

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

JUNE 29, 2022

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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 9:39 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CARL BLAKE, Board Member
CHRISHAUN SMITH, Board Member (NCPC)

ZONING COMMISSION MEMBERS PRESENT:

JOSEPH S. IMAMURA, Architect of the Capitol Designee

OFFICE OF ZONING STAFF PRESENT:

SARAH BAJAJ, Attorney Advisor
CLIFFORD MOY, Secretary
RYAN NICHOLAS, Attorney Advisor
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 June 29, 2022.

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

2 9:38 a.m.

3 CHAIRPERSON HILL: Good morning, ladies and
4 gentlemen, the Board of Zoning Adjustment, today is
5 6/29/2022. The public hearing will please come to order.
6 My name is Fred Hill, Chairperson of the District of Columbia
7 Board of Zoning Adjustment.

8 Joining me today is Board Members Carl Blake,
9 Chrishaun Smith, and Zoning Commissioner Dr. Joe Imamura.
10 Also, Chairman Anthony Hood I believe for one decision
11 meeting or meeting. Today's meeting and hearing agenda are
12 available on the Office of Zoning's website.

13 Please be advised this proceeding is being
14 recorded by a court reporter and is also webcast live via
15 Webex and YouTube Live. The video's webcast will be valuable
16 on the Office of Zoning's website after today's hearing.

17 Accordingly, everyone who is listening to on Webex
18 or by telephone will be muted during the hearing. Also,
19 please be advised that we do not take any public testimony
20 at our decision meeting sessions.

21 If you're experiencing difficulty accessing WebEx
22 on the telephone call, please call our OZ hotline number at
23 202-727-5471. It's also listed on the screen in front of
24 you.

25 To receive a Webex call-in or login instructions,

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1 at the conclusion of the decision meeting session I shall in
2 consultation with the Office of Zoning determine whether a
3 full or summary order may be issued. A full order is
4 required when the decision contained is adverse to a party,
5 including an effective ANC full or mail speedy board
6 decision.

7 Deference from the Office of Planning is the
8 recommendation. Those in the Board favor use of summary or
9 possible an Applicant may not request the board issue such
10 an order.

11 In today's hearing session, everyone who is
12 listening on Webex or by telephone will be muted during the
13 hearing and only persons assigned to participate or testify
14 will be unmuted at the appropriate time. Please state your
15 name and home address before providing oral testimony or your
16 presentation.

17 Oral presentations should be limited to a summary
18 of your most important points.

19 When you're finished speaking, please mute your
20 audio so that your microphone is no longer picking up sound
21 or background noise. once again, if you're having
22 difficulties, please call our hotline number which is listed
23 on the screen.

24 All persons planning to testify either in favor
25 or opposition should have signed up in advance. They'll be

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1 called by name to testify. If this is an appeal only parties
2 are allowed to testify. By signing up to testify, all
3 participants provide their oath or affirmation as required
4 by Subtitle Y407.

5 Requests to entry of the time and online virtual
6 hearings such as written testimony or additional supporting
7 documents other than live video, which may not be presented
8 a prior testimony and may be allowed pursuant to Subtitle
9 Y103.13, provided that the person market the request entering
10 the exhibit explain A) how the exhibit is relevant, B) the
11 good cause allowing the exhibit into the record including an
12 explanation of why the requester did not file it prior to the
13 hearing pursuant to Y206.

14 And how the proposed exhibit would not
15 unreasonably prejudice any parties. The order and procedures
16 for special exception and variances are pursuant to Y409.

17 At the conclusion of each case, individuals who
18 aren't able to testify because of technical issues may file
19 a request for leave to file a written version of the planned
20 testimony to the record within 24 hours following the
21 conclusion of testimony and the hearing.

22 If additional written testimony is accepted, then
23 parties will be given a reasonable time to respond as
24 determined by the Board. The Board will then make its
25 decision at its next meeting session but no earlier than 48

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1 hours after the hearing.

2 Moreover, the Board may request additional
3 specific information to complete the record. The Board and
4 Staff will specify at the end of hearing exactly what we're
5 expecting and the date the person must submit the evidence
6 to the Office of Zoning.

7 No other information shall be accepted by the
8 Board.

9 Finally, the District of Columbia Administrative
10 Procedures Act requires that the public hearing in each case
11 be held in the open before the public, however pursuant to
12 Section 405B and 406 of that act, the Board may consistent
13 with its rules of procedures and act that a closed meeting
14 case.

