

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 8, 2023

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The Regular Public Meeting of the DC Board of Zoning Adjustment convened via Videoconference, pursuant to notice, at 9:35 a.m. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA L. JOHN, Vice-Chairperson

ZONING COMMISSION MEMBERS PRESENT:

JOSEPH S. IMAMURA, PhD, AOC Designee

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, A/V Production Specialist

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.
COMETRIA COOPER, ESQ.
CARISSA DEMARE, ESQ.
RYAN NICHOLAS, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on November 8, 2023.

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

9:35 a.m.

CHAIRPERSON HILL: Good morning, ladies and gentlemen, Board of Zoning Adjustment. Today's date is 11/8/2023. This public hearing will please come to order.

My name is Fred Hill, Chair of the District of Columbia Board of Zoning Adjustment. Joining me today is Vice Chair Lorna John, Board member Chrishaun Smith, Zoning Commissioners Anthony Hood, Rob Miller, and Dr. Joe Imamura. Today's meeting and hearing agenda are available to you on the Office of Zoning's website.

Please be advised this meeting 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 hearing. Accordingly, everyone who is listening on Webex or by telephone will be muted during the hearing.

Also, please be advised that we do not take any public testimony in our decision meeting session. If you are experiencing difficulty accessing Webex or with the telephone calling, please call our OZ hotline number at 202-727-5471, once again, 202-727-5471. It's all still listed on your screen.

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

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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. A full order may also be
4 needed if the Board of Zoning's decision differs from the
5 Office of Planning's recommendation. Although the Board
6 favors the use of summary orders whenever possible, an
7 Applicant may not request the Board to issue such an order.

8 In today's hearing session, everyone who is
9 listening on Webex or telephone will be muted during the
10 hearing. Only persons who signed up to participate or
11 testify will be unmuted at the appropriate time. Please
12 state your name and home address before providing oral
13 testimony or your presentation. Oral presentation should be
14 limited to a summary of your most important points. When
15 you're finished speaking, please mute your audio so that your
16 microphone is no longer picking up the sound or background
17 noise.

18 All persons planning to testify either in favor
19 and opposition should have signed up in advance. They'll be
20 called by name to testify. If this is an appeal, only
21 parties are allowed to testify. By signing up to testify,
22 all participants complete the oath or affirmation as required
23 by Subtitle Y 408.7.

24 Requests to enter evidence at the time of the
25 online virtual hearing, such as written testimony or

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1 additional supporting documents other than live video, which
2 may not be presented as part of testimony, may be allowed
3 pursuant to Subtitle Y 103.13, provided that, one, the person
4 making the request enter an exhibit and explain, A, how the
5 proposed exhibit is relevant, B, the good cause that
6 justifies allowing the exhibit into the record, including an
7 explanation of why the requester did not file the exhibit
8 prior to the hearing pursuant to Y 206, and C, how the
9 proposed exhibit would not unreasonably prejudice any
10 parties. There are the procedures for special exception of
11 variances are pursuant to Y 409.

12 At the conclusion of each case, an individual who
13 was unable to testify because of technical issues may file
14 a request for leave to file a written version of the planned
15 testimony to the record within 24 hours following the
16 conclusion of public testimony in the hearing. If additional
17 written testimony is accepted, the parties will be allowed
18 a reasonable time to respond as determined by the Board.

19 The Board will then make its decision at its next
20 meeting session, but no earlier than 48 hours after the
21 hearing. Moreover, the Board may request additional specific
22 information to complete the record. The Board and the staff
23 will specify at the end of the hearing exactly what is
24 expected and the date when persons must submit the evidence
25 to the Office of Zoning. No other information shall be

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1 accepted by the Board.

2 Finally, the District of Columbia Administrative
3 Procedures Act requires that the hearing of each case be held
4 in the open before the public. However, pursuant to Section
5 405(b)(4) -- I'm sorry, 405(b) and 406 of that Act, the Board
6 may, consistent with its rules and procedures and the Act,
7 enter into closed meetings on a case for purposes of seeking
8 legal counsel on a case pursuant to D.C. Official Code
9 Section 2-575(b)(4) and/or deliberating on a case pursuant
10 to D.C. Official Code Section 2-575(b)(13), but only after
11 filing the necessary public notice and, in the case of an
12 emergency closed meeting, after taking a roll call vote.

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

14 MR. MOY: Good morning, Mr. Chairman. Can you --
15 are you able to hear me?

16 CHAIRPERSON HILL: I am. Thank you.

17 MR. MOY: Got it. Boy, I think my audio seems to
18 have a mind of its own sometimes. Anyways, good morning, Mr.
19 Chairman, members of the Board. Just a few announcements.

20 First, with regards to today's docket, Application
21 Number 20983 of the House of Ruth has been postponed,
22 rescheduled to January 31st, 2024. Application Number 20931
23 of Layla Bonnot has been postponed, rescheduled to February
24 14th, 2024. Case Application Number 20974, RVH -- rather,
25 RVP H Street, Northwest, LLC, postponed, rescheduled to March

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1 27th, 2024.

2 Other than that, Mr. Chairman, my final statement
3 is for our viewers and for the record. The Chairman has
4 reviewed and granted waivers to allow late filings into the
5 applicable case records pursuant to Subtitle Y, Section
6 206.7, and Subtitle Y, Section 103.13. So any other late
7 filings today during the course of the live hearing should
8 be presented before the Board by the applicant or parties or
9 witnesses.

