

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

OCTOBER 16, 2019

+ + + + +

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 L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBERS PRESENT:

ROBERT MILLER, Vice Chair

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.
JACOB RITTING, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

MATTHEW JESICK
STEPHEN J. MORDFIN
ELISA VITALE

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

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

9:30 a.m.

CHAIRPERSON HILL: All right, the hearing will please come to order. We're located in the Jerrily R. Kress Memorial hearing room at 441 4th Street. This is the 10/16 public hearing of the Board of Zoning Adjustment of the District of Columbia.

My name is Fred Hill, Chairperson. Joining me today is Carlton Hart, Vice Chair; Lorna John, Board Member; and representing the Zoning Commission is Rob Miller.

Copies of today's hearing agenda are available to you and are located in 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'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

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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 at the table to my
5 right.

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

13 The order and procedures for special exceptions,
14 variances and appeals, is also listed as you walk into the
15 room.

16 The record shall be closed at the conclusion of
17 each case except for any materials specifically requested by
18 the Board. The Board and the staff will specify at the end
19 of the hearing exactly what is expected and the date when the
20 person must submit the evidence to the Office of Zoning.

21 After the record is closed, no other information
22 shall be accepted by the Board. The Board's agenda includes
23 cases set for decision. After the Board adjourns, the Office
24 of Zoning, in consultation with myself, will determine
25 whether a full or summary order may be issued.

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1 A full order is required when the decision it
2 contains is adverse to a party, including an affected ANC.
3 A full order may also be needed if the Board's decision
4 differs from the 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 decision of the Board in cases must be based
9 exclusively on the public record. To avoid any appearance
10 to the contrary, the Board requests that persons present not
11 engage the members of the Board in conversation. Please turn
12 off all beepers and cellphones at this time so as not to
13 disrupt these proceedings.

14 The District of Columbia Administrative Procedures
15 Act requires that the public hearing on each case be held in
16 the open before the public pursuant to Section 405(b) and 406
17 of that Act.

18 The Board may, consistent with its rules,
19 procedures and the Act, enter into a closed meeting on an act
20 for purposes of seeking legal counsel in a case pursuant to
21 DC Official Code, Section 2-575(b)(4), and/or deliberating
22 a case pursuant to DC Official Code, Section 2-575(b)(13),
23 but only after providing the necessary public notice and the
24 case for emergency closed meeting after taking a roll call
25 vote.

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

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

10 MR. MOY: Good morning, Mr. Chairman, members of
11 the Board. I do have a brief announcement for the record
12 regarding cases on today's hearing docket.

13 First, case application number 20092 of James J.
14 Hogan, Jr., has been withdrawn by the applicant. Application
15 number 20121 of Bridges 2 Psychological Services and
16 Consultation LLC has been postponed, rescheduled to
17 October 30, 2019.

18 Application number 20124 of Sam and Jolle Ballew,
19 B-A-L-L-E-W, again has been postponed and rescheduled, but
20 to October 23, 2019.

21 And finally, case application number 20044 of
22 Madison Heights LLC postponed, rescheduled to November 6,
23 2019. Any other preliminary matters, Mr. Chairman, staff
24 would suggest that the Board address those when I call the
25 case.

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1 CHAIRPERSON HILL: Okay, thank you, Mr. Moy. All
2 right, if anybody wants to testify today, if you could please
3 stand and take the oath administered by the Secretary to my
4 left.

5 (Witnesses sworn.)

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

8 CHAIRPERSON HILL: Okay, everybody. Welcome.
9 Nice to see so many smiling faces today. Sorry we're getting
10 a little late start but there was a baseball game last night
11 that we won. We, meaning the city. I had nothing to do with
12 it. And -- yeah, that's it. Okay, Mr. Moy, you can call our
13 first meeting case if you'd like.

14 MR. MOY: All right, thank you, Mr. Chairman. So,
15 the first case application for a decision is application
16 number 20120 of Robert Sale and Katherine Leland. This is
17 an expedited review calendar case where the applicant is
18 requesting special exception under Subtitle D, Section 5201,
19 from the side yard requirements of Subtitle D, Section 206.7,
20 and from the non-conforming structure requirement,
21 Subtitle C, Section 202.2.

22 This would construct a second story rear addition
23 to an existing, detached, principal dwelling unit, R2 zone,
24 at 3917 Military Road, NW, Square 1750, Lot 57.

