

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

PUBLIC HEARING

+ + + + +

TUESDAY, JUNE 12, 2012

The Regular Public Meeting 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 9:42 a.m.,
Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
NICOLE SORG, Vice-Chairperson
RASHIDA MacMURRAY, Board Member
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

The transcript constitutes the minutes
from the Public Meeting held on June 12, 2012.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Preliminary Matters 3

Request for a Second, Two-Year Time Extension
of Order 17679 of Jemal's TP Land and LLC . 4

VOTE: 5-0-0 to approve 30 day
regulation requirement..... 8

Discussion for request for second extension 9

VOTE: 5-0-0 to waive Section 3130.6
as well as granting the extension for
a second extension 12

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1 P-R-O-C-E-E-D-I-N-G-S

2 9:42 a.m.

3 CHAIRMAN JORDAN: This meeting will
4 please come to order.

5 Good afternoon, ladies and
6 gentlemen.

7 We are here located at the Jerrily
8 R. Kress Memorial Hearing Room at 441 4th Street,
9 N.W.

10 Today's date is June 12, 2012. And
11 we're here for the Public Meeting of the Board
12 of Zoning Adjustment for the District of
13 Columbia.

14 My name is Lloyd Jordan,
15 Chairperson. Joining me today to my left is
16 Nicole Sorg, Vice-Chair. To her left is Michael
17 Turnbull, Member of the Zoning Commission. To
18 my right Rashida MacMurray, Board Member. And
19 to her right is Jeffrey Hinkle, Board Member.

20 Please be advised this proceeding
21 is being recorded by a court reporter and is
22 also webcast live. Accordingly, we must ask

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1 that you refrain from making disruptive noises
2 or actions in the hearing room.

3 Today's agenda is for the Board to
4 render a decisions on cases that under the
5 regulations do not require hearings or are prime
6 for decision. We'll handle new preliminary
7 matters with the cases when called.

8 Our first case today, Mr. Secretary?

9 MR. MOY: Yes. Good morning, Mr.
10 Chairman, Members of the Board.

11 This would be before the Board a
12 request for a second, two-year time extension
13 of Order No. 17679 of Jemal's TP Land and LLC,
14 pursuant to Section 3130 of the Zoning
15 Regulations, including waiver of Sections
16 3130.9 and 3130.6.

17 For the record, Mr. Chairman, the
18 first extension request was approved on June
19 22, 2010. The original underlying application
20 was approved on February 5, 2008 pursuant to
21 the relief, as amended. This was pursuant to
22 11 DCMR ' 3104.1, for a special exceptions under

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1 sections 353 and 2516, and under section 411
2 regarding roof structures, to permit the
3 construction of a new residential development
4 (two multiple dwellings, each containing 38
5 dwelling units) in the R-5-A District at
6 premises 6923 through 6953 Maple Street,
7 Northwest and 6916 through 6926 Willow Street,
8 Northwest. Property located in Square 3357, Lots
9 26, 27. 28, 29, 40,, 808, 811, 814, 815, 818.
10 819, 820, 824, 825, 840 and 843.

11 The applicant filed, Mr. Chairman,
12 on April 20, 2012 and their exhibit is in your
13 case folders identified as Exhibit 54.

14 Subsequently we have two other
15 filings, one from the Office of Planning under
16 Exhibit 55 and ANC 4B under Exhibit 57.

17 That completes the staff's
18 briefing, Mr. Chairman.

19 CHAIRMAN JORDAN: Thank you, Mr.
20 Moy.

21 I think initially we have a
22 preliminary matter in discussing taking the

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1 applicant's memo as a motion to weigh the
2 requirements of the 30 day filing. And so the
3 Board needs to decide how we want to handle that
4 request for relief prior to us moving to-- if
5 we then move to the request for relief requested
6 for an extension.

7 So, I open the floor for any
8 discussion or any motions on this.

9 MEMBER TURNBULL: Mr. Chair, I
10 would be willing to waive our requirements for
11 that.

12 CHAIRMAN JORDAN: And are you
13 making a motion to that effect?

14 MEMBER TURNBULL: I can, yes.

15 I would make a motion that we waive
16 our 30 day regulation requirement.

17 CHAIRMAN JORDAN: Does anyone want
18 to second that?

19 VICE-CHAIR SORG: Second.

20 CHAIRMAN JORDAN: Motion made and
21 seconded by Ms. Sorg.

22 Any discussion?

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1 I just think I want to put on the
2 record, I was not necessarily happy with the
3 excuse for the failure for the 30 days, but
4 however I don't believe that we as a Board has
5 probably laid enough foundation as to what kind
6 of cause should be to get that request. And I
7 just don't want any other applicants to be
8 relaxed in regards to the 30 days. Because I
9 read in this particular request that it took
10 a while to get all the property information
11 straight about the, I guess ownership and et
12 cetera. And I just found that to be -- if you
13 started within 30 days maybe. But if you knew
14 this was coming, you know six months in advance
15 or three months before that.

