

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

WEDNESDAY

NOVEMBER 7, 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 9:30 a.m., Lloyd Jordan,
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

The transcript constitutes the
minutes from the Public Meeting held on
November 7, 2012.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

WELCOME:

Lloyd Jordan.4

EXPEDITED REVIEW CALENDAR:

MARGARET T. CHARNEY:

APPLICATION NO. 18466:

ELIZABETH HILDER AND WILLIAM R. SMITH:

APPLICATION NO. 18467:

PHILIP O. RENZULLO:

APPLICATION NO. 18470:

VOTE TO APPROVE APPLICATIONS 18466, 18467 AND
18470 (3-0-2):.9

DECISION CALENDAR:

WASHINGTON METROPOLITAN COMMUNITY DEVELOPMENT CORPORATION:

APPLICATION NO. 18109:.10

VOTE TO APPROVE APPLICATION

NO. 18109 (4-0-1)12

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

9:30 a.m.

CHAIRMAN JORDAN: Good morning.

Would the hearing please come to order?

We're located at the Jerrily R.
Kress Memorial Hearing Room at 441 4th Street,
N.W. Today's date is November 7th, 2012.
We're here for the public hearing of the Board
of Zoning Adjustment of the District of
Columbia.

My name is Lloyd Jordan,
Chairperson. To my right is Nicole Sorg,
Vice-Chair and to her right is Jeffery Hinkle,
Member of the Board.

Please be advised that today's
proceeding is being recorded by a court
reporter and also being Web cast live, so
therefore I'm going to ask you to refrain from
any disruptive noises and ask that if you have
any cell phones that you'd please turn those
things to silent, one way or the other.

The Board's hearing procedures are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 located by the back door in a pamphlet if
2 you're not familiar with how we operate and
3 process cases. So please feel free to get the
4 pamphlet and to understand how we process
5 matters here at the Board.

6 So let's begin today's agenda.
7 Anyone in the audience who's going to testify
8 on any case on the docket today, would you
9 please stand and take the oath or affirmation
10 given by the secretary to the Board? And then
11 thereafter, complete two witness cards and
12 give them to the court reporter prior to you
13 providing testimony.

14 Oh, yes. Well, let's just do this
15 and then move on, since I already did it.

16 MR. MOY: Good morning.

17 (Whereupon, the witnesses were
18 sworn.)

19 MR. MOY: Ladies and gentlemen,
20 you may consider yourself under oath.

21 CHAIRMAN JORDAN: I got a little
22 bit ahead of myself, because we do have a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 public meeting first. So we'll go into public
2 meeting session and have decisions on three
3 matters. Well, there's actually -- Mr. Moy,
4 give us an announcement regarding the public
5 meeting, please.

6 MR. MOY: Yes, sir. The agenda
7 for the Board's public decision meeting this
8 morning, which is before we start the public
9 hearing, we have three cases, three
10 applications that are on the expedited review
11 calendar. And as the Board is aware, these
12 expedited review calendar items are zoning
13 applications where the applicant waives their
14 right to a public hearing.

15 Second, there are two cases that
16 we originally scheduled for a decision
17 meeting, case No. 18395 of CWC WDC, LCC and
18 appeal 18469 of Susan Lynch, which I believe
19 the Board has delayed its decision to Tuesday,
20 November the 27th. And following the last
21 case for decision is application No. 18109.
22 This is the Washington Metro Community

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Development Corporation.

2 So to begin, Mr. Chairman, as I
3 said, there are three cases on the expedited
4 review calendar. These applications are
5 application No. 18466 of Margaret T. Carney
6 pursuant to 11 DCMR 3104.1, for a special
7 exception to allow a rear deck addition to an
8 existing one-family detached dwelling under
9 section 223, not meeting the side yard
10 requirements under section 405 in the R-1-B
11 District at premises 5606 Potomac Avenue, N.W.
12 Property located in Square 1450, Lot 41.

13 The second case on the calendar is
14 application No. 18467 of Elizabeth Hilder and
15 William R. Smith, pursuant to 11 DCMR
16 3104.1, for a special exception to allow a
17 two-story addition to an existing one-family
18 detached dwelling under section 223, not
19 meeting the side yard requirements under
20 section 405 and non-conforming structure
21 requirements under subsection 2001.3 in the R-
22 2 District at premises 3843 Livingston Place,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 N.W. Property located in 1859, Lot 71.

2 And finally the third case on the
3 calendar is application No. 18470 of Philip O.
4 Renzullo, pursuant to 11 DCMR 3104.1. This
5 is for a special exception to allow a porch
6 addition to an existing one-family detached
7 dwelling under section 223, not meeting the
8 lot area and lot width requirements under
9 section 401 and rear yard requirements under
10 section 404 in the R-1-B District at premises
11 3606 Patterson Street, N.W. Property located
12 in Square 1893, Lot 36.

