

**GOVERNMENT
OF
THE DISTRICT OF COLUMBIA**

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

FEBRUARY 5, 2013

+ + + + +

**The Regular Public Hearing
convened in the Jerrily R. Kress Memorial
Hearing Room, Room 220 South, 441 4th Street,
N.W., Washington, D.C., 20001, pursuant to
notice at 9:30 a.m., Lloyd J. Jordan,
Chairperson, presiding.**

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

**LLOYD JORDAN, Chairperson
NICOLE SORG, Vice Chairperson
JEFF HINKLE, Board Member (NCPC)**

ZONING COMMISSION MEMBER PRESENT:

**ANTHONY HOOD, Zoning Commission
Chairman**

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

JOHN NYARKU, Zoning Specialist

STEPHEN VARGA, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN GYOR

STEPHEN MORDFIN

STEVEN COCHRAN

MATT JESICK

ARTHUR JACKSON

**The transcript constitutes the
minutes from the Public Hearing held on
February 05, 2013.**

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9:51 a.m.

BZA CHAIR JORDAN: Good morning.

The hearing will please come to order.

We're located in the Jerrily R.
Kress Memorial Hearing Room at 441 4th Street,
N.W. Today's date is February 5th, 2013.
We're here for the Public Hearing of the Board
of Zoning Adjustment of the District of
Columbia.

I'm Lloyd Jordan, Chairperson. To
my right is Jeffrey Hinkle, Board Member. To
my left is Vice Chair Nicole Sorg. To her
left is the Chairman of the Zoning Commission
Commissioner Anthony Hood.

Please be advised that this
proceeding is being recorded by a court
reporter as well as being webcast live. So,
therefore, I'm going to ask that you refrain
from any disruptive noises and at this time
please take a moment to be sure that your cell
phones are silenced.

1 The Board's hearing procedures are
2 located in a pamphlet or papers by the door to
3 my left. So, if you're not familiar with the
4 procedures and processes that we follow here
5 at the BZA, please feel free to get that
6 pamphlet.

7 Anyone who's planning on
8 testifying in a matter on our docket for today
9 I need you to stand and take the oath or
10 affirmation being given by the Board's
11 Secretary and thereafter, each person needs to
12 complete two witness cards and prior to your
13 testimony give the two witness cards to the
14 court reporter sitting to my right.

15 With that, anyone who plans on
16 testifying please stand and take the oath.

17 MR. MOY: Good morning. Do you
18 solemnly swear or affirm that the testimony
19 you're about to present in this proceeding is
20 the truth, the whole truth and nothing but the
21 truth?

22 Ladies and gentlemen, you may

1 consider yourself under oath.

2 BZA CHAIR JORDAN: Okay. Mr. Moy,
3 do we have any preliminary matters today?

4 MR. MOY: No, sir. The only thing
5 that staff would like to announce for the
6 public record is that Application Number
7 18503, this is the application of Keystar
8 Spring Place, LLC, originally scheduled for
9 today, February 5th, has been rescheduled to
10 February the 26th.

11 BZA CHAIR JORDAN: Okay. Then
12 let's call our first case.

13 MR. MOY: Thank you. Good
14 morning, Mr. Chairman and Members of the
15 Board.

16 The first application before the
17 Board for public hearing is Application Number
18 18496. This is the application of Mid-Cities,
19 LLC pursuant to 11 DCMR 3104.1. This is for
20 a special exception for the continued
21 operation of an accessory parking lot under
22 Section 214 in the R-1-B District at premises

1 at the rear of 4434 Connecticut Avenue, N.W.
2 Property located in Square 1971, Lots 831 and
3 832.

4 BZA CHAIR JORDAN: Okay. Good
5 morning. Make sure that you have a bright
6 glowing light by the microphone right under
7 the sure portion so we can hear you.

8 I think you're --

9 MS. OLSON: Good morning.

10 BZA CHAIR JORDAN: Good morning.
11 Would you introduce yourself?

12 MS. OLSON: Sure. My name is Kate
13 Olson. I'm with the law firm of Greenstein,
14 Delorme & Luchs. I appear before you today on
15 behalf of Mid-Cities, LLC, the Applicant, in
16 BZA Case Number 18496.

17 BZA CHAIR JORDAN: And to your
18 right.

19 MR. WHELAN: Hi. I'm Joseph
20 Whelan. I represent Mid-Cities, LLC.

21 MS. OLSON: I'm also accompanied
22 today by my colleague Pat Brown.

1 BZA CHAIR JORDAN: Okay. Let me
2 just take an assessment from the Board.

3 We do have a full record I believe
4 here in this matter and does the Board have
5 any particular questions that you want
6 addressed on this matter or we think the
7 record's full or do you need some additional
8 information regarding this application.

9 Yes, Mr. Hinkle.

10 MEMBER HINKLE: Yes, thank you,
11 Mr. Chair. I was just curious. There's a
12 recommended condition related to car-sharing
13 and I didn't quite understand where that came
14 from. I was looking through the records and
15 I didn't necessarily see an agreement by the
16 Applicant in terms of that or quite understand
17 where that recommended condition came from.
18 So, if you could explain a little bit about
19 that.

20 MS. OLSON: The ANC had requested
21 that of the Applicant.

22 BZA CHAIR JORDAN: And that's

1 something that the Applicant has agreed to?

2 MS. OLSON: The Applicant agrees
3 to the conditions that OP had put forth and OP
4 had asked the Applicant to investigate the
5 feasibility of using one of the 14 spaces.

6 BZA CHAIR JORDAN: Yes. Um-hum.

7 VICE CHAIR SORG: I think it's
8 more for us though to know whether the
9 Applicant agrees to use one of the 14 spaces
10 for car-sharing. Not -- a condition
11 indicating an agreement to an investigation
12 isn't really a condition.

13 BZA CHAIR JORDAN: Right.

14 VICE CHAIR SORG: So, would the
15 Applicant agree to use one of the parking
16 spaces for car-sharing.

17 MS. OLSON: Perhaps I'll let --

18 VICE CHAIR SORG: Should that be a
19 proposed condition?

20 MR. WHELAN: Well, our situation
21 is we have a tenant in the building right now
22 and his lease calls for 14 spaces. So, quite

1 honestly, we'd have to find out and at this
2 point we don't know if that's possible.

3 BZA CHAIR JORDAN: Okay. If it's
4 possible, you would do it?

5 MR. WHELAN: Yes.

6 BZA CHAIR JORDAN: Okay. And by
7 possible you mean if the tenant will agree to
8 have one of the spaces utilized for this car-
9 sharing?

10 MR. WHELAN: That's correct.

11 MS. OLSON: The Applicant also
12 would have to talk to obviously the car-
13 sharing service to find out if this was an
14 appropriate location if --

15 BZA CHAIR JORDAN: Have we made
16 any inquiries prior to today to see if that
17 was possible?

18 MR. WHELAN: No, we have not.

19 BZA CHAIR JORDAN: Are there any
20 other questions that we need to address with
21 the Applicant?

22 This is a matter which has been --

1 which is up for a continuation of the use of
 2 the property for an accessory parking lot and
 3 it's been in use since 1963. So, it's been up
 4 several years, five years, seven years, five
 5 years, various years period.

6 The record's pretty full of this
 7 and there's a record of your operation at this
 8 facility and therefore, we believe that the
 9 record's full from the previous history, from
 10 what's been submitted here that there -- you
 11 probably have enough -- you have enough in the
 12 record probably to be granted the requested
 13 relief.

14 The Board has asked you questions
 15 that's in their minds.

16 You have the opportunity to
 17 present -- do a presentation if you wish or
 18 you can stand on what's already submitted and
 19 we can proceed on during the hearing.

20 MS. OLSON: Thank you. I would
 21 just add that unlike the ANC and Office of
 22 Planning, the Applicant does request permanent

1 approval of the special exception. As
2 Chairman indicated, it's been many years that
3 the Applicant has come back.

4 BZA CHAIR JORDAN: Yes, it's in
5 your submission, your request. There's some
6 differences of opinion by other parties being
7 involved in this process.

8 Again, I'm going to ask does the
9 Board have any other questions they would like
10 to ask the Applicant or hear anything in
11 particular from the Applicant?

12 Then I'm going to turn now to the
13 Office of Planning for their input.

14 MR. JACKSON: Good morning, Mr.
15 Chairman and Members of the Board. My name's
16 Arthur Jackson with the D.C. Office of
17 Planning.

18 You have before you the Office of
19 Planning's report. We are supportive of the
20 proposed special exception extension. Well,
21 special exception which would effective extend
22 the existing use on the site.

1 We noted, however, that the Zoning
2 Regulations have changed somewhat since this
3 was originally established. One of the things
4 we're trying to do is to encourage
5 sustainability. Which is why we introduced
6 the idea of changing from -- over time,
7 changing from the impervious surface they have
8 now to -- impervious surface they have now,
9 excuse me, to a pervious surface and we
10 encourage the Applicant to consider that.
11 Which they did and we also encouraged them to
12 do so in a manner where there's a time certain
13 or a time frame in which the changeover would
14 occur.

15 We noted on the site visit that a
16 portion of the one side of the parking lot is
17 deteriorating to an extent. The other side is
18 in good shape. So, we're thinking instead of
19 continuing to maintain the impervious surface
20 that gradually over time they would replace it
21 with a pervious surface. Which would support
22 the goals of the District with regard to

1 cutting down on the run-off.

2 They also were gracious enough to
3 agree to put in bicycle parking. The only
4 question we had was how many spaces would be
5 there for parking bicycles and that they were
6 going to introduce -- reintroduce the 5
7 percent of landscaping which is a requirement
8 of the regulations which to date they have
9 gotten a waiver from.

