

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

MARCH 30, 2022

+ + + + +

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
- CHRISHAUN SMITH, Board Member (NCPC)

ZONING COMMISSION MEMBERS PRESENT:

- PETER MAY, Commissioner
- ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- CLIFFORD MOY, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

- BRANDICE ELLIOTT
- MATT JESICK
- JONATHAN KIRSCHENBAUM
- STEPHEN MORDFIN
- CRYSTAL MYERS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

The transcript constitutes the minutes from
the Regular Public Meeting on March 30, 2022.

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

2 9:39 a.m.

3 CHAIRPERSON HILL: Welcome to the Board of Zoning
4 Adjustment. Today's date is 3/30/2022. This meeting will
5 please come to order.

6 My name is Fred Hill, I'm Chairperson of the
7 District of Columbia Board of Zoning Adjustment. Joining me
8 today is Lorna John, Vice-Chair, Board Members Carl Blake and
9 Chrishaun Smith, and Zoning Commissioners Peter May and Rob
10 Miller.

11 Today's meeting and hearing agenda are available
12 to you on the Office of Zoning's website. Please be advised
13 that this proceeding is being recorded by a court reporter,
14 and is also webcast live via WebEx and YouTube live.

15 The video of the webcast will be available on the
16 Office of Zoning's website after today's hearing.
17 Accordingly, everyone who is listening on WebEx or by
18 telephone will be muted during the hearing.

19 Also, please be advised that we do not take any
20 public testimony at our decision meeting session. If you're
21 experiencing difficulty accessing WebEx or when you do
22 telephone call-in, then please call our OG hotline number at
23 (202) 727-5471 to receive WebEx calling instructions.

24 At the conclusion of the decision meeting, I
25 shall, in consultation with the Office of Zoning, determine

1 whether a full or summary order may be issued. A full order
2 is required when the decision it contains is adverse to a
3 party, including an affected ANC.

4 A full order may also be made if the Board's
5 decision differs from the Office of Planning's
6 recommendation. Although it is fair to refuse summary orders
7 that are impossible, an applicant may not request the Board
8 to issue such an order.

9 In today's hearing session, whoever's listening
10 on WebEx or by telephone, we needed during the hearing, the
11 only persons who have signed certificates to later testify
12 will be unmuted at the appropriate time.

13 Please state your name and home address before
14 providing oral testimony on your presentation. Oral
15 presentations should be limited to the summary of your point.
16 When you're finished your speaking, please mute your audio
17 feature and mike so there's participant making inside or
18 background noise.

19 Once again, if you're experiencing difficulty
20 accessing WebEx, please call our OV hotline at
21 (202) 727-5471. All persons planning to testify, either in
22 favor or in opposition, should have signed up in advance.
23 They'll be called by name to testify.

24 If this is an appeal, only parties are allowed to
25 testify by signing up to testify. All participants completed

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1 the oath and affirmation, as required by Subtitle Y, 408.7.

2 Requests to enter evidence in time in all non-
3 virtual hearing situations, and testimony or additional
4 supporting documents under the live video, which may not
5 presented as part of the testimony, may be allowed pursuant
6 to Subtitle Y, 103.13, provided that the persons making the
7 request and entering exhibits for (a) how the program is
8 relevant, (b) is a good cause to justify the filing of
9 exhibits into the record, including an explanation of why
10 their questions were not filed prior to the hearing, pursuant
11 to Y 206, and how the proposals then would not unreasonably
12 prejudice the parties.

13 The order of procedures are intended to establish
14 in set and variances, pursuant to Y 409, the order of appeals
15 are in Y 507.

16 At the conclusion of each case, an individual who
17 is unable to testify because of technical issues, may file
18 their request for relief by filing a written version of the
19 planned testimony to the record within 24 hours following the
20 conclusion of public testimony in the hearing.

21 If additional written testimony is accepted, then
22 parties will be allowed a reasonable time to respond, as
23 determined by the Board.

24 The Board will then make its decision at its next
25 meeting session, but no earlier than 48 hours after the

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1 hearing. Moreover, the Board may request additional
2 certificate information to meet the record.

3 The Board and Staff will specify again at the end
4 of the hearing exactly what is expected, and the date when
5 persons submit to BZA Office of Zoning. No other information
6 shall be accepted by the Board.