15 For purposes proceeding legal Counsel in the case,
16 pursuant to D.C. official code Section 2-575B4 and/or
17 deliberating on the case pursuant to D.C. official code
18 Section 2-575B13 but only providing the stay of public notice
19 in the case for the closed meeting taking a roll call vote.

20 Mr. Secretary, do we have any preliminary matters?

21 MR. MOY: Good morning, Mr. Chairman, Members of
22 the Board. I have a few announcements, Mr. Chairman, related
23 to today's docket. First, Application 20740, this is the
24 application of Eric and Jessica Alvez De Sa.

25 It was removed as an expedited review case and

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1 rescheduled as a hearing case in the Board's hearing session
2 on July 6, 2022. The following two cases have been
3 rescheduled, continued, not continued, rescheduled to another
4 public hearing date. The first is application 20749 of the
5 Catholic Charities of the Archdiocese of Washington,
6 rescheduled to October 5, 2022.

7 And finally, Case Application 20751 of 801
8 Buchanan Investment Partners LLC rescheduled also to October
9 5, 2022. I believe there are other preliminary matters for
10 the day, Mr. Chairman, but as we have done, those will be
11 called when that specific application is called for the
12 Board's review.

13 That's it from me, Mr. Chairman.

14 CHAIRPERSON HILL: Good morning, everyone.
15 Unfortunately, Vice Chair John is not feeling well today and
16 we wish her the best and hopes she get some rest today. So,
17 we're all going to be together. And Mr. Moy, you can go
18 ahead and call our first decision case.

19 MR. MOY: Thank you, Mr. Chairman. This would be
20 Application Number 20750 of Jiashen You and Kerry Neal. And
21 this is a self-certified application for special exception
22 pursuant to Subtitle D Section 5201 and Subtitle X Section
23 901.2.

24 From the rear yard requirements as captioned under
25 Subtitle D Section 306.1. This is the property located in

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1 the R1B zone at 3351 Highwood Drive SE, Square 5542S, Lot
2 806. That's it from me, Mr. Chairman.

3 CHAIRPERSON HILL: I assume we're all ready to
4 discuss this. I have had an opportunity to take a look at
5 it. I didn't particularly have any issues with it, I thought
6 it was kind of an interesting deck.

7 It's not actually attached to the house, it's kind
8 of separated out there and it just sits at the end of the
9 yard and perches out there.

10 So, after having the opportunity to look at this,
11 it looks as though this might be better under 5004.1 which
12 is an accessories structure in the rear yard.

13 After discussing with legal, it looks as though
14 it still should be applicable for us to review this the way
15 it is before us and I did review it under those regulations
16 and I didn't have any issues with any of the standards with
17 which we're supposed to review this particular application.

18 I would agree with their arguments or burden of
19 proof and also the analysis of the Office of Planning. The
20 ANC did not submit anything, however, I do see their
21 affidavit in maintenance for the project.

22 And I assume also that the ANC -- I know the ANC
23 had been notified, however, I guess the ANC just did not
24 think this was something they wanted comment upon. So,
25 again, I do not have any issues with it and I will be voting

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1 in favor. Mr. Smith, do you have anything to add?

2 MEMBER SMITH: No, Chairman Hill, I agree with
3 your assessment on the correct special exception they should
4 be seeking. Also, I agree with your analysis of this case
5 and it would be supported as well.

6 CHAIRPERSON HILL: Dr. Imamura?

7 COMMISSIONER IMAMURA: I'm in agreement with you
8 that this is really more appropriately evaluate in Subtitle
9 D Section 5 and I think it's pretty straightforward so I'm
10 prepared to vote in favor.

11 CHAIRPERSON HILL: Mr. Blake?

12 MEMBER BLAKE: I too will be voting in favor of
13 the application. I do think it meets the standards of D5201
14 and X901.2 and I give great weight to the Office of Planning
15 recommendation.

16 CHAIRPERSON HILL: Dr. Imamura, you're kind of
17 breaking up a little bit, we'll see. I think it was fine but
18 maybe you might have to speak slower as the day goes on,
19 we'll see.

20 I'm going to go ahead and make a motion to approve
21 Application 20750 as captioned and read by the Secretary and
22 ask for a second, Mr. Blake?

