

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

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WEDNESDAY

MAY 19, 2021

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via videoconference, 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, Vice-Chairperson
CARL BLAKE, Board Member

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY HOOD, Chairman
PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, Esquire

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The transcript constitutes the minutes from the Regular Public Meeting held on May 19, 2021

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

Case No. 20359 - Application of 1301 West Virginia, LLC . . . 5
Case No. 20472 - Application of The River School 9

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

(9:30 a.m.)

CHAIRPERSON HILL: This meeting, please come to order. Good morning, ladies. We're convening and broadcasting this decision meeting by video conference. This the May 19, 2021, public meeting session of the Board of Zoning Adjustment of the District of Columbia.

My name is Fred Hill, Chairperson. Joining me today is Lorna John, Vice Chair, and Board Member Carl Blake, and Zoning Commissioners Peter May and Anthony Hood.

Today's meeting agenda is available to you on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's meeting session.

Accordingly, everyone who is listening on Webex or by telephone will be muted during the meeting. We do not take any public testimony in our decision meetings.

If you're experiencing difficulty accessing Webex or with your telephone call-in, then please call our OZ hotline number at 202-727-5471 to receive Webex log-in or call-in instructions.

At the conclusion of this meeting session, I shall, in consultation with the Office of Zoning, determine whether full

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

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

8 Preliminary matters are those which relate to whether
9 a case will or should be heard today. Mr. Moy, do we have any
10 preliminary matters?

11 MR. MOY: Good morning, Mr. Chairman. Not any
12 outstanding order for the cases scheduled for the meeting
13 session, but if one does occur, I'll mention it beforehand.

14 CHAIRPERSON HILL: Okay, great. Thank you.

15 And Mr. Blake, if you wouldn't mind turning off your
16 camera, just so we know you're not part of this one.

17 And if you could go ahead, Mr. Moy, and call our first
18 decision meeting.

19 MR. MOY: Thank you, Mr. Chairman. So this would be
20 Case Application Number 20359 of 1301 West Virginia, LLC. This
21 application is captioned and advertised as amended for special
22 exemption under the residential conversion requirements of
23 Subtitle U, Section 320.2. This would convert the existing
24 principal dwelling unit into a three-unit apartment house in the
25 RF-1 zone at premises 1301 West Virginia Avenue Northeast, Square

1 4064, Lot 75.

2 As the Board will recall, you last heard this on May
3 12th and scheduled a decision on May the 19th. You requested
4 supplemental information from the applicant as well as the party
5 status opposition persons. Those filings, as a matter of fact,
6 are in the record, one from Ms. Albury under Exhibit 8 -- 108
7 and the Holy Name Catholic Church, which I believe was attempted
8 to make a filing this morning, which is within the 24-hour block.
9 Except for the applicant's team and the parties, and perhaps ANC,
10 no one else has signed up to speak in the waiting room.

11 CHAIRPERSON HILL: Okay. Well, we don't take any
12 testimony anyway during our meeting session. And so -- unless I
13 guess there's really something we've done in the past that
14 happens. So let me just see.

15 So I need the Board's indulgence a little bit here. So
16 as I know, we are all aware this has been a case that has gone
17 on for quite some time. And even though it may be straightforward
18 to other people, meaning other Board members, I'm actually having
19 still difficulty with it. And what I'm having difficulty with
20 really kind of just ties to X 901.2(b), which is "Will not tend
21 to affect adversely, the use of neighboring property in
22 accordance with the Zoning Regulations and Zoning Maps; but you
23 have to go to the top of that, which says, "The Board of Zoning
24 Adjustment is authorized under the Zoning Act, D.C. Official
25 Code, to grant special exceptions, as provided in this title,

1 where, in the judgment of the Board of the Zoning Adjustment,
2 the special exception, "b," right? So it's just the special
3 exceptions, right?