7 Finally, the District of Columbia Administrative
8 Procedures Act requires that public hearing on each case be
9 held in the open for the public. However, pursuant to
10 Section 405(b) and in accordance with that Act, the Board
11 may, consistent with its rules and procedures and the Act,
12 enter into closed meetings on occasions, for purposes of
13 seeking legal counsel in a case, pursuant to D.C. Official
14 Code, Section 2-575(b)(4), and/or to delay a case pursuant
15 to D.C. Official Code, Section 2-575(b)(13), but only after
16 providing administrative public notice in the case, emergency
17 closed meeting has taken the roll call vote. Mr. Secretary,
18 do we have any preliminary matters?

19 MR. MOY: Good morning, Mr. Chairman, members of
20 the Board. We do have preliminary matters, but as customary,
21 I think it's more efficient for the Board to address those
22 when I call the specific case application.

23 Other than that, I do want to take a moment to
24 announce case applications that are not on today's docket.
25 Case application number 20086A, this is the application of

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1 Oak Park Apartments LLC, was withdrawn by the applicant.
2 20549, which is the appeal of ANC-6B, was rescheduled to
3 April 6, 2022.

4 Case application number 20647 of 1345 Madison
5 Street NW LLC was rescheduled to April 13, 2022. And
6 finally, application number 20239 of 2629 MLK LLC was
7 rescheduled to May 25, 2022. And that's it for me,
8 Mr. Chairman.

9 CHAIRPERSON HILL: All right, thanks, Mr. Moy.
10 So, this first case Ms. John is not on. So, Ms. John, if we
11 can excuse you for a minute. And then, Mr. Moy, if you can
12 call out a first decision, I think there's some issues that
13 I'd like to resolve with the Board. And I think, is
14 Commissioner Miller on this one?

15 MR. MOY: No, sir. Within -- Zoning Commission
16 Chair Anthony Hood.

17 CHAIRPERSON HILL: Oh, right, right. Yep, yep,
18 yep. Okay. Normally right, Chairman Hood, but there's some
19 discussions that I'd like to have with the Board, so great.

20 MR. MOY: Great. And you still have a quorum for
21 this case?

22 CHAIRPERSON HILL: Great, thank you.

23 MR. MOY: Should I read this into the record?

24 CHAIRPERSON HILL: Yes, please.

25 MR. MOY: All right, this is case application

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1 number 20643 of the Maret School. This Board is aware it's
2 an application for special exceptions from the matter-of-
3 right uses in Subtitle U, Section 201, pursuant to
4 Subtitle U, Section 203.1(m), Subtitle X, Section 104.1 and
5 Subtitle X, Section 901.2, and the parking location
6 restrictions of Subtitle C, Section 710.2, pursuant to
7 Subtitle C, Section 710.3 and Subtitle X, Section 901.2.

8 This would permit a private school use in the R1B
9 zone property location as part of 5901 Utah Avenue, NW,
10 Square 2319, Lot 832.

11 And I should remember, Mr. Chairman, this was last
12 heard at the Board's hearing on March 9.

13 CHAIRPERSON HILL: Okay, thank you. All right,
14 so just to let the Board members know, and this is what I had
15 done, there was a request to reopen the record from the ANC.

16 And so, what I had done is go ahead and reopen the
17 record from the ANC and allowed what the ANC had wanted us
18 to see into the record.

19 And so, in order for the correct time to pass, in
20 order for there to be any kind of responses from the parties,
21 I'm going to put off the decision for this until next week.
22 So, we would decide that on April 6th.

23 So, unless anybody has any issues with that, and
24 if you do, just raise your hand. Seeing nobody raising their
25 hand, Mr. Moy, let's go ahead and put this off for one week

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1 for decision. Okay?

2 MR. MOY: Yes. Thank you, sir.

3 CHAIRPERSON HILL: Okay. All right, Mr. Moy. You
4 can go ahead, and I think you get Vice-Chair John back. And
5 then, whoever the Commissioner is can join us on the next two
6 expedited reviews.

7 MR. MOY: And that would be Mr. Peter May, sir.

8 CHAIRPERSON HILL: Okay, great. Commissioner May.
9 Good morning, Commissioner May.

10 COMMISSIONER MAY: Good morning.

11 (Simultaneous speaking.)

