GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

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WEDNESDAY

APRIL 7, 1999

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The Board met in Hearing Room 220 South at 441 4th Street, N.W., Washington, D.C., at 9:00 a.m., Sheila Cross Reid, Chairperson, presiding.

PRESENT

SHEILA CROSS REID, Chairperson
JERRY GILREATH, Board Member

STAFF PRESENT

SHERI PRUITT-WILLIAMS, Interim Director, Office of Zoning
PAUL HART, Office of Zoning
JOHN NYARKU, Office of Zoning
BEVERLY BAILEY, Office of Zoning

C-O-N-T-E-N-T-S

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(9:00 a.m.)

CHAIRPERSON REID: Good morning.

For those of you who are here for the hearing at 9:30, we have a short meeting before that, so please indulge us and then we'll continue with the hearing.

There will be a short meeting prior to the hearing this morning. Can you hear me now in the back?

First thing I said was for those of you are here for the hearing we will have a short meeting first and then we will continue with the hearing. Has everyone heard that? Thank you.

MR. HART: Good morning, Madam Chairperson, members of the Board. We're here this morning for the public meeting of April 7, 1999. First item on the agenda is a consideration of the minutes, first minutes being the Public Meeting of March 3, 1999.

MR. GILREATH: I move that we adopt the minutes of March 3, 1999. Can you hear me now? Is it any better?

(Pause.)

Is this any better?

CHAIRPERSON REID: Speak loudly.

MR. GILREATH: Madam Chair, I move that we adopt the meeting minutes for March 3, 1999.

CHAIRPERSON REID: I second. All in favor, aye.

(AYE.)

CHAIRPERSON REID: Opposed.

MS. PRUITT-WILLIAMS: Staff would record the vote as a motion made by Mr. Gilreath, seconded by Ms. Reid and a proxy from Ms. King.

MR. HART: We move to the bench minutes. The two bench minutes, Madam Chair, I'm requesting your consideration of them be deferred to our next public meeting which will be May 5th.

CHAIRPERSON REID: Okay.

MR. HART: We now move on to cases to be decided. The first case is Application 16412 of the Florida Avenue Associates, pursuant to 3108.1, for a special under Section 2003 to permit a change of nonconforming use from office use to a restaurant in a DCOD/R-5-B District at premises 2128 Florida Avenue, N.W. This is Square 65, Lot 22.

CHAIRPERSON REID: In this instance, Board Members, we were requested that there be an agreement from the State Department in regard to the parking arrangement and the attorney for the Applicant was supposed to provide that and I see it

in my package. Did you, Mr. Gilreath?

MR. GILREATH: No. There is simply a letter saying that there had been a written record of it.

CHAIRPERSON REID: Right, there was a representation that there was an agreement, however, the actual agreement itself was not contained herein. Nor do we have an agreement -- and it also said in this letter that in the alternative or if there cannot further be parking at the Embassy, then they would spaces in the Universal Building, Universal North Building and I did not see an agreement to that. In fact, I did not see an agreement to that either contained within my package.

So we need to have an agreement either with the Embassy, State Department or with the Universal North Building before I would feel comfortable actually making a decision on this case.

MR. GILREATH: I concur with that. I don't know what the appropriate action is, but can we move a deferment on this unless the Applicant wants to make a statement otherwise?

CHAIRPERSON REID: The Applicant is not allowed to make a statement, nonetheless --

MR. GILREATH: It would be hard to make

a decision here.

CHAIRPERSON REID: Yes, if we're not comfortable with making it without that agreement, that is supposed to be part of the agreement with the ANC. We can defer it until our next meeting date and at that time they would have had the opportunity to have submitted to us the necessary documentation.

MS. PRUITT-WILLIAMS: And your necessary document would be a written agreement signed by both parties of a parking lease for a substantial period of time, is that correct?

CHAIRPERSON REID: Either or, either with State Department or with Universal North Building making provisions for parking.

MS. PRUITT-WILLIAMS: Whoever it is, but it would be a written agreement by both --

CHAIRPERSON REID: And a substantial amount of time in that agreement.

MS. PRUITT-WILLIAMS: Okay, so you're going to defer this until May?

CHAIRPERSON REID: Yes.

MS. PRUITT-WILLIAMS: Thank you. That date would be what, Mr. Hart?

MR. HART: May 5th

CHAIRPERSON REID: May 5th.

