

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY

DECEMBER 2, 2014

+ + + + +

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.

The transcript constitutes the minutes from the Public Meeting held on December 2, 2014.

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BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
S. KATHRYN ALLEN, Vice-Chairperson
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS
STEVEN COCHRAN
MATT JESICK
ELISE VITALE

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

2 9:45 a.m.

3 CHAIRPERSON JORDAN: Good morning.

4 Could we please come to order?

5 Today is December 2, 2014 and we're here
6 for a meeting of the Board of Zoning Adjustment of
7 the District of Columbia.

8 My name is Lloyd Jordan, Chairperson.
9 To my left is Peter May, member of the Zoning
10 Commission, sitting in as a member of the Board of
11 Zoning Adjustment today. To my right is S. Kathryn
12 Allen, who is the Vice Chair of the Board, and to
13 her right is Jeffrey Hinkle, member of the Board.

14 We're located at 441 4th Street,
15 Northwest in the Jerrily R. Kress Memorial Hearing
16 Room.

17 I'm going to ask if -- today's
18 proceedings are being recorded by a Court Reporter,
19 who is seated to my right, and also being webcast
20 live.

21 Therefore, I'm going to ask you to
22 refrain from any disruptive noises here in the

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1 hearing room today.

2 That's a signal to check your cell
3 phones and other devices, and make sure that
4 they're not going to ring or vibrate loudly.

5 If you're going to provide testimony to
6 the Board or present a statement or address the
7 Board in any manner, I'm going to need you to do
8 two things today. Let me go back over that.

9 If you're going to address the Board in
10 any manner by reading statement, reading a letter
11 or providing testimony, I'm going to need you to
12 do two things.

13 The first of which is to complete two
14 witnesses cards per person. That's two witness
15 cards per person and prior to testifying, please
16 give those cards to the Court Reporter.

17 So, that's two witness cards per
18 person, and give them to the Court Reporter prior
19 to testifying.

20 The second thing I'm going to need you
21 to do is to now stand and take the oath, which will
22 be given by Mr. May, Secretary to the Board -- Moy,

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1 Mr. Moy. Got an 'O' and an 'A' in the wrong spot.

2 MR. MOY: Good morning. Do you
3 solemnly swear or affirm that the testimony you're
4 about to present in this proceeding is the truth,
5 the whole truth and nothing but the truth?

6 Ladies and gentlemen, you may consider
7 yourselves under oath.

8 CHAIRPERSON JORDAN: Okay, Mr. Moy,
9 any preliminary announcements?

10 MR. MOY: For once, I don't have
11 anything significant to say this morning, Mr.
12 Chairman.

13 CHAIRPERSON JORDAN: It's always
14 significant, Mr. Moy.

15 Let's have a representative on Case NO.
16 18867. It's Growth Spurts, is it? Is there
17 anyone for that? Is that the one that was running
18 late?

19 Okay, then let's go to our -- do we have
20 an affidavit of posting in 18889, Mr. Moy?

21 MR. MOY: That would be Application?

22 CHAIRPERSON JORDAN: On the meeting

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1 docket.

2 MR. MOY: The meeting docket? Meeting
3 docket? Just a second. Eighteen-eight? I think
4 so.

5 Is that 18899 of Ron Rogers, sir, or do
6 I have the wrong case?

7 CHAIRPERSON JORDAN: Nine-four.

8 MR. MOY: Nine-four, okay, all right.

9 CHAIRPERSON JORDAN: Eight-nine-four.

10 MR. MOY: All right, just a second. I
11 have my notes, sir.

12 CHAIRPERSON JORDAN: My notes
13 indicated they have not filed.

14 MR. MOY: Not to my knowledge, sir.
15 I'll tell you in a second. Let me double-check.

16 CHAIRPERSON JORDAN: Is anyone here on
17 Case No. 18894? Please come to the witness table.
18 I need you to sit please, and turn on the
19 microphone.

20 MR. MOY: Just while there's a pause,
21 it's not in the record.

22 CHAIRPERSON JORDAN: Yes, there should

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1 be a bright glowing green light.

2 MR. CROSS: Yes.

3 CHAIRPERSON JORDAN: State your name,
4 please.

5 MR. CROSS: My name is Mark Cross. I'm
6 with a company called MJCI. This is Judith Brodie,
7 the owner of the property.

8 CHAIRPERSON JORDAN: All right, was an
9 affidavit of posting filed in this matter?

10 MR. CROSS: No, there was some
11 confusion as to -- initially, when we dealt with
12 the advisory -- Member Advisory Commission, as to
13 what the requirements were for them, versus this
14 group here, in terms of the notification.

15 We have the letters of approval.
16 There's been adjacent property notification per
17 the requirements here.

18 What we do not have at this point is the
19 affidavit, well, the notice. We did post a sign
20 in front of the property.

21 COMMISSIONER MAY: Okay, then we're
22 going to have to take this off the docket.

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1 MR. CROSS: Okay.

2 CHAIRPERSON JORDAN: And you're going
3 to have to post. As required --

4 MR. CROSS: Absolutely.

5 CHAIRPERSON JORDAN: -- and we'll just
6 give you another date sufficient to do that.

7 MR. CROSS: Very good.

8 CHAIRPERSON JORDAN: Yes, Mr. May?

9 COMMISSIONER MAY: There is some
10 unusual aspects of this case that I think need to
11 be clarified, for when they come back.

