG

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WEDNESDAY

SEPTEMBER 12, 2018

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
LESYLLEE M. WHITE, Board Member  
CARLTON HART, Board Member (NCPC)  
LORNA JOHN, Board Member

ZONING COMMISSION MEMBER[S] PRESENT:

PETER MAY National Park Service Designee

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQ.

The transcript constitutes the minutes from the Public Meeting held on SEPTEMBER 12, 2018.

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

(11:51 a.m.)

1  
2  
3 CHAIR HILL: All right. Mr. Moy, can you go ahead  
4 and call the preliminary matter, please -- or a few of the  
5 preliminary matters?

6 MR. MOY: Yes, sir. Thank you, Mr. Chairman.  
7 This is a request for advance consideration for party status  
8 to Application Number 19823 of Wisconsin Ave, Baptist Church.  
9 I'm not going to read the relief unless the board cares for  
10 me to do that.

11 This hearing is scheduled for October 10th. And  
12 as I said, there was a request from the Tenleytown Neighbors  
13 Association for advanced party status for the board to  
14 consider. And that is in your case record under Exhibit 33.

15 CHAIR HILL: Okay.

16 MR. MOY: Number 1 -- and I might as well just say  
17 it now too as well. There is also a filing right after that  
18 under Exhibit 40 from the property owner, represented by  
19 Carolyn Brown, the attorney for the property owner who has  
20 put in a request for postponement of that October 10th  
21 scheduled hearing to a future date as well. So the board can  
22 or cannot -- the board can address that if you want to.

23 CHAIR HILL: Okay. Are the parties requesting  
24 party status here? If you could please come forward. If you  
25 could please introduce yourselves. You have to push the

1 button. You have to push the button.

2 MS. CHESSER: Okay. I'm Judy Chesser. I'm the  
3 president of Tenley Neighbors Association. And I live across  
4 the street from the proposed site.

5 CHAIR HILL: Okay, Checkler?

6 MS. CHESSER: Chesser, like the game of the chess  
7 and E-R.

8 CHAIR HILL: Oh, Chesser. Okay, great. Great.

9 MS. CHESSER: Okay.

10 CHAIR HILL: Okay, great. Thank you.

11 MS. GUNNING: I'm Barbara Gunning at 3822  
12 Albemarle Street NW.

13 CHAIR HILL: Okay, great. All right and so -- but  
14 it's the association that's requesting party status, correct?

15 MS. CHESSER: Correct. Barbara's a member of the  
16 association.

17 CHAIR HILL: Okay. So you will be representing  
18 the association if we do in fact allow party status?

19 MS. CHESSER: Correct.

20 CHAIR HILL: Okay. I've read the record and  
21 reviewed the record. I don't have any issue with this  
22 association being granted party status. In addition to that,  
23 the applicant hasn't put anything forward to their opposition  
24 to party status being established. So does the board have  
25 any issues with them being awarded party status?

1 MEMBER HART: No, I don't. But I just wanted to  
2 make sure that -- And I'm not sure what exhibit this was, but  
3 it was Ms. Chesser, Ms. Gunning, and Mr. Alan Gifford --

4 MS. CHESSER: Correct.

5 MEMBER HART: -- were the three people that were  
6 kind of the --

7 MS. CHESSER: Correct. We are going to do the  
8 presentation.

9 MEMBER HART: And Mr. Alan Gifford is going to be  
10 -- is also going to be -- He doesn't have to be here today --

11 MS. CHESSER: Right.

12 MEMBER HART: -- but he's going to be here?

13 MS. CHESSER: Yes, he will.

14 MEMBER HART: Okay. And that's fine.

15 MS. CHESSER: He shares a property line with the  
16 proposed site.

17 MEMBER HART: Ah, okay. I don't have an issue  
18 with it. I just wanted to just clarify that Mr. Alan Gifford  
19 was also going to be --

20 MS. GUNNING: Thank you, yes.

21 MEMBER HART: -- representing the association.

22 MS. GUNNING: Yes.

23 CHAIR HILL: Okay, great. And thanks, now that  
24 you've brought that up, Ms. Chesser, just so you know, we're  
25 approving party status for the organization. So one person

1 will speak on behalf of the organization. If you have  
2 witnesses during your testimony, you can go ahead and have  
3 different people participate during that portion of that  
4 hearing.

