

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

NOVEMBER 10, 2021

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 9:30 a.m. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA L. JOHN, Vice Chair (NCPC)
CARL H. BLAKE, Board Member
CRISHAUN S. SMITH, Board Member

ZONING COMMISSION MEMBER[S] PRESENT:

PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
TRACEY W. ROSE, Sr. Zoning Specialist
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

[The transcript constitutes the minutes from the Regular Public Meeting held on November 10, 2021.]

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

2 10:13 a.m.

3 CHAIRPERSON HILL: All right, Mr. Moy, if you want
4 to, you can go ahead and call our first expedited review,
5 please.

6 MR. MOY: That's correct. The Board has two --
7 okay, so in its Expedited Review case, as well as case
8 application for a time extension.

9 So, this case before the Board is Case Application
10 No. 20581, of Jennifer Dalzell, D-A-L-Z-E-L-L. This
11 application, Mr. Chairman, was captured and advertised, as
12 presented by the applicant, as special exception relief under
13 Subtitle E, Section 5201, and Subtitle X, Section 902.1, for
14 lot occupancy under Subtitle E, Section 304.1, rear yard
15 under Subtitle E, Section 306.1, rear yard under Subtitle E,
16 Section 205, lot width, lot area, under Subtitle E,
17 Section 201.1.

18 This would construct a roof deck addition to an
19 existing detached accessory garage in the RF-1 zone. Property
20 is located at 1241 Independence Avenue, SE, Square 1015,
21 Lot 147.

22 And just checking my notes, that's all I have for
23 the Board.

24 CHAIRPERSON HILL: Okay, great. Okay, thanks,
25 Mr. Moy. Again, this is to construct a roof addition to an

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1 existing accessory garage structure at the rear of an
2 attached principal dwelling, with a new exterior spiral stair
3 access to the roof of the accessory structure.

4 I know everyone's read through the record, and
5 that there seems to be some discussion as to what the relief
6 is that is necessary.

7 I would agree with the analysis that the Office
8 of Planning had put forward, that it's really just the lot
9 occupancy under Subtitle E, 304.1, where it's 69.5 existing,
10 60 permitted, and 70 percent proposed.

11 And so, I don't think the other items of relief
12 are necessary. And so, I didn't analyze them for those parts
13 of relief. I just did it for the lot occupancy. Because I
14 would agree with the analysis that was provided to us by the
15 Office of Planning.

16 The ANC is in support of the project. So, I don't
17 think that there's any issues there, in terms of the
18 different kinds of relief that was requested, because they
19 saw the project it is intended. DDOT had no objection, and
20 in fact there was even a letter in support from Capitol Hill
21 Restoration Society.

22 The Office of Planning's report, as I mentioned,
23 I thought was pretty persuasive, in addition to the argument
24 that the applicant has put forward.

25 So, I'm just going to make, unless anybody has

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1 anything other thing that they'd like to add -- does anybody
2 have anything they'd like to add? And if so, raise your
3 hand. Otherwise, I'll make a motion.

4 Okay, let me make a motion then to approve
5 Application No. 20581, the Request for Expedited Review of
6 a Self-Certified Application for Special Exception, Pursuant
7 to Subtitle E, 5201, and Subtitle X, 902.1, for requirements
8 for lot occupancy under Subtitle E, 304.1, 69.05 percent
9 existing, 60 percent permitted, 70 percent proposed, and ask
10 for a second. Ms. John?

11 VICE CHAIR JOHN: Second.

12 CHAIRPERSON HILL: The motion made and second.
13 Mr. Moy, can you take a roll call?

14 MR. MOY: When I call each of your names, if you
15 please respond with a yes, no, or abstain, to the motion made
16 by Chairman Hill to approve the Application for special
17 exception relief from lot occupancy under Subtitle E,
18 Section 304.1. The motion was second by Vice-Chair John.
19 Zoning Commissioner Peter May?

20 ZONING COMMISSIONER MAY: Yes.

21 MR. MOY: Mr. Smith?

22 MEMBER SMITH: Yes.

23 MR. MOY: Mr. Blake?

24 MEMBER BLAKE: Yes.

25 MR. MOY: Vice-Chair John?

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1 VICE CHAIR JOHN: Yes.

