

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

MAY 27, 2020

+ + + + +

The Regular Public Meeting convened via video teleconference, pursuant to notice, at 9:30 a.m. EDT, 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 MEMBER PRESENT:

PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

DANIEL BASSETT, ESQ.

This transcript constitutes the minutes from the Public Meeting held on May 27, 2020.

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

(9:48 a.m.)

1
2
3 CHAIR HILL: Right, okay. All right, I'm going
4 to read in now to our public meeting portion. So I read a
5 lot of the -- a lot of the similar boilerplate during the FM
6 BZA portion, but however, this meeting will please come to
7 order.

8 Good morning, ladies and gentleman. This is the
9 May 27th, 2020 public meeting of the Board of Zoning
10 Adjustment for the District of Columbia. It is being
11 convened by video conference. My name is Fred Hill,
12 Chairperson. Joining me today is Carlton Hart, Vice Chair;
13 Lorna John, Board Member; and representing the Zoning
14 Commission is Peter May.

15 Today's meeting agenda is available on the Office
16 of Zoning website. We do not take any public testimony at
17 our decision meetings. Please be advised that this
18 proceeding is being recorded by a court reporter. Does the
19 staff have any preliminary matters concerning the public
20 meeting, Mr. Moy?

21 MR. MOY: No. I do not, Mr. Chairman.

22 CHAIR HILL: Okay, great. Then if you would
23 please Mr. Moy, go ahead and call our first case.

24 MR. MOY: Okay, I believe that would be -- excuse
25 me -- Application No. 19618B of Hillsdale College. This is

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1 a request for a minor modification to the plans approved in
2 BZA Order No. -- excuse me -- in BZA Order No. 19618. This
3 would raise and rebuild the carriage house with an improved
4 structural integrity in the RF-3 Zone on Premises 19 4th
5 Street Rear Northeast, Square 816, Lot 18.

6 CHAIR HILL: Okay, great. Are we all ready to
7 deliberate? Okay, all right. Okay, so I can begin. After
8 reviewing the record, as well as the analysis of the Office
9 of Planning, I would also agree with the Office of Planning's
10 analysis in terms of the minor modification as the new
11 building would be a footprint of the original building and
12 the height would be less than the existing carriage house
13 height. Also I believe this would qualify for C203.6 or
14 qualify under in terms of that it's an exception exemption.
15 And that they're basically just rebuilding what was already
16 there. And that these are a modification to the plans.

17 In 19618, the ANC -- that was the original order -
18 the summary. The ANC was actually in support of that and
19 they were also in support of 19618A, which is the time
20 extension. In this particular case, we have a -- I don't
21 think there's specifically anything from the ANC, but I do
22 think that, you know, this is again something that they
23 didn't have any issues with prior to. And I do believe they
24 meet the criteria for us to grant this application.

25 Ms. John, would you like to -- I'm just going to

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1 go around the horn with everybody. Ms. John, would you like
2 to add anything?

3 MEMBER JOHN: I have nothing to add, Mr. Chairman.

4 CHAIR HILL: Okay.

5 MEMBER JOHN: I thought your analysis was fairly
6 clear because as we noted -- as you noted, this is in the
7 Historic District and it is, you know, a historic landmark.
8 And based on that designation, the structure can be built in
9 the original massing. So I would approve the application.

10 CHAIR HILL: Okay, great. That's great, Ms. John.
11 Thank you for your additional comments. Commissioner May?
12 You're on mute, Mr. May. Mr. May, you're on mute.

13 COMMISSIONER MAY: Got it. Am I unmuted now?

14 CHAIR HILL: Yes.

15 COMMISSIONER MAY: Okay, sorry about that. Yeah,
16 I don't have any concerns about this and it seems pretty
17 straightforward. And I agree with your analysis.

18 CHAIR HILL: Thank you. Vice Chair Hart?

19 VICE CHAIR HART: I didn't have anything
20 additional to add. And I would be supportive of this -- of
21 the project as well.