4 So in this case, again, the increased use, if you want,
5 from the third unit, right? And I still think that that third
6 unit -- there is a third unit there, right? And that third unit
7 is in the massing, which, by right, you can have two units. If
8 this was a by right project, no one would be here and we wouldn't
9 have to do all this, right? So this is before us. I think that
10 that third unit -- actually, I'm still a little concerned about
11 some of the shadowing from that third unit, even though it is
12 the massing of the two units combined, and even there's additional
13 like the trash cans, right? There's additional trash cans because
14 of the third unit, right? There are impacts from that third
15 unit.

16 So if it's all right with the Board, I'd like to put
17 this off for a week a little bit, because I'd like to think about
18 it a little bit more. I'd like Mr. Smith to be back with us,
19 because he's off today. And unfortunately, Commissioner May --
20 and I understand you had to come back for this -- I don't know
21 what your morning is like again next Wednesday, and we'll do it
22 first thing again in the morning on Wednesday, if my fellow Board
23 members are willing to give me another week.

24 Commissioner, May, what's your schedule like? I can't hear
25 you, Commissioner May. Sorry, you're on mute. He's trying to

1 work it through it.

2 COMMISSIONER MAY: All right, can you hear me now?

3 CHAIRPERSON HILL: Yes.

4 COMMISSIONER MAY: Yeah. It's this thing that toggles
5 back and forth and messes up my sound in Webex.

6 All right. Yes, I can definitely do first 9:30 on the
7 26th.

8 CHAIRPERSON HILL: Okay. Then we'll come back. Ms.
9 John, is that all right with you?

10 VICE CHAIR JOHN: Yes, Mr. Chairman, that's fine.

11 CHAIRPERSON HILL: Okay, so Commissioner, then we will
12 see you; then we'll excuse you. This is all you were here for
13 today, correct?

14 COMMISSIONER MAY: Yes.

15 CHAIRPERSON HILL: Okay. Then we'll see you again
16 tomorrow -- next Wednesday at 9:30.

17 Mr. Moy, I think that's it now for -- goodbye,
18 Commissioner.

19 COMMISSIONER MAY: Bye-bye.

20 CHAIRPERSON HILL: Mr. Moy, I think that's still it for
21 the decisions, right? Or is -- can we -- are we going to do the
22 advance party status? It looks like Chairman Hood just --

23 MR. MOY: Yeah, my understanding was, you were going
24 to move that advance party status in a group of cases where Zoning
25 Commission Chair Anthony Hood was participating on. But that's

1 up to (audio interference).

2 CHAIRPERSON HILL: I thought that as well, Mr. Moy, but
3 there's Chairman Hood right now.

4 MR. MOY: Okay.

5 CHAIRPERSON HILL: So, Chairman Hood, if you don't
6 mind, we'll just do this advance party status and then we'll
7 excuse you again until later in the day.

8 CHAIRMAN HOOD: Yes, sir, Mr. Chair. Good morning,
9 everyone.

10 CHAIRPERSON HILL: Good morning, sir.

11 Mr. Moy, would you please announce our next case?

12 MR. MOY: With pleasure. This would be Case Application
13 Number 20472 of The River School. And, as you just said, this
14 is before the Board because there is a request for advance party
15 status from the Tenleytown Preservation Association, and that is
16 under Exhibit 32, dated April 27th in the case record.

17 For the record, for the transcript, I'd like to read
18 the caption for the case. The hearing is actually scheduled for
19 October 13th. So this is an application for special exception
20 under the daytime care use permissions of Subtitle U, Section
21 203.1(h), and the private school use permissions of Subtitle U,
22 Section 203.1(h), and from the minimum parking requirements of
23 Subtitle C, Section 701.5. This would construct a child
24 development center and private school campus in the R-1-B zone.
25 And this is located at premises 4220 Nebraska Avenue Northwest,