10 We'd also support the continued
11 waiver of the screening requirement because on
12 visiting the site we noted that the adjacent
13 properties to the west have a continuous
14 screen of fencing along there and obviously
15 would not be -- and they're at a higher
16 elevation. As to say, the parking lot's at
17 one level and the residences are at another
18 level. So, there's no visual impact on the
19 neighboring properties.

20 So, with that in mind and with the
21 -- in light of recommendation by the ANC, we
22 revised the previous conditions as is provided

1 in your report and we recommended an approval
2 period of seven years which coincides with the
3 time frame the Applicant had indicated the
4 changeover to the pervious surface -- from
5 impervious to pervious surface would occur.

6 BZA CHAIR JORDAN: Say the last
7 thing again.

8 MR. JACKSON: Well, and the
9 Applicant had discussed -- initially discussed
10 changing over -- completing the changeover by
11 2020 as we've indicated in the -- so, we made
12 the condition similar -- exactly the same.

13 BZA CHAIR JORDAN: So, the limit
14 to the use would be limited to the same period
15 to be sure that it's done. Is that --

16 MR. JACKSON: So, the changeover
17 would occur at the same time.

18 We also suggested that the
19 appropriate time to ask for an open-ended
20 special exception would be when the changeover
21 to pervious surface had been completed.

22 But, again, we know the

1 Applicant's statement that this is an
2 expensive proposition and they are willing to
3 make the investment. We just think that for
4 the sake of clarity having a definitive date
5 that it would be done and so that the ANC
6 would know when to expect the change to happen
7 that it was a good idea to recommend seven
8 years and that's the basis of our
9 recommendation.

10 We do thank the --

11 BZA CHAIR JORDAN: That was
12 helpful.

13 MR. JACKSON: Okay. We do thank
14 the Applicant though for being considerate --
15 considering our -- given our OP suggestions
16 for consideration and that is the conclusion
17 of the Office of Planning's discussion and, of
18 course, you have the recommended conditions
19 before you.

20 BZA CHAIR JORDAN: All right.
21 Thank you.

22 Does the Board have any questions

1 of Office of Planning?

2 Again, I think that you
3 anticipated some of the questions we were
4 going to ask and you did a great job.

5 Does the Applicant have any
6 questions of the Office of Planning?

7 MS. OLSON: No, thank you.

8 BZA CHAIR JORDAN: Then is anyone
9 here from the Department of Transportation?

10 We do have a letter from the
11 Department of Transportation voicing no
12 objection to the requested relief subject to
13 the conditions that already have been talked
14 about here today. I'm going to go over those
15 conditions before we end the testimony portion
16 of this hearing.

17 Is anyone here from ANC-3C -- 3F
18 rather? Excuse me. 3F. Yes, please come
19 forward. Good morning.

20 MR. TOPE: Good morning.

21 BZA CHAIR JORDAN: Are you on?

22 MR. TOPE: Yes.

1 BZA CHAIR JORDAN: Okay. Would
2 you please identify yourself?

3 MR. TOPE: I'm Commissioner Adam
4 Tope, Chairperson of ANC-3F.

5 BZA CHAIR JORDAN: Welcome.

6 MR. TOPE: Thanks.

7 BZA CHAIR JORDAN: We do have a
8 letter in the file from ANC-3F that recommends
9 approval with conditions, but certainly, feel
10 free to say what you would like.

11 MR. TOPE: I really have nothing
12 else to add in addition to the letter.

13 BZA CHAIR JORDAN: Okay. Okay.

14 MR. TOPE: But, happy to answer
15 questions.

16 BZA CHAIR JORDAN: And also, your
17 recommendation was for a five-year term as
18 well as certain conditions and you would like
19 to see the car share issue.

20 Now, if we didn't -- if they
21 weren't able to do the car share, where is the
22 ANC on that?

1 MR. TOPE: I think if they're not
2 able to, I think we're okay with that. But,
3 we would like to see it.

4 One of the issues is we don't have
5 a lot of car-sharing along Connecticut Avenue.
6 So, if the spot is possible, that would be
7 great.

8 BZA CHAIR JORDAN: Okay. That's
9 something we probably have to talk about in
10 deliberation. Part of it, it's hard for us to
11 enforce and have enforceable something and
12 investigate and see if it's going to be okay.
13 I guess we could do that, but all right. I
14 just wanted to get your feel back how solid it
15 was a requirement for you.

16 Does the Board have any questions
17 of the Commissioner?

18 VICE CHAIR SORG: Thank you, Mr.
19 Chairman.

20 So, I just wanted to clarify your
21 last comment. Is the car-sharing something
22 that is needed in this neighborhood? There's

1 not enough spaces?

2 MR. TOPE: There are not a lot of
3 spaces. So, there's definitely demand and
4 there's a lot of apartment buildings right
5 there. So, the demand's there. So, we
6 figured we ask the Applicant.

7 VICE CHAIR SORG: Okay. Thank
8 you.

9 BZA CHAIR JORDAN: Any other
10 questions? Does the Applicant have any
11 questions?

12 MS. OLSON: No, thank you.

13 BZA CHAIR JORDAN: We really
14 appreciate you coming down and giving us your
15 testimony. Thank you.

16 Is there anyone in the audience
17 who wishes to testify in support of this
18 application? Anyone wishing to testify in
19 support of the application?

20 Is there anyone here wishing to
21 testify in opposition to the application?
22 Anyone wishing to testify in opposition?

1 I see none. So, let's now move
2 back to the Applicant for -- well, it's not
3 much of a rebuttal. There's nothing to rebut,
4 but let me make sure we go through a couple of
5 -- you reviewed the conditions that's been
6 submitted. I believe you said you did.

7 MS. OLSON: Yes, for the Office of
8 the Planning.

9 BZA CHAIR JORDAN: And you're
10 willing to do the bike storage racks. Okay.

11 MS. OLSON: Yes.

12 BZA CHAIR JORDAN: How many bike
13 storage racks shall there be? Are there
14 suppose to be?

15 MS. OLSON: There's one bike rack.
16 It was --

17 BZA CHAIR JORDAN: For how many
18 bikes?

19 MS. OLSON: -- unknown to us how
20 many bikes would be required by DDOT. I think
21 we were looking to DDOT to --

22 MR. JACKSON: Oh, they're not --

1 MS. OLSON: -- chime in on that,
2 but --

3 MR. JACKSON: One point of
4 clarification.

5 BZA CHAIR JORDAN: Yes.

6 MR. JACKSON: In discussion with
7 DDOT, I think their thought was given the
8 space just what size bike stand would sit in
9 the space. I don't think they have a
10 particular standard.

11 BZA CHAIR JORDAN: Not a number of
12 bikes.

13 MR. JACKSON: No, because the bike
14 standard is tied to required parking. This is
15 not required parking. So, there is no
16 relative standard.

17 However, you have a space there
18 and you just say how many -- what size bike
19 stand you're going to get. It's going to hold
20 eight, nine, four. That would be good to put
21 in the record.

22 So, again, the community would

1 also know what to expect and we could easily
2 identify that the standard's been met.

3 BZA CHAIR JORDAN: Have you
4 examined the location and do you know
5 approximately how many bikes could fit in a
6 stand that you can accommodate?

7 MR. WHELAN: Yes, I mean I think
8 that one of the spots there we could certainly
9 put a bike rack in there that held four. Four
10 to six.

11 BZA CHAIR JORDAN: Okay.

12 MS. OLSON: And we've identified
13 the location of the bike rack in the landscape
14 plan. It is Exhibit F to your prehearing
15 statement.

16 BZA CHAIR JORDAN: Um-hum. Any
17 other questions from the Board?

18 If there anything you want to say
19 in wrap up please.

20 MS. OLSON: I would just say that
21 given there's no opposition, then the
22 Applicant agrees to the conditions proposed by

1 the Office of Planning.

2 I respectfully request a bench
3 decision and summary order today.

4 BZA CHAIR JORDAN: Sure. Thank
5 you.

6 Then we will close the record
7 based upon the evidence already deduced in the
8 record and is the Board ready to deliberate?
9 Then we'll move to deliberation.

10 Does the Board have any thoughts
11 about these conditions? Any that need to be
12 changed or let me ask a question of the
13 Applicant.

14 Have you seen the suggestion from
15 the Office of Zoning how some of the
16 conditions have been reworded? Same
17 conditions. Maybe reworded differently.

18 MS. OLSON: Yes.

19 BZA CHAIR JORDAN: Okay.

20 MS. OLSON: Yes.

21 BZA CHAIR JORDAN: And you're okay
22 with that?

1 MS. OLSON: Yes.

2 BZA CHAIR JORDAN: Um-hum.

3 Does any Board Member have
4 anything they want to say about this matter or
5 conditions?

6 What about the Applicant's request
7 for unlimited and the concern about keeping it
8 limited for a seven-year period? Anyone?

9 VICE CHAIR SORG: I can weigh in
10 on that, Mr. Chairman. I think while I'm
11 sensitive to the fact that this Applicant has
12 been, you know, maintaining this use on this,
13 you know, property for a very, very long time,
14 I do think that we are at a transitional
15 period here where fairly significant changes
16 are being requested. You know, moving from a
17 paved to a pervious surface. As well as, you
18 know, including additional landscaping which
19 was perhaps not maintained in the past.

20 So, I think in this case I would
21 be in favor of a term limit and then, you
22 know, if all of these conditions are met on a

1 subsequent approval, then you could be rid of
2 that.

3 BZA CHAIR JORDAN: Mr. Hinkle.

4 MEMBER HINKLE: Yes, thank you,
5 Mr. Chair. I tend to agree and I think the
6 Office of Planning made a good recommendation
7 and that is to tie it to, you know, when the
8 pavement could be changed from impervious to
9 pervious. So, that kind of gives us a seven-
10 year window and I certainly support that
11 recommendation from the Office of Planning.