22 CHAIR HILL: Okay, all right. Then I'm going to
23 go ahead and make a motion to approve Application No. 19618B
24 as captioned and read by the Secretary and ask for a second.

25 MEMBER JOHN: Second.

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1 CHAIR HILL: The motion has been made and
2 seconded. Mr. Moy, would you please take a roll call vote?

3 MR. MOY: Yes. Thank you, Mr. Chairman. When I
4 call your name, if you would please reply. Ms. John?

5 MEMBER JOHN: Yes.

6 MR. MOY: Zoning Commissioner Peter May?

7 COMMISSIONER MAY: Yes.

8 MR. MOY: Vice Chair Hart?

9 VICE CHAIR HART: Yes.

10 MR. MOY: Chairman Hill?

11 CHAIR HILL: Yes.

12 MR. MOY: I believe the motion carries, Mr.
13 Chairman, by a vote of 4-0-1 with Ms. John seconding the
14 motion and we have a Board seat vacant. Again, the motion
15 carries 4-0-1.

16 CHAIR HILL: Okay, great. Thank you, Mr. Moy.
17 Mr. Moy, whenever you have a chance, if you'd like to read
18 our next case.

19 MR. MOY: Yes, that would be Application No.
20 19794A of Scott Giering, G-I-E-R-I-N-G. This is a request
21 for a two-year time extension of BZA Order No. 19794
22 approving special exceptions under Subtitle E, Sections 205.5
23 and 5201 for the rear addition requirements. Subtitle E,
24 Section 205.4, lot occupancy requirements, Subtitle E,
25 Section 304.1, rear yard requirements, Subtitle E, Section

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1 306.1 and from the nonconforming structure requirements of
2 Subtitle C, Section 202.2 to construct a 2-story rear
3 addition to an existing principal dwelling unit RF-1 Zone at
4 Premises 744 Hobart Place, Northwest, Square 2888, Lot 117.

5 CHAIR HILL: Okay, is the Board ready to
6 deliberate? If you could just all nod. Okay, great. All
7 right, I can go ahead and begin. I mean I did after
8 reviewing the record would agree with the argument that the
9 Applicant has made concerning the financial hardship. And
10 that the current public health emergency has required for the
11 time extension.

12 The ANC did submit an email that they will not be
13 providing a report concerning this, so they didn't
14 necessarily have any immediate issues or concerns with this.
15 The Office of Planning was in approval of the time extension.
16 They also agreed then with the argument that was put forth
17 by the Applicant. I believe -- so this, if we were to
18 approve this two-year time extension, it would go through
19 September 14th of 2022. And again, I didn't have any issues
20 with it and would agree with the Applicant in terms of their
21 argument.

22 Ms. John, may I begin with you, if you have
23 anything to add.

24 MEMBER JOHN: Nothing much to add. I agree with
25 your analysis. The Applicant has made a pretty good case

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1 that there's financial hardship with proceeding at this time,
2 so I would approve that.

3 CHAIR HILL: All right, Commissioner May?

4 COMMISSIONER MAY: I have no comments. I agree
5 with everything that's been said so far.

6 CHAIR HILL: Vice Chair Hart?

7 VICE CHAIR HART: I would also concur. I didn't
8 have anything additional to say, but good luck to them.

9 CHAIR HILL: Okay. All right, then I'm going to
10 make a motion to approve Application No. 19794A as captioned
11 and read by the Secretary and ask for a second.

12 MEMBER JOHN: Second.

13 CHAIR HILL: The motion has been made and
14 seconded. Mr. Moy, would you please go ahead and take a roll
15 call vote?