12 CHAIRPERSON HILL: Sure. Go ahead, please.

13 COMMISSIONER MAY: Okay. The first two cases that
14 are designated as expedited review is application
15 number 20679 of J.B. Lurie, L-U-R-I-E. This is a request for
16 special exception relief from the lot occupancy requirements
17 of Subtitle E, Section 304.1, pursuant to Subtitle E,
18 Section 5201 and Subtitle X, Section 901.2, rear yard
19 requirements, Subtitle E, Section 306.1, pursuant to
20 Subtitle E, Section 5201 and Subtitle X, Section 901.2.

21 This would construct a rear deck addition to an
22 attached two-story with basement principal dwelling unit in
23 the RF1 zone, property located at 2205 Flagler,
24 F-L-A-G-L-E-R, Place, NW, Square 3122, Lot 60.

25 CHAIRPERSON HILL: Okay. We already talked about

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1 this, okay? Again, this rear deck addition to a two-story
2 attached principal dwelling.

3 After I have reviewed the record, I didn't really
4 have a particular issue with it. I mean, I would have
5 preferred that we had gotten something from the ANC, just to
6 get their thoughts. But I know that in the information that
7 was submitted by the applicant, they did say that they
8 reached out to the ANC.

9 I guess the ANC maybe thought that this was
10 something that was not of interest to them. They also did
11 say that they submitted to Bloomingdale Civic Association.
12 But I had not seen anything from them.

13 However, beyond that, we did get reports from the
14 Office of Planning, as well as DDOT, and I was comfortable
15 with the announcement that DDOT has provided, as well as the
16 argument that the applicant has made for meeting the criteria
17 for us to grant the relief. So, I'm going to be voting in
18 favor. Mr. Smith, do you have anything to add?

19 Okay, he's shaking his head no. Commissioner May,
20 do you have anything to add?

21 COMMISSIONER MAY: I do not.

22 CHAIRPERSON HILL: Okay. Mr. Blake, do you have
23 anything to add?

24 MEMBER BLAKE: Yes. I would agree that I would
25 have like to have heard something from the ANC, but I do

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1 believe that the applicant met the burden of proof in this
2 case, and I would be prepared to support it.

3 CHAIRPERSON HILL: Thank you, Mr. Blake. Vice-
4 Chair John, do you have anything to add?

5 VICE CHAIR JOHN: No, Mr. Chairman. This is a
6 straightforward application, and I am in support of the
7 application.

8 CHAIRPERSON HILL: Great. Thank you. I'm going
9 to make a motion to approve application number 20679, as
10 captioned and read by the Secretary, and ask for a second.
11 Mr. John?

12 VICE CHAIR JOHN: Second.

13 CHAIRPERSON HILL: Motion has been made and
14 seconded, Mr. Moy. Can you take a roll call?

15 MR. MOY: Thank you, sir. When I call each of
16 your names, if you would please respond with a yes, no, or
17 abstain, for the motion made by Chairman Hill to approve the
18 application for the relief that was requested. This motion
19 was seconded by Vice-Chair John. Zoning Commissioner May?

20 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: Staff would record the vote as 5-0-0,
5 and this is on the motion made by Chairman Hill to approve.
6 The motion to approve was seconded by Vice-Chair John. Also
7 in support of the motion to approve, Zoning Commissioner
8 Peter May, Mr. Smith, Mr. Blake, and of course Vice-Chair
9 John and Chairman Hill. The motion carries on the vote of
10 5-0-0.

11 CHAIRPERSON HILL: Thank you, Mr. Moy. You can
12 go ahead and call our next case when you get a chance.

13 MR. MOY: Yes. So, this would be case application
14 number 20682 of Robert Contee and Asure, A-S-U-R-E, Contee.
15 Again, this is a request for special exception relief from
16 the rear yard requirements, Subtitle D, Section 306.1,
17 pursuant to Subtitle D, Section 5201 and Subtitle X,
18 Section 901.2.

19 This would construct a rear deck addition to an
20 existing detached two-story with basement principal dwelling
21 unit in the R1B zone property located at 5526 MacArthur
22 Blvd., NW, Square 1445, Lot 65.

23 CHAIRPERSON HILL: Okay, great. Thank you,
24 Mr. Moy. So, this is, again, an expedited review for a rear
25 deck addition to an existing two-story principal dwelling.

1 I thought this was even more straightforward than the other
2 one.

3 Like, I didn't have any problems or issues with
4 it. I thought that they're meeting the criteria for us to
5 grant the relief requested. I thought it was pretty, again,
6 nominal, straightforward, and I didn't have any concerns.