12 BZA CHAIR JORDAN: Any other? Any
13 questions? Okay.

14 I'm of the opinion that we would
15 have these conditions as submitted. Approval
16 shall be for a period of seven years.
17 Fourteen parking spaces shall be provided on
18 the site in accordance with the annotated plat
19 of the site provided in Exhibit C of the
20 prehearing statement dated January 22nd. That
21 the hours of operation would be from 8:00 a.m.
22 to 9:00 p.m.

1 Let me go through them then.

2 We'll come back and modify them.

3 Number 4, all areas devoted to
4 driveways, access lanes and parking areas
5 shall be properly maintained. The existing
6 surface shall be replaced in stages. I think
7 I made a change to that. With a pervious
8 surface that is acceptable to the District of
9 Columbia Department of Transportation by year
10 2020. Yes, that's the change.

11 Five, bumper stops shall be
12 maintained.

13 Number six, all parts of the lot
14 shall be kept free of refuse and debris and
15 shall be paved and landscaped.

16 Number seven, no vehicles or any
17 part thereof shall be permitted to project
18 over any lot of building line or on the public
19 space.

20 Number eight, the Applicant shall
21 use one of the -- well, let me hold number
22 eight. Presently, it reads that the Applicant

1 shall investigate. That might be one which we
2 need to pull back because I think there's an
3 issue about enforceability of number eight.

4 Number nine, which has been
5 submitted as number nine would be number
6 eight. Number nine would be the Applicant
7 shall install a bike rack for at least four
8 bicycles as indicated on Exhibit F of the
9 prehearing statement.

10 Number ten, the Applicant shall
11 provide landscaping including use of planter
12 boxes on the site totaling 5 percent of the
13 surface parking area per the plan referenced
14 in Exhibit Number 20 of Exhibit F. The
15 landscape shall be maintained in a healthy,
16 growing condition in a neat and orderly
17 appearance.

18 Number 11, the site includes an
19 existing one-story garage, a masonry
20 structure. No other use shall be conducted
21 from or upon -- when do the sirens stop?
22 They've been going all morning.

1 No other use shall be conducted
2 from or upon the premises nor shall anything
3 be erected or used upon the premises unless
4 such use or structure is otherwise permitted
5 in the Zoning District in which the parking
6 lot is located.

7 Number 12 which should be number
8 11, no vehicle entrance or exit shall be
9 within 40 feet of a street intersection as
10 measured from the intersection of the curb
11 lines extended.

12 And it's listed number 13. Which
13 would be number 12. Any lighting used to
14 illuminate the parking lot or any accessory
15 buildings shall be so arranged that the direct
16 rays of such lighting shall be confined within
17 the surface parking lot.

18 Those are what I would think we
19 would add. Are there some changes we need to
20 make to any of these?

21 VICE CHAIR SORG: Mr. Chairman, I
22 would only just make a couple of language

1 clean up suggestions to number four. I would
2 remove the clause in stages. I don't think
3 that that needs to be dictated to the
4 Applicant.

5 Also, in condition number six, I
6 think the last clauses are redundant. So, I
7 would just have it read all parts of the lot
8 shall be kept free of refuse or debris because
9 painting and landscaping is indicated in other
10 conditions.

11 BZA CHAIR JORDAN: Okay. Got ya.
12 All right. And we would certainly accept
13 those. If there are any other questions. I
14 think those are great changes.

15 With that, I would offer a motion
16 that we approve the request for relief with
17 these conditions as I just read them and as my
18 modified. These 11 conditions as we've just
19 noted which does include a seven-year limit to
20 approval process.

21 VICE CHAIR SORG: If I can jump
22 in, Mr. Chairman, did you want to deal with

1 the car-sharing?

2 BZA CHAIR JORDAN: I took the car-
3 sharing -- I thought I took the car-sharing
4 out. That's why we got 11 as opposed to 12.

5 VICE CHAIR SORG: Oh, I see.

6 BZA CHAIR JORDAN: Because we just
7 can't enforce the investigating aspect. But,
8 we would strongly recommend that the Applicant
9 do, indeed, follow up with their commitment to
10 the ANC on that.

11 ZC CHAIR HOOD: Mr. Chairman, I
12 would also agree. The Applicant's already
13 made an effort. If it's doable, he'll do it.
14 So, I don't know if we need to keep that in.
15 That's why I seconded your motion.

16 BZA CHAIR JORDAN: Motion made and
17 seconded to approve the motion as I made it
18 with those changes. Any further unreadiness?

19 All those in favor signify by
20 saying aye.

21 (Ayes.)

22 BZA CHAIR JORDAN: Those opposed

1 nay. The motion carries. Mr. Moy.

2 MR. MOY: Staff would record the
3 vote as 4 to 0. This is on the motion of
4 Chairman Jordan to approve the application for
5 the special exception relief with conditions
6 as amended by the Board which now are 12
7 conditions. Seconding the motion is Mr.
8 Anthony Hood. Also in support, Vice
9 Chairperson Sorg and Mr. Hinkle. We do have
10 a Board vacancy. So, the motion carries, Mr.
11 Chairman.

12 BZA CHAIR JORDAN: And may we have
13 a summary order for this please.

14 MR. MOY: Yes, sir.

15 MS. GLAZER: Mr. Chair, I'm sorry
16 to interrupt. I don't think a summary order
17 would be appropriate.

18 The ANC here objected to the
19 seven-year term and they are a party. So,
20 there is a disputed issue. The ANC requested
21 a five-year term.

22 So, I think we at least need a

1 hybrid order explaining the Board's rationale
2 and reasoning for adopting a seven-year term
3 as opposed to no term or a five-year term.

4 BZA CHAIR JORDAN: All right.
5 Fine. Let's err on the side of caution and
6 let's go ahead and have a hybrid order which
7 deals with the issue of why we did five of
8 seven.

9 ZC CHAIR HOOD: Mr. Chairman, I
10 get nervous when I hear hybrid. Some years
11 ago, we started talking about hybrid. There's
12 no such -- there was no such thing and maybe
13 now is such thing.

14 BZA CHAIR JORDAN: Yes, because we
15 drive them all the time. No, but --

16 ZC CHAIR HOOD: Yes, but I would
17 suggest that we just do away with the word
18 hybrid. I know that was a major issue some
19 years back.

20 BZA CHAIR JORDAN: Yes, but -- all
21 right. Let's have a summary order. However,
22 I would like to have us discuss the issue in

1 that order dealing with the time limit.

2 MR. MOY: Yes, sir, staff
3 understands that completely.

4 BZA CHAIR JORDAN: Okay. Well,
5 let me back up. The Board -- what does the
6 Board feel?

7 I think the Board accepts the
8 recommendation -- appreciates the
9 recommendation of Office of Attorney General.
10 However, we will go with a summary order.

11 MR. MOY: Okay. Very good, Mr.
12 Chairman. Thank you.

13 BZA CHAIR JORDAN: Just straight
14 summary order. There's no hybrid. There's no
15 modification. There is nothing we're doing.
16 Just want to make sure the record's clear.
17 All right.

18 But, thank you. Appreciate it.
19 Thanks for keeping us on our toes.

20 All right. Thank you.

21 MS. OLSON: Thank you very much.

22 MR. MOY: The next application

1 before the Board for public hearing is
2 Application Number 18498. This is the
3 application of 1311 Penn, LLP pursuant to 11
4 DCMR 3103.2. This is for a variance from the
5 lot occupancy requirements under Section 772
6 and a variance from the off-street parking
7 requirements under Subsection 2101.1 to allow
8 the construction of a new three unit
9 residential building in the C-2-A District at
10 premises 1311 Pennsylvania Avenue, S.E.
11 Property located in Square 1045, Lot 107.

12 BZA CHAIR JORDAN: Yes, please
13 come to the -- the parties for this
14 application please come to the table please.

15 Yes. Is that microphone on? No,
16 make sure the green button is brightly lit.

17 MR. BLACKSTOCK: How's that?

18 BZA CHAIR JORDAN: That's right.
19 Would you identify yourself?

20 MR. BLACKSTOCK: I'm David
21 Blackstock. I represent the owners of 1311
22 LLP and --

1 BZA CHAIR JORDAN: Is that David
2 Blast?

3 MR. BLACKSTOCK: Blackstock.

4 BZA CHAIR JORDAN: Blackstock.
5 And do we have your letter of authorization
6 for your representation?

7 MR. BLACKSTOCK: I believe so.

8 BZA CHAIR JORDAN: Let me -- do we
9 have? Let me -- just give me one second.

10 Do we have a letter of
11 authorization, Mr. Moy?

12 MR. MOY: My understanding, Mr.
13 Chairman, is that there is no letter of
14 authorization. That the Applicant's
15 representing himself. The owner.

16 BZA CHAIR JORDAN: We do have that
17 you -- it's my understanding there's no letter
18 of authorization from the owner. You are the
19 person I think that filed the application for
20 this.

21 MR. BLACKSTOCK: I am and a
22 majority owner.

1 BZA CHAIR JORDAN: You're a
2 majority owner?

3 MR. BLACKSTOCK: Yes, sir.

4 BZA CHAIR JORDAN: What's the
5 Board's feel in regards to this matter?

6 MR. BLACKSTOCK: May I interrupt,
7 too?

8 BZA CHAIR JORDAN: Um-hum.

9 MR. BLACKSTOCK: I'm going to ask
10 for your consideration and your help. It's
11 the first time I've ever been here.

12 But, I'm going to be requesting a
13 postpone for two or three weeks. The
14 reasoning why is I'm going to be living in
15 this building. I've gotten approval from all
16 the neighbors and I just found out that
17 there's one neighbor that is in opposition.