1 Square 1727, Lots 4 and 5.

2 CHAIRPERSON HILL: Okay, great. Thank you.

3 Good morning, Chairman Hood. I didn't get to say good
4 morning properly. Good morning, Chairman Hood.

5 CHAIRMAN HOOD: Good morning. I thought you did; but
6 thank you. Good morning again to everyone.

7 CHAIRPERSON HILL: Okay. So in terms of advance party
8 status, I actually didn't have any issues with it. I do think
9 they're meeting the regulation for us to approve the party status.
10 I mean, they have some of the people that are part of this group
11 are adjacent -- one is adjacent to the property, and a few of
12 the others are in close proximity. So I think that they actually
13 do come to the level of granting this party status. I don't
14 know. Mr. Moy, when would we be hearing this again?

15 MR. MOY: Yeah, the actual hearing of the case in chief
16 is October the 13th.

17 CHAIRPERSON HILL: October the 13th? Wow. Okay, that's
18 a lot of -- a while away. So then hopefully they can come together
19 to try to work something out with any of the concerns that the
20 parties might have.

21 I'm going to go around the table and see if anybody has
22 anything to add. Chairman Hood.

23 CHAIRMAN HOOD: Mr. Chairman, I don't have anything to
24 add, but I agree with your assessment, and I agree with your
25 statement of hopefully they can come closer together with any

1 outstanding issues.

2 CHAIRPERSON HOOD: Thank you. Vice Chair John.

3 VICE CHAIR JOHN: The only thing I would add is that
4 the applicant has not proposed the application to private status,
5 but I otherwise agree with everything you said.

6 CHAIRPERSON HILL: Thank you. Mr. Blake.

7 BOARD MEMBER BLAKE: No, I don't have anything to add.
8 I'll comfortable with it. Thank you.

9 CHAIRPERSON HILL: Okay. I'm going to make a motion
10 to approve advance party status for Application No. 20472, and
11 ask for a second, Ms. John.

12 VICE CHAIR JOHN: Second.

13 CHAIRPERSON HILL: The motion made and seconded. Mr.
14 Moy, if you could please take a roll call vote. Again, for
15 Tenleytown Preservation Association to be granted advance party
16 status.

17 MR. MOY: Yes, sir. Thank you, Mr. Chairman. When I
18 call your name, if you would please respond with a yes, no, or
19 abstain to the motion made by Chairman Hill to grant advance
20 party status to the Tenleytown Preservation Association. The
21 motion was seconded by Vice Chair John.

22 Zoning Commission Chair Anthony Hood.

23 CHAIRMAN HOOD: Yes.

24 MR. MOY: Mr. Blake.

25 BOARD MEMBER BLAKE: Yes.

1 MR. MOY: Vice chair John.

2 VICE CHAIR JOHN: Yes.

3 MR. MOY: Chairman Hill.

4 CHAIRPERSON HILL: Yes.

5 MR. MOY: And Mr. Smith is absent today. Staff would
6 record the vote as 4-0-1. This is on the motion made to grant
7 by Chairman Hill, seconded by Vice Chair John. Also in support
8 of the motion, Mr. Blake, and Zoning Commission Chair Anthony.
9 The motion carries 4-0-1.

10 CHAIRPERSON HILL: Thank you, Mr. Moy.

11 Thank you, Chairman Hood. And I guess we'll see you
12 again later in the day.

13 CHAIRMAN HOOD: Okay, I'll see you all, I guess about
14 3:00, you say, huh? 3 o'clock?

15 CHAIRPERSON HILL: I don't think it's going to be that
16 late.

17 CHAIRMAN HOOD: I'm just playing. I'll be listening.

18 CHAIRPERSON HILL: All right. Thank you, sir.

19 (Whereupon, the above-entitled matter went off the
20 record at 9:45 a.m.)

21 C E R T I F I C A T E

22

23 This is to certify that the foregoing transcript

24

25 In the matter of: Public Meeting

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Before: DCBZA

Date: 05-19-2021

Place: Teleconference

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

KRISTIN NEMIRO