MR. HART: The next case, Application 16432, of Sam and R.D. Ansellem, pursuant to 11 DCMR 3107.2, for a variance from Section 2001.3(c) to allow an addition to an existing nonconforming structure, a variance from the minimum side yard requirements, Section 405.9, and a variance from the minimum width of an open court requirement, Section 406.1, for addition to an existing nonconforming single family dwelling in an R-1-B District at premises 3414 Fulton Street, N.W., Square 1941, Lot 18.

CHAIRPERSON REID: There was a request for a postponement in this particular case and they want to postpone it until what date, to May 5th? I have no problem with that.

MR. GILREATH: Nor do I, because I think the Applicants need more time to develop a rationale for the uniqueness of the site and so forth.

CHAIRPERSON REID: Right, that's what they have requested. I have no problem with that to get them the additional time that they need and I think we have a proxy vote from Ms. King.

MR. GILREATH: Yes.

CHAIRPERSON REID: Would you move --

MR. GILREATH: I move that we grant the postponement.

CHAIRPERSON REID: I second. All in favor.

(AYE.)

CHAIRPERSON REID: Would you read Ms. King's response?

MS. PRUITT-WILLIAMS: So you're postponing this until the next May meeting?

CHAIRPERSON REID: Yes.

MR. HART: Case No. 16436 Application of New Redeemer Baptist Church, pursuant to 11 DCMR 3108.1, for a special exception under Section 213 for an accessory parking lot, for the church use, for 26 parking spaces in an R-5-A District at premises
Rear-5714 Georgia Avenue, N.W., Square 2935, Lot 820.

MR. GILREATH: Madam Chair, I read the material, I looked and I think there's a diagram whereby they would provide landscaping and the chain and the fence. It appeared to me that they had adequately responded to our request.

CHAIRPERSON REID: Yes. You want to make a motion?

MR. GILREATH: I make a motion that we grant the application.

CHAIRPERSON REID: The special

exception. They did indeed meet their burden of proof in regard to they were requesting under Section 213, there was a request that they provide landscaping plan and also show how the site would be fenced which they did. I am satisfied with what they have provided to us, so therefore I second your motion.

All in favor.

(AYES.)

CHAIRPERSON REID: Ms. King's proxy. Ms. King said aye, okay.

MS. PRUITT-WILLIAMS: I'm sorry, could you repeat that?

CHAIRPERSON REID: The motion --

MS. PRUITT-WILLIAMS: Who was the maker of the motion?

MR. GILREATH: I moved that we approve the application.

MS. PRUITT-WILLIAMS: And Ms. Reid, you seconded it?

CHAIRPERSON REID: Yes.

MS. PRUITT-WILLIAMS: Staff would record the vote as 3 to 0 to approve motion made by Mr. Gilreath, seconded by Ms. Reid.

MR. HART: Application 16437 of F.B. Partnership pursuant to 3108.1, for special

exception from Section 512 to permit a hotel in an SP District with a reduction in the required off-street parking in an SP-2 District that premises 1225 13th Street, N.W., Square 281, Lot 832.

CHAIRPERSON REID: Okay.

MR. GILREATH: I have in my notes there was a question about postponement. Can you clarify for us, Ms. Pruitt?

MS. PRUITT-WILLIAMS: The Applicant is requesting that this be postponed so they can do some work and they're requesting instead of taking it up at your next May meeting, that you take it up as a special public meeting on the 14th which is next week.

We have the National Cathedral School as a hearing and they're requesting that you just deal with this one case prior to that and that will give them time. They had to deal with OP and do some more work and it was just not enough time --

MR. GILREATH: This is about the sign --

MS. PRUITT-WILLIAMS: Correct, and they have met with OP. They met with them Monday, in fact, so they have not had the opportunity to incorporate OP's comments. They'll get that into us some time.

CHAIRPERSON REID: I have no problem

with that. Perhaps not a clock on that date. We could make the consideration and make the determination in regard to this case in that we did ask that they confer with OP in regard to that particular sign to be placed on the building.

MR. GILREATH: I concur with that. I don't think that -- when the sign requirements are met, we can deal with that expeditiously. I move that we defer, postpone.

Madam Chair, I move that we postpone this to a meeting, the May meeting.

CHAIRPERSON REID: I second. All in favor.

(AYE.)

MS. PRUITT-WILLIAMS: Staff would record a vote 3 to 0 to postpone. Motion was made by Mr. Gilreath, seconded by Ms. Reid.