23 MEMBER BLAKE: Second.

24 CHAIRPERSON HILL: Motion made and seconded. Mr.
25 Moy, if you can take a roll call, please?

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1 MR. MOY: I had a few seconds where my mind was
2 a little bit blank. If I can reintroduce for my own
3 edification, you mentioned the fact that this deck is not
4 attached to the dwelling and I believe you said also because
5 of that reason it would constitute an accessory structure,
6 is that correct?

7 CHAIRPERSON HILL: Accessory structure in the rear
8 yard, correct.

9 MR. MOY: Would that alter the zoning relief?

10 CHAIRPERSON HILL: That might be something we can
11 ask Ms. Nagelhout. If you can hear me, we reviewed it under
12 5004.1 and so is that something we can alter the relief now?

13 MS. NAGELHOUT: Yes, it's a special exception
14 under 5201, again asked for rear yard relief under 306. The
15 Board is saying no, it's accessory structure relief under
16 500.4 but still it's a special exception under 5201.

17 CHAIRPERSON HILL: Mr. Moy, did that clarify for
18 you?

19 MR. MOY: Absolutely, 100 percent, I just wanted
20 to get that on the record.

21 CHAIRPERSON HILL: So, the motion was made and
22 seconded. Mr. Moy, if you want to take a roll call?

23 MR. MOY: When I call your name, if you would
24 please respond with a yes, no, or abstain to the motion made
25 by Chairman Hill to approve the application for the relief

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1 requested as amended, I'll say that.

2 The motion was seconded by Mr. Blake. Zoning
3 Commissioner Dr. Joe Imamura? Mr. Smith?

4 MEMBER SMITH: Yes.

5 MR. MOY: Mr. Blake?

6 MEMBER BLAKE: Yes.

7 MR. MOY: Chairman Hill?

8 CHAIRPERSON HILL: Yes.

9 MR. MOY: We have a Board Member not present.
10 Staff would record the vote as 4 to 0 to 1 and this is on the
11 motion made by Chairman Hill.

12 The motion was seconded by Mr. Blake, also in
13 support of the motion to approve, Zoning Commissioner Dr.
14 Imamura, Mr. Smith, Mr. Blake, and of course, Chairman Hill.
15 The motion carries 4 to 0 to 1.

16 CHAIRPERSON HILL: Thank you, when you get a
17 chance, Mr. Moy, you can call our next one.

18 MR. MOY: Sorry about that. I have to settle down
19 while I'm in the meeting here I suppose. Here we go. Okay,
20 the next and final case in the meeting session is Application
21 20636 of Penguin LLC.

22 This is a self-certified application for a special
23 exception pursuant to Subtitle C Section 305.1 and Subtitle
24 X Section 901.2 from the subdivision regulations of Subtitle
25 C Section 302.1 and an area variance pursuant to Subtitle X

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1 Section 1002 from the vehicular ingress and egress
2 requirements, Subtitle C Section 305.3B, property located in
3 the RA1 zone at 4509 Fox Hall Crescent NW, Square 1397, Lot
4 960.

5 And I believe that's all I have to say for now.
6 Yes, so participating would be Zoning Commissioner Dr.
7 Imamura, Chairman Hill, Mr. Blake, and Mr. Smith.

8 CHAIRPERSON HILL: This was a long hearing and
9 there was a lot of testimony that we took and there was a lot
10 of passions on either side. I think that in some ways it's
11 straightforward and in others it's just unfortunate. The
12 previous BZA Boards have approved similar relief for this
13 particular site.

14 The criteria that we're here to review this
15 particular project under, the Office of Planning did not
16 provide us with a report because they were still waiting on
17 reports from DOEE and then also the DDOT tree division, I
18 forget their acronym.

19 And there was a lot of concerns and thoughts from
20 the community about stormwater management and a particular
21 heritage tree or heritage trees that were cut down. I guess
22 my thoughts on the heritage tree and the stormwater
23 management issues is really, they're not within our purview.

24 It's not something that we're supposed to be
25 taking a look at. We're supposed to just be taking a look

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1 at the regulations for the relief that's being requested for
2 the special exception and the area variance for the driveway.

3 And in terms of the area variance for the
4 driveway, I think unfortunately -- I shouldn't say
5 unfortunately -- I believe they meet the criteria and the
6 standards with which they're before us.

7 I don't like the fact that the Office of Planning
8 hasn't provided us a report and I would be depending on my
9 fellow Board Members willing to wait until we hear from the
10 Office of Planning. But I think if we review it now, the
11 area variance, that driveway, it kind of is what it is.