7 I would give great weight to the analysis that the
8 Office of Planning's report has provided, as well as that of
9 the ANC in support, and DDOT with no objection.

10 I'm going to be voting in favor. Commissioner
11 May, do you have anything to add?

12 COMMISSIONER MAY: I do not.

13 CHAIRPERSON HILL: Okay. Mr. Smith, do you have
14 anything to add?

15 MEMBER SMITH: I do not.

16 CHAIRPERSON HILL: Mr. Blake, do you have anything
17 to add?

18 MEMBER BLAKE: Nothing, Mr. Chair, other than
19 there are three lists in the record from the two adjacent
20 neighbors, which are also considered favorable in this.

21 CHAIRPERSON HILL: Great. Thank you, Mr. Blake,
22 for pointing that out. Vice-Chair John, do you have anything
23 to add?

24 VICE CHAIR JOHN: No, Mr. Chairman. This is
25 straightforward.

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1 CHAIRPERSON HILL: Okay. Then I make a motion to
2 approve the application of 20682, as captioned and read by
3 the Secretary, and ask for a second. Ms. John?

4 VICE CHAIR JOHN: Second.

5 CHAIRPERSON HILL: The motion has been made and
6 seconded. Mr. Moy, if you can take a roll call, please?

7 MR. MOY: When I call each of your names, if you
8 would please respond with a yes, no, or abstain, to the
9 motion made by Chairman Hill to approve the application for
10 the relief that is requested. This motion was seconded by
11 Vice-Chair John. Zoning Commissioner Peter May?

12 COMMISSIONER MAY: Yes.

13 MR. MOY: Mr. Smith?

14 MEMBER SMITH: Yes.

15 MR. MOY: Mr. Blake?

16 MEMBER BLAKE: Yes.

17 MR. MOY: Vice-Chair John?

18 VICE CHAIR JOHN: Yes.

19 MR. MOY: Chairman Hill.

20 CHAIRPERSON HILL: Yes.

21 MR. MOY: Staff would record the vote as 5-0-0,
22 and this is on the motion made by Chairman Hill to approve.
23 The motion to approve was seconded by Vice-Chair John. Also
24 in support of the motion to approve, Zoning Commissioner
25 Peter May, Mr. Smith, Mr. Blake, and of course Vice-Chair

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1 John and Chairman Hill. The motion carries on the vote of
2 5-0-0.

3 CHAIRPERSON HILL: Great. Thanks, Mr. Moy.
4 Commissioner May, I think you're out for the next couple.
5 And then, we're going to bring you back in. And then,
6 Commissioner Miller is with us. You're on mute, Commissioner
7 May, but I'm sure you're saying something very clever.

8 COMMISSIONER MAY: No, not clever. I will try to
9 listen in and jump back in when you're ready for me. But if
10 for some reason you call me and I'm not answering, somebody
11 sent me a text or something.

12 CHAIRPERSON HILL: Okay, great. Thanks,
13 Commissioner.

14 COMMISSIONER MAY: Thank you. Bye.

15 CHAIRPERSON HILL: Welcome, Commissioner Miller.

16 COMMISSIONER MILLER: Thank you. Good to see you
17 again.

18 CHAIRPERSON HILL: Let's see, Mr. Moy, if you
19 could call the decision about the -- yeah, the decision about
20 the appeal.

21 VICE CHAIR JOHN: Mr. Chairman, I don't believe
22 I'm on the next two cases.

23 CHAIRPERSON HILL: Okay.

24 MR. MOY: That's correct. Okay, so the next case
25 for decision-making is appeal number 20654. This is

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1 4721 Sheriff Road NE LLC, captioned and advertised as an
2 appeal pursuant to Subtitle X, Section 1100, from the
3 decision made on September 15, 2021 by the Zoning
4 Administrator, Department of Consumer and Regulatory Affairs.
5 Property's located at 4719 Sheriff Road, NE, Square 5151,
6 Lot 144. As you will recall, Mr. Chairman, the Board last
7 heard this case at its public hearing on March 23rd.

8 CHAIRPERSON HILL: Great, thank you. Okay, so I
9 know that I've gone through this with some members. And I
10 believe that the Board will like some further clarification
11 information about this appeal.

12 And so, what I would propose is actually that we
13 go ahead and reopen this and have a continued hearing on the
14 appeal itself.

15 I know that there was some clarity that some Board
16 members were interested in hearing, and I'm going to try to
17 summarize that and go around the table and see if I'm getting
18 this correct, and if there is anything that anyone else
19 needs.