25 CHAIRPERSON HILL: Okay. Is the Board ready to

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1 deliberate? Okay, I can start. After reviewing the record,
2 I didn't particularly have any issue with this expedited
3 review.

4 I mean, there might be some questions that
5 somebody wants to raise, or some issues that anyone wants to
6 talk about, but in general, I was in agreement with the
7 analysis that was provided by the Office of Planning, as well
8 as DDOT, as well as ANC 3G. Also, the burden of proof
9 provided by the applicant. And so I didn't have any issues.

10 And both immediate neighbors were also in support
11 of the application and I do believe that they meet the
12 criteria to grant this expedited review. Is there anything
13 anyone else would like to add?

14 VICE CHAIRPERSON HART: Yeah. Only -- I would
15 agree with you, Mr. Chairman. I would only just note that
16 the property actually had another approval that was back in
17 '92. And that was for the first story expansion to the back.
18 This project that's before us is for the second story rear
19 addition to that same area that was expanded back in the
20 early '90s.

21 But I didn't have any issue with it. I thought
22 it was fine on the expedited review calendar and would be
23 supportive of the application, echoing the statements you
24 made earlier.

25 CHAIRPERSON HILL: Okay. I'm going to make a

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1 motion to approve application number 20120, as captioned and
2 read by the Secretary, and ask for a second.

3 VICE CHAIRPERSON HART: Second.

4 CHAIRPERSON HILL: Motion has been made and
5 seconded. All those in favor, say aye.

6 (Chorus of aye.)

7 CHAIRPERSON HILL: All those opposed? The motion
8 passes, Mr. Moy.

9 MR. MOY: Staff would record the vote as 4-0-1.
10 This is on the motion of Chairman Hill to approve the
11 application for the relief requested. Seconding the motion
12 is Vice-Chair Hart. Also in support, Ms. John and Zoning
13 Commissioner Robert Miller. No other Board members present.

14 CHAIRPERSON HILL: Thank you, Mr. Moy. And just
15 for everyone in the audience, I neglected to mention we are
16 going to follow the agenda, except for during the hearing
17 cases.

18 We're going to move the appeal, which is Appeal
19 number 20026, up to the first item on the docket. Other than
20 that, we're going to go through our meeting decisions first,
21 and then get to the hearing. Thank you. Mr. Moy, you can
22 call the next one when you get a chance.

23 MR. MOY: Thank you, Mr. Chairman. The second
24 case application, which is an expedited review case, is
25 number 20122, Emilio Vasquez and Blakeney Vasquez.

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1 This is a request for a special exception under
2 Subtitle D, Section 5201, from the minimum rear yard
3 requirements, Subtitle D, Section 306.2, to construct a rear
4 deck addition to an existing, detached principal dwelling
5 unit, R3 zone. This is at 1021 Cook Drive, SE, Square 5912,
6 Lot 55.

7 CHAIRPERSON HILL: Thank you, Mr. Moy. Is the
8 Board ready to deliberate? Okay, I can go ahead and start.
9 As with the last one, in terms of this expedited review, I
10 did not particularly have any issues with it. I thought that
11 it was relatively straightforward.

12 I would agree with the Office of Planning's
13 recommendation, as well as the support that ANC 8E has
14 provided. Also, the adjacent neighbors were also in support,
15 and DDOT didn't have any objections.

16 So, I would be voting in favor of this
17 application. Is there anything anyone else would like to
18 add? I'm going to go ahead and make a motion to approve
19 application number 20122, as captioned and read by the
20 Secretary, and ask for a second.

21 MEMBER JOHN: Second.

22 CHAIRPERSON HILL: Motion has been made and
23 seconded. All those in favor, say aye.

24 (Chorus of aye.)

25 CHAIRPERSON HILL: All those opposed? The motion

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1 passes, Mr. Moy.

2 MR. MOY: Staff would record the vote as 4-0-1.
3 This is on the motion of Chairman Hill to approve the
4 application for the relief requested. Seconding is -- I'm
5 going to give this to Ms. John. And also in support of the
6 motion is Vice-Chair and Zoning Commissioner Robert Miller.
7 And no other members present.

