

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

OCTOBER 17, 2018

+ + + + +

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 PRESENT:

ANTHONY HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

TRACEY W. ROSE, Sr. Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQ.

The transcript constitutes the minutes from the Public Meeting held on October 17, 2018.

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

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9:36 a.m.

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BZA CHAIR HILL: All right. Good morning, everyone. If everyone would please come to order. We're located in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W. This is the October 17th public hearing of the Board of Zoning Adjustment of the District of Columbia. My name is Fred Hill, Chairperson. Joining me today are Carlton Hart, Vice Chair, Lesyllee White and Lorna John, board members. And representing the Zoning Commission is Anthony Hood.

Copies of today's hearing agenda are available to you and located on the wall bin near the door. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live. Accordingly, we must ask you not to refrain from any disruptive noises or actions in the hearing room. When presenting information to the board, please turn on and speak into the microphone first stating your name and home address. When you're finished speaking, please turn your microphone off so that your microphone is no longer picking up sound or background noise.

All persons planning to testify either in favor or in opposition must have raised their hand and been sworn in by the secretary. Also, each witness must fill out two witness cards. These cards are located on the table near the

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1 door and also on the witness table. Upon coming forward to
2 the board, please give both cards to the reporter sitting at
3 the table to my right.

4 If you wish to file written testimony or
5 additional supporting documents today, please submit one
6 original and 12 copies to the secretary for distribution.
7 If you do not have the requisite number of copies, you can
8 reproduce copies on our office printer in the Office of
9 Zoning located across the hall. Please remember to collate
10 your copies.

11 The order of procedures for special exceptions,
12 variances and appeals is also listed in the bin as you come
13 walking into the room. The record shall be closed at the
14 conclusion of each case, except for any material specifically
15 requested by the board. The board and the staff will specify
16 at the end of the hearing exactly what is expected and the
17 date when the persons must submit evidence to the Office of
18 Zoning. After the record is closed, no other information
19 shall be accepted by the board.

20 The board's agenda includes cases set for
21 decision. After the board adjourns, the Office of Zoning in
22 consultation with myself will determine whether a full or
23 summary order may be issued. A full order is required when
24 the decision it contains is adverse to a party, including an
25 affected ANC. A full order may also be needed if the board's

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1 decision differs from the Office of Planning's
2 recommendation. Although the board favors the use of summary
3 orders when possible, an applicant may not request the board
4 to issue such an order.

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

16 The decision of the board in cases must be based
17 exclusively on the public record to avoid any appearance to
18 the contrary. The board requests that persons present not
19 engage the members of the board in conversation. Please turn
20 off all beepers and cell phones at this time so as not to
21 disrupt the proceedings. Preliminary matters are those which
22 relate to whether a case will or should be heard today such
23 as requests for postponement, continuance, or withdrawal, or
24 whether proper and adequate notice of the hearing has been
25 given. If you're not prepared to go forward with the case

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1 today or if you believe that the board shall not proceed, now
2 is the time to raise such a matter.

3 Ms. Secretary, do we have any preliminary matters?

4 MS. ROSE: Good morning, Mr. Chairman and members
5 of the board. Staff has a few preliminary matters regarding
6 hearings on the following cases. Application No. 19823 of
7 Wisconsin Avenue Baptist Church has been postponed to
8 November 14th, 2018. Application No. 19834 of 5132 Lee
9 Street, LLC has been postponed to December 5th, 2018. Appeal
10 No. 19839 of ANC 8A was dismissed by the board as untimely
11 at the public meeting of October 3rd, 2018. The other
12 preliminary matters can be addressed when we call the
13 individual cases.

14 BZA CHAIR HILL: Okay, great. Thank you, Ms.
15 Rose. All right, if anyone's here wishing to testify, if you
16 would please stand and raise your hand and take the oath
17 administered by the secretary to my left.

18 (Witnesses sworn.)

19 MS. ROSE: Thank you. You may be seated.

20 BZA CHAIR HILL: All right, great. Thank you.
21 Well, once again, good morning, everyone. We are going to
22 follow the agenda as we are moving through today, and we'll
23 just see when we take breaks and if we end up taking a lunch
24 break or not. So with that, Ms. Rose, if you want to call
25 our first hearing -- meeting case.

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1 MS. ROSE: The first case is Application No. 19857
2 of Deon George pursuant to 11 DCMR, Subtitle X, Chapter 9 for
3 a special exception under Subtitle F, Section 5201 from the
4 rear yard requirements of Subtitle F, Section 305.1 to
5 construct a rear deck addition to an existing principal
6 dwelling unit in the RA-1 Zone at premises 5036 Kimi Gray
7 Court, S.E., Square 5318, Lot 233.

8 BZA CHAIR HILL: All right, great. Thank you.
9 Is the board ready to deliberate?

10 Okay, I can start. I thought the record was
11 pretty full, and after reviewing it I didn't have an issue
12 with this expedited review. I saw that the Office of
13 Planning's report I thought was concise in its analysis in
14 terms of how they were meeting the requirements for the
15 special exception. Also, I thought that we did get a letter
16 from the SMD indicating that this particular ANC does not
17 vote on these type of issues but that they were in support
18 of the application. Unfortunately, that doesn't fall under
19 the great weight category; however, I was also comforted by
20 that analysis that the SMD had provided. DDOT didn't have
21 any objection, and so I would be in favor of this
22 application. Does anyone have anything they'd like to add?

