

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



April 29, 2021

ANC 2B 04
2B04@anc.dc.gov

Re: BZA Appeal No. 20452

REVISED REFERRAL MEMORANDUM AND NOTICE OF PUBLIC HEARING

Dear ANC Single Member District Commissioner:

An individual, organization, or ANC is alleging an error in the determination or decision made by an administrative officer in the administration or enforcement of the Zoning Regulations of the District of Columbia (Regulations) regarding property within your ANC's boundaries. This appeal was filed on January 18, 2021 through the Interactive Zoning Information System (IZIS). This appeal was initially scheduled for a Virtual Public Hearing on May 12, 2021.

When this Appeal was initially filed, a Notice of Referral was sent to both **ANC 2B**, and incorrectly to **ANC SMD 2B05**. While ANC 2B and ANC 2B04 have already submitted their comments regarding this appeal, this letter is intended to provide Notice of the appeal to ANC 2B04 and to provide notice of a **new hearing date** for this appeal.

You are hereby notified that on **Wednesday, July 28, 2021 at 9:30 am***, virtually via WebEx, a public hearing will commence concerning the following appeal:

Appeal of: Michael Hays

Appeal No.: 20452

Address: 1733 16th Street N.W. (Square 192, Lots 108, 110, 111)

ANC: 2B

Relief: Appeal pursuant to:

- The provisions of Subtitle Y § 302

Appeal from: The decision made on November 19, 2020 by the Zoning Administrator, Department of Consumer and Regulatory Affairs to approve the subdivision of Square 192, Lot 108 into two separate record lots denoted as Lots 110 and 111 in the RA-8 and RA-9 Zones.

*The following appeal was originally scheduled for May 12, 2021 and was administratively rescheduled to July 28, 2021. Notice has been provided via an Office of Zoning Memorandum on April 29, 2021.

HOW TO FAMILIARIZE YOURSELF WITH THE CASE

In order to review exhibits in the case, follow these steps:

- Visit the Office of Zoning (OZ) website at <http://dcoz.dc.gov>
- Under "Services", click on "Interactive Zoning Information System".

- Click on “Go to Case Records”.
- Enter the BZA application number indicated above and click the search button.
- The search results should produce the case on the right. Click “View Details”.
- Click “View Full Log”.
- This list comprises the full record in the case. Simply click “View” on any document you wish to see, and it will open a PDF document in a separate window.

HOW TO PARTICIPATE IN THE CASE

As described in the Zoning Regulations of the District of Columbia (Regulations), the affected ANC is an automatic party to the case and Board gives “great weight” to its written report.

Visit http://dcoz.dc.gov/resources/ANC_Filing/index.shtm for instructions on how to file the ANC report (Form 129) through the Interactive Zoning Information System (IZIS). Though ANC reports may be filed at any time prior to the Board’s final deliberation on the case, the ANC is strongly encouraged to submit their report no later than seven days prior to the public hearing date so that Board has ample time to consider the ANC’s position.

If your ANC has not received a courtesy copy of the application from the Appellant, please notify us so we can assist you in obtaining a copy. If you have any questions or require any additional information, please call OZ at 202-727-6311.

HOW TO PARTICIPATE IN THE VIRTUAL HEARING AND/OR SUBMIT COMMENTS:

A. Watch/listen to the hearing:

- Members of the public can watch and listen to the public hearing via Webex or YouTube Live, or they can listen to the audio of the hearing by calling via telephone.
- **To get details regarding the Webex link, YouTube Live video, and telephone conference line:**
 - o Visit the Office of Zoning website (updated every Friday with the following week’s hearing information): <https://dcoz.dc.gov/release/watch-zc-and-bza-virtual-meetings-live>
 - o Or, call the Office of Zoning staff at 202-727-6311

B. Sign up to provide testimony at the virtual hearing:

- To provide oral comments during a virtual hearing, **participants are strongly encouraged to sign up at least 24 hours before the hearing** in order to be heard.
- To sign up, do one of the following:
 - o Fill out online form on the Office of Zoning website: <https://app.dcoz.dc.gov/Kiosk/Kiosk.aspx>
 - o If you are unable to sign up on online, call Robert Reid at 202-727-5471 to state that you would like to sign up to testify.
- Confirmation and instructions regarding testifying during the virtual hearing will be provided to participants after signing up. OZ staff will also provide estimated times of when cases will be heard to those who have signed up prior to the hearing.

C. Submit a statement into the record: After reviewing the record, submit written testimony, either a letter in support, or a letter in opposition. Submissions are **strongly encouraged to be sent at least 24 hours before the hearing.**

- Upload your document to the case record in IZIS or, if you have technical difficulties with IZIS, send it as a PDF attachment or include the statement in the body of the email to bzasubmissions@dc.gov.
- Hard copies of documents will not be accepted at this time.