8 CHAIRPERSON HILL: Thank you, Mr. Moy.

9 MR. MOY: All right, Mr. Chairman. What is before
10 the Board is a motion for advanced party status that was
11 filed by a Taylor and Sarah Nickel, and Peter and Brittany
12 Bepler, B-E-P-L-E-R.

13 This goes to application number 20144 of David
14 Barth and Lisa Kays. Yeah, let me read this for the record.
15 So, the case is for a special exception under Subtitle E,
16 Section 205.5, and 5201 from the rear addition requirement,
17 Subtitle E, Section 205.4, from the lot occupancy
18 requirement, Subtitle E, Section 404.1, and from the
19 accessory building rear yard requirement, Subtitle E,
20 Section 5004.1, to construct a two-story rear addition with
21 a basement to an existing, attached principal dwelling unit,
22 and a second story addition to a detached accessory building,
23 RF2 zone. This is at 1832 15th Street, NW, Square 191,
24 Lot 56. And again, what is before the Board is a motion for
25 advanced party status.

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1 CHAIRPERSON HILL: Okay. Are the people here that
2 are requesting party status here? If you can come forward,
3 please. The applicant's not here by any chance, are they?
4 Or is --

5 MR. MOY: I don't believe so. I don't see them.
6 But I believe the applicant did make a filing on the record.

7 CHAIRPERSON HILL: If you could please just
8 introduce yourselves for the record.

9 MR. BEPLER: Good morning. My name is Peter
10 Bepler. I'm the owner at 1830 15th Street, NW, which is the
11 property just south of 1832.

12 CHAIRPERSON HILL: Okay, great.

13 MR. NICKEL: And my name is Taylor Nickel,
14 property owner at 1834, the adjacent property to the north.

15 CHAIRPERSON HILL: Okay, great.

16 MS. MAZO: Samantha Mazo of Cozen O'Connor. We
17 represent both the Nickels and the Beplers.

18 CHAIRPERSON HILL: Okay. All right. So, I mean,
19 I'll let the Board ask any questions if they have any
20 questions. I mean, I've reviewed the file, in terms of the
21 advanced party status, and you guys are both the adjacent
22 neighbors to the property. So, I also see how you meet the
23 criteria for us to grant party status. So, I don't have any
24 issues granting you guys party status.

25 In addition to that, the applicant itself didn't

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1 have any issues with granting you party status. Does the
2 Board have any questions for anybody? Okay, then, in that
3 case, what I will just mention is that the -- to Mr. Bepler
4 and Mr. Nickel, is that correct?

5 So, I think, Mr. Moy, when are we going to hear
6 this? In January?

7 MR. MOY: It's scheduled for -- I'm sorry,
8 Mr. Chairman. I'm flipping through my --

9 CHAIRPERSON HILL: Sure. Maybe -- Ms. Mazo.

10 MS. MAZO: I believe it's on the schedule for
11 January 15th.

12 CHAIRPERSON HILL: Okay. All right, that's fine.
13 So, all I was just going to mention is, again -- I doubt
14 you've done this before.

15 I don't know if you have or not. But if you want
16 to go ahead and take a look -- and I haven't had a chance to
17 review the record yet, but you'll have a chance to review the
18 record, look at the Office of Planning's report, kind of
19 obviously consult with your attorney and kind of learn a
20 little bit more about, you know, we'll be speaking to what
21 the standard is, in terms of granting the relief that's being
22 requested, and so that just might be helpful for you both,
23 so that when we go through the process, and I'm sure Ms. Mazo
24 will be able to tell you, in terms of how we go through the
25 process, in terms of like, questions, and things like that.

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1 And so, we'll look forward to seeing you in
2 January. Okay, thank you.

3 MR. MOY: Thank you.

4 MS. MAZO: Thanks.

5 MR. MOY: The Board granted by consensus,
6 Mr. Chair?

7 CHAIRPERSON HILL: Yes. Yes.

8 MR. MOY: All right, the next case application
9 before the Board for a decision is application number 20123
10 of Darius Arod, as amended, for a special exception under
11 Subtitle D, Section 5201, from the rear yard requirements of
12 Subtitle D, Section 306.2, to construct a rear deck addition
13 and a rear porch addition to a detached, principal dwelling
14 in the R3 zone. This is at 1440 T Street, SE, Square 5605,
15 Lot 835.

