

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

JANUARY 16, 2019

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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 9:43 a.m., Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
LESYLLEE M. WHITE, Board Member

ZONING COMMISSION MEMBER PRESENT:

MICHAEL TURNBULL, Member

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

## OFFICE OF PLANNING STAFF PRESENT:

ELISA VITALE  
BRANDICE ELLIOTT  
JONATHAN KIRSCHENBAUM  
KAREN THOMAS  
ANNE FOTHERGILL  
MATT JESICK

The transcript constitutes the minutes from the  
Public Meeting held on January 16, 2019.

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

(9:43 a.m.)

CHAIRMAN HILL: Okay, good morning, everyone. The hearing will please come to order. We are located in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W.

This is the January 16, 2019, Public Hearing of the Board of Zoning Adjustment of the District of Columbia. My name is Fred Hill, Chairperson. Joining me today is Lesyllee White, Board Member, and representing the Zoning Commission is Michael Turnbull.

Copies of today's hearing agenda are available to you and are 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 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 are finished speaking please turn off your microphone 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

1 witness cards. These cards are located on the table near the  
2 door and on the witness table.

3           Upon coming forward to speak to the Board please  
4 give both cards to the reporter sitting to the table at my  
5 right. If you wish to file written testimony or additional  
6 supporting documents today please submit one original and 12  
7 copies to the Secretary for distribution.

8           If you do not have the requisite number of copies  
9 you can reproduce copies on an office printer in the Office  
10 of Zoning located across the hall. Please remember to  
11 collate each set of copies.

12           The order of procedures for special exceptions,  
13 variances, and appeals are also listed as you come walking  
14 into the door. The record shall be closed at the conclusion  
15 of each case except for any material specifically requested  
16 by the Board.

17           The Board and the Staff will specify at the end  
18 of the hearing exactly what is expected and the date when the  
19 persons must submit the evidence to the Office of Zoning.  
20 After the record is closed no other information shall be  
21 accepted by the Board.

22           The Board's agenda includes cases set for  
23 decision. After the Board adjourns the Office of Zoning in  
24 consultation with myself will determine whether a full or  
25 summary order may be issued.

1           A full order is required when the decision is  
2 adverse to a party, including an affected ANC. A full order  
3 may also be needed if the Board's decision differs from the  
4 Office of Planning's recommendation.

5           Although the Board favors the use of summary  
6 orders whenever possible an applicant may not request the  
7 Board to issue such an order.

8           The District of Columbia Administrative Procedures  
9 Act requires that the public hearing on each case be held in  
10 the open before the public pursuant to Section 405(b) and 406  
11 of that Act.

12           The Board may, consistent with its rules of  
13 procedures and the Act, enter into a closed meeting on a case  
14 for purposes of seeking legal counsel on a case pursuant to  
15 D.C. Official Code Section 2-575(b)(4) and/or deliberating  
16 on a case pursuant to D.C. Official Code Section 2-575(b)(13)  
17 but only after providing the necessary public notice and in  
18 the case of an emergency closed meeting after taking a roll  
19 call vote.

20           The decision of the Board in cases must be based  
21 exclusively on the public record. To avoid any appearance  
22 to the contrary the Board requests that persons present not  
23 engage the members of the Board in conversation.

24           Please turn off all beepers and cell phones at  
25 this time so as not to disrupt the proceedings. Preliminary

1 matters are those which relate to whether a case will or  
2 should be heard today, such as request for a postponement,  
3 continuance, or withdraw, or whether proper and adequate  
4 notice for the hearing has been given.

5           If you are not prepared to go forward with the  
6 case today or if you believe that the Board should not  
7 proceed now is the time to raise such a matter. Mr.  
8 Secretary, do we have any preliminary matters?

9           MR. MOY: Good morning, Mr. Chairman, Members of  
10 the Board. I do have additional information regarding cases  
11 scheduled for today's docket.

12           First, Case Application Number 19898 of Michael  
13 Silvestro has been postponed/rescheduled to February 6, 2019,  
14 Application Number 19899 of Christopher Turner and Elizabeth  
15 Repko postponed/rescheduled to March 6, 2019, Application  
16 Number 19872 of Rupsha, R-U-P-S-H-A, 2011, LLC, has been  
17 postponed/rescheduled to February 13, 2019, and Application  
18 Number 19896 of Adams Morgan Friends and Allies  
19 postponed/rescheduled to March 6, 2019.

20           Other than that, Mr. Chairman, there are some  
21 other matters, but the Board can address those when I call  
22 the case.

23           CHAIRMAN HILL: Okay. Good morning, everyone.  
24 If you are here wishing to testify before the Board if you  
25 could please stand and take the oath administered by the

1 Secretary to my left.

2 MR. MOY: Good morning. Do you solemnly swear or  
3 affirm that the testimony you are about to present in this  
4 preceding is the truth, whole truth, and nothing but the  
5 truth?

6 (Off microphone comments)

7 MR. MOY: Ladies and gentlemen, you may consider  
8 yourselves under oath.

9 CHAIRMAN HILL: Okay. Good morning, everybody.  
10 We are going to be working through this day in a slower way  
11 than, or in a different way than I had initially thought.  
12 There is quite a few people that are sick on the Board and  
13 then the furlough has ended up affecting the Board in terms  
14 of some people that are able to participate.

15 So the first case I believe, Mr. Moy, and I don't  
16 know if you want to call it for decision and we'll talk about  
17 it.

18 MR. MOY: Yes, thank you, Mr. Chairman. So I will  
19 read this for the record. This is the one case for decision  
20 making, which is Application Number 19823 of Wisconsin Avenue  
21 Baptist Church, caption advertised for special exceptions  
22 under the use requirements, Subtitle U, Section 203.1(f) and  
23 under Subtitle C, Section 1402, from the retaining wall  
24 requirements of Subtitle C, 1401.3(c), and pursuant to  
25 Subtitle X, Chapter 10, for variances from the height



1 limitations of Subtitle D, Section 303.1, lot occupancy  
2 requirements of Subtitle D, Section 304.1, and from the side  
3 yard requirements of Subtitle D, Section 307.1, to construct  
4 a new four-story church and continuing care retirement  
5 facility, R-1-B Zone, at 3920 Alton Place, N.W., Square 1779,  
6 Lot 14.

7 CHAIRMAN HILL: Okay. Thank you, Mr. Moy. So,  
8 fellow Board Members, I guess this was set on the meeting  
9 agenda for deliberations today, but, unfortunately we don't  
10 have a quorum for this particular application and so I know  
11 that we are going to have also -- I guess we are off next  
12 week due to the Martin Luther King, Jr., holiday, and then  
13 the following week there is a conflict I know with another  
14 board member, and so, Mr. Moy, I think the week after that  
15 we could set this for deliberations again, and if you could  
16 tell me what date that is.

17 MR. MOY: Yes, sir. That would be February 6th.

18 CHAIRMAN HILL: Okay. So we'll go ahead and move  
19 that to February 6th, unless anyone on the Board has any  
20 other objections to that, and so we'll go ahead and do that  
21 Mr. Moy. So that's the end of our hearing cases for today.

22 (Whereupon, the above-entitled matter went off the  
23 record at 9:50 a.m.)

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