23 MEMBER WHITE: Yes, I concur with you, Mr. Chair.
24 And also I'd add that there's also three letters of support
25 from neighbors in addition to the SMD letter of support that

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1 you mentioned, and that the applicant has, after reviewing
2 the criteria for the special exception under F, 5201.3, I
3 think they met the criteria. So I'm in favor of the
4 application.

5 BZA CHAIR HILL: Anyone else?

6 All right, then I'm going to go ahead and make a
7 motion to approve Application No. 19857 as captioned and read
8 by the secretary and ask for a second?

9 MEMBER WHITE: Second.

10 BZA CHAIR HILL: Motion made and seconded. All
11 those in favor say aye.

12 (Chorus of aye.)

13 All those opposed?

14 The motion passes. Ms. Rose?

15 MS. ROSE: Staff will record the vote as 5 to 0
16 to 0 with a motion by Mr. Hill, seconded by Ms. White, with
17 Mr. Hart, Ms. John, and Mr. Hood in support of the motion to
18 approve.

19 Next is Application No. 19858 of Alexandra
20 Lewin-Zwerdling and Alexander Zwerdling, pursuant to 11 DCMR
21 Subtitle X, Chapter 9, for a special exception under Subtitle
22 D, Section 5201 from the rear yard requirements of Subtitle
23 D, Section 306.1 to construct a two-story rear addition to
24 an existing principal dwelling unit in the R-1-B Zone at
25 premises 3400 McKinley Street, N.W., Square 1996, Lot 13.

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1 BZA CHAIR HILL: Thank you. Is the board ready
2 to deliberate?

3 Okay, I can again start. As the previous case I
4 thought that the record was quite full and that the applicant
5 had made its argument in terms of how we should or could
6 approve this. In addition to that, I thought that the Office
7 of Planning's analysis was also very thorough and they were
8 in support, as well as the vote from ANC of 7 to 0 in terms
9 of their support. There was also six letters in support, but
10 besides all that I also did believe that they met the
11 criteria for us to grant the application. I would be voting
12 in approval. Would anyone else like to add anything?

13 MEMBER HART: Mr. Chairman, I would also -- after
14 reviewing the full record, I would also be able to support
15 the applicant and the -- I would also cite the OP report and
16 they discussed how the applicant was meeting the criteria,
17 and I just felt that I agreed with that and think that we
18 should be approving this application as well. I didn't need
19 to add a whole lot, but that's it.

20 BZA CHAIR HILL: Okay, great. Thank you. Anyone
21 else?

22 Okay, I'm going to make a motion to approve
23 Application No. 19858 as captioned and read by the secretary
24 and ask for a second.

25 MEMBER HART: Second.

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1 BZA CHAIR HILL: Motion made and seconded. All
2 those in favor say aye.

3 (Chorus of aye.)

4 All those opposed?

5 The motion passes. Ms. Rose?

6 MS. ROSE: Staff will record the vote as 5 to 0
7 to 0 with a motion by Mr. Hill, seconded by Mr. Hart, with
8 Ms. White, Ms. John, and Mr. Hood in support of the motion
9 to approve the application.

10 Finally, there's a Modification of Consequence in
11 Application No. 18606A of The Family Place pursuant to 11
12 DCMR, Subtitle Y, Section 703 for a Modification of
13 Consequence to three of the conditions in BZA Order No. 18606
14 to permit a community service center in the R-5-B district
15 at premises 3309 16th Street, N.W., Square 2676, Lot 469.

16 BZA CHAIR HILL: Okay. Is the board ready to
17 deliberate?

18 Okay. So at the September 12th meeting the board
19 continued its decision to allow the full ANC to consider this
20 particular modification, and we have heard from the ANC, and
21 they are in support of the application. The Office of
22 Planning also has provided their report, and they are also
23 in support of the modification. The modification, again,
24 would be to eliminate Condition 1 for the eight-year time
25 limit; it would also be to change the hours of operation from

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1 9:00 a.m. to 7:30 p.m. to 8:30 a.m. to 9:00 p.m. Monday
2 through Friday. And then Condition 4 would be to increase
3 the number of participants from 45 to 60.

4 I mean, I thought after reading more about the
5 record and the organization, the organization sounds like a
6 wonderful organization again and has been doing a good job
7 for the community. So I would be in agreement with the
8 analysis provided by the Office of Planning as well as the
9 recommendations of ANC 1A and be voting in approval. Would
10 anyone else like to add anything?

11 MEMBER WHITE: I would just add, Mr. Chair, that
12 this is a community service center that's been in effect and
13 in operation at 3309 16th Street. I don't know if they were
14 at that particular location the entire time, but they've been
15 a good neighbor for 30 years, so this is basically just
16 modifying two of the conditions that were in the existing
17 order. So all the other conditions would remain in effect,
18 so I would be in support of the application for The Family
19 Place.

20 BZA CHAIR HILL: Anyone else? Then I'll go ahead
21 and make a motion to approve Application No. 18606A as
22 captioned and read by the secretary and ask for a second.

23 MEMBER HART: Second.

24 BZA CHAIR HILL: Motion made and seconded. All
25 those in favor say aye.

1 (Chorus of aye.)

2 All those opposed?

3 The motion passes. Ms. Rose?

4 MS. ROSE: Mr. Chairman, we have an absentee
5 ballot from Mr. May who participated in the application, and
6 therefore staff would record the vote as 5 to 0 to 0 with the
7 motion by Mr. Hill seconded by Mr. Hart. Also in support of
8 the motion is Ms. White, Ms. John, and Mr. May by absentee
9 ballot.

10 (Whereupon, the above-entitled went off the record
11 at 9:49 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: DCBZA

Date: 10-17-18

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.



Court Reporter

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