18 BZA CHAIR JORDAN: Yes.

19 MR. BLACKSTOCK: But, they're
20 willing to work with me and since I'm going to
21 be living there, I want to work it out and
22 make sure that all parties are happy before I

1 come back to the Board and that -- the
2 opposition is within -- it's for the lot
3 occupancy and not the parking. So, we could
4 hear the parking now or we could hear both of
5 them at the same time if you would request me
6 a postpone on the next two/three weeks.

7 BZA CHAIR JORDAN: No, let's go
8 ahead and do it altogether. We really
9 appreciate you taking that attitude and that
10 process in trying to get it done. It's
11 something that we encourage all the time for
12 people to work with their neighbors as opposed
13 to having us try to decide the dispute. Which
14 we don't mind doing it, but somebody's not
15 going to be happy.

16 MR. BLACKSTOCK: Yes, sir.

17 BZA CHAIR JORDAN: And so, that's
18 the way to go.

19 Mr. Moy, can we have this set
20 within the next say two or three weeks.

21 MR. MOY: Yes, sir.

22 MR. BLACKSTOCK: May I ask another

1 question?

2 BZA CHAIR JORDAN: Sure.

3 MR. BLACKSTOCK: Should I get a
4 letter of authorization?

5 BZA CHAIR JORDAN: And please get
6 the letter of authorization in the file. We
7 just have to have it.

8 MR. BLACKSTOCK: Okay.

9 BZA CHAIR JORDAN: You know, for
10 whatever reason. Somebody doesn't jump out
11 and say ah ha.

12 MR. BLACKSTOCK: Again, with me
13 being the majority owner and filing the
14 application.

15 BZA CHAIR JORDAN: Yes, but we
16 still have to have it.

17 MR. BLACKSTOCK: No problem.

18 VICE CHAIR SORG: Mr. Chairman, I
19 think -- if we're postponing this hearing and
20 the Applicant is coming back, I think there
21 was one other area of non-clarity in the
22 application that OP brought up. If you saw

1 their report, there was a little -- there was
2 a question about the cellar plan. So, you may
3 want to clear that. Either provide a plan, a
4 floor plan for the cellar or, you know, clear
5 up the information regarding what's happening
6 in that --

7 MR. BLACKSTOCK: We will provide a
8 floor plan and submit it before the next
9 meeting.

10 BZA CHAIR JORDAN: Okay.

11 MR. BLACKSTOCK: But, our thought
12 pattern is we were staying within the variance
13 requirements that we're requesting and only
14 doing whatever is allowable within the cellar
15 area. But, we will put together a cellar plan
16 and submit that prior to the next meeting
17 also.

18 VICE CHAIR SORG: Excellent.

19 BZA CHAIR JORDAN: Mr. Moy.

20 MR. MOY: Yes, sir, the staff
21 would suggest that --

22 BZA CHAIR JORDAN: We have --

1 go ahead. I'm sorry.

2 MR. MOY: I'm sorry. To allow
3 time for you to work with your neighbor.

4 MR. BLACKSTOCK: I'm assuming two
5 or three weeks.

6 MR. MOY: Two or three weeks.
7 Yes.

8 MR. BLACKSTOCK: Should be fine.

9 MR. MOY: We have a fairly heavy
10 docket. So, I'm going to squeeze you in --

11 MR. BLACKSTOCK: Thanks.

12 MR. MOY: -- at the earliest
13 possible --

14 BZA CHAIR JORDAN: What's going on
15 with February 12th? I got like, what, 15
16 cases on February 12th.

17 MR. MOY: Well, we have --

18 BZA CHAIR JORDAN: Am I reading
19 this wrong?

20 MR. MOY: We have decisions in the
21 morning, Mr. Chairman. We have two appeals
22 following that. I'm not sure if the Applicant

1 would be ready by February the 12th.

2 BZA CHAIR JORDAN: Oh, we can't do
3 it February 12th. Though I'm wondering about
4 rolling back some of the things we have for
5 it.

6 MR. MOY: So, I --

7 BZA CHAIR JORDAN: And the 18th is
8 a holiday. Is that correct?

9 MR. MOY: That's right. Right.

10 BZA CHAIR JORDAN: No, the 19th is
11 a holiday. The 26th looks like it can be --

12 MR. MOY: The 26th in the
13 afternoon starting at 1:00. We do have three
14 -- six cases, but --

15 BZA CHAIR JORDAN: Is it six or
16 more?

17 MR. MOY: Six at the moment unless
18 you want to add a seventh. Otherwise, we're
19 looking at March the 5th, Mr. Chairman.

20 BZA CHAIR JORDAN: We can -- is
21 March the 5th -- which is a little less than
22 a month. Which is full. Then Mr. Hood -- if

1 Mr. Hood wants to carry this case, we're
2 looking at March 12th. He'll be back on the
3 12th. If he wants this.

4 ZC CHAIR HOOD: I'll take
5 whatever's before me.

6 MR. MOY: I would suggest either
7 -- go ahead, sir. I would suggest either
8 March 5th or the 12th.

9 BZA CHAIR JORDAN: March 5th.

10 MR. MOY: March 5th is good.

11 BZA CHAIR JORDAN: March 5th?

12 MR. MOY: Yes.

13 MR. BLACKSTOCK: March 5th is
14 fine.

15 BZA CHAIR JORDAN: All right.
16 Thank you. We really appreciate your
17 cooperation with your neighbors. It's
18 something that's very important.

19 MR. BLACKSTOCK: Well, it's --
20 thank you, sir.

21 BZA CHAIR JORDAN: Good.

22 MR. MOY: The next application

1 before the Board is Application Number 18500.
 2 This is the application of 2914 Sherman, LLC.
 3 This is pursuant to 11 DCMR 3103.2 for a
 4 variance from the maximum story requirements
 5 under Section 400, a variance from the
 6 nonconforming structure under Sections 401
 7 (lot area), 403 (lot occupancy) and open court
 8 406 provisions under Subsection 2001.3 and a
 9 variance from the off-street parking
 10 requirements under Subsection 2101.1 to
 11 convert an existing 18 unit apartment building
 12 into a 20 unit apartment building in the R-4
 13 District at premises 2914 Sherman Avenue, N.W.
 14 Property located in Square 2852, Lot 807.

15 BZA CHAIR JORDAN: All right.
 16 Good morning. Please identify yourselves.

17 MS. MOLDENHAUER: Good morning,
 18 Chairman and Members of the Board. My name is
 19 Meridith Moldenhauer with Griffin, Murphy.

20 And I have with me today Sia
 21 Madani President of Madison Investment
 22 representing --

1 BZA CHAIR JORDAN: You have who?

2 MS. MOLDENHAUER: Sia Madani,
3 President of Madison Investment, on behalf of
4 the Applicant and Javid Shirazi from JES
5 Architecture.

6 BZA CHAIR JORDAN: Good. There's
7 a preliminary matter here. You requested I
8 believe a waiver of time to file the
9 prehearing report. Which we will grant.

10 MS. MOLDENHAUER: Thank you. I
11 also wanted to provide some clarification in
12 regards to the relief. We had requested
13 relief for lot occupancy due to the current
14 non-consistent condition of 68 percent lot
15 occupancy. The relief is not changing, but
16 there's just a clarification and we indicated
17 that that was not going to be changing.

18 BZA CHAIR JORDAN: Right.

19 MS. MOLDENHAUER: But, the
20 staircase on the Pepco side of the building is
21 -- it's labeled as open. It's going to be
22 open to the air, but there is going to be a

1 roof on the top of that and that would
2 obviously increase the lot occupancy by 140
3 square feet which is going to increase it from
4 68 percent to 70 percent.

5 We've informed Office of Planning
6 of this and that has actually been part of the
7 plans and again, it's part of the relief
8 already identified, but it's not going to be
9 maintaining as the same --

10 BZA CHAIR JORDAN: It would be 68.
11 It'll be 70.

12 MS. MOLDENHAUER: To 70. Exactly
13 and there's another point of clarification
14 with regards to relief.

15 Office of Planning had indicated
16 that they believe that potentially rear yard
17 relief was necessary, but in our opinion, it
18 is not necessary because the only -- it does
19 not change in an R-4 zone based on the height.
20 It is always 20 percent unless it's in an R-5-
21 B or greater district. In which, then the
22 rear yard is related to the height

1 requirement.

2 However, for the Board and as OP
3 indicated, potentially the Zoning
4 Administrator believed that that relief is
5 necessary. We will then obviously orally
6 modify that relief as well. But, we had
7 identified that as an existing non-conformity.

8 BZA CHAIR JORDAN: There's no
9 change to the rear yard.

10 MS. MOLDENHAUER: The rear yard
11 relief is always going to be 20 feet in an R-4
12 zone. We had a discussion about this
13 previously, but I was just looking at it and
14 the reason why we did not request relief is
15 because no matter what, it's always 20 percent
16 no matter how high the structure is. Only
17 when you get into an R-5-B or greater zone
18 does the height of the building then relate to
19 the rear yard requirement.

20 BZA CHAIR JORDAN: All right. So,
21 you wish for us to consider relief from 404.1?

22 MS. MOLDENHAUER: Yes.

1 BZA CHAIR JORDAN: Okay. All
2 right. All right. As you know, the need to
3 do all the song and dance and full routine is
4 not necessary. However, I think there's some
5 issues. I hadn't seen anything to back up a
6 market study for this. What we do have are
7 performance given by the Applicant and to me,
8 there's nothing that gives an underlying basis
9 from that.

10 Okay. We already dealt with the
11 issue of the backyard and has there been a
12 feasibility study or a market study done in
13 regards to this property?