16 Well, let me say this: We do not
17 have any set standard regarding that, to my
18 knowledge, and we kind of give a lot of
19 discretion to it. But I just think that we should
20 make sure that applicants are more diligent
21 about it.

22 Any other discussion? Anyone?

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1 Motion made and second that we waive
2 the 30 day filing requirement. All those in favor
3 signify by saying aye.

4 ALL: Aye.

5 CHAIRMAN JORDAN: Anyone opposed
6 Mr. Secretary, the motion carries?

7 MR. MOY: Yes, yes. Staff would
8 record the vote as five-to-zero-to-zero. This
9 is the motion of Mr. Turnbull to waive Section
10 3130.9. Second the motion, Vice-Chair Sorg.
11 Also in support of the motion Chairman Jordan,
12 Ms. MacMurray and Mr. Hinkle. Motion carries.

13 CHAIRMAN JORDAN: Okay. Now
14 before us is the request for the second extension
15 for this particular project for good cause. Does
16 the Board have a feeling, so we're open for that
17 deliberation. Anyone? Ms. Sorg?

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

20 I think mostly based on the
21 information contained in the affidavit and in
22 the applicant's filing, I can be supportive of

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1 the request based upon the specific information
2 which is provided regarding difficulties with
3 securing his loan as well as continuing efforts
4 for development it sounds like they might move
5 forward, which would be good. And in light of
6 that and a constellation of other factors that
7 we see from the economy in general as well as
8 the support of the parties in the case, I think
9 there's good cause and no prejudice.

10 CHAIRMAN JORDAN: Thank you.

11 Anyone else? Ms. MacMurray?

12 Anyone else? No.

13 Well, I just want to add to this
14 particular point in the record, although we had
15 this discussion before but I think the Board
16 has set some level precedence in granting more
17 than one extension, even though we've had debate
18 about whether or not that was allowed. But within
19 requirements where we can indeed certain
20 provisions, that was one which we have kind of
21 -- although I was contrary to that decision,
22 certainly flow with it as a precedence going

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1 forward and especially until we get a change
2 by the Zoning Commission in that regard. But
3 I understand some of those things are happening.

4 COMMISSIONER TURNBULL: Yes, Mr.
5 Chair, and I can give you an update on that.

6 Last night, Ms. Steingasser from the
7 Office of Planning and working with OAG is
8 looking to bring before the Zoning Commission
9 that additional authority for the Board in July.
10 So although as you have mentioned, the Board
11 has done it by precedent before, that authority
12 will be -- and Mr. Bergstein also just told me
13 this morning, that that will happen in July.

14 CHAIRMAN JORDAN: Okay. Good.

15 And other things that are going into
16 the Zoning review. Since we changed what the
17 ZRR stands for --

18 COMMISSIONER TURNBULL: The ZRR,
19 right.

20 CHAIRMAN JORDAN: Yes. We kind of
21 changed what the acronym stands for. But anyway,
22 Zoning Regulation Review, I think that's the

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1 most recent name that we're using.

2 So I would move that we grant a
3 second extension as requested to grant the
4 applicant's request.

5 MR. BERGSTEIN: Just for
6 clarification, Mr. Chairman, that would include
7 the waiver of the restriction against granting
8 more than one -- basically, time both the waiver
9 and the merits into the same motion.

10 CHAIRMAN JORDAN: Thank you, Mr.
11 Bergstein, yes. Correct. Thank you.

12 You want to second it or we want to
13 lose it?

14 VICE-CHAIR SORG: Second.

15 CHAIRMAN JORDAN: All right. We had
16 a second in harmony.

17 Motion being seconded that we
18 approve the request and waiver of the
19 requirement of this one extension.

20 Any further discussion? Seeing
21 none, all those in favor signify by saying aye.

22 ALL: Aye.

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1 CHAIRMAN JORDAN: Those opposed
2 nay.

3 The motion carries.

4 Mr. Secretary?

5 MR. MOY: Yes. The staff would
6 record the vote as five-to-zero-to-zero, this
7 on the motion of Chairman Jordan to waive Section
8 3130.6 as well as granting the extension for
9 a second extension.

10 Second the motion in harmony
11 Vice-Chair Sorg and Ms. MacMurray. Also in
12 support of the motion, Mr. Turnbull, Mr. Hinkle
13 and Ms. MacMurray.

14 CHAIRMAN JORDAN: Very good. Thank
15 you.

16 And that concludes our meeting for
17 this morning and we will adjourn this meeting.

18 (Whereupon, at 9:52 a.m. the Public
19 Hearing was adjourned.)
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