16 MR. MOY: Yes. Thank you, Mr. Chairman. If you
17 would please reply when I call your names. Ms. John?

18 MEMBER JOHN: Yes.

19 MR. MOY: Zoning Commissioner Peter May?

20 COMMISSIONER MAY: Yes.

21 MR. MOY: Vice Chair Hart?

22 VICE CHAIR HART: Yes.

23 MR. MOY: Chairman Hill?

24 CHAIR HILL: Yes.

25 MR. MOY: Staff would record the vote as 4-0-1 to

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1 approve the motion and 4-0-1, seconded by Ms. John. Also in
2 support Chairman Hill, Vice Chair Hart, Mr. May, and we have
3 a Board seat vacant. Motion carries sir.

4 CHAIR HILL: Okay, great.

5 MR. MOY: I should add for clarity of the motion
6 that this two-year time extension extends to September 14th,
7 2022. Correct?

8 CHAIR HILL: Yes.

9 MR. MOY: Okay, good. Thank you, sir.

10 CHAIR HILL: Okay, great. Thank you. All right
11 Mr. Moy, whenever you have a moment, you can call our next
12 case.

13 MR. MOY: All right Mr. Chairman, the next two
14 cases are similar requests for Board action to reopen the
15 record. The first is Application No. 19683 of Brian and
16 Carolyn Wise on -- do you wish for me to read the caption?

17 CHAIR HILL: Yes please, Mr. Moy.

18 MR. MOY: All right. This application was amended
19 for special exceptions under Subtitle U, Section 601.1C.
20 This would allow residential use on a alley lot not meeting
21 the matter of right requirements of Subtitle U, Section
22 600.1E. And under Subtitle E, Section 5204, it's in the rear
23 yard requirements of Subtitle E, Section 5104. And pursuant
24 to Subtitle X, Chapter 10 for area variances from the lot
25 area requirements of Subtitle E, Section 201.1, alley center

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1 line setback requirements, Subtitle E, Section 5104 in the
2 lot frontage and lot area requirements of Subtitle C, Section
3 303.3A and B to construct a two-story, one family dwelling
4 on an existing alley lot, RF-3 Zone. And this is at 260
5 Lincoln Court Southeast, Square 762, Lot 828.

6 CHAIR HILL: Okay, great. Thank you. Is the
7 Board ready to deliberate? Just all nod. Okay, all right.
8 So there was a couple things that we needed to clear up or
9 I wanted to try and clear up about this. And so first what
10 I would like to do is make a motion to rescind the prior vote
11 taken from May 9th, 2018 and continue our discussions on this
12 case. Could I get a second on the motion please?

13 MEMBER JOHN: Second.

14 CHAIR HILL: Mr. Moy actually -- and I don't know
15 whether even OAG is on the call for future -- I mean do you
16 need to now take a roll call on things such as this? Or can
17 I actually do a consensus and just a nod on the video call?

18 MEMBER JOHN: Maybe we should just take a roll
19 call.

20 CHAIR HILL: Yeah, we're going to take a -- we're
21 going to take a roll call vote now, but I'm curious if OAG,
22 Mr. Moy -- if consensus even works in this virtual thing.
23 So for now, if you can go ahead and take a roll call -- The
24 attorney in us -- The attorney on the Board has now said we
25 should take a roll call vote. So you can go ahead and take

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1 a roll call vote, Mr. Moy.

2 MR. MOY: All right so when I call your name,
3 please reply. Ms. John?

4 MEMBER JOHN: Was that me?

5 MR. MOY: Yes.

6 MEMBER JOHN: Yes, yes.

7 MR. MOY: Zoning Commissioner Peter May?

8 COMMISSIONER MAY: Yes.

9 MR. MOY: Vice Chair Hart?

10 VICE CHAIR HART: Yes.

11 MR. MOY: Chairman Hill?

12 CHAIR HILL: Yes.

13 MR. MOY: Mr. Daniel Bassett?

14 (Simultaneous speaking.)

