

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

TUESDAY

NOVEMBER 21, 2006

+ + + + +

The Public Hearing convened in
Room 220 South, 441 4th Street, N.W.,
Washington, D.C., 20001, pursuant to notice
at 9:30 a.m., Geoffrey H. Griffis,
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
RUTHANNE G. MILLER	Vice-Chairperson
CURTIS ETHERLY, JR.	Board Member
JOHN A. MANN, II	Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

CAROL MITTEN	Chairperson
MICHAEL TURNBULL	Commissioner (AOC)

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Board of Zoning Adjustment
District of Columbia
CASE NO.18241
EXHIBIT NO.26B18

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY	Secretary
BEVERLEY BAILEY	Sr. Zoning Specialist
JOHN NYARKU	Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

MATTHEW JESSICK
JOHN MOORE
TRAVIS PARKER

The transcript constitutes the
minutes from the Public Hearing held on
November 21, 2006

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1 storming the table right away. I'm going to
2 ask that then everyone who is going to address
3 the Board this afternoon, if you would please
4 stand and give your attention to Ms. Bailey.
5 She's going to swear you in.

6 If you are at all going to address
7 or talk to the Board today.

8 MS. BAILEY: Please raise your
9 right hand.

10 Do you solemnly swear or affirm
11 that the testimony that you will be giving
12 this afternoon will be the truth, the whole
13 truth and nothing but the truth?

14 CHAIRPERSON GRIFFIS: Thank you.
15 Excellent. Thank you all very much.

16 With that, Ms. Bailey, when you're
17 ready, I believe we can call the case for the
18 afternoon.

19 MS. BAILEY: Thank you, Mr.
20 Chairman.

21 The application, it's an appeal
22 and the number is 17532 of Appletree Institute

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1 moves forward.

2 Others?

3 VICE CHAIRPERSON MILLER: I would
4 concur, especially since this case is in the
5 nature of an appeal that deals with very
6 specific legal interpretations that I don't
7 think that would have been addressed in the
8 ANC meeting that you would have gone to. I
9 think that these are very specific and that
10 which you would have heard would not influence
11 your decision on these issues.

12 CHAIRPERSON GRIFFIS: Excellent.
13 Any other opinions? Concerns? Comments?

14 Very well. Then all efforts for
15 Mr. Etherly have failed. We'll continue with
16 this case then.

17 And let me ask. Mr. Alberti is
18 present. Is that correct?

19 You're representing 6A. That is
20 my understanding. You have a request for
21 party status in this. And I believe we can
22 affirmatively say that you will be an

1 intervener in this as the property is located
2 within your ANC. Unless that can be
3 corrected, that is my understanding. So, we'll
4 move forward with that.

5 We have the Northeast Neighbors
6 for Responsible Growth that have also asked to
7 have intervener status in this. And they're
8 represented. Is that correct? Mr. Keys is
9 representing?

10 And just for everyone's
11 understanding and I know all of you obviously
12 do, but there may be others that read this
13 later or are watching. 3112.15 is the
14 provision of which we look at in terms of
15 establishing interveners for appeals. Appeals
16 obviously are totally difference that
17 variances or special exception hearings. And
18 the intervener provision says and I'll read.
19 "At the time of the hearing ion the appeal,
20 the Board in its discretion and for good cause
21 shown may permit persons who have a specific
22 right or interest that will be affected by

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1 action on the appeal to intervene in the
2 appeal, for such general or limited purposes,
3 as the Board may specify."

4 With that, Mr. Keys, I think it's
5 opportune to go right to you to ask you if you
6 would just briefly address the good cause
7 shown for our understanding in terms of our
8 deliberation on establishing intervenor
9 status.

10 MR. KEYS: Good afternoon, Mr.
11 Chairman, Members of the Board.

12 My name is George Keys. I'm with
13 the firm of Jordan and Keys and I'm
14 representing Northeast Neighbors for
15 Responsible Growth.

16 It's a nonprofit corporation that
17 was organized last year in response to the
18 proposal for regulations for the charter
19 schools, to have charter schools. It's
20 composed of a wide segment of neighbors on
21 Capitol Hill, but this petition, this
22 application for party status, is filed in the

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1 name of Northeast Neighbors, but if you
2 notice, it's signed by people who live in the
3 immediate vicinity of the subject property.
4 And they have alleged or claimed specific
5 impacts because of the Zoning Administrator's
6 reversal of the Zoning Administrator's
7 decision in this case, if a school is to be
8 located here.

9 And I think if you can look at the
10 rear. Many of those people are here in the
11 audience. We thought that it would be simpler
12 if Mr. Falink who is sitting to my right, the
13 President of Northeast Neighbors, addressed
14 the Board on behalf of all of those who have
15 signed the statement that's attached.

16 CHAIRPERSON GRIFFIS: But help me
17 understand what the actual specific writer
18 interests would be affected by determining
19 whether there was an error in the
20 interpretation and review of this permit.

21 MR. KEYS: Well, if Mr. Crews'
22 decision, the Zoning Administrator's decision

1 comes in on the 12th, that's all cobbled
2 together, and then you do what you will with
3 it as you put together your last draft orders.
4 Yes.

5 MR. CREWS: And just to clarify,
6 so for the 12th, all I'm on the hook for is
7 the additional C of Os?

8 CHAIRPERSON GRIFFIS: And an
9 opportunity to respond to Mr. Keys'
10 submission.

11 MR. CREWS: Oh, and Mr. Keys.
12 Okay. Because I thought that was --

13 CHAIRPERSON GRIFFIS: Right. On
14 the 5th, right. We're moving that to the
15 12th.

16 MS. BAILEY: Mr. Chairman, is it
17 okay if I just repeat everything?

18 CHAIRPERSON GRIFFIS: Yes,
19 absolutely.

20 MS. BAILEY: Okay. The
21 submissions are due December 5, 2006. The
22 responses to those submissions are due

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1 December 12, 2006.

2 CHAIRPERSON GRIFFIS: First
3 submissions on the 12th. I just changed it,
4 gave more time, just because we're so far off.

5 MS. BAILEY: Okay. The first
6 submission, then, is due December 12, 2006.
7 The findings of fact are due on January 3,
8 2007. And then, the Board has scheduled a
9 decision for January 9, 2007.

10 CHAIRPERSON GRIFFIS: Exactly.
11 Okay. There it is. Any questions?
12 Procedurals? Dates? Are we all set?

13 (No response.)

14 Excellent. Thank you all very
15 much. We do appreciate it.

16 Ms. Bailey, is there any other
17 business for the Board this afternoon?

18 (No response.)

19 If there's no other business,
20 let's adjourn.

21 (Whereupon, at 6:36 p.m., the
22 proceedings were adjourned.)

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