16 CHAIRPERSON HILL: All right, is the Board ready
17 to deliberate? Okay. So, we heard this last week and there
18 were some items that we were a little bit confused about.

19 And so, I think we have gotten clarification from
20 the zoning administrator, and also the applicant has
21 withdrawn the side yard requirements of Subtitle D, 206.2.
22 So, the applicant was directed to file accurate plans. And
23 again, we have gotten updated ZA input.

24 We've gotten a second supplemental from the Office
25 of Planning in Exhibit 38 and they're continuing to be in

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1 support of this application. I know that, again, last week
2 we were a little bit confused as to certain things that the
3 applicant was -- oh there's just the three over here --
4 asking for.

5 And so, I do believe that now we have the
6 clarification that we need and now it's all kind of a little
7 bit more tidy than it was from last week. And so, I am
8 comfortable with the analysis that has been provided by the
9 Office of Planning, as well as the applicant's burden of
10 proof and what they had presented last week, and would be in
11 favor of this application. Is there anything that you would
12 like to add, Board members?

13 VICE CHAIRPERSON HART: Yeah. Only that I agree
14 with you in terms of being in support of the application, and
15 would be voting in support of the application. I found the
16 drawings to be -- they were inconsistent with what the Office
17 of Planning was saying, and that the zoning administrator
18 memo also stated.

19 And so, the inconsistency was the problem. It
20 was -- we just didn't have the drawings that actually showed
21 what the applicant was stating on the record as what they
22 were seeking relief for.

23 And so, it was more confusing because there wasn't
24 a consistency with the drawings that we had that were
25 consistent with the relief that they were requesting, and

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1 that the zoning administrator, who put a memo in, stated that
2 they needed the relief, partially because they had seen other
3 drawings.

4 So, now we have drawings in Exhibit 40 that
5 clearly show that that side yard -- what that side yard
6 dimension is, and that the new addition -- the deck that they
7 are proposing on that side yard, is not actually
8 coming -- it's outside of that -- what is it, five-yard --
9 it's greater than the five-foot side yard that was required.
10 And so, they no longer need that relief.

11 So, I think that it's extremely helpful to have
12 all of the drawings and information in the record now, and
13 I'd be supportive of the application. And I'll make a motion
14 to approve application number 20123 of Darius Arod. And so
15 this needs to be --

16 CHAIRPERSON HILL: And he read it that way, but
17 you can go ahead.

18 VICE CHAIRPERSON HART: Okay. As amended,
19 pursuant to 11 DCMR Subtitle X, Chapter 9 for special
20 exception under Subsection 5201, from the rear yard
21 requirements of Subtitle D, 306.2, and to construct a rear
22 deck addition and a rear porch addition to a detached
23 principal dwelling in the R3 zone at premises 1440 T Street,
24 SE, Square 5605, Lot 835.

25 MEMBER JOHN: I'll second.

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1 VICE CHAIRPERSON HART: Thank you.

2 CHAIRPERSON HILL: Motion made and seconded. All
3 those in favor, say aye.

4 (Chorus of aye.)

5 CHAIRPERSON HILL: All those opposed? The motion
6 passes, Mr. Moy.

7 MR. MOY: Mr. Chairman, before I give the final
8 vote count, we do have an absentee ballot from Zoning
9 Commissioner Peter May, who participated on this application.
10 And his absentee vote is to approve the application. Yes,
11 so that would give a final vote of 4-0-1.

12 And this is on the motion of Vice-Chair Hart to
13 approve the application for the amended relief requested.
14 Seconding the motion, Ms. John. Also in support, Chairman
15 Hill and, of course, Zoning Commissioner Peter May. And no
16 other Board members present.

17 CHAIRPERSON HILL: Thank you, Mr. Moy.

18 MR. MOY: The next case for a decision is
19 application number 18770-C of IMA Pizza Store 11, LLC. This,
20 Mr. Chairman, is a request for a modification of consequence
21 to amend condition number 1 in BZA order number 18770-B.

22 This would modify the time limit of the order for
23 an additional ten years in an existing building, MU-25 Zone
24 at premises 405 8th Street, SE, Square 902, Lot 36.

25 CHAIRPERSON HILL: All right, is the Board ready

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1 to deliberate? Okay. That's funny. I mean, these things --
2 sometimes I kind of want to talk to people more. But in this
3 particular case, like we did get the input from the ANC.
4 They just came in. Otherwise, I would not -- I possibly would
5 have liked to have spoken with the applicant a little bit.