13 In all these cases, Mr. Chairman,
14 the Board should act on the merits pursuant to
15 section 3118 requirements consisting of these
16 cases for special exception relief under
17 section 223.

18 CHAIRMAN JORDAN: Thank you, Mr.
19 Moy. The Board has reviewed the files on each
20 one of these cases, the filings on the matter,
21 and believes that the record is full and that
22 the necessary prerequisites to grant the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 relief are already contained in the record of
2 the case. It would be my motion that we move
3 to grant the relief necessary under 223 for
4 these three cases: 18466, 18467 and 18470.

5 That would be my motion.

6 VICE CHAIR SORG: I would second
7 that motion.

8 CHAIRMAN JORDAN: Motion made and
9 seconded that we grant the necessary relief
10 under 223 for the three cases just announced;
11 18466, 18467, 18470, that sits on our
12 expedited docket. Is there any unreadiness?

13 (No audible response.)

14 CHAIRMAN JORDAN: Seeing none, all
15 those in favor signify by saying aye.

16 (Chorus of ayes.)

17 CHAIRMAN JORDAN: Those opposed,
18 nay.

19 (No audible response.)

20 CHAIRMAN JORDAN: The motion
21 carries. Mr. Moy?

22 MR. MOY: Staff would record the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 vote as 3-0-2, this on the motion of Chairman
2 Jordan to approve the expedited review
3 calendar consisting of the three cases; 18466,
4 18467, 18470. Second the motion, Vice-
5 Chairperson Sorg. Also in support of the
6 motion, Mr. Hinkle and no other Board Members
7 participating. So the motion carries on the
8 vote at 3-0-2, Mr. Chairman.

9 CHAIRMAN JORDAN: Thank you, Mr.
10 Moy. And of course we can do summary orders
11 on those.

12 MR. MOY: Thank you. The last
13 action for the Board's public decision meeting
14 is application -- or rather it's a request for
15 a first time two-year time extension of
16 application No. 18109. This is of the
17 Washington Metropolitan Community Development
18 Corporation, pursuant to Section 3130 of the
19 Zoning Regulations.

20 As the Board will recall, the
21 original application was approved on October
22 5th, 2010 and issued on October 14, 2010,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 pursuant to 11 DCMR 3104.1 and 3103.2, for
2 variance from the floor area ratio
3 requirements under subsection 771.2, a
4 variance from the non-conforming structure
5 provisions under subsection 2001.3, and a
6 special exception from the parking
7 requirements for a historic resource under
8 subsection 2120.6. This is to allow the
9 construction of a retail and commercial office
10 building in the C-1 District at premises 5127-
11 5131 Nannie Helen Burroughs Avenue, N.E.
12 Property located in Square 5196, Lots 801 and
13 805.

14 And as the Board will recall, this
15 motion was convened on October 23rd, 2012.
16 The Board deliberated and postponed its
17 decision to November -- well, to today to file
18 additional information to supplement the
19 record. That filing, Mr. Chairman, was
20 submitted by the applicant on Friday, November
21 the 2nd, 2012, and is recorded in the record
22 under Exhibit 36.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So with that, the Board is to act
2 on the merits of the request to extend for a
3 two-year time period. And that concludes the
4 staff's briefing, Mr. Chairman.

5 CHAIRMAN JORDAN: Thank you, Mr.
6 Moy.

7 Regarding case 18109, I do believe
8 now that the record has been supplemented
9 properly and that we do have the affidavit
10 from the applicant with the proper grounds and
11 justifications for granting this two-year
12 extension.

13 With that, I would move that we
14 grant the two-year extension as requested in
15 the application.

16 VICE CHAIR SORG: Second.

17 CHAIRMAN JORDAN: Motion made and
18 seconded. Any unreadiness?

19 (No audible response.)

20 CHAIRMAN JORDAN: All those in
21 favor of the motion, signify by saying aye.

22 (Chorus of ayes.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN JORDAN: Those opposed,
2 nay.

3 (No audible response.)

4 CHAIRMAN JORDAN: The motion
5 carries. Mr. Moy?

6 MR. MOY: Yes, before I give the
7 final vote, Mr. Chairman, there is an absentee
8 ballot from a participant on this application,
9 MR. Anthony Hood from the Zoning Commission
10 and his absentee ballot is to approve the
11 request. So that would give a total vote of
12 4-0-1. This is on the motion of Chairperson
13 Jordan to approve. Second the motion, Vice-
14 Chairperson Sorg. Also in support Mr. Hinkle
15 and of course Mr. Hood. No other Board
16 Members participating. So again the motion
17 carries on a vote of 4-0-1.

18 CHAIRMAN JORDAN: Thank you. And
19 a summary order is proper, please.

20 MR. MOY: Yes. Thank you, Mr.
21 Chairman. That completes the public meeting
22 portion of this morning.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN JORDAN: Good. Thank
2 you.

3 (Whereupon, the hearing was
4 concluded at 10:00 a.m.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21