

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

JUNE 13, 2018

+ + + + +

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., Frederick Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LESYLLEE M. WHITE, Board Member
CARLTON HART, Board Member (NCPC)
LORNA JOHN, Board Member

ZONING COMMISSION MEMBERS PRESENT:

PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

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OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
JONATHAN KIRSCHENBAUM
MATT JESICK
ELISA VITALE
MAXINE BROWN-ROBERTS
STEPHEN MORDFIN
KAREN THOMAS
ANNE FOTHERGILL

The transcript constitutes the minutes from the
Public Meeting held on June 13, 2018.

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

9:42 a.m.

1
2
3 CHAIRMAN HILL: All right, everyone. We'll go
4 ahead and get started here. We're located in the Jerrily R.
5 Kress Memorial Hearing Room at 441 4th Street Northwest.
6 This is the June 13th public hearing of the Board of Zoning
7 Adjustment of the District of Columbia.

8 My name is Fred Hill, Chairperson. Joining me
9 today are Carlton Hart, Vice Chair, Lesyllee White, and Lorna
10 John, board members, and representing the Zoning Commission
11 is Peter May. Copies of today's hearing agenda are available
12 to you and located in the wall bin the door.

13 Please be advised that this proceeding is being
14 recorded by a court reporter, and is also webcast live.
15 Accordingly, we must ask you to refrain from any disruptive
16 noises or actions in the hearing room.

17 When presenting information to the Board, please
18 turn on and speak into the microphone, first stating your
19 name and home address. When you're finished speaking, please
20 turn off your microphone so that your microphone is no longer
21 picking up sound or background noise.

22 All persons planning to testify, either in favor
23 or in opposition, must have raised their hand and been sworn
24 in by the secretary.

25 Also, each witness must fill out two witness

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1 cards. These cards are located on the table near the door,
2 and on the witness table. Upon coming forward to the Board,
3 please give both cards to the reporter sitting to the table
4 on my right.

5 If you wish to file a written testimony or
6 additional supporting documents today, please submit one
7 original and 12 copies to the secretary for distribution.
8 If you do not have the requisite number of copies, you can
9 reproduce copies on an office printer in the Office of
10 Zoning, located across the hall.

11 Please remember to collate your set of copies.
12 The order of procedure for special exceptions and variances
13 and appeals is also listed as you come walking into the door.
14 The record will be closed at the conclusion of each case,
15 except for materials specifically requested by the Board.

16 The Board and the staff will specify at the end
17 of the hearing exactly what is excepted, and the date when
18 persons must submit evidence to the Office of Zoning. After
19 the record is, record is closed, no other information shall
20 be accepted by the Board.

21 The District of Columbia Administrative Procedures
22 Act requires that the public hearing on each case be held in
23 the open, before the public, pursuant to Section 405(b), and
24 406 of that act.

25 The Board may, consistent with its rules and

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1 procedures, and the Act, enter into a closed meeting on a
2 case for purposes of seeking legal counsel on a case,
3 pursuant to DC Official Code Section 2-575(b)4, and/or
4 deliberating on a case, pursuant to DC Official Code Section
5 2-575(b)13, but only after providing the necessary public
6 notice, and in the case of an emergency closed meeting after
7 taking a roll call vote.

8 The decision of the Board in cases must be based
9 exclusively on the public record. So to avoid any appearance
10 of the contrary, the Board requests that persons present not
11 engage the members of the Board in conversation.

12 Please turn off all beepers and cell phones at
13 this time, so as not to disrupt the proceeding. Preliminary
14 matters are those which relate to whether a case will and
15 should be heard today, such as request for a postponement,
16 continuance, or withdrawal, or whether proper and adequate
17 notice of the hearing has been given.

18 If you're not prepared to go forward with the case
19 today, or if you believe that the Board should not proceed,
20 now is the time to raise such a matter. Mr. Secretary, do
21 we have any preliminary matters?

22 SECRETARY MOY: Good morning, Mr. Chairman,
23 members of the Board. Staff would suggest that the Board
24 address any preliminary matters when I call a case. Other
25 than that, we do have a preliminary matter on motions to the

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1 first appeal, and its related application when we, the Board
2 moves into the public hearing session of the hearing.

3 CHAIRMAN HILL: Okay, great. Thank you, Mr. Moy.
4 If anyone is here planning to testify, if you please stand
5 and take the oath administered by the secretary, to my left.

6 SECRETARY MOY: Good morning. Do you solemnly
7 swear or affirm that the testimony you are about to present
8 in this proceeding is the truth, whole truth, and nothing but
9 the truth?