20 I believe that what has been asked for is for the
21 appellant to provide a little bit more clarity into the
22 record, as to how -- and I'll use my words for this part a
23 little bit -- as to how the process works, as to how this
24 product is delivered.

25 Like, I mean, I understand it's a plant. We all

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1 agree that it was a plant. So, you plant the plant. And
2 then, I'd like to know exactly you move through whatever it
3 is. Planting the plant until whenever it finally gets to its
4 next destination. Right?

5 I'd like to know specifically in the record how
6 that process works. Right? So, that's one thing that I'd
7 like to know, that I'm going to again provide a little bit
8 more clarity about what I believe some of the Board members
9 would like to hear about it, and also give the Board members
10 an opportunity to speak.

11 The other thing that I'd like to know, and this
12 is from the Zoning Administrator, I guess, I'd like to know
13 how many other similar applications the Zoning Administrator
14 has put into this light manufacturing category.

15 Like, I don't need to know the specific names or
16 anything. But I'd like to know how many previous times the
17 Zoning Administrator has made this determination in this
18 capacity. I'd like to know that. And again, since we're
19 having a continued hearing, we'll be able to ask more
20 questions.

21 I guess also, a list of the medical canvass
22 products that this facility will produce. Then, I guess,
23 from the appellant, describe how this operation differs from
24 those other medical marijuana cultivation centers that are
25 currently licensed in the District of Columbia. Like, why

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1 are they different than the other facilities. How is it that
2 their process is different than the other facilities?

3 However, and this is what I'm going to ask about
4 when we're actually in the continued hearing, I want to know
5 what their process is. I don't want them to change their
6 process. I just want to know what their process is. Right?

7 I think that was it, unless I missed something.
8 Mr. Smith, did I capture most of that?

9 MEMBER SMITH: I think you captured my thoughts
10 on the additional information that we need. But I will
11 expand on that first item that you stated, where you're
12 asking for additional information about the business
13 practices from the time you plant a plant onward.

14 Just to be straightforward, I think what would be
15 great if the application would submit into the record their
16 business plan of operations for the cultivation center. That
17 way, it's out front how you propose to operate the
18 cultivation center.

19 So, I would request that formally, the business
20 plan that they may already have, since they're appealing this
21 determination of the Zoning Administrator.

22 CHAIRPERSON HILL: When you say business plan,
23 Mr. Smith, do you mean like schematics or a diagram or
24 something? What do you mean?

25 MEMBER SMITH: No, just the scope of the work that

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1 they propose to do. Essentially what you said.

2 CHAIRPERSON HILL: Got it. I understand.

3 MEMBER SMITH: Yeah. Mm-hmm.

4 CHAIRPERSON HILL: I understand. Okay.

5 Mr. Blake, did I capture your thoughts?

6 MEMBER BLAKE: You did, Mr. Chair. I think that
7 the applicant did provide a pretty good argument as to the
8 agriculture aspect of Gulf Vision. But it would be helpful
9 to get a better understanding of the why in the work of the
10 cultivation center, and this in particular, is not light
11 manufacture.

12 That would be very valuable to me, just to
13 understand why he would define his facility not as light
14 manufacturing, as opposed to saying to agriculture. That
15 would be a good help for me.

16 And also, I think that it would be helpful in
17 getting that to see the schematic of this proposed facility,
18 that would get to the magnitude of the -- at least some rough
19 schematic unless there's some prohibition in doing that, it
20 would be helpful to see that. At least a description of the
21 mechanical equipment. Let's say that.

22 CHAIRPERSON HILL: Okay. All right, I mean, I
23 don't see why they can't give us a schematic, unless there's
24 some reason why. But, I don't know. But either I think the
25 appellant understands the questions. And if not, then the

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1 Secretary can help clarify. Commissioner Miller, do you have
2 anything you'd like to add?

3 COMMISSIONER MILLER: Thank you, Mr. Chairman.
4 I guess in addition to everything that you've all requested,
5 I guess in order to be able to ask a question about it -- so
6 I don't know if we're having a limited scope hearing, or
7 whatever, let me just bring it up in case I want to ask the
8 Zoning Administrator again about the distinction between the
9 brew pub process, which has been allowed, and all commercial
10 zones, not just manufacturing zones.