6 I think that their request and what they have in
7 the record is justifiable. And I think that I could get
8 behind it, in terms of the time extension. I would note,
9 however, that if we did do that, there was a bunch of
10 conditions that went with the first order.

11 And I would like to clarify some of those
12 conditions if we do think that we're going to be able to --
13 or that we're comfortable approving this modification of
14 consequence.

15 One of the items, I guess, is actually to set an
16 end date for the modification, in terms of September 19,
17 2029, rather than just having an open period, just for
18 specificity's sake, and then kind of go through some of the
19 items for the conditions.

20 In general, however, I do think that the
21 applicant, from the record, has shown how this can be
22 approved as a modification of consequence and I would be in
23 favor of the application. Is there anything anyone would
24 like to clarify?

25 VICE CHAIRPERSON HART: Only that because there

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1 are so many different, I guess, amendments to this that
2 conditions 2 through 11 -- did you say this already?

3 CHAIRPERSON HILL: No, I didn't. That's fine.

4 VICE CHAIRPERSON HART: Okay, so 2 through 11 of
5 condition 18770-B should be maintained. And the -- so I just
6 wanted to make sure that that was kind of clear. We're
7 changing condition -- what is it, one -- in that order. And
8 I guess that's for 18770-A, if that makes sense.

9 CHAIRPERSON HILL: Yeah. I will clarify again,
10 but --

11 VICE CHAIRPERSON HART: Okay.

12 CHAIRPERSON HILL: Anything else from anyone?

13 MEMBER JOHN: I have a question.

14 CHAIRPERSON HILL: Sure.

15 MEMBER JOHN: In the Office of Planning's report
16 there are nine conditions. And I believe those nine might
17 have been modified in the first modification.

18 VICE CHAIRPERSON HART: Well, it says that they --

19 MEMBER JOHN: There's a -- I couldn't find a
20 paragraph 10. There's a new paragraph 11. I'm looking at
21 OP's report. So, the original order had nine conditions.
22 And then, the modification 18770-B revised several paragraphs
23 and added one, paragraph 11. So --

24 VICE CHAIRPERSON HART: In B.

25 MEMBER JOHN: Yes, in B.

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1 VICE CHAIRPERSON HART: Okay.

2 MEMBER JOHN: So, maybe a better way to do this
3 is to say that all other conditions remain in effect, rather
4 than go through all of the conditions.

5 CHAIRPERSON HILL: Yeah, I'm sorry. I wasn't
6 going to read through all the conditions. But then -- so
7 that -- from what I think I understand is that you're saying
8 on 18770-B there are -- so, 2 through 11, those conditions
9 would remain. Right? Correct?

10 MEMBER JOHN: Yes.

11 CHAIRPERSON HILL: And the one we're changing is
12 the one condition -- the first condition, which is the time
13 extension, that we would take to September 19, 2029.
14 Correct?

15 MEMBER JOHN: Yes, that would be correct.

16 CHAIRPERSON HILL: All right.

17 Mr. Miller? Anything?

18 ZC VICE-CHAIR MILLER: I'm ready to move it
19 forward.

20 CHAIRPERSON HILL: Okay, all right. Then, I'll
21 go ahead and make a motion to approve application
22 number 18770-C, as captioned and read by the Secretary, with
23 the change in condition number 1, from the 18770-B
24 conditions, to now go to September 19, 2029, and all other
25 conditions, 2 through 11, of order 18770-B, to remain

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1 unchanged, and ask for a second.

2 MEMBER JOHN: Second.

3 CHAIRPERSON HILL: The motion has been made and
4 seconded. All those in favor, say aye.

5 (Chorus of aye.)

6 CHAIRPERSON HILL: All those opposed? The motion
7 passes, Mr. Moy.

8 MR. MOY: Staff would record the vote as 4-0-1.
9 This is on the motion of Chairman Hill to approve the
10 modification of consequence and the changes, as you cited in
11 your motion.

12 Seconding the motion is Ms. John. Also in
13 support, Vice-Chair Hart, Zoning Commissioner Robert Miller,
14 and we have no other Board members present.