15 CHAIR HILL: No, he's OAG.

16 MR. MOY: That's it.

17 CHAIR HILL: Okay, great. Thank you. All right
18 so -- Let's see, so -- I'm just trying to go back and clear
19 up some of this for the record and also for our discussion.
20 I mean we deliberated on this and denied the motion. And I
21 want to -- I wanted to dismiss (telephonic interference) area
22 variance from lot area requirements of Subtitle E 201.1
23 because that provision does not apply to an alley lot.
24 Therefore release from E 201.1 is unnecessary.

25 And then the other reasons in terms of why we're

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1 denying (telephonic interference) we went and deliberated
2 through that hearing that we most recently had -- or one we
3 had a few years ago during this case. And then also it would
4 be further explained when the order is coming up.

5 So I'm going to ahead and make a motion to again
6 deny Application No. 19683 as read by the Secretary and ask
7 for a second.

8 VICE CHAIR HART: Second.

9 CHAIR HILL: The motion has been made and
10 seconded. Oh I'm sorry, I apologize -- I didn't realize.
11 Is there anything anyone would like to add to that? You can
12 just shake your heads.

13 MEMBER JOHN: Just briefly, Mr. Chairman. We are
14 dismissing the Subtitle E 201.1, just to clarify.

15 CHAIR HILL: Yes.

16 MEMBER JOHN: My video wasn't working right.

17 CHAIR HILL: Yes. Thank you, Ms. John. Yes. So
18 I now make a motion to deny Application No. 19683, as well
19 as dismissing Subtitle E 201.1 and ask for a second.

20 MEMBER JOHN: Second.

21 CHAIR HILL: The motion has been made and
22 seconded. Mr. Moy, if you can please take a roll call vote.

23 MR. MOY: Yes. When I call your name, if you
24 would please reply. Ms. John?

25 MEMBER JOHN: Yes.

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1 MR. MOY: Zoning Commissioner Peter May?

2 COMMISSIONER MAY: Yes.

3 MR. MOY: Vice Chair Hart?

4 VICE CHAIR HART: Yes.

5 MR. MOY: Chairman Hill?

6 CHAIR HILL: Yes.

7 MR. MOY: The staff would report the vote as 4-0-

8 1. This is on the motion of Chairman Hill, seconded by Ms.

9 John. We have a Board seat vacant. The motion carries, sir.

10 CHAIR HILL: Great. Thank you, Mr. Moy.

11 MR. MOY: The next application is Application No.

12 19629 of Timothy and Charlotte Lawrence. This is a request

13 for special exceptions under Subtitle E, Section 5108.1 and

14 5204 from the rear yard requirements of Subtitle E, Section

15 5104.1 in side yard requirements, Subtitle E, Section 5105.1

16 and pursuant to Subtitle X, Chapter 10 for variances from the

17 lot frontage requirements of Subtitle C, Section 303.3A, lot

18 area requirements of Subtitle C, Section 303.3B, alley center

19 line setback requirements, Subtitle E, Section 5106.1 to

20 construct a garage structure on an alley lot RF-1 Zone. This

21 is at premises 1665 Harvard Street Northwest, rear, Section

22 258A, Lot 827.

23 CHAIR HILL: Is the Board ready to deliberate?

24 Can you just nod for me? Okay. All right, great. Thank

25 you.

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1 MEMBER JOHN: Yes.

2 CHAIR HILL: All right so this is again something
3 that we were took a few years ago, but there was a little bit
4 of -- I was interested in providing a little bit more clarity
5 in the captioning. And so what I'd like to do again is make
6 a motion to rescind the prior vote taken on May 9th, 2018 and
7 continue kind of the discussion. Could I get a second
8 please?

9 MEMBER JOHN: Second.

10 CHAIR HILL: All right. Mr. Moy, we've gone ahead
11 and made the motion and seconded it. If you could please
12 take a roll call on that motion.

13 MR. MOY: Yes. Again when I call your name,
14 please respond with a yes or no to the motion or abstain.
15 Chairman Hill?