14 MS. MOLDENHAUER: I can have my
15 client who has many years of experience in
16 this specific area and has actually just
17 completed a number of projects recently and
18 can use those projects and his experience to
19 provide, I believe, a market study and I'll
20 let Mr. Madani speak to that if you'd like to
21 have a brief presentation or just address
22 those issues specifically.

1 MR. MADANI: Good morning. My
2 name is Sia Madani. I am the founder and
3 President of Madison Investments. Madison
4 Investments is a development company based in
5 Washington, D.C. with our offices in Glover
6 Park.

7 I have been in this business full-
8 time now for eight years and in that time, my
9 company's main focus has been condo
10 development with a special focus on Columbia
11 Heights where we have developed and are
12 developing rehab projects. Seven to date now.
13 Rehab projects ranging in size from six units
14 to 28 units.

15 Our most recently completed
16 project is 1020 Monroe. Which is located on
17 the corner of 11th and Monroe where we
18 rehabbed a 28 unit building with retail
19 spaces, 7,000 square feet, which now has the
20 restaurant The Coupe there opened by the owner
21 of Tryst Diner and Open City.

22 We were recognized for our work by

1 receiving the 2012 Delta Associates Award for
2 the best boutique condominium in the mid-
3 Atlantic.

4 We currently have under
5 construction two rehab condo projects totally
6 38 units which we will be delivering. They're
7 both in walking distance from 1020 Monroe.
8 Close vicinity to the Metro. That we'll
9 deliver in the spring and summer of this year.

10 We have, to date, only developed
11 existing vacant buildings. We'd like to
12 undertake projects that contribute to the
13 community and enhance the area.

14 Another part of our business is
15 also rehabbing rental buildings east of the
16 river where we have over 150 units to date.

17 MS. MOLDENHAUER: Now, that you've
18 provided some of your background and
19 expertise, can you identify for the Board how
20 it is that you actually obtained the values
21 for your sale values for the condominium
22 proforma?

1 MR. MADANI: Sure. We obviously
2 have focused on Columbia Heights. It's an
3 area we've liked and we've been in over the
4 last seven years. Our first project we did
5 there was in 2006 and essentially, the sales
6 comp come from our own comps, you know,
7 selling in the market. As well as, looking
8 at, you know, what is selling in the vicinity
9 and based on those numbers, we found that, you
10 know, to be able to make this project work
11 which sat there for a very long time with no
12 buyers this was really the way to approach it.

13 BZA CHAIR JORDAN: So, based upon
14 previous sales --

15 MR. MADANI: That's correct.

16 BZA CHAIR JORDAN: -- and the
17 ranges that you've done in previous sales
18 based upon the size of these units, that's
19 where your number comes from?

20 MR. MADANI: That is correct.
21 Yes.

22 BZA CHAIR JORDAN: Um-hum.

1 MR. MADANI: First-hand
2 experience.

3 BZA CHAIR JORDAN: Okay. Does the
4 Board have any other issue they'd like to
5 address with this Applicant? Ms. Sorg, did
6 you?

7 VICE CHAIR SORG: Thank you, Mr.
8 Chairman. One of the things I felt was
9 missing from this application was some better
10 understanding of what is the character of the
11 addition? What is the design? What are your
12 building materials?

13 I didn't see a perspective. I do
14 believe that you provided elevations. But, I
15 don't believe that there annotated to
16 indicated what are the exterior cladding and
17 so forth.

18 MS. MOLDENHAUER: Yes, Javid, if
19 you can identify.

20 MR. SHIRAZI: Yes, we are keeping
21 the existing material which is a brick facade
22 and for the addition, we are mimicking exactly

1 the same material that is used two blocks up.
 2 Two doors up. Sorry. Which is a shingle on
 3 the top sloped roof. Sloped top floor which is
 4 a shingle and it's going to completely
 5 designate itself as the additional to the
 6 existing. So, it does -- it's going to be not
 7 including to the existing facade. So, it's
 8 shingle addition to the -- on the top of the
 9 existing brickwork.

10 MS. MOLDENHAUER: Ms. Sorg, does
 11 that answer your question or would you like
 12 additional detail?

13 VICE CHAIR SORG: I'm just
 14 locating the plans that you submitted. So,
 15 give me one second. But, yes, I think that
 16 clears it up a little bit.

17 BZA CHAIR JORDAN: Mr. Hinkle.

18 MEMBER HINKLE: In the back, is
 19 the addition on the fourth floor brick that
 20 matches the rest of the building?

21 MR. SHIRAZI: The addition is
 22 going to be exactly the same. We are going to

1 -- up at the front side is going to be a
2 sloped facade with the shingles on -- shingles
3 on that.

4 BZA CHAIR JORDAN: And the rear?

5 MR. SHIRAZI: The same. Yes.

6 MEMBER HINKLE: Okay. Thank you.

7 BZA CHAIR JORDAN: Now, what
8 percent of profit is being made on this
9 project? I know you've given the number based
10 upon your request for relief. But, what's the
11 percent of profit returned back to the
12 Applicant?

13 MR. MADANI: We're looking at
14 around a soft 10 percent of the total project
15 cost.

16 MS. MOLDENHAUER: And that's over
17 the entire project term.

18 MR. MADANI: That's correct.

19 MS. MOLDENHAUER: So, that would
20 then be for an annual return of something.
21 What? Below 5 percent?

22 MR. MADANI: It would be yes.

1 Based on holding time and IRR, yes.

2 BZA CHAIR JORDAN: Okay. Any
3 other questions for the Applicant? Anything
4 that the Board needs to hear from this
5 Applicant? I think that our record is pretty
6 full.

7 I think it was helpful to hear how
8 you came up with the value issue because
9 generally as you know, we want to see the
10 supporting for that and not just a proforma
11 that's pulled out by the Applicant getting us
12 there.

13 We understand the lot dimensions
14 and any issue regarding why you believe
15 there's an exceptional situation that would
16 lead to practical difficulty.

17 Does the Board have any other
18 questions or anything they need to hear from
19 this Applicant in particular regarding this?

20 Then certainly, Ms. Moldenhauer,
21 you can do a presentation or you can just let
22 us proceed on through the hearing and raise up

1 any other issues in rebuttal.

2 MS. MOLDENHAUER: We'll rest on
3 the record and then maybe provide a brief
4 conclusion at the end of the hearing.

5 BZA CHAIR JORDAN: Then let's turn
6 now to the Office of Planning.

7 MR. GYOR: Good morning, Mr.
8 Chairman and Members of the Board. Stephen
9 Gyor with the Office of Planning.

10 The Office of Planning is not
11 opposed to the Applicant's request for relief
12 and stands on the record. Thank you.

13 BZA CHAIR JORDAN: Let me ask you.
14 You say we have no opposition. Usually, you
15 say we support or we recommend approval.
16 You're saying no opposition. Which sends a
17 signal to me that something's amiss or you got
18 a concern about something.

19 Why did you use that language?

20 MR. GYOR: We use that language
21 because of the lot area. Typically for the R-
22 4 District, the lot area, we support 900

1 square feet lot area per unit. In this case,
2 the lot area per unit would be 300 square
3 feet. Given the other circumstances of the
4 existing structure, the dilapidated state of
5 the structure, the financial feasibility of
6 the renovation, we felt that not opposing was
7 the correct position for us to take.

8 BZA CHAIR JORDAN: Okay. That
9 sends us different signals. Okay. So, from
10 the pattern -- from the practice that has been
11 the Office of Planning's operation, this is --
12 it just sends us a different signal.

13 So, that was your intent to send
14 us a different signal?

15 MR. GYOR: No, I mean given the
16 other circumstances that -- typically as I
17 said, we -- we don't support units that are
18 significantly less than 900 square feet in the
19 R-4 and that was our concern. But, you know,
20 given the character of Sherman Avenue and
21 neighboring structure, we felt that the
22 increased density was appropriate.

1 BZA CHAIR JORDAN: Okay. Does the
2 Board have any questions of Office of
3 Planning? Does the Board have any questions
4 of Office of Planning? Does the Board have
5 any questions? Okay. Thank you.

6 Does the Applicant have any
7 questions of the Office of Planning?

8 MS. MOLDENHAUER: No, we do not.
9 Thank you.

10 BZA CHAIR JORDAN: Then let's turn
11 to the Department of Transportation. Any
12 representative? We have a letter of no
13 objection submitted by the Department of
14 Transportation.

15 Is there anyone here from ANC-1A?
16 ANC-1A? We do have a letter recommending
17 approval from ANC-1A in support of this
18 application.

19 Is there anyone in the audience
20 here wishing to speak in support of this
21 application? Anyone wishing to speak in
22 support of the application?

1 Is there anyone wishing to speak
2 in opposition to the application?

3 Yes, please come to the table.

4 MS. BAYISA: I give the card to
5 the --

6 BZA CHAIR JORDAN: Yes, you should
7 please. Um-hum.

8 Please be sure that the microphone
9 is turned on.

10 MS. BAYISA: Will do.

11 BZA CHAIR JORDAN: And would you
12 identify yourself for us?

13 MS. BAYISA: Sure. I'll spell my
14 name, too. My name is Ebise Bayisa. First
15 name is E-B-I-S-E and last name is B-A-Y-I-S-
16 A.

17 BZA CHAIR JORDAN: Okay. And you
18 are here to speak in opposition to the
19 application?

20 MS. BAYISA: This request for a
21 variance. Thank you.

22 BZA CHAIR JORDAN: Okay. You have

1 three minutes.

2 MS. BAYISA: I will be quick.

3 Thank you, Chairman Jordan and Members of the
4 Board of Zoning Adjustment.

5 I am here to speak in opposition
6 to this proposed variance. I live on 2920
7 Sherman Avenue. It was actually one of the
8 building that was shown just a few slides ago.
9 It's a red brick building. We are two door
10 down from this proposed building at 2914
11 Sherman. We are a four unit condominium.