5 MS. CHESSER: Can I ask a clarifying question?

6 CHAIR HILL: Sure.

7 MS. CHESSER: I understand that one person can do  
8 cross and only one person can do cross. But when we do our  
9 PowerPoint presentation, we were going to do --

10 CHAIR HILL: Other people -- yes, different people  
11 --

12 MS. CHESSER: -- the three of us.

13 CHAIR HILL: -- that's fine.

14 MS. CHESSER: Okay.

15 CHAIR HILL: Different people -- I'm just letting  
16 you know like if you are going to be the mouth -- the  
17 spokesperson, everything -- the mouthpiece, thank you --  
18 Everything will go through you --

19 MS. CHESSER: Okay.

20 CHAIR HILL: -- except during your presentation  
21 if there's different witnesses that you --

22 MS. CHESSER: Okay.

23 CHAIR HILL: -- care to bring forward, then you'll  
24 be able to do that. Okay?

25 MS. CHESSER: Okay.

1 CHAIR HILL: So that's one thing. So we can go  
2 ahead -- So if the board is all right, we're going to go  
3 ahead and approve their party status? Okay, by consensus?  
4 Okay. Or do I need a motion?

5 MR. MOY: No, you can do it by consensus or vote  
6 on it. But I want to state for the record, if you care to,  
7 Mr. Hood had submitted a -- Mr. Anthony Hood had submitted  
8 an absentee ballot to approve the request for party status.

9 CHAIR HILL: Okay, great.

10 MS. CHESSER: Thank you.

11 CHAIR HILL: Now so is Chairman Hood, is he going  
12 to be with us then for that case? The reason why I'm asking,  
13 Mr. Moy, is that if we do grant the postponement, is he still  
14 there that day or you don't know yet? And it's something  
15 we can address later.

16 MR. MOY: We can address later, but of course if  
17 -- Well when we get to that --

18 CHAIR HILL: We can address it later. Okay, all  
19 right. Sorry. So you've been granted party status.

20 MS. CHESSER: Thank you.

21 CHAIR HILL: The next thing, Mr. Moy, is there's  
22 been a request to postpone.

23 MR. MOY: Yes, to postpone and schedule to a  
24 future hearing date. This is on the part of the property  
25 owner. And that's under Exhibit 40 in your case record.

1 CHAIR HILL: Okay. I've reviewed that and I don't  
2 have any issues with the postponement. They were trying to  
3 postpone so that they could have more time with the ANC, I  
4 believe.

5 MR. MOY: I believe. And of course now that the  
6 board has granted party status, you may want to ask if the  
7 date would be accommodating --

8 CHAIR HILL: They didn't suggest a date, did they?

9 MR. MOY: No, they did not.

10 CHAIR HILL: Right. So what date would we, the  
11 board, be putting them on as a postponement?

12 MS. CHESSER: We, by the way can go forward on  
13 October 10th ourselves --

14 CHAIR HILL: Okay.

15 MS. CHESSER: -- but whatever time --

16 MR. MOY: Well the next available date -- I'm  
17 sorry for interrupting. The next available date, Mr.  
18 Chairman would be October 17th.

19 CHAIR HILL: So October 17th is when we will be  
20 putting this on. Okay, all right. So October 17th, we're  
21 going to go ahead and postpone the hearing until. All right?  
22 So we'll see you guys back here on October 17th, okay?

23 MS. CHESSER: Okay. Thank you.

24 CHAIR HILL: You're welcome. Now so again by  
25 consensus, we're going to go ahead and postpone until October



1 17th. And I'm just kind of -- All right, so just -- We're  
2 deliberating up here. We're going to take a break. And then  
3 we're going to come back and hear as many cases as we can  
4 probably until like 1 o'clock. And then we're going to take  
5 lunch, okay? So just so everybody knows. All right. Okay,  
6 thank you.

7 (Whereupon, the meeting in the above-entitled  
8 matter was concluded at 11:58 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC BZA

Date: 09-12-18

Place: Washington, DC

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



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Court Reporter

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