12 That development was put together in kind of a
13 weird way and so this is that end lot, it's the last lot of
14 this particular development that is being done. The
15 arguments or a lot of the arguments that came from the ANC
16 as well as the community, the heritage tree thing is really
17 kind of a touchy subject.

18 I don't know, there was testimony given about how
19 it was possibly cut down and the developer made the analysis
20 that we can cut it down and pay the fine and still make our
21 money and get the project done, and that's just kind of the
22 way it works sometimes.

23 And I don't necessarily think that's right but
24 that is what possibly happened. The other is that if you
25 read the testimony again, it was a diseased tree, they were

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1 worried it was going to fall down and there were other trees
2 that were diseased.

3 And we took testimony from the community also with
4 people saying that. However, I don't think the tree is
5 something we're supposed to look at. That's something we
6 think can carry out at a later stage through permitting as
7 well as the stormwater management issues.

8 However, I do think that the Applicant did put
9 forward some construction management agreements that if we
10 were to get to it, I would be willing to talk about it in
11 terms of some of the issues that they have raised and how
12 they believe they're going to take care of some of those
13 stormwater management issues, for example, staging and
14 construction hours.

15 I probably think that I don't know if we would
16 necessarily list these as conditions but reference them in
17 the order under this particular exhibit so that it's known
18 that this was put forward in 84D. Those are my initial
19 thoughts, I'm going to go around the table and see everybody
20 says and what their thoughts are.

21 Again, I do think it in some ways is unfortunate
22 and also even I think this particular project is going to
23 possibly get hung up for a while anyway in that there's going
24 to be some permitting that's involved that is beyond us
25 again.

1 They're still going to have to wait for this type
2 of review and that's not something that's, again, with us.
3 This is just one step along the way that's probably going to
4 end up taking a lot longer regardless. So, it's up to you
5 guys in terms of your analysis, where you are and what your
6 thoughts are I suppose.

7 But if we were to vote on this today, I believe
8 they're meeting the standard for what they're requesting and
9 I would be voting in favor. Mr. Smith?

10 MEMBER SMITH: I largely agree with you regarding
11 this question about the trees. The discussion before us is
12 not regarding the removal of the heritage tree and I do agree
13 with you but I do believe that is beyond the purview of this
14 Board.

15 It's not a zoning issue and should be taken care
16 of by the pertinent agencies that regulates such within the
17 District. I do understand the community's concerns about the
18 preservation of heritage trees, but again, I believe that's
19 the duty of the Urban Forestry Division and DDOT to regulate
20 that.

21 If the community has some concerns about the
22 enforcement or preservation of heritage trees, they probably
23 should have a conversation more with the Urban Forestry
24 Division about making modifications to their enforcement
25 actions or the ways in which they enforce.

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1 Maybe raising the fee where they're raising the
2 fee enough where it would be a stronger deterrent to property
3 owners when it comes to down to destroying the heritage tree.
4 But nevertheless, that is not something that we can regulate
5 here as a zoning board.

6 So, the question before us is not about the
7 heritage tree, as you stated, it's regarding the special
8 exception of the dwelling on a theoretically line.

9 Because of the width of the access road being 16
10 feet and many of these access roads within these communities
11 decades ago were planted with a 16-foot width street, all of
12 these side streets branching off.

13 The primary streets in all of the Foxhall Crescent
14 are 16 feet wide. That's the reason why the Applicant is
15 requesting this variance, it's not 24 feet wide. I believe
16 the Applicant has met the burden of proof for us to grant the
17 special exception from the subdivision regulations to allow
18 the construction of a single family house on the theoretical
19 lot.

20 The proposed development would meet the general
21 special exception standards in that, one, the proposal to
22 develop a single family home and I will also note, which was
23 also raised by the HOA in their discussions, the style of the
24 home would be an Arthur Cotton Moore design.

25 So, what is proposed to be built there would be

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1 in keeping with the pattern within the neighborhood. It
2 would meet the purpose and intent of the RA1 zone, which
3 calls for single family development.

4 Two, the development of a single family home in
5 a manner in keeping with the regulations of the District of
6 Columbia, which would require a construction management
7 agreement, which is an administrative process and also a rain
8 plan that would address water and some run-off concerns that
9 were raised by some of the people that spoke in opposition
10 to this project because of those concerns.

11 And I think probably it stems from the removal of
12 the tree. Any questions about future preservation of
13 vegetation on the site?

14 I do believe the Applicant has met the special
15 exception criteria. Regarding the variance request, I
16 believe the Applicant has met the variance criteria as
17 specified in Section X1001.