SINCERELY

A handwritten signature in black ink, appearing to read "Clifford W. Moy". The signature is written in a cursive style with a long horizontal stroke at the end.

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

*******PRINT & SAVE FOR FUTURE REFERENCE*******

HOW TO PARTICIPATE IN THE VIRTUAL HEARING:

D. Sign up to Testify

At least 24 hours before the virtual hearing, sign up to provide testimony.

As the Applicant, you are responsible for ensuring that your Team Members sign up to testify. This includes Agents and any proffered or accepted Expert Witnesses. It is the responsibility of all individuals wishing to testify to sign up using the “Sign Up to Testify” tab (identified by a hand symbol under “Featured Services” on the home page of the Office of Zoning website at dcoz.dc.gov)

To sign up (either as an Applicant or as an Applicant’s witness), do one of the following:

Participants may sign up via the “Sign Up to Testify” tab on the Office of Zoning Home Page

1. Select the Hand icon under the heading **Featured Services**.
2. Click on the Orange Tab labeled **“Sign-Up to Testify >”**. This will take you to the Kiosk Application.
3. Under **Select a Type**, select **Board of Zoning Adjustment**.
4. Under **Select an Event**, from the drop-down menu, choose the BZA Public Hearing date that the case is scheduled for.
5. Under **Select a Case**, from the drop-down menu, choose the BZA case from the list.
6. Once you have completed these steps, **a form** will appear where the participant will enter the name and contact information that will be used the day of the hearing and check the **Oath box**. Click “Submit”.

7. Once you click submit, you will be taken to a screen that reads, "Thank you for signing-up to testify."

OR

Call BZA Staff

1. If you are unable to sign up through the online kiosk call Robert Reid at 202-727-5471 for assistance in signing up.

Confirmation of sign-up will be provided by Office of Zoning staff.

E. Submit evidence into the record:

As noted above, **all evidence** is to be submitted 21 days before the hearing, therefore, 24 hours before the hearing, all documents should be in the case file. However, if there is any supplemental documentation not already in the record as the hearing day approaches, and you intend to present it as part of your testimony, you must do **ALL** of the following:

1. **Upload** the document(s) into the case record in IZIS (or email to bzsubmissions@dc.gov) **at least 24 hours before the hearing.**
2. **Request** that the Board waive the 21-day filing deadline to accept the late documentation into the record (submit Form 150 or request a waiver in the document itself.)
3. For documents being submitted during the public hearing, **make a verbal request** that the Board accept the exhibit. (See Subtitle Y § 103.13(g) for applicable regulations.)
4. **Email** any [PowerPoint or other materials that you plan to present during your testimony, to Paul Young \(Paul.Young@dc.gov\) prior to the hearing.](#)

NOTE

- **Hard copies** of documents will **not** be accepted at this time.
- Documents filed either in IZIS or through bzsubmissions **less than 24 hours** before the start of the hearing session shall be **excluded** from the record.

DETAILS

To watch/listen and provide testimony on the day of the virtual hearing:

Via the Webex application:

*****You must use Chrome, Internet Explorer, or Mozilla browsers*****

You need a high-speed internet connection and a working camera if using video, as well as a microphone and speakers that are either connected to your computer or through a telephone.

1. Click on the URL link provided for the scheduled hearing.
2. A web page should load, and the right-hand side the page should say "Join Event Now".
3. If the hearing has started, enter the same First name, Last name, and email address that was filled in when signing up per the instructions above. Enter the Event Password provided (if not already auto-filled in), then click "Join Now".
*Note: if the hearing has not started yet, you will not be able to join the hearing and the contact fields will be greyed out.
4. On the next screen, if you do not have the Webex application installed on your device, select "Run a temporary application" on your browser page.
5. The temporary application should download, then click the downloaded file at the bottom of the browser if it does not automatically open.
6. The Webex application will open and a preview screen will appear. Click "Join Event".
7. When initially joining the meeting, you will be muted and have "listen-only" capabilities during the Webex hearing.
8. When your case is called, you will then be unmuted by the Event Administrator and the Chair will specify when it is your turn to speak.

Via telephone:

1. Call the Webex conference phone number for the scheduled hearing using the same phone number that you provided when signing up to testify per the instructions above.
2. When prompted, enter the Access Code provided with the call-in number and press #.
3. When asked for Attendee ID number, press # again to access the meeting.
4. When initially joining the meeting, you will be muted and have "listen-only" capabilities during the Webex hearing.

5. When your case is called, you will then be unmuted by the Event Administrator and the Chair will specify when it is your turn to speak.

FAQs

To see **ZC and BZA Virtual Hearing FAQs** follow this link:

<https://dcoz.dc.gov/page/zoning-commission-zc-and-board-zoning-adjustment-bza-virtual-hearing-faqs>

Having Trouble Accessing the Meeting?

Contact the Office of Zoning staff for assistance:

Email: itzone@dc.gov

Phone: 202-727-6311