10 (Chorus of I do's)

11 SECRETARY MOY: Thank you, ladies and gentlemen.
12 You may consider yourselves under oath.

13 CHAIRMAN HILL: There's a lot of people here
14 today. Are you all here left over from the parade, and you
15 just decided to stay in town? So we have a full day. We're
16 probably going to have to take a lunch break, and I don't
17 know when we're going to end today, so I just kind of wanted
18 to let everybody know.

19 And then, also, we are going to follow the order
20 that is in the docket, as you come walking in. Let's see.

21 Oh, I wanted to take an opportunity, if I could,
22 this is the Office of the Attorney General, Sherry Glazer's,
23 last day, and you are going, I guess, to retire relatively
24 soon, as I understand, and I just wanted to take the
25 opportunity, actually, to thank you for helping me,

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1 personally, with my role here.

2 And it's been a pleasure working with you over the
3 past three years, and I know you've been with the Office of
4 Zoning for 15 years, so you've seen, I'm sure, a lot of
5 changes to the city, and have been involved in a lot of
6 projects.

7 And so, you know, as a member of the city, I'd
8 also like to thank you for your service, and wish you the
9 best, and I really hope you have a lovely lovely time
10 retiring, whatever that means nowadays. Would anyone else
11 like to --

12 VICE CHAIR HART: Only to echo your comments, Mr.
13 Chairman. It's been a wonderful year and a half, since I've
14 started working here, doing the, on the BZA, and I do
15 appreciate the guidance that you've provided, and the
16 expertise that you, that you bring to the BZA when you're at
17 the BZA. So I do appreciate it, and wish you will.

18 MEMBER WHITE: Sherry, I would also like to echo
19 their sentiments, that I'm very appreciative for all the work
20 that you do, in terms of providing us legal advice, and
21 you're also a very fun person too. I mean, not all lawyers
22 are boring, right?

23 So, but Sherry's great. A lot of us have, all of
24 us have full-time jobs, for the most part, and it's good to
25 have the technical assistance that you've been providing, and

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1 it's been extremely helpful, and I'd just like to thank you,
2 from the bottom of my heart, that you will be missed, and
3 hopefully you'll stay in touch.

4 MEMBER JOHN: Mr. Chairman, I would like to add
5 my thanks to Sherry for especially helping me to transition
6 to this new position, even though, I, too, at one time,
7 retired. So I hope you will enjoy your retirement, and get
8 some rest, and I wish you all the best. Thank you.

9 COMMISSIONER MAY: So on behalf of myself and my
10 fellow zoning commissioners, who are, who are, I guess, I
11 mean, BZA, theoretically, is part-time, and we are part-time,
12 part-time. But Sherry is full-time on the things that she
13 does to support us, and her knowledge and insight on so many
14 cases has been so helpful over the years.

15 I don't remember how many, but I can barely
16 remember how many years I've been doing this. But I really
17 do appreciate everything that you've done, and on behalf of
18 all of us, wish you well in a much-deserved retirement. And
19 I say that with a slight note of jealousy, because I can't
20 wait, myself. Thank you.

21 SECRETARY MOY: Mr. Chairman, not to take any,
22 steal any thunder from the comments that the Board has just
23 said, but I'll be, I'd be negligent if I didn't speak on
24 behalf of the Office of Zoning and the director of the
25 office, and of course, the, my BZA staff, that it's been

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1 thrilling having Sherry working closely with the BZA staff.

2 I can't put a price on that. She's been
3 invaluable, personally, to me. That's a personal note. And
4 I will miss her, and I trust that she'll have much happiness
5 in the years to come.

6 CHAIRMAN HILL: Ms. Glazer, would you like to say
7 anything?

8 MS. GLAZER: I'm very moved. Thank you all. I
9 really appreciate the kind words. It's been a pleasure
10 working here. It really has. It's just been a very
11 interesting, stimulating, fun, challenging experience, and
12 thank you all for the nice things that you said, and I hope
13 to stay in touch.

14 CHAIRMAN HILL: Well, we wish you a, we'll miss
15 you. All right. Mr. Moy, we'll go ahead and get started
16 now.

17 SECRETARY MOY: Yes, sir. Thank you, Mr.
18 Chairman. The one and only decision-making case in the
19 meeting part of this hearing is case application number
20 19761, Lisa McGuire. This is a request from the Applicant
21 for special exceptions under Subtitle E, Section 5201, from
22 the lot occupancy requirements, Subtitle E, Section 304.1,
23 rear yard requirements, Subtitle E, Section 306.1, and
24 nonconforming structural requirements of Subtitle C, Section
25 202.2(b).

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1 This would permit an existing nonconforming rear
2 deck and balcony on an existing flat RF-1 Zone at 2825 11th
3 Street Northwest, square 28 and 57, lot 49.

4 CHAIRMAN HILL: Ok, great. Thank you, Mr. Moy.
5 Is the Board ready to deliberate? Okay. Mr. Lawson, I see
6 you over there. I don't know if there was something you'd
7 like to also say.