18 Regarding first pull, the property access does
19 present extraordinary conditions as you stated, Chairman
20 Hill, because the street can't be wide. The way the
21 neighborhood was cladded, it's cladded with 16-foot streets,
22 the homes are fairly close to 16-foot street and the property
23 lines are right up against the 16-foot-width street.

24 So, widening the street to make it possible to
25 develop this lot would prevent some severe impacts on the

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1 existing homes that point to this street. And it would be
2 difficult for the Applicant to meet that regulation
3 otherwise.

4 Regarding no substantial detriment to the public
5 good, granting the relief would not result in the detriment
6 to the public good. DDOT is on record finding no objections
7 to granting the variance. It's the current 16-foot width of
8 the street, it's sufficient for 2-way traffic.

9 Again, this arrangement currently exists across
10 all of the Foxhall Crescent subdivisions over there.

11 And lastly, the granting of this variance would
12 not impact the intent and purpose in the turning of the
13 zoning regulations as the regulations themselves seek to
14 provide adequate access to all homes from a health, safety,
15 and welfare perspective.

16 That's the purpose of the zoning regulations. And
17 the 16-foot-wide street has been deemed to provide adequate
18 access. If it wasn't, it would not have been cladded decades
19 ago with a 16-foot-wide street. This is not in a historic
20 area of the District.

21 This is a relatively new development that went
22 through site planning review and was reviewed by all of the
23 pertinent public safety agencies of the District. And they
24 deemed it to be appropriate a couple decades ago and today
25 by DDOT. So, the 16-foot-wide street is sufficient for

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1 public safety access.

2 So, in summary, I would support the special
3 exception and variance request, however, I do recognize the
4 concerns raised by the neighborhood regarding erosion.
5 Recognition of neighborhood concern is about ongoing tree
6 preservation at the site.

7 And I would recommend adding three conditions to
8 all three matters.

9 Being that within the record the Applicant has
10 submitted a landscape plan, a stormwater management plan, a
11 construction management plan, while they are administrative
12 processes, that are reviewed by the District, by PCRA and
13 relevant agencies, I would recommend putting in some
14 conditions that don't step on their regulatory power but
15 recognize that the Applicant shall implement these plans
16 substantially in accordance with fill in the blank Exhibit
17 number that is listed in the record.

18 Did you with me run through the three?

19 CHAIRPERSON HILL: I'm trying to remember.
20 There's 84D, which was the construction management plan, and
21 you're going to run through it? You're referencing all of
22 them or there's three specific ones that you're speaking of?

23 MEMBER SMITH: All of them.

24 Stormwater management, the Applicant shall
25 implement a stormwater management plan substantially in

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1 accordance with Exhibit 56D, erosion and settlement control.
2 During construction, the Applicant shall implement DDOE-
3 required erosion settlement control methods as demonstrated
4 by Exhibit 54E.

5 For the landscape plan, the Applicant shall
6 implement the approved landscape plan substantially important
7 with the plan provided as Exhibit 54C. And for the
8 construction management plan, the Applicant shall implement
9 the construction management plan substantially in accordance
10 with the plan provided as Exhibit 86D.

11 CHAIRPERSON HILL: 84D or 86D?

12 MEMBER SMITH: Sorry, 84D.

13 CHAIRPERSON HILL: Thanks, Mr. Smith, that was
14 very helpful. Let's see, Dr. Imamura?

15 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
16 I align myself with your comments and Board Member Smith.
17 I would just like to take this opportunity once more for the
18 public to say a few things.

19 One, to underscore that while I appreciate the
20 high level of interest and passionate neighbors about the
21 concern for the development, there are certain things that
22 are within the purview of the Board of Zoning Adjustment and
23 some that are not.

24 While I lament the cutting down of the heritage
25 tree and the significant clearing and grubbing that's taking

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1 place that's put us before the Board today, we are here to
2 apply the zoning regulations for this particular case.
3 Zoning laws are imperfect but we do our best to apply those
4 regulations.

5 That's why there are other agencies that regulate
6 and enforce things like free permitting. So, while
7 unfortunate what's taken place, I don't see any particular
8 issue with the variance request and I think the Applicant has
9 met the special exception standards.

10 And I do believe the three conditions described
11 by Board Member Smith that's in the record should apply to
12 our order. Again, I want to thank the neighborhood for their
13 input and understand the plight but I also would expect and
14 hope that they understand our particular position and role
15 in this case.