12 Just for the record, I'm here with
13 members of my Condo Board. John Fonville who
14 is the President and Elena Berkova who is our
15 Treasurer.

16 I would like to note for the
17 record, Your Honor, that our condo is about
18 six years old and the entire time I've lived
19 on Sherman Avenue, this building has been
20 vacant. We've seen many for sale signs and
21 many people looking. This is the first real
22 promise of development and I want to note for

1 the record that we are very pleased to have
2 new neighbors and to see what is obviously a
3 dilapidated building be built up and to have
4 people living in it.

5 Our concern, Mr. Chairman, is
6 twofold. One is both the variance that would
7 take it from it says an 18 unit building into
8 a 20 unit building. I think it's actually a
9 -- the building, I think, as it exists now is
10 15 units. I think the other three units would
11 be the basement that isn't built right now.

12 Our concern even more than that is
13 the variance from parking and, you know, let
14 me just note that in the last two or three
15 years, several large condo buildings and
16 apartment buildings have been built in our
17 area. Just the twin building that Ms.
18 Moldenhauer showed in her slide was built up
19 two or three years ago. No parking.

20 In 1B which is our neighboring ANC
21 on Georgia Avenue, there's a building on
22 Hobart and Georgia. So, it's just one block,

1 I guess, east of us with very limited parking
2 and there's a twin building going up on the
3 other side of Hobart and Georgia. Again,
4 limited parking.

5 Parking has been a huge issue in
6 our neighborhood. It is something that
7 affects all of us and in the seven years that
8 I've been there, it seems to be getting worse
9 and worse and worse.

10 We are very concerned about this
11 variance. We think it will have a detrimental
12 effect on the neighbors and I can tell you
13 from the listserve when I put this out to my
14 neighbors that parking is something everybody
15 complains about all the time.

16 We are not opposed to growth and
17 we are not opposed to development, but we want
18 it to be done in a way that is smart and we
19 want it to be done in a way that doesn't
20 negatively affect, you know, our quality of
21 life and this building and the proposed
22 variance we believe would do that and I thank

1 you for time.

2 BZA CHAIR JORDAN: Do you know how
3 many parking spaces they're required to have?

4 MS. BAYISA: I don't.

5 BZA CHAIR JORDAN: One.

6 MS. BAYISA: One.

7 BZA CHAIR JORDAN: So, if you were
8 weighing the fact that having this
9 dilapidated, vacant building next to you
10 occupied, vibrant and it doesn't have the one
11 parking space, do you defer to having the one
12 parking space dilapidated, vacant building
13 there or you'd rather have the building up and
14 running, being vibrant and supporting the
15 neighborhood?

16 MS. BAYISA: Then I guess then my
17 objection would be slightly different and
18 then that it's the -- it's not just the one
19 parking spot. It's the fact that more people
20 are going to come and apparently according to
21 what I heard from the Office of Planning
22 something like 300 square feet per unit.

1 Again, my point is not --

2 BZA CHAIR JORDAN: I understand.

3 MS. BAYISA: -- that we don't want
4 them. It's just we're trying to do it in a
5 way that doesn't affect the quality of life of
6 people who already live there.

7 BZA CHAIR JORDAN: And what we try
8 to do is to -- I mean we try to strictly hold
9 the requirements. At least sometimes we have
10 to weigh the overall effect and value.

11 Here's one. If they were required
12 to maybe do 20 spaces and maybe 15 spaces or
13 something, a little different.

14 But, I'm correct. There's one
15 space? Is what they're required?

16 MR. GYOR: That's correct.

17 BZA CHAIR JORDAN: Just the one
18 space. So, that's the balancing we have to
19 try to do. Not that we've made a decision.
20 I just wanted to ask that question to you and
21 we understand the parking. We understand
22 parking. Before you sat here, I was going --

1 MS. BAYISA: Right.

2 BZA CHAIR JORDAN: -- parking?

3 That was parking. But, parking and it's just
4 an issue that Department of Transportation and
5 Planning and everyone's been looking at and I
6 wish somebody came up with the major answer
7 for --

8 MS. BAYISA: Right.

9 BZA CHAIR JORDAN: -- the parking
10 issue, but appreciate it.

11 Does the Board have any questions?

12 ZC CHAIR HOOD: Mr. Chairman, I'd
13 just say in Ward One -- Ward One I think has
14 grasped -- has taken the lead on parking. If
15 you frequent Ward One like I do, they have a
16 side of the street which is for Ward One
17 residents only. So, I don't know how that's
18 working down on Sherman Avenue, but I know how
19 it's working up on 13th and Fairmont. It's
20 working very well. So, you know, I don't know
21 if it -- I think it's all in Ward One and you
22 all did not opt out.

1 MS. BAYISA: No, we didn't.

2 ZC CHAIR HOOD: So, there are --
3 you did not opt out. So, you do have a
4 certain places where you can park resident of
5 Ward One only.

6 MS. BAYISA: Right. Mr. Hood, the
7 issue is not, you know, other people sort of
8 shopping. You know, it's not like Target
9 where people are coming to our neighborhood to
10 shop and taking up parking spaces.

11 The issue in our neighborhood is
12 actually people who live in that neighborhood.
13 There's too many people living there with
14 cars, you know.

15 So, the Ward One on one side has
16 had a little bit of an effect, but it's
17 certainly not as big as if you went to say
18 13th and Irving where the Target is. Where
19 those people really have suffered because of
20 people from other wards coming.

21 The issue in our neighborhood is,
22 you know, we don't see a lot of Maryland tags

1 and we don't see a lot of Zone 3 or Zone 4.

2 The issue here is actually people who live

3 there who do have Zone 1 parking --

4 ZC CHAIR HOOD: Okay.

5 MS. BAYISA: -- that park there.

6 So, I understand your concern.

7 ZC CHAIR HOOD: So, I understand
8 what you're saying. We had an applicant come
9 down on the Zoning Commission who said that
10 everyone who moved in his facility couldn't
11 own a car and I think that was a bold
12 statement. So, that's kind of in line with
13 what you're saying. Okay.

14 Thank you. Thank you, Mr.
15 Chairman.

16 BZA CHAIR JORDAN: Yes. Really
17 appreciate it. Does the Board have any other
18 questions?

19 Does the Applicant have any
20 questions of --

21 MS. MOLDENHAUER: No. We have no
22 question of the witness. However, we'd like

1 to provide a brief opportunity to address the
2 concerns.

3 BZA CHAIR JORDAN: Sure. We
4 appreciate you giving testimony and we truly
5 understand the issue.

6 MS. BAYISA: Thank you.

7 BZA CHAIR JORDAN: I wish I had
8 the magic wand, but that's the issue and
9 that's something hard -- I was going to say
10 that's why they get paid the big bucks, but
11 they're not getting paid any big bucks. But,
12 that's just the hard decisions that have to be
13 made.

14 MS. BAYISA: I understand and I
15 thank you for your time.

16 BZA CHAIR JORDAN: Thank you. Is
17 there anyone else wishing to speak in
18 opposition? Good.

19 Then let's turn back to the
20 Applicant for any rebuttal or closing.

21 MS. MOLDENHAUER: Before I provide
22 a brief closing, I'd just like to turn to Sia

1 Madani and allow him to just address a few
2 issues very briefly about the concerns of his
3 to be neighbor for this project.

4 MR. MADANI: Very appreciative of
5 your input and to address that, we developed
6 1020 Monroe which is around the corner from
7 you where The Coupe is and we had 28 units
8 there and it had six parking spots and we
9 allocated five spots to the biggest units.
10 Not one other person asked for a parking space
11 and the overwhelming request from every single
12 unit holder -- buyer was a bicycle shed and
13 bicycle parking and that's exactly what we're
14 going to be doing here.

15 We're just finding that there's
16 absolutely -- no. No, not absolutely, but
17 there's very, very little demand for parking
18 and I think the location of this property with
19 the close proximity to two metros has a
20 demographic that actually isn't necessarily
21 car owning and parking is not such a big
22 priority. Which we, again, witnessed first

1 hand at 1020 Monroe.

2 So, one of our priorities is
3 definitely to have, you know, a bike shed
4 there for the units, you know, for the
5 individual owners to park bicycles there.

6 The other thing is it is actually
7 an 18 unit that we're buying and we're simply
8 increasing that to 20 units. So, it's not
9 going to be an overwhelming, you know, number
10 of units like 40 all efficiencies which will,
11 you know, increase the population of that
12 building. But, we're only simply adding two
13 more units.

14 So, you know, I was concerned for
15 parking with another building that we had,
16 but, you know, the overwhelming response was
17 that, you know, people would like to have
18 bicycle spots. So.

19 But, thank you for your input.
20 Thank you.

21 MS. MOLDENHAUER: I'll just
22 provide a brief summary in regards to the

1 facts. I think that based on our submissions
2 and the testimony here today that we've
3 satisfied the three prongs for the variance
4 test based on a confluence of factors. The
5 property has an exceptional condition.

6 In regards to the existing non-
7 conformities, the fact that the property as
8 even indicated by the individual in opposition
9 has been vacant for over seven years, that the
10 lot is very large and right next to a Pepco
11 station and that the current entrance is non-
12 ADA compliant. The current layout is
13 inefficient and does not provide stacked
14 electrical and plumbing and that based on
15 these, they provide the Applicant with the
16 practical difficulty in order to comply with
17 the zoning requirements.

18 The site does not provide any
19 access for parking. There would obviously be
20 a no permission to provide any curb cuts and
21 that there's not enough space anyway on the
22 property to provide any parking on site.

1 That being said, we believe that
2 we've provided specific proforma and value in
3 regards to the fact that this creates an
4 economic practical difficulty for the
5 Applicant to comply with maintaining it as an
6 18 unit building, but would rather request two
7 additional units for 20 units and the relief
8 from the lot area requirement.

