

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

JULY 10, 2019

+ + + + +

The Regular Public Meeting convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, NW, Washington, D.C., 20001, pursuant to notice at 9:30 a.m., Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

- ROBERT MILLER, Vice Chairperson

OFFICE OF ZONING STAFF PRESENT:

- CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Public Meeting held on July 10, 2019.

(9:43 a.m.)

1
2 CHAIRPERSON HILL: The hearing will please come
3 to order. Good morning, ladies and gentlemen. We're located
4 in the Jerrily R. Kress Memorial Hearing Room at 441 4th
5 Street Northwest. This is the July 10th public hearing of
6 the Board of Zoning Adjustment, District of Columbia.

7 My name is Fred Hill, Chairperson. Joining me
8 today is Carlton Hart, Vice Chair, Lesyllee White and Lorna
9 John. Board new Members. And representing the Zoning
10 Commission is Rob Miller.

11 Copies of today's hearing agenda are available to
12 you and located on the wall bin located near the door.
13 Please be advised that this proceeding is being recorded by
14 a Court Reporter and is also webcast live. Accordingly, we
15 must ask you to refrain from any disruptive noises or actions
16 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 your microphone off 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. Also each witness must fill out two
25 witness cards. These cards are located on the table near the

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1 door, on the witness table. Upon coming forward to speak to
2 the Board, please give both cards to the Reporter sitting at
3 the table to the right. If you wish to file written
4 testimony, or additional supporting documents today, please
5 submit one original and twelve copies to the secretary for
6 distribution. If you do not have the requisite number of
7 copies, you can reproduce copies on an office printer in the
8 Office of Zoning located across the hall. Please remember
9 to collate your set of copies.

10 The order of procedures for special exceptions,
11 variances, and appeals are also listed as you come walking
12 in the door. The record shall be closed at the conclusion
13 of each case except for any materials specifically requested
14 by the Board. The Board and the staff will specify at the
15 end of the hearing exactly what is expected on the date when
16 the person must testify, submit the evidence to the Office
17 of Zoning.

18 After the record is closed, no other information
19 shall be accepted by the Board. The Board's agenda includes
20 cases set for decision. Upon, after the Board adjourns, the
21 Office of Zoning in consultation with myself will determine
22 whether a full or summary order may be issued.

23 A full order is required when the decision it
24 contains is adverse to a party including an affected ANC.
25 A full order may also be needed if the Board's decision

1 differs from the Office of Planning's recommendations.
2 Although the Board favors the use of summary orders whenever
3 possible, an Applicant may not request the Board to issue such
4 an order.

5 The District of Columbia Administrative Procedures
6 Act requires that the public hearing on each case be held in
7 the open, before the public pursuant to Section 405(b) and
8 406 of that act. The Board may consistent with its rules and
9 procedures and the act, enter into a closed meeting on a case
10 for the purposes of seeking legal counsel on a case pursuant
11 to DC Official Code Section 2-575(b)4, and or deliberating
12 on a case pursuant to DC Official Code Section 2-575(b)13,
13 but only after providing the necessary public notice. In the
14 case of an emergency closed meeting after taking a roll call
15 vote.

16 The decision of the Board in cases must be based
17 exclusively on the public record. To avoid any appearance
18 to the contrary the Board requests that persons present not
19 engage the Members of the Board in conversation. Please turn
20 off all beepers and cell phones at this time so as to not
21 disrupt the proceeding.

22 Preliminary matters are those which relate to
23 whether a case will or should be heard today, such as a
24 request for a postponement, continuance or withdrawal, and
25 where the proper and adequate notice of the hearing has been

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1 given. If you're not prepared to go forward with the case
2 today, or if you believe that the Board should not proceed,
3 now is the time to raise such a matter.

4 Mr. Secretary, do we have any preliminary matters?

5 MR. MOY: Good morning, Mr. Chairman, Members of
6 the Board, I do have a brief announcement related to cases
7 on today's docket. First there are two cases originally
8 scheduled for today that we rescheduled, have been postponed
9 and rescheduled. The first is Application No. 20054 of Rupsha
10 2011 LLC. That has been rescheduled to September 11th, 2019.

11 And Case Application No. 19984 of Rupsha 2011 LLC,
12 has been postponed, rescheduled to October 2nd, 2019. And
13 finally, Case Application No. 20058 of Michael Duncanson has
14 been withdrawn by the Applicant.

15 There are other preliminary matters Mr. Chairman.
16 The staff would suggest that the Board address those when I
17 call the case.

18 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
19 Moy. All right, good morning everyone. If you could please
20 stand if you wish to testify and take the oath administered
21 by the secretary to my left?

22 (Witnesses sworn.)

23 CHAIRPERSON HILL: All right, Mr. Moy, thank you.
24 You can go ahead and call our first meeting case if you would
25 like.

1 MR. MOY: Yes, sir. Thank you Mr. Chairman. We do
2 have before the Board in its public decision meeting, one
3 application. And that is Case Application No. 20060 Steven
4 Zeddun and Jessica Gladden as amended for special exception
5 under Subtitle D Section 5201 from the side yard requirements
6 Subtitle D Section 206.2 and nonconforming structure
7 requirements, Subtitle C Section 202.2, which would construct
8 an addition to an existing, detached principal dwelling unit
9 in the R-1-B Zone. This is at 3615 Military Road N.W.,
10 Square 1993, Lot 4.

11 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
12 Moy. You guys, I neglected to mention we are going to follow
13 the agenda. And so, and we're going to follow it in the
14 order in which it's written up as you came walking in the
15 door. So just so everyone knows. And at some point, we
16