2 MR. MOY: Chairman Hill?

3 CHAIRPERSON HILL: Yes.

4 MR. MOY: Then staff would record the vote as
5 5-0-0, and this is on the motion of Chairman Hill to approve
6 the application, as I mentioned, only for the lot occupancy
7 relief. The motion was second by Vice-Chair John.

8 Also in support of this motion to approve is
9 Zoning Commissioner Peter May, Mr. Smith, Mr. Blake, Vice-
10 Chair John and Chairman Hill. The motion carries by a vote
11 of 5-0-0.

12 CHAIRPERSON HILL: Okay, thanks, Mr. Moy. And we
13 have a time extension, that also we're going to have in our
14 meeting session. Correct, Mr. Moy?

15 MR. MOY: Yes, sir.

16 CHAIRPERSON HILL: Okay. If you could the next,
17 please?

18 MR. MOY: This is Application No. 20110A -- A as
19 in alpha -- of Alabama Apartments LLC. Caption, Advertise
20 as request to extend for an additional two years, BZA order
21 number 20110, pursuant to 11 DCMR Subtitle X, Chapter 9, for
22 a special exception, pursuant to Subtitle U, Section 421, to
23 construct a new detached three-story, 86-unit, apartment
24 house in the RA-1 zone.

25 Again this is a prime extension from BZA order

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1 number 20110, effective October 11, 2019, and the property
2 address is 2843-2491 Alabama Avenue, SE, and this is in
3 Square 5730, Lot 7, 9, 11, 118-126, 800, 801, 861, 863, 865,
4 867, 869, 871 and 918. That's it.

5 CHAIRPERSON HILL: Okay. All right, I read
6 through the application. I didn't really have any issue with
7 the time extension. I mean, to me it sounds like a
8 reasonable explanation there, trying to do the alley closing.
9 The alley-closing hearing hasn't happened yet. They're not
10 able to apply for the building permit.

11 The Office of Planning was in support of the
12 extension. You don't have any letters from the ANC or DDOT,
13 but I assume that's also because they don't have any issues
14 with it.

15 As soon as the alley closing does to counsel, I
16 guess they'll go ahead and file for their building permit.
17 So, does anybody have anything they'd like to add? Mr. May?
18 No, shaking your head.

19 Mr. Smith? No, shaking your head. Vice-Chair
20 John? No, shaking your head. Mr. Blake? No, shaking your
21 head. And I make a motion to approve Application No. 20110A,
22 as captioned, read by the secretary, for a time extension.
23 I ask for a second, Ms. John?

24 VICE CHAIR JOHN: Second.

25 CHAIRPERSON HILL: Motion has been made and

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1 second. Mr. Moy?

2 MR. MOY: When I call each of your names, if you
3 would please respond with a yes, no, or abstain, to the
4 motion made by Chairman Hill to approve the Request to Extend
5 for an additional two years, BZA order number 20110. This
6 motion to approve was second by Vice-Chair John. Zoning
7 Commissioner Peter May?

8 ZONING COMMISSIONER MAY: Yes.

9 MR. MOY: Mr. Smith? Mr. Smith?

10 MEMBER SMITH: Yes.

11 MR. MOY: Thank you. Mr. Blake?

12 MEMBER BLAKE: Yes.

13 MR. MOY: Vice-Chair John?

14 CHAIRPERSON HILL: I think Vice-Chair John had to
15 step away, Mr. Moy. So, maybe we'll just be the only ones
16 voting on this.

17 MR. MOY: Okay. Chairman Hill?

18 CHAIRPERSON HILL: Yes.

19 MR. MOY: Then staff would record the vote as
20 4-0-1, and this is on the motion by Chairman Hill to approve.
21 The motion to approve was second by Vice-Chair John. And we
22 have one member not participating on the vote. So, the
23 recorder vote is 4-0-1. Other than Vice-Chair John, then the
24 other members in support of the motion to approve are
25 Mr. Smith, Mr. Blake, Chairman Hill, and Zoning Commissioner

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1 Peter May. So, again, it passes on a vote of 4-0-1.

2 CHAIRPERSON HILL: Okay, great. Thank you,
3 Mr. Moy.

4 (Whereupon the above-entitled matter went off the
5 record at 10:23 p.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: DC BZA

Date: 11-10-21

Place: teleconference

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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