15 CHAIRPERSON HILL: All right, thank you, Mr. Moy.

16 MR. MOY: The last application for decision-
17 making, Mr. Chairman, is case application number 19618-A of
18 Hillsdale College.

19 This is a request for a two-year time extension
20 of BZA order number 19618 approving a special exception under
21 Subtitle U, Section 601.1(c).

22 This would permit a one-family dwelling unit in
23 an existing structure on an alley lot, RF3 zone. This is at
24 19 4th Street Rear Northeast, Square 816, Lot 18.

25 CHAIRPERSON HILL: All right, great. Thank you,

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1 Mr. Moy. Is the Board ready to deliberate? Okay. I can
2 start. So, after reviewing the record in terms of this time
3 extension, I didn't particularly have any issues with it.

4 I thought that they did provide good cause for the
5 extension. And that I would also agree with the Office of
6 Planning's analysis concerning that extension. They were
7 trying to deal with, I guess, or wait for Historic
8 Preservation Office. They're working with HPO.

9 And then, so I didn't have any issues with it.
10 And so, I'm going to be voting in favor. Is there anything
11 anyone would like to add, other than what was in the record?

12 VICE CHAIRPERSON HART: So, the ANC did give
13 their -- they submitted a letter in this --

14 CHAIRPERSON HILL: Yeah, the ANC. Yeah, I'm
15 sorry. I actually did not mention that. But yeah, the ANC
16 was in support and has submitted something into the record
17 stating so.

18 VICE CHAIRPERSON HART: That's it.

19 CHAIRPERSON HILL: Okay. Sure.

20 ZC VICE-CHAIR MILLER: Thank you, Mr. Chair. I
21 don't have a problem with the application going forward since
22 the Office of Planning is recommending it and the ANC 6C
23 unanimously supports it.

24 I did have a question in my mind though, as to
25 whether -- well, we're approving the extension of the order

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1 that approved a single-family dwelling on an alley lot.
2 That's the order that's being extended and the good cause is
3 the working with HPO, there's a change of ownership since the
4 original order was approved.

5 It's just that the applicant's own letter says
6 that they intend to use the dwelling as a guest house for
7 guests of Hillsdale College, a college I'm not familiar with.
8 But I just had a question in my mind as to whether that is
9 a permitted use in the RF zone.

10 It doesn't affect our -- we're not approving the
11 use here, but it's just a question, I wonder whether the
12 applicant has consulted with the zoning administrator whether
13 that guest house use would be permitted.

14 I guess the applicant is not -- it's not
15 appropriate in a decision meeting to ask a decision. But I
16 would put the applicant on notice that they need to check
17 that out and see if that is a permitted use in an RF zone,
18 a guest house use for guests of the college.

19 But I don't have a problem with it going forward.
20 We're approving this structure, not the use here. And if
21 there is a problem with the use, they'd have to come back for
22 a use variance or something before this Board.

23 CHAIRPERSON HILL: All right, thank you,
24 Commissioner. Yeah, I'm sure they're watching. So, they'll
25 at least be now kind of aware of that. All right, then I'm

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1 going to go ahead and make a motion to approve application
2 number 19618-A, as captioned and read by the Secretary, for
3 a time extension, and ask for a second.

4 MEMBER JOHN: Second.

5 CHAIRPERSON HILL: Motion has been made and
6 seconded. All those in favor, say aye.

7 (Chorus of aye.)

8 CHAIRPERSON HILL: All those opposed? The motion
9 passes, Mr. Moy.

10 MR. MOY: Staff would record the vote as 4-0-1.
11 This is on the motion of Chairman Hill to grant the request
12 for a two-year time extension. Seconding the motion is
13 Ms. John. Also in support, Vice-Chair Hart and Zoning
14 Commissioner Robert Miller. We have no other Board members
15 present. The motion carries, sir.

16 CHAIRPERSON HILL: All right, thank you, Mr. Moy.
17 So, we are going to move into our hearing cases. And I know
18 we've moved up that appeal to first.

19 However, there's apparently a technical issue with
20 someone's computer over here, Mr. Moy. So, we're going to
21 take a quick break in order to get a technical issue
22 resolved. And then we'll start back up here with the appeal.
23 Thank you.

24 (Whereupon, the above-entitled matter went off the
25 record at 10:24 a.m. and resumed at 10:31 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: 10-16-19

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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