16 And I think, as you've said, Chairman Hill, we are
17 one step in the process of a very long process for the
18 Applicant to receive their permits to construct this
19 particular home.

20 So, I want that process play out and encourage
21 Members to remain engaged with those agencies and with the
22 Applicant and again to just encourage the Applicant to
23 exercise the good neighbor policy and work with the
24 surrounding neighbors as best they can.

25 So, with that, I am prepared to vote in favor of

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1 and in support of the variance and special exception.

2 CHAIRPERSON HILL: Thank you. Mr. Blake?

3 MEMBER BLAKE: I'll be brief. First of all, I
4 agree the Applicant has met the conditions for the variance
5 relief for the reasons we've stated and also the special
6 exception. I think that Board Member Smith provided a very
7 thorough analysis.

8 I would agree with it completely. I also think
9 the conditions that he proposed would be ideal to address the
10 issues and concerns that the community and the ANC in
11 particular with regards to stormwater management rose and so
12 forth. It is a hilly area, et cetera, and this is
13 appropriate.

14 I think the conditions in the construction
15 management plan address a lot of the other actual day-to-day
16 events that would take place during the construction period,
17 which would have a lot of impact, adverse impacts, on the
18 neighborhood.

19 So, I think that's a huge and very useful element
20 that will deal with these issues. All that said, I will be
21 voting in support of the application for both the variance
22 and the special exception.

23 CHAIRPERSON HILL: Thank you. I appreciate
24 everything you all said. One thought, I can't remember when
25 this changed but there was something about -- I don't know

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1 if you all have any comments, it's okay -- but there was
2 something about when the regulation changed or once the
3 tree's been cut down, you could have paid a penalty.

4 But now if you cut down the tree you can't get
5 your permits for a couple years or something like that. And
6 I think that's new so that's really what now is preventing --
7 who knows if this was a diseased tree or not or what have
8 you.

9 It prevents this from happening in the future or
10 this possible thing happening in the future. So, I would
11 agree with all of those conditions and I'm going to just list
12 them by exhibit and see where we go.

13 I'm going to make a motion to approve Application
14 20636 as captioned and read by the Secretary, including the
15 conditions mentioned by the Board that are listed in Exhibit
16 56D, 84D, 54E, and 54C as mentioned by Board Member Smith.

17 If I'm misplacing an exhibit, Legal can possibly
18 go back and take a look at Mr. Smith's comments to make sure
19 I'm reflecting the correct intent. I'll ask for a second,
20 Mr. Blake.

21 MEMBER BLAKE: Second.

22 CHAIRPERSON HILL: Motion made and seconded. Mr.
23 Moy, can you take a roll call?

24 MR. MOY: When I call your name, if you would
25 please respond with a yes, no, or abstain to the motion made

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1 by Chairman Hill to approve the application for the relief
2 requested plus the conditions as Chairman has cited in his
3 motion as related to Exhibit 56D, 84D, and 54C. I believe
4 those would be the three.

5 The motion was seconded by Mr. Blake. Zoning
6 Commissioner --

7 CHAIRPERSON HILL: There was four, Mr. Moy.

8 MR. MOY: What was the fourth one?

9 CHAIRPERSON HILL: Let me see. It was 56D, 84D,
10 54E, and 54C.

11 MR. MOY: 54D, 84D?

12 CHAIRPERSON HILL: No, 84D, 56D, 54E, and 54C.

13 MR. MOY: Thank you. I'm not going to repeat
14 that. When I call your name, if you would please respond
15 with a yes, no, or abstain to the motion made by Chairman
16 Hill along with his conditions. So, Zoning Commissioner Dr.
17 Imamura?

18 COMMISSIONER IMAMURA: Yes.

19 MR. MOY: Mr. Smith? Mr. Blake?

20 MEMBER BLAKE: Yes.

21 MR. MOY: Chairman Hill?

22 CHAIRPERSON HILL: Yes.

23 MR. MOY: We have a Board Member who was not
24 participating on this case. Staff would record the vote as
25 4 to 0 to 1 and this is on the motion made by Chairman Hill.

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1 The motion to approve was seconded by Mr. Blake,
2 also in support of the motion to approve, Zoning Commissioner
3 Dr. Imamura, Mr. Smith, Mr. Blake, and Chairman Hill. The
4 motion carries.

5 (Whereupon, the above-entitled matter went off
6 the record at 10:13 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 BZAA

Date: 06-29-22

Place: teleconference

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



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