16 CHAIR HILL: Yes.

17 MR. MOY: Vice Chair Hart?

18 VICE CHAIR HART: Yes.

19 MR. MOY: Ms. John?

20 MEMBER JOHN: Yes.

21 MR. MOY: And Zoning Commissioner Peter May?

22 COMMISSIONER MAY: Yes.

23 MR. MOY: The motion carries, sir. 4-0-1.

24 CHAIR HILL: All right, great. Thank you, Mr.
25 Moy. So now I have a clear captioning, I believe with --

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1 relief that was requested. And I do believe that, you know,
2 we still have our holding -- I'm holding to the discussions
3 that we made during our previous testimony, as well as now,
4 further clarity that will be put forth in the summary order
5 -- not a summary order -- in the order. And so I'm going to
6 go ahead and make a motion to deny again the Application
7 19629. However, prior to my doing that, is anything anyone
8 would like to add? And if so, you can just raise your hands.
9 No, okay.

10 All right, then I'm going to make a motion to
11 again deny Application No. 19629 as read by the Secretary and
12 ask for a second.

13 MEMBER JOHN: Second.

14 VICE CHAIR HART: Second.

15 CHAIR HILL: Mr. Moy, the motion has been made and
16 seconded. Could you please take a roll call vote?

17 MR. MOY: Again when I call your name, if you
18 would please reply with a yes, no, or abstain. Ms. John?

19 MEMBER JOHN: Yes.

20 MR. MOY: Zoning Commissioner Peter May?

21 COMMISSIONER MAY: Yes.

22 MR. MOY: Vice Chair Hart?

23 VICE CHAIR HART: Yes.

24 MR. MOY: Chairman Hill?

25 CHAIR HILL: Yes.

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1 MR. MOY: And for the record, I did note Vice
2 Chair Hart is seconding your motion. Staff can record the
3 vote as 4-0-1. And that one is a Board seat that's vacant.
4 The motion carries sir, to deny.

5 CHAIR HILL: Okay, great. Thank you, Mr. Moy.
6 All right, Mr. Moy, I guess there is -- and you can take a
7 minute there if you need to collect your papers. But there's
8 one more -- there's a motion on a preliminary matter.

9 MR. MOY: Yes, sir. There is. There's a
10 preliminary matter that's teed up for the Board. And this
11 is the Appellant's request to postpone a virtual hearing for
12 an in-person hearing, so that's before the Board. And for
13 the record, I'll go ahead unless you tell me otherwise, to
14 read the caption.

15 This is Appeal No. 20191 of DC for Reasonable
16 Development. And this appeal is captioned and advertised as
17 an appeal from the decision made on August 16, 2019 by the
18 Zoning Administrator, Department of Consumer and Regulatory
19 Affairs to issue Demolition Permit No D1600814 to permit the
20 demolition of several aspects of the McMillan Sand Filtration
21 Site. And from the decision made on August 27, 2019 by the
22 Zoning Administrator, Department of Consumer and Regulatory
23 Affairs to issue Foundation Permit No. FD1800040 to permit
24 the foundation of a new community center in the RA-2 Zone at
25 premises 2940 North Capitol Street Northwest, Square 3128,

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1 Lot 800.

2 CHAIR HILL: Okay. Is the Board ready to
3 deliberate?

4 MEMBER JOHN: Yes, sir.

5 CHAIR HILL: Okay. I don't know -- again and Ms.
6 John -- and this is just for future stuff like your camera
7 went in and out on that for me. You did not turn your camera
8 off. Correct, Ms. John?

9 MEMBER JOHN: No, I didn't.

10 CHAIR HILL: Okay. So when we're doing our full
11 hearing next week, if anyone -- any Board member has anything
12 to say, if they do not see me acknowledging their question,
13 please just continue to speak up because I can hear the audio
14 very clearly, but sometimes the video seems to be going in
15 and out for me. So just for everyone to know. Thank you.