9 The Applicant has worked with the
10 neighbors, has obtained ANC support and as
11 even indicated by the neighbor in opposition,
12 that obviously there is a -- you know, it is
13 very positive to see this building come back
14 to life and to have it be revitalized after
15 such a long term being vacant and being
16 dilapidated.

17 That being said, we believe the
18 case is right for a bench decision and would
19 request the Board to support the application.

20 BZA CHAIR JORDAN: Good. Thank
21 you. Does the Board have any additional
22 questions?

1 Then we will close the record
2 based upon the evidence already deduced in the
3 file.

4 Is the Board ready for
5 deliberations?

6 Then based upon the record before
7 the Board and in weighing the positive effect
8 of what this building would do in this
9 neighborhood, I would move that we grant the
10 relief requested by the Applicant. That
11 includes the Section 404.1 rear yard relief.

12 ZC CHAIR HOOD: Second.

13 BZA CHAIR JORDAN: Motion made and
14 seconded. Any unreadiness?

15 All those in favor of the motion
16 signify by saying aye.

17 (Ayes.)

18 BZA CHAIR JORDAN: Those opposed
19 nay. The motion carries. Mr. Moy.

20 MR. MOY: Staff would record the
21 vote as 4 to 0. This is on the motion of
22 Chairman Jordan to approve the application for

1 the variance relief. These are variances for
2 -- I'm going to read through it since I
3 muddled the advertisement. Height under
4 Section 400.1, lot area 401.11, lot occupancy
5 requirements under 403.2, rear yard amended to
6 include rear yard under Section 404, open
7 court requirements under Section 406,
8 nonconforming structure provisions under
9 2001.3 and the parking space relief under
10 2101.1. Second the motion Mr. Hood. Also in
11 support Vice Chairperson Sorg and Mr. Hinkle.
12 We have a Board seat vacant. The motion
13 carries 4 to 0, Mr. Chairman.

14 BZA CHAIR JORDAN: Thank you, Mr.
15 Moy. A summary order please.

16 MR. MOY: Thank you, sir.

17 BZA CHAIR JORDAN: Thank you.

18 MS. MOLDENHAUER: Thank you very
19 much.

20 MR. MOY: The next application
21 before the Board for public hearing is
22 Application Number 18502. This is the

1 application of Jemal's Gram, LLC and other
2 owners pursuant to 11 DCMR 3104.1. This is
3 for a special exception to allow multiple roof
4 structures not meeting the normal setback
5 requirements under Subsections 411.11 and
6 770.6, to extend the zoning controls under
7 Subsection 2514.2, to construct an eleven
8 story mixed-use office, retail and service
9 building in the DD/C-2-C and DD/C-3-A District
10 at premises 655 New York Avenue, N.W.
11 Property located in Square 450, Lots 4, 6, 21,
12 33, 34, 40 and 803 through 818.

13 BZA CHAIR JORDAN: That's a
14 mouthful. Please identify yourselves.

15 MR. HUGHES: Good morning, Mr.
16 Chair. For the record, my name is Dennis
17 Hughes with the firm of Holland & Knight.
18 Joined by my partner Mr. Norman M. Glasgow,
19 Jr. in the audience. To my right is Mr. Paul
20 Millstein of Douglas Development representing
21 the Applicant. To his right is Shalom Baranes
22 of Shalom Baranes Associates Architects and to

1 my left is Mr. Steve Sher of Holland & Knight.

2 BZA CHAIR JORDAN: And we'll
3 accept Mr. Sher as an expert. That's still
4 debatable, but we'll accept him. He's been in
5 our book. So, had it been up to me -- no.
6 No, but we really appreciate here.

7 I think this is -- we got some
8 questions here. I don't see an ANC letter.
9 Am I incorrect? In the file.

10 MR. HUGHES: Mr. Chair, we have
11 copies of the ANC letter.

12 BZA CHAIR JORDAN: Yes, let me --
13 if it's already -- do we have it in the file?
14 No, we don't. I don't believe we do.

15 MR. MOY: No, we don't, sir.

16 BZA CHAIR JORDAN: And where are
17 we regarding HPRB? You've gotten approval
18 from HPRB. Correct?

19 MR. HUGHES: Mr. Baranes, could
20 address that more closely. We have concept
21 approval from October, but you're returning
22 later this month.

1 MR. BARANES: We are returning
2 just to show some modifications to the
3 elevations, to the windows basically.

4 BZA CHAIR JORDAN: Just one
5 second. We'll take a look at this. Okay.

6 Regarding this application, I
7 believe that the record's pretty full here.
8 Let me find out if the Board has any other
9 questions and I may come back to the penthouse
10 roof setback.

11 Does the Board have any questions
12 on any other issues specifically we need them
13 to address?

14 I think the application was a good
15 application. I think we clearly understand
16 the need for certain relief that you may --
17 might be some slight questions. I want to
18 verify my understanding of why the penthouse
19 structure issue -- does the Board have any
20 other questions to address?

21 Just briefly, you're seeking
22 penthouse relief. Request for the penthouse

1 because it's -- I thought you were set back
2 from all of the sides there. No?

3 MR. HUGHES: We are not set back
4 one to one along two portions of the penthouse
5 that front on New York Avenue.

6 BZA CHAIR JORDAN: I don't know
7 what I was reading. Maybe I'm confused.

8 MR. HUGHES: Mr. Baranes is
9 bringing up an image.

10 BZA CHAIR JORDAN: Yes, just
11 briefly go over that because I must have
12 missed --

13 MR. BARANES: Sure. The dash line
14 you see in blue here is what is allowed as a
15 matter of right with a one-to-one setback and
16 two areas where we violate the one-to-one are
17 this little corner right here. This very
18 small triangle and then the other one is this
19 shaded area here and the reason we don't meet
20 this is because, based on recommendations of
21 HPRB, we took this facade here which used to
22 be forward and we pulled it back and

1 introduced the reveal right here. Therefore,
2 our setback on the penthouse is no longer one-
3 to-one.

4 BZA CHAIR JORDAN: Okay. On that
5 side. What's -- tell me again. You pulled
6 back --

7 MR. BARANES: This facade of the
8 top floor of the building used to be out here
9 and based on the recommendation of HPRB, we
10 pulled it back to here and once we did that
11 along with the reveal, the edge of the
12 penthouse is no longer set back from that
13 reveal on a one-to-one basis.

14 BZA CHAIR JORDAN: Okay. Um-hum.
15 And that was a request of HPRB?

16 MR. BARANES: Yes.

17 BZA CHAIR JORDAN: Okay. Any
18 other questions from the Board?

19 Mr. Hughes, you have a right to do
20 a presentation if you want. I think this
21 record -- you just answered my question and I
22 was probably the only one on the Board who had

1 any other questions. So, you can just wait
2 for rebuttal if necessary or you do a
3 presentation if you want.

4 MR. HUGHES: We're fine to stand
5 on the record. Thank you, Mr. Chair.

6 Do just want to acknowledge Mr.
7 Mordfin of the Office of Planning and
8 appreciate his assistance.

9 BZA CHAIR JORDAN: No, we're going
10 to turn to him right now.

11 MR. HUGHES: Thank you.

12 BZA CHAIR JORDAN: Yes.

13 MR. MORDFIN: Good morning,
14 Chairman and Members of the Board. I'm
15 Stephen Mordfin with the Office of Planning
16 and the Office of Planning stands on the
17 record in this case.

18 BZA CHAIR JORDAN: Does the Board
19 have any questions of Office of Planning?

20 VICE CHAIR SORG: Thank you. I'll
21 just ask in your report why you indicated the
22 condition relating to HPRB? I haven't seen it

1 before.

2 MR. MORDFIN: The reason I put
3 that in there is with special exception having
4 to do with the zone district boundary line
5 moving 35 feet and one of the criteria for
6 that has to do with the Board may impose
7 requirements pertaining to design, appearance,
8 screening, location of structures and lighting
9 and in this case, HPRB's review would cover
10 all of that and if HPRB approved of the
11 design, then the Office of Planning would find
12 that the design of the Applicant would not
13 require any additional requirements.

14 But, because they have not yet
15 received final approval from HPRB, that was
16 added as a condition.

17 VICE CHAIR SORG: I get where
18 you're coming from. I do have a little bit of
19 a disagreement with your way of coming at it.

20 I think that, you know, HPRB has
21 their own requirements with regard to design
22 and those related to, you know, setbacks as in

1 the, you know, zoning code can be come to, you
2 know, by the BZA or others zoning bodies from
3 their own requirements and I think those two
4 things actually are appropriately separate.

5 But, I mean certainly the
6 sensitivity to requirements by HPRB and the
7 interplay of those with the zoning
8 requirements is well known to all of us.

9 BZA CHAIR JORDAN: Any other
10 questions of Office of Planning? Does the
11 Applicant have any questions of Office of
12 Planning?

13 MR. HUGHES: No questions, Mr.
14 Chair, and I believe your comments, Ms. Sorg,
15 have clarified and that combined with what Mr.
16 Baranes informed you regarding where we stand
17 with HPRB.

18 BZA CHAIR JORDAN: Which is they
19 do their thing.

20 Is anyone here from Department of
21 Transportation? There's a letter from the
22 Office of Transportation saying no objection

1 subject to fulfilment of regulation relating
2 to parking, bicycle, pedestrian facilities,
3 site access.

4 You're working with Office of
5 Transportation to fulfil all those things.

6 MR. HUGHES: Yes.

7 BZA CHAIR JORDAN: And you're
8 putting in a TDM plan for this. There's going
9 to be TDM measures for this. You do have TDM
10 measures that you're putting in. I think --

11 MR. HUGHES: TDM measures, we're
12 providing bicycle parking and yes.

13 BZA CHAIR JORDAN: Oh, there you
14 go. Of all people. Right? I must have been
15 saying something I shouldn't -- didn't want on
16 the record.

