

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



May 28, 2019

Memo to file:

Re: **BZA Appeal No. 20191 of DC for Reasonable Development**

At the public meeting of May 27, 2020, the Board of Zoning Adjustment (the “Board”) addressed the Appellant’s request that the Board not hold the public hearing on this appeal as an online virtual hearing but instead postpone the public hearing until the time the Board holds in-person public hearings. Such a motion is permitted by Subtitle Y § 103.13(a) of the Board’s rules of practice and procedure.

The Board notes that the Zoning Commission recently adopted, as an emergency text amendment, updated procedures that would govern public hearings on contested cases held through video conference, teleconference, or other electronic means. The Board believes that these procedures provide options to participate by video conference and by phone and provide a set of safeguards that allow the Board to hold virtual hearings with procedures reasonably equivalent to those of in-person hearing while offering additional alternatives and flexibility to account for potential technical or access issues. Nonetheless, the Board will consider the request to hold an in-person hearing at its public meeting on **June 24, 2020**.

At that time, the Board will consider the most up-to-date guidance from the Mayor given the evolving state of the current public health emergency and will assess the likelihood of scheduling an in-person public hearing in the near term. In deciding whether to further delay a public hearing on this appeal, the Board must consider the due process rights of the parties involved by balancing the concerns raised about the challenges of participation in a virtual hearing against the health risks of requiring the parties’ participate by attending an in-person hearing. The Board will also consider whether any procedural safeguards put in place or any accommodations offered are able to address any issues raised regarding participation in a virtual hearing.

Given the existence of pending preliminary motions in the record, the Board also determined that it would consider any **preliminary matters** at its **Public Meeting** on **June 24, 2020** as well. In preparation for its deliberation and decision on any preliminary matters, the Board requests the following:

- By **Monday, June 8, 2020 at 11:59 p.m.**
Parties shall submit to the record any motions on preliminary matters, or provide any updates to pending motions regarding preliminary matters, and serve all parties.

- By **Thursday, June 18, 2020 at 11:59 p.m.**
Parties shall submit to the record any responses to motions regarding preliminary matters and serve all parties.

All parties are advised that the deadlines that the Board has set in this matter are final, and any untimely submissions will not be permitted into the record without a written explanation of good cause.

If you have questions, please contact our office at 202-727-6311.

SINCERELY,



CLIFFORD W. MOY
Secretary, Board of Zoning Adjustment
Office of Zoning