16 With regard to the motions, I guess there's a
17 couple of preliminary motions on the table for us. There's
18 again the motion that has been put forward to postpone the
19 public hearing until we meet in-person again. And then also
20 a motion to dismiss from DCRA and the property owner. What
21 I would suggest is that, you know, this is up before us, I
22 think -- I don't know when this is up before us -- in July
23 sometime -- but what I'd like to do is just kind of set a
24 time for us to hear the preliminary matters and give everyone
25 an opportunity to submit into the record their issues or

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1 concerns about the preliminary matter.

2 So what I believe is that maybe on June 24th, we
3 can schedule for the preliminary motions and therefore by
4 June 8th -- and this is a timeline, Mr. Moy, if you could
5 make note of this -- by June 8th, 2020 at 11:55 p.m., parties
6 shall submit any motions on preliminary matters or provide
7 any updates to pending motions regarding preliminary matters
8 to the record and serve all parties.

9 By June 18th, 2020 at 11:59, parties shall submit
10 any responses to motions regarding preliminary matters to the
11 record and serve all parties. All parties are advised that
12 the deadlines that the Board has set in this matter are final
13 and any untimely submissions will not be permitted into the
14 record without a written explanation of good cause that the
15 Board determines is justified.

16 So again Mr. Moy, we will deliberate these
17 preliminary matters on June 24th. And then the timeline I've
18 set down here concerning when the record will be open for
19 responses, if you could go ahead and write that up and then
20 submit that into the record, so that the parties can all see
21 what the timeline is. This is at least my thought. Does the
22 Board have any -- and I'll go around in a circle here as to
23 whether or not you guys think this is a good way to approach
24 the preliminary matters. Ms. John, can I get your opinion
25 please?

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1 MEMBER JOHN: Mr. Chairman, I agree that it makes
2 -- for efficiency, it makes sense to schedule all of these
3 preliminary matters to be heard, you know, on June 24th.
4 Right now, we're not sure when we will pursue, you know,
5 hearings in-person and that depends on the health conditions
6 at the time. So I believe that this is an appropriate
7 response.

8 CHAIR HILL: Okay. Commissioner May?

9 COMMISSIONER MAY: I had to turn my camera off
10 because I was having some momentary problems with my
11 connection. But anyway, all good now. I agree with this
12 strategy, Mr. Chairman. And I don't know whether in fact
13 I'll be the Zoning Commissioner present on June 24th --
14 That's the date that this is going to come up again. Right?

15 CHAIR HILL: Yes.

16 COMMISSIONER MAY: Yeah, I'm not sure if I'll be
17 the one. But it's not necessary for me to necessarily be the
18 one. I don't know who's scheduled to hear the actual appeal
19 when it's handled in July. But you know, at this moment,
20 we're just considering the question of considering when we
21 will actually take up this motion with regard to whether or
22 not it should be an in-person hearing versus a virtual
23 hearing. So I support the position that you are posing at
24 this moment. And I may or may not be with this case
25 throughout. We'll see.

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1 CHAIR HILL: Okay, thank you. And at that time,
2 we would also bring up the preliminary motion to dismiss DCRA
3 and the property owner just for the record. Vice Chair Hart?

4 VICE CHAIR HART: Yes, I would agree with your
5 assessment as well. I just think that some of these -- in
6 this case, we need to have a little bit of time just to
7 understand where we are, what, in about a month. So I think
8 that, that's helpful for us. So I didn't have any issue
9 with, you know, giving us a little bit of time and giving the
10 various parties a chance to respond. So I'm in agreement.

11 CHAIR HILL: Okay, great. Thank you. And Mr.
12 Moy, is this currently scheduled for sometime in July?

13 MR. MOY: Yes, sir. The appeal itself is
14 scheduled for July 29th.

15 CHAIR HILL: Okay. Okay. And so at that time --
16 so on June 24th, we're going to discuss the preliminary
17 matters in terms of the motion to dismiss, as well as the
18 motion to postpone the hearing until the Board meets in-
19 person. I did want to make a note, I have read everything
20 in the record in terms of both motions.