8 MR. LAWSON: Good morning, Mr. Chair. Thank you.
9 Joel Lawson with the Office of Planning. We, the Office of
10 Planning typically doesn't attend expedited cases, such as
11 this. This was a slightly different expedited case.

12 But I'm mostly here to introduce a new staff
13 member to the Board. Jonathan Kirschenbaum has joined the
14 Office of Planning. This is his first case before the Board,
15 and so I wanted to come along and introduce him, introduce
16 him to you.

17 We're very excited to have Jonathan on staff. He
18 has great experience. He's going to be a great member of our
19 really excellent team of planners who are going to be
20 appearing before you on a regular basis, so thank you.

21 CHAIRMAN HILL: All right. Thank you, Mr. Lawson.
22 Mr. Kirschenbaum, well, welcome, and as Mr. Lawson mentioned,
23 you know, when we expedite a review case, we don't
24 necessarily have you here, but I'm sure you'll be here for
25 other cases, and we definitely appreciate all of the support

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1 that we get from the Office of Planning.

2 And so, and I'm sure there's many people out there
3 that are going to enjoy working with you as well. So,
4 welcome. Okay. All right. So, back to this.

5 So I mean, it was kind of interesting in that, I
6 found it a little bit unusual in certain situations, in terms
7 of the, that it was the lower unit deck that is applying for
8 the relief, and it also being an expedited review.

9 So I kind of might've had some questions, but
10 after kind of going through the record, I didn't really come
11 up with anything that I thought was necessary to pull this
12 off the expedited review.

13 I would, if we were to move forward with this, ask
14 that when the report is being written, that, and this was
15 also from the Office of Planning, offering the specificity
16 that it's just the lower deck that would be approved for this
17 relief, and not the second level. It would just be the lower
18 deck.

19 And then, I did see that the Office of Planning,
20 you know, from the analysis that has been provided, I would
21 agree with their analysis. And in addition to that, we did
22 get a report from the ANC in favor of the relief. Does
23 anyone have anything they would like to add? No? Okay.

24 COMMISSIONER MAY: No, sorry, Mr. Chairman. I'm
25 slow. Yes. I mean, I think that we, this is a pretty

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1 unusual case, and because of the relief requested only
2 affecting one out of two units, but I don't, you know,
3 basically, I think the case has been made, and I don't see
4 any reason why we wouldn't go ahead and approve it.

5 CHAIRMAN HILL: Yes, okay. I mean, I also thought
6 it was peculiar. I mean, the other person's not here, and
7 they, their deck, you know, the second floor deck. But, so,
8 okay. Anyone else? Okay.

9 So that being the case, I'm going to go ahead and
10 make a motion. And as I did mention, this is just for the
11 relief to the lower deck, and so go ahead and make a motion
12 to approve application number 19761, as captioned and read
13 by the secretary, and ask for a second.

14 UNIDENTIFIED: Second.

15 VICE CHAIR HART: Mr. Chairman?

16 CHAIRMAN HILL: Sure.

17 VICE CHAIR HART: Just, I know that we're saying
18 for the lower deck. Do we need to say that in the, when, in
19 the caption itself? Should we, should we include that in the
20 --

21 CHAIRMAN HILL: I can, I'll mention it here, I
22 guess. So I'm making a motion to approve application number
23 19761 of Lisa McGuire, pursuant to 11 DCMR Subtitle X,
24 Chapter 9, for special exception under Subtitle E, Section
25 5201 from the lot occupancy requirements of Subtitle E,

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1 Section 304.1, the rear yard requirements of Subtitle E,
2 306.1, and the nonconforming structure requirements of
3 Subtitle C, 202.2(b), to permit an existing nonconforming
4 rear deck on the lower level balcony on an existing flat in
5 the RF-1 Zone of premises 2825 11th Street Northwest, square
6 2857, lot 49, and ask for a second.

7 VICE CHAIR HART: Second.

8 CHAIRMAN HILL: Motion has been made and seconded.
9 All of those in favor, aye.

10 (Chorus of ayes)

11 CHAIRMAN HILL: Aye. All of those opposed. The
12 motion passes, Mr. Moy.

13 SECRETARY MOY: Staff would record the vote as 5-
14 0-0. This is on the motion of Chairman Hill to approve the
15 application with the relief being requested, and also with
16 the revision to the caption. Seconded the motion, Vice Chair
17 Hart. Also in support, Mr. Peter May, Ms. White, and Ms.
18 John. The motion carries.

19 CHAIRMAN HILL: Okay, great. Summary order, Mr.
20 Moy?

21 SECRETARY MOY: Yes, sir.

22 (Whereupon, the above-entitled matter went off the
23 record at 9:57 a.m.)

24

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCBZA

Date: 06-13-18

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

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