11 So, a distinction between the brew pub process and
12 the medical cannabis production process onsite, other than
13 the onsite consumption. I'm just talking about the process
14 here, the intensity of the process. So, I'd want to know the
15 distinction between the brew pub and the medical cannabis,
16 and yeah, that's it. Thank you.

17 CHAIRPERSON HILL: Okay, great. Yeah, we can open
18 it up for anything. Like, I mean, this isn't a limited scope
19 hearing. I mean, it's an appeal. So, I want the Board to
20 feel free to ask any questions about anything that has come
21 up during the appeal, because we want to figure out and make
22 sure that we have this correct. Mr. Blake?

23 MEMBER BLAKE: Mr. Chair, it would be helpful
24 also, if we're going to reach out to the Zoning
25 Administrator, to get a clearer understanding of the process

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1 and his engagement with ABRA. He did indicate verbally how
2 the process kind of worked. I'd like to be clearer as to
3 when he weighs in and how it proceeds to ABRA for their
4 evaluation.

5 CHAIRPERSON HILL: Okay.

6 MEMBER BLAKE: And how that differs from the
7 earlier instances, and how this may have taken place
8 historically.

9 CHAIRPERSON HILL: Okay. And maybe there is
10 somebody from ABRA that we can ask to come if the Board would
11 like somebody to ask questions from ABRA. Is that something
12 that the Board would like us to request?

13 MEMBER BLAKE: Yes, I'd love that information.

14 CHAIRPERSON HILL: Okay. All right. Okay, I see
15 two nods. So, Mr. Moy, we'll ask someone from ABRA to
16 attend, so that we can ask questions of them as well. Okay,
17 Mr. Moy, when can this happen?

18 MR. MOY: All right, let me -- well, I heard that
19 this is going to be reopened as a limited scope hearing. So,
20 let me pose this, knowing that the ANC may be participating.
21 Because I recall that the ANC meeting in April is April 14th.
22 So, if we schedule the hearing for April 20th, and then work
23 backwards from April 20th.

24 So, responses where the appellant and DCRA can
25 respond to submissions by April 15th and by April 8th, where

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1 the appellant, DCRA, can respond to the specific questions
2 that the Board has now proposed. So, let me do that again.

3 So, for the appellant and DCRA to respond to the
4 request for supplemental information, due Friday, April 8th,
5 and then to allow responses from the parties -- specifically,
6 the appellant, DCRA, and ANC -- by April 15th. And then, the
7 limited scope hearing on April 20th. So, what changes would
8 you like to make in that timeline?

9 CHAIRPERSON HILL: What changes, Mr. Moy? I'm
10 sorry.

11 MR. MOY: No, no, no. Are you fine with that
12 timeline, or do you want to readjust the dates?

13 CHAIRPERSON HILL: Sorry, Mr. Moy. I started to
14 look at the next case. So, the dates -- I'm sorry, can you
15 tell me again?

16 MR. MOY: Okay. So, real quickly, submissions by
17 Friday, April 8th, responses to the submissions by
18 April 15th, and the limited scope hearing on April 20th.

19 CHAIRPERSON HILL: Yeah, I guess that's the
20 fastest we can get back here, right?

21 MR. MOY: Yeah, that is the quickest.

22 CHAIRPERSON HILL: And the other thing we've got
23 on the 20th. That's the fastest we can get back here.

24 MR. MOY: Yeah.

25 CHAIRPERSON HILL: The other case we've got on the

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1 20th? I know we got a lot.

2 MR. MOY: I'll tell you in a second. The Board
3 has -- apart from the one expedited review case, the Board
4 has nine cases. Nine new cases.

5 CHAIRPERSON HILL: Okay. And we'll probably, just
6 so people know, we're probably going to do this last, because
7 Vice-Chair John is not on this, so her day can end before
8 this case.

9 Oh, wait. Commissioner Miller, are you with us
10 on that day? You're okay with everything? Is that what
11 you're saying, Commissioner Miller? Okay, great. And then,
12 or we can work it out amongst yourselves as well later.

13 But okay, we're back here on April 20th. Correct,
14 Mr. Moy? Is that what you said?

15 MR. MOY: Yes, sir.

16 CHAIRPERSON HILL: Okay. And Commissioner Miller
17 is on the next one as well, when you get an opportunity,
18 Mr. Moy. Mr. Moy, you're on mute.