21 And just wanted to make one point in that -- I
22 don't know what the Board's going to end up doing in terms
23 of postponing obviously the public hearing until we meet in-
24 person. However, what seems to be at issue was concern about
25 people having access to be able to participate virtually.

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1 And so what I'd like to just kind of put on the record also
2 is that, you know, the parties who have asked to postpone due
3 to inability for access virtually, if they could you know,
4 just go ahead and I don't know whether we're going to
5 postpone or not. But if we don't, please go ahead and try
6 to figure out how you're going to participate virtually so
7 that you can.

8 I mean, I just -- you know, right now, you have
9 two months until, you know, July, if we did do this in July.
10 I just want to kind of point out, you know, please try to
11 take some action to address any kind of accessibility
12 situation you may or may not have if in fact we did move
13 forward. But again, I don't know what we're going to do.
14 But I just wanted to mention that.

15 So okay, I don't think I need to make a motion for
16 that, Mr. Moy. Correct?

17 MR. MOY: No, I think that's --
18 (Telephonic interference.)

19 MR. MOY: But I do have two questions, Mr.
20 Chairman.

21 CHAIR HILL: Sure.

22 MR. MOY: For clarity and for my own verification.
23 So the June 24th date, is that a decision meeting or a
24 hearing?

25 CHAIR HILL: I think it would be a decision

1 hearing.

2 MR. MOY: Okay. I just wanted to be sure for the
3 record. And the expectations for the June 8th and June 18th
4 dates. Could you go over those again?

5 CHAIR HILL: Sure. So by June 8th, 2020 at 11:59
6 p.m., parties shall submit any motion on preliminary matters
7 or provide any updates to pending motions regarding
8 preliminary matters in the record to serve all parties. So
9 that's June 8th. And then I guess ten days later, you know,
10 parties -- ten days later, June 18th, 2020 at 11:59 p.m.,
11 parties shall submit any responses to those motions regarding
12 preliminary matters for the record and serve all parties.

13 MR. MOY: Okay, very good. Thank you very much,
14 Mr. Chairman. Okay. And just to let you know from the staff
15 viewpoint, we'll submit a written document into this case
16 (telephonic interference) for the record.

17 CHAIR HILL: Yeah, and then the parties can see
18 the dates.

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

20 CHAIR HILL: Okay. And I guess to your question
21 about a meeting or a hearing -- I mean I guess, you know, my
22 fellow Board Members, I say we go ahead and put it on for a
23 meeting for now. And then if we think that we needed to take
24 questions from the public -- if we didn't get enough
25 information in the record to base a decision, we can always

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1 move it into a hearing. Does that sound good with everyone?

2 MEMBER JOHN: That's fine with me, Mr. Chairman.
3 I would just encourage the parties to brief this issue fully
4 so that, you know, we might not need to go to a full hearing
5 on this.

6 CHAIR HILL: Okay. Mr. Hart?

7 VICE CHAIR HART: Yeah. I didn't have any issue
8 with it being a meeting. I'm fine with that.

9 CHAIR HILL: Okay. And Mr. May, we don't know if
10 you're going to be with us anyway. So do you have an opinion
11 on it?

12 COMMISSIONER MAY: No, I think it's fine either
13 way.

14 CHAIR HILL: Okay, all right.

15 COMMISSIONER MAY: What you're discussing is fine.

16 CHAIR HILL: Okay. All right, so then let's see,
17 I guess then that's it for today. Mr. Moy, there's nothing
18 else before the Board. Correct?

19 MR. MOY: That's correct, Mr. Chairman.

20 CHAIR HILL: Okay. So we'll see everyone next
21 week. And I look forward to our first official hearing. And
22 please have a nice week and stay safe.

23 (Whereupon, the above-entitled matter went off the
24 record at 10:21 a.m.)

25

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: 05-27-20

Place: teleconference

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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