10 And I believe that's all I have for you. Thank
11 you, Mr. Chairman.

12 CHAIRPERSON HILL: Thank you, Mr. Moy. Let me
13 pull up some files.

14 All right, Mr. Moy. I know that we have Dr.
15 Imamura here just for a decision case. So, if you can go
16 ahead -- I think it's 20971 -- and welcome Dr. Imamura.

17 MR. MOY: Okay. This is the single case in
18 today's Board's meeting session, yes, Application Number
19 20971 of 745 Kenyon Condos, LLC. This, for the record, is
20 an amended self-certified application pursuant to Subtitle
21 X, Section 901.2, for the following special exceptions:
22 Subtitle E, Section 207.5, to allow a rear wall, a row
23 building to extend further than ten feet; Subtitle U, Section
24 320.2, to allow conversion of an existing residential
25 building to an apartment house use; Subtitle E, Section

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1 204.4, for the rooftop architectural element requirements;
2 Subtitle E, Section 204.1, property located in RF-1 zone at
3 745 Kenyon Street, Northwest, Square 2892, Lot 38.

4 This was last heard by the Board at its hearing
5 on November 1st. And participating on this decision is the
6 Chairman, the Vice Chair, Mr. Smith, and of course, Zoning
7 Commissioner Dr. Imamura.

8 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

9 CHAIRPERSON HILL: Thank you. Okay. So this one
10 we heard last week. And I would agree with the argument that
11 the Applicant has made as to why they're meeting the
12 conditions for us to grant the relief requested. I would
13 also agree with the analysis that the Office of Planning has
14 provided in support, including their one condition about not
15 allowing decks, terraces, or recreational space on the roof
16 of the rear portion of the building containing Unit Number
17 3.

18 And I appreciate the Office of Planning's
19 explanation as to not only why that is something that they
20 thought there were some adverse impacts to, but also, I got
21 something new from it, which is that it's also looking
22 forward into the future as to other properties or projects
23 that might be around that over -- you know, in the future,
24 so not to cause undue impact into privacy issues.

25 I also note that the ANC was in support, and what

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1 we had had was keeping the record open so that a staircase
2 could be -- it was already removed, but really now to be
3 clearly removed from the project on the third floor. Now I
4 noticed that even the roof now in the drawing says Unoccupied
5 Roof. But I would note, again, that we're still going to put
6 it as a condition there.

7 Dr. Imamura, would you like to add anything?

8 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
9 I think your summary was spot-on. I don't think I have
10 anything more to add other than to underscore that the plans
11 have been updated in the record to reflect the condition, and
12 I'm prepared to vote in support.

13 CHAIRPERSON HILL: Thank you. Vice Chair John?

14 VICE CHAIR JOHN: Thank you, Mr. Chairman. I'm
15 in support of the application. I don't have anything to add,
16 and I note that the record has been updated as well.

17 CHAIRPERSON HILL: Thank you. All right. I'm
18 going to make a motion, then, to approve Application Number
19 20971, including the condition that OP had recommended
20 concerning there shall be no decks, terraces, or recreational
21 space on the roof of the rear portion of the building
22 containing Unit Number 3, and ask for a second. Ms. John?

23 VICE CHAIR JOHN: Second.

24 CHAIRPERSON HILL: The motion has been made and
25 seconded. Mr. Moy, if you could take the roll call, please.

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1 MR. MOY: Thank you, Mr. Chairman. When I call
2 your name, if you'll please respond to the motion made by
3 Chairman Hill to approve the application for the relief
4 requested, along with the condition as stated by the Chair
5 that's in reference to the condition that was in the OP
6 report. The motion is seconded by Vice Chair John.

7 Zoning Commissioner Dr. Imamura?

8 COMMISSIONER IMAMURA: Yes.

9 MR. MOY: Vice Chair John?

10 VICE CHAIR JOHN: Yes.

11 MR. MOY: Chairman Hill?

12 CHAIRPERSON HILL: Yes.

13 MR. MOY: And we have an absentee ballot vote from
14 Mr. Smith, and his vote is to approve the application and
15 such conditions as may be imposed. So staff would record the
16 vote as 4 to 0 to 1. And this is on the motion made by
17 Chairman Hill to approve, with one condition, the motion to
18 approve with second by Vice Chair John.

19 Voting to approve, Zoning Commissioner Dr.
20 Imamura, Mr. Smith by absentee ballot, Vice Chair John, and
21 Chairman Hill. Motion carries, sir, 4 to 0 to 1.

22 CHAIRPERSON HILL: Thank you. And, Dr. Imamura,
23 I might have a question for you about something. So I'll
24 send you a text.

25 COMMISSIONER IMAMURA: Sure thing.

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1 CHAIRPERSON HILL: Thank you.

2 COMMISSIONER IMAMURA: All right. Thank you, Mr.
3 Chairman.

4 CHAIRPERSON HILL: You have a good day.

5 COMMISSIONER IMAMURA: All right. Thank you.
6 You, too.

7 (Whereupon, the above-entitled matter went off the
8 record at 9:47 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: DCZC

Date: 11-08-23

Place: videoconference

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



Court Reporter

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