17 Okay. Is there anyone here from
18 ANC-2C? We do have a letter from ANC-2C. I
19 don't know why we didn't get it in our file
20 until just a few moments ago because the
21 letter's dated December 12th. Where ANC-2C
22 has voted unanimously in support of this

1 application. To which we will give great
2 weight.

3 Is anyone in the audience here
4 wishing to testify in opposition to this
5 application? Anyone in opposition to the
6 application?

7 Anyone who wants to testify in
8 support of the application? Anyone wishing to
9 speak in support of the application?

10 Then let's turn back to the
11 Applicant for closing.

12 MR. HUGHES: Thank you, Mr. Chair.

13 Just in closing, we believe that
14 this application is ripe for approval and
15 we've satisfied the requirements of the Zoning
16 Regulations. We appreciate the input of the
17 Office of Planning.

18 If the Board is so inclined, we'd
19 appreciate a bench decision and a summary
20 order of approval.

21 Thank you.

22 BZA CHAIR JORDAN: Then we will

1 close the record based upon the record deduced
2 to this point.

3 Does the Board have any questions?
4 Does the Board wish to deliberate at this
5 time?

6 Then I would move that we grant
7 the relief requested by the Applicant in this
8 matter.

9 VICE CHAIR SORG: Second.

10 BZA CHAIR JORDAN: Motion made and
11 seconded. Any discussion?

12 All those in favor signify by
13 saying aye.

14 (Ayes.)

15 BZA CHAIR JORDAN: Those opposed
16 nay. The motion carries. Mr. Moy.

17 MR. MOY: Yes, sir, staff would
18 record the vote as 4 to 0. This is a motion
19 of Chairman Jordan to approve the application
20 for the special exception relief requested.
21 Second the motion Vice Chairperson Sorg. Also
22 in support of the motion, Mr. Hood and Mr.

1 Hinkle. We have a Board seat vacant. The
2 motion carries 4 to 0, Mr. Chairman.

3 The next application before the
4 Board for public hearing is Application Number
5 18381. This is the application of Lawal
6 Abdulganiyu pursuant to 11
7 DCMR 3103.2 for a variance from the lot width
8 requirements under Section 401, variance form
9 the side yard requirements under Section 405
10 to construct a detached dwelling in the R-1-B
11 District at premises 4336 Douglas Street, N.E.
12 Property located in Square 5116, Lot 115.

13 This application has been -- the
14 Board multiple times, Mr. Chairman, and I
15 believe that this is the correct relief that's
16 being requested.

17 BZA CHAIR JORDAN: Yes.

18 MR. MOY: Thank you.

19 BZA CHAIR JORDAN: Please come to
20 the table, Mr. Mobley and anyone who's
21 planning to testify. I don't think we need a
22 lot of testimony here.

1 Please make sure that the
2 microphone is turned on and then identify
3 yourselves. Good morning. How are you?

4 MR. MOBLEY: Good morning,
5 Chairman and Board. I'm the --

6 BZA CHAIR JORDAN: Who do you have
7 to your right?

8 MR. MOBLEY: I'm Clarence Mobley.
9 I have here the owner -- the person I'm
10 representing today. His name is Mr. Lawal
11 Abdulganiyu.

12 BZA CHAIR JORDAN: Abdulganiyu.

13 MR. MOBLEY: And he is the -- he's
14 the person I'm representing this morning.

15 As you know, my name is Clarence
16 Mobley. I'm the architect for this client.

17 BZA CHAIR JORDAN: Yes. And, Mr.
18 Mobley, we appreciate. We know this thing has
19 been around for a long time. There's been a
20 lot of meetings that you've had with the
21 Office of Planning and Office of Zoning and
22 this has come full circle to being to a point

1 where I think the record is pretty substantial
2 and we understand the need for this relief.
3 Because if you are going to build as required
4 by the Zoning Regulations, then the house
5 would be nine-feet wide. Right?

6 MR. MOBLEY: Right.

7 BZA CHAIR JORDAN: And that you
8 finally had an opportunity to meet with the
9 ANC and the ANC has -- you met with the ANC on
10 this matter and the ANC, I think, submitted us
11 their recommendation that we not grant this.

12 However, and I don't know, is
13 anyone here from ANC-7D?

14 The ANC letter is not one which we
15 can give great weight to because it does not
16 meet the requirements for the Board to grant
17 great weight to. It does not meet the
18 requirements of the regulations. Although, we
19 will take in consideration what they're
20 saying, but because of the way the letter was
21 and I -- and I don't know if we -- anyone from
22 the Office of Zoning should let them know in

1 the future how their letter should be and
2 there might be a new ANC-7D. I'm not certain.
3 Because this letter didn't meet all -- dots
4 the i's and cross the t's, but I will say for
5 the record that ANC-7D didn't support this
6 application.

7 I understand that Office of
8 Planning initially wasn't supporting this, but
9 maybe now has changed their mind regarding
10 this application. Is that correct?

11 MR. COCHRAN: Given the additional
12 information supplied by the Applicant,
13 recently, OP is able to change its position
14 and can now recommend in favor of the relief
15 requested.

16 BZA CHAIR JORDAN: And initially,
17 we had a neighbor that was in opposition.
18 Wanted to an opposition party. Removed
19 herself from being an opposition party. But,
20 gave testimony that she opposed this by
21 basically believing that she had, correct me
22 if I'm wrong, a prescribed easement or

1 something on the line which is not for us to
2 make that decision for her. There's another
3 form for that.

4 So, I believe that we probably are
5 at a point now where we could possibly grant
6 this relief.

7 Does the Board have any other
8 issue or anything with this?

9 Mr. Mobley, I think we probably
10 have enough in the record. Mr. Mobley, we
11 have enough in the record to move forward
12 without any further testimony. Certainly,
13 it's your right to do so, but I think we're
14 okay at this point. So, we can continue to
15 proceed on. Okay.

16 So, seeing your head nod, for the
17 record, Mr. Mobley indicated yes, he was in
18 agreement with that.

19 MR. MOBLEY: Yes.

20 BZA CHAIR JORDAN: We just had a
21 report from Office of Planning. I believe
22 which -- is there anything more you need to --

1 you want to say?

2 MR. COCHRAN: No, sir. I just
3 read -- I just mention I don't have anything
4 from Department of Transportation. Do I? Or
5 did I have it before? Yes, they said no
6 objection from their earlier letter. No
7 objection.

8 There's no one here from ANC-7D,
9 but I did indicate we did receive a letter and
10 they oppose. However, we are not required to
11 give great weight. Reluctantly, we can't give
12 great weight because the letter did not comply
13 with the regulations. But, we certainly take
14 in consideration what they're saying.

15 Is there anyone in this audience
16 here wishing to speak in support of the
17 application? Anyone else other than the
18 Applicant wishing to speak in support of this
19 application?

20 Anyone here wishing to speak in
21 opposition to the application? Anyone wishing
22 to speak in opposition?

1 Then we would normally turn back
2 to, Mr. Mobley, for any rebuttal, but there's
3 nothing to rebut and so, we can close the
4 record.

5 MR. MOBLEY: There's no rebuttal,
6 Mr. Chairman and Board.

7 BZA CHAIR JORDAN: Okay. Then we
8 will close the record based upon the modified
9 plans and I really thank Office of Planning
10 and Office of Zoning and everybody else who
11 kind of helped you through this process
12 because you had a loser up front, but that's
13 what government is here for. To try to help
14 citizens --

15 MR. MOBLEY: Yes.

16 BZA CHAIR JORDAN: -- do what's
17 necessary as well as for us to help protect
18 citizens by this Board to insure that the
19 Zoning Regulations are complied with.

20 With that then, we'll close the
21 record and is the Board ready to deliberate?

22 I would move that we grant the

1 relief -- the modified relief requested by the
2 Applicant.

3 ZC CHAIR HOOD: Second.

4 BZA CHAIR JORDAN: Motion made and
5 seconded by Mr. Hood.

6 All those in favor of the motion
7 signify by saying aye.

8 (Ayes.)

9 BZA CHAIR JORDAN: Those opposed
10 nay. The motion carries. Mr. Moy.

11 MR. MOY: Staff would record the
12 vote as 4 to 0. This on the motion of
13 Chairman Jordan to approve the application for
14 the variance request for lot width and side
15 yard requirements. Second the motion Mr.
16 Hood. Also in support Vice Chairperson Sorg
17 and Mr. Hinkle. We do have a Board vacancy.
18 Motion carries 4 to 0, Mr. Chairman.

19 BZA CHAIR JORDAN: Then that
20 concludes our hearing. Thank you.

21 Mr. Moy, is there any other
22 business that needs to come before the Board

1 at this time?

2 MR. MOY: I believe OAG has a
3 comment.

4 BZA CHAIR JORDAN: Okay.

5 MS. GLAZER: A question. Did the
6 Board state whether this will be a full order
7 or a summary order? The ANC was opposed.

8 BZA CHAIR JORDAN: Let's do a full
9 order. Oh, but no. But, they're not -- they
10 didn't -- yes, so, let's go ahead. You're
11 correct. Thank you, Ms. Sorg. Then we do a
12 summary order. Summary. Summary. Summary.

13 I got you, but, we're calling for
14 a summary. Thanks. I appreciate the advice.

15 MR. MOY: Thank you, sir. Nothing
16 else from the staff.

17 BZA CHAIR JORDAN: Then we will
18 conclude for the day. Adjourn.

19 (Whereupon, at 11:16 a.m., the
20 hearing was adjourned.)

21

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This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 02-05-13

Place: Washington, DC

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