MR. HART: Application 16439 of 3101 Rhode Island Avenue LLC, pursuant to 11 DCMR 3108. 1, for a special exception from Sections 726 and Chapter 2302 to establish a gasoline service station and establish a food store in a C-2-A District at premises 3101-3103 Rhode Island Avenue, N.W., Square 4308, Lot 45.

CHAIRPERSON REID: I would move that we approve this application with the -- predicated on

the agreement that they have made with the ANC.

MR. GILREATH: Madam Chair, I would suggest, however, that we need to focus somewhat on the time. I think the ANC, what was it, two years -- that period of time and that would jeopardize funding --

CHAIRPERSON REID: I had a problem with that, Mr. Gilreath, also because there was an agreement that had already been signed and dated between the ANC and the Applicant and the Applicant seemed to be extremely cooperative in meeting all of the requests that they made and all of the demands or the concessions, I guess is a better word that they had put forth and then subsequent to that agreement, there came another agreement, I'm sorry, another letter that requested that it be for a two year term and I was not -- that did not set well with me.

I didn't think that -- I thought that if, in fact, they wanted it to be honestly acknowledged as a part of their agreement, it should have been in the first document. And the second document also did not have a quorum. It was an individual letter.

So I felt that we did not -- I did not feel comfortable in including that within our order

and instead to just allow them to move forward, approve the application with the conditions as set forth in the agreement with the ANC.

MR. GILREATH: I agree with that.

CHAIRPERSON REID: Do you second that?

MR. GILREATH: I second the motion.

CHAIRPERSON REID: All in favor?

MR. GILREATH: Aye.

CHAIRPERSON REID: Opposed?

MS. PRUITT-WILLIAMS: Sorry, excuse me, Madam Chair, so you're going to -- for how many years?

CHAIRPERSON REID: I didn't set a term?

MS. PRUITT-WILLIAMS: So it's in perpetuity?

CHAIRPERSON REID: Right.

MS. PRUITT-WILLIAMS: I wanted to be sure.

CHAIRPERSON REID: I felt comfortable enough with all of the concessions that had been made in regard to the safety, in regard to the safety and the parking and the noise, security, I felt that they had more than adequately taken care of the concerns in regard to possible adverse impact.

MS. PRUITT-WILLIAMS: Now Ms. King on

this particular case has proxy to approve of the incorporation of the ANC vote agreement.

CHAIRPERSON REID: The ANC vote is the one that is in the agreement. The request for the two years, subsequent to that --

MS. PRUITT-WILLIAMS: Lack of a quorum - -

CHAIRPERSON REID: Why?

MS. PRUITT-WILLIAMS: You need three in the affirmative.

CHAIRPERSON REID: Ms. King's -- if I'm not mistaken, her proxy says --

MS. PRUITT-WILLIAMS: "With the cooperation of the ANC agreement."

CHAIRPERSON REID: We're doing that. The two year request came subsequent to that agreement. That's what I was saying. That was my whole point. It was a different letter.

MS. PRUITT-WILLIAMS: Staff will record the vote as maker, Ms. Reid; seconded by Mr. Gilreath and Ms. King in favor.

CHAIRPERSON REID: Thank you.

MS. PRUITT-WILLIAMS: Last item.

MR. HART: The next one is Petition 16144 regarding Staff Requests for Dismissal for Failure to Pay Balance of Fee in the Application of

the Trust for Public Land which is the Parkside --

MS. PRUITT-WILLIAMS: This has been before the Board many times. They are asking for another extension for six months.

CHAIRPERSON REID: We can, by consensus, extend it again. Each time it's come before us it has been a matter of them not being able to complete the finances that they need in order to get their project off the ground.

It is an extremely worthwhile project to do. There's considerable redevelopment and revitalization to that area and I therefore would move or agree with a consensus to grant them another postponement.

MR. GILREATH: I agree or second your motion.

CHAIRPERSON REID: We'll just do it by consensus.

MS. PRUITT-WILLIAMS: And staff will record that Ms. King also agrees. She also states that this should also be the last postponement.

CHAIRPERSON REID: I don't agree with that.

MS. PRUITT-WILLIAMS: That's what she says.

CHAIRPERSON REID: I don't agree with

that. I feel that it's no trouble for us for them to postpone it and obviously they're doing all they can in order to be to come up with the financing that they need for that project.

Thank you. That concludes the --

(Whereupon, at 9:47 a.m., the public meeting was concluded.)