12 CHAIRPERSON JORDAN: Okay.

13 COMMISSIONER MAY: So, it would be
14 worth while --

15 CHAIRPERSON JORDAN: Please.

16 COMMISSIONER MAY: -- looking into
17 this a little bit more carefully.

18 You know, I'm not -- I haven't come to
19 any conclusion on this, but there -- and it seems
20 that you're proposing an accessory building that's
21 16 feet tall.

22 MR. CROSS: Approximately, yes.

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1 COMMISSIONER MAY: Okay, so, at 16 feet
2 you would need a variance, which means that you
3 couldn't be on the expedited review calendar. But
4 if it's 15 feet, you can be on the expedited review
5 calendar, right? I mean, do I have that correct?

6 So, you need to either adjust your plans
7 or resubmit and request the variance, and I don't
8 believe it's a very easy variance to get. So, that
9 really leaves you just one good option for it.

10 There is a question about what relief
11 you need for side yard and rear yard, but that can
12 get sorted out once -- you know, once we actually
13 take up the matter, okay?

14 MR. CROSS: Okay.

15 COMMISSIONER MAY: All right, so that
16 was the one thing I would suggest you look into.

17 CHAIRPERSON JORDAN: Great, as well
18 as, did you say about the additional relief that's
19 possibly necessary?

20 COMMISSIONER MAY: I mean, the
21 additional relief that I saw was the roof.

22 CHAIRPERSON JORDAN: Right.

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1 COMMISSIONER MAY: The height of the
2 building.

3 CHAIRPERSON JORDAN: You talked about
4 the side yard.

5 COMMISSIONER MAY: You know, side
6 yard, I believe they requested, but may not be
7 necessary. In my view, rear yard the requested,
8 which may not be necessary. In OIG's view --
9 anyway, it's --

10 CHAIRPERSON JORDAN: All right.

11 COMMISSIONER MAY: I'm not sure.
12 Actually, I believe side and rear yard relief is
13 required, but they did request that.

14 CHAIRPERSON JORDAN: Yes, and we're
15 providing you some suggestions, some things to look
16 at, although we're not required and we're not
17 suppose to be providing that kind of direction.

18 But so, just take that for -- really,
19 what Mr. May is saying, you need to take at what
20 you're doing.

21 MR. CROSS: Sure.

22 CHAIRPERSON JORDAN: Mr. Moy, can we

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1 have a date?

2 MR. MOY: Yes.

3 CHAIRPERSON JORDAN: I'm going to
4 suspect this is going to -- I don't know about the
5 expedite docket.

6 MR. MOY: If it's true that there is
7 going to be additional relief for the variance --
8 is that what --

9 MR. CROSS: We will not be looking for
10 additional relief. We've modified that -- the
11 proposed height of the building.

12 MR. MOY: All right, posting?

13 CHAIRPERSON JORDAN: So, let's just
14 give a date on the public meeting docket then.

15 MR. MOY: All right, let's -- Mr.
16 Chairman, I think -- as early as December 16th.

17 CHAIRPERSON JORDAN: Is that time
18 enough to post? Mr. Moy, let's give another date,
19 please.

20 MR. MOY: Give another date, okay.

21 MR. CROSS: We need 15 days to post.

22 MR. MOY: All right, then my math is

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1 off. So, let's go into -- we're going to have to
2 go into January, because that was the last hearing
3 date for December.

4 So, January 13th would be good for the
5 Board on the docket. January 13th.

6 CHAIRPERSON JORDAN: January 13th?

7 MR. MOY: January 13th.

8 CHAIRPERSON JORDAN: Would be the date
9 that this matter will be placed on the docket.

10 MR. CROSS: Okay.

11 CHAIRPERSON JORDAN: All right, thank
12 you. Next case, Mr. Moy, on the public meeting?

13 MR. MOY: All right, Mr. Chairman, that
14 would be the Applicant's request for a two-year
15 time extension to Order No. 18413 of Marcus
16 Watkins.

17 This is property located at 247 Warren
18 Street Northeast.

19 CHAIRPERSON JORDAN: Thank you. Is
20 the Board ready to deliberate on this case?

21 This is the request for the extension,
22 and the reason, with the supporting letters, is

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1 that his job relocated him out the area for an
2 extended period of time.

3 Additionally, there is some serious
4 medical issues that the Applicant has, which is
5 substantiated again, by the documents in the
6 record.

7 I would move to support this, in fact,
8 I would move that we grant the requested relief for
9 the extension.

10 COMMISSIONER MAY: Second.

11 CHAIRPERSON JORDAN: Motion made and
12 seconded. Any other discussion?

13 All those in favor of the motion, aye.

14 (Chorus of ayes)

15 CHAIRPERSON JORDAN: Those opposed,
16 nay. The motion carries. Mr. Moy?

17 MR. MOY: Staff would record the vote
18 as 4-0. This on the motion of Chairman Jordan to
19 approve the request for a two-year time extension.
20 Second the motion, Mr. Peter May. Also in support
21 Vice Chair Allen and Mr. Hinkle. The motion
22 carries 4-0.

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1 CHAIRPERSON JORDAN: All right, thank
2 you, and then let's call the top case, the first
3 case in the hearing.

4 (Whereupon, the above-entitled matter
5 went off the record at 9:56 a.m.)
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