19 MR. MOY: Oh man. I've got to repeat myself.

20 CHAIRPERSON HILL: Okay. No, that's all right.

21 MR. MOY: That's my bad. All right, so before the
22 Board is case application number 20599 of Stephanie Ann Glier
23 and Brandon Woodward Glier, trustees. This is their request
24 for special exception relief from the rear yard requirements
25 of Subtitle D, Section 306.1, pursuant to Subtitle D,

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1 Section 5201, and Subtitle X, Section 901.2.

2 This will construct a two-story rear addition over
3 the cellar, to an existing detached two-story over a cellar
4 principal dwelling unit. This is an R1A zone property
5 located at 3200 Ellicott Street, NW, Square 2035, Lot 812.
6 This was last heard at the Board's public hearing on
7 March 23rd.

8 CHAIRPERSON HILL: Okay. So, we gave the
9 applicant time to continue to work with their neighbors. I'm
10 glad that they had an opportunity to talk with one another,
11 and at least come to some agreement as to how they would like
12 to proceed and get along.

13 In terms of the application itself, I actually did
14 not have issues with the application. I did think that the
15 rear yard was any kind of an undue impact, or particularly
16 objectionable.

17 I think it actually kind of became more of a side
18 yard issue, and I thought that the design itself actually was
19 more in character with the neighborhood and the street, and
20 I was actually quite, as I say, comfortable with the
21 application.

22 In addition to that, the ANC has provided their
23 analysis, who we are supposed to give great weight to, and
24 they were also in support, as well as that of the Office of
25 Planning. And I would agree also with the Office of

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1 Planning's analysis that is in Exhibit 17 of the -- their
2 report is in Exhibit 17.

3 So, I didn't have anything particularly to add,
4 other than that. I'm going to be voting in favor. May I
5 turn to you, Mr. Smith?

6 MEMBER SMITH: Sorry. I completely agree you.
7 I don't have too much to add on this, but to thank the
8 applicant for working with the neighbor to do some tweaks to
9 the design to glaze the windows, to address some of the
10 comments raised by what's formerly the party-in-opposition,
11 which I understand they've withdrawn their opposition. So,
12 with that, I was for the application.

13 CHAIRPERSON HILL: Great, thank you. Commissioner
14 Miller?

15 COMMISSIONER MILLER: Thank you, Mr. Chairman.
16 I concur with your comments and those of Chrishaun Smith and
17 pleased that the Gliers and their neighbor behind have
18 reached an agreement. Thank you.

19 CHAIRPERSON HILL: Thank you. Mr. Blake?

20 MEMBER BLAKE: Yes, sir. I'd first like to
21 acknowledge the efforts of the applicant, the ANC and the
22 neighbors and the property owner work together to come up
23 with a workable solution and design.

24 I give great weight to the recommendation the
25 Office of Planning written in support for the ANC 3F, and

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1 would be prepared to support the request for relief.

2 CHAIRPERSON HILL: Thank you. All right, and
3 that'd be, just to make note, that the revised architectural
4 plans that note at least the items of discussion are 35A as
5 in apple, in the exhibit.

6 I'm going to make a motion to approve application
7 number 20599, as captioned and read by the Secretary, and ask
8 for a second. Mr. Blake?

9 MEMBER BLAKE: Second.

10 CHAIRPERSON HILL: Motion has been made and
11 seconded, Mr. Moy. Could you take a roll call?

12 MR. MOY: When I call each of your names, if you
13 would please respond with a yes, no, or abstain, to the
14 motion made by Chairman Hill to approve the application for
15 the relief that's being requested. This motion to approve
16 was seconded by Mr. Blake. Zoning Commissioner Rob Miller?

17 COMMISSIONER MILLER: Yes.

18 MR. MOY: Mr. Smith?

19 MEMBER SMITH: Yes.

20 MR. MOY: Mr. Blake?

21 MEMBER BLAKE: Yes.

22 MR. MOY: Chairman Hill.

23 CHAIRPERSON HILL: Yes.

24 MR. MOY: Staff would record the vote as 4-0-1,
25 and this is on the motion made by Chairman Hill to approve.

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1 The motion to approve was seconded by Mr. Blake. Also in
2 support of the motion to approve, Zoning Commissioner Rob
3 Miller and Mr. Smith, and also Mr. Blake, and of course
4 Chairman Hill, no other Board members participating. The
5 motion carries on a vote of 4-0-1.

6 (Whereupon, the above-entitled matter went off the
7 record at 10:14 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: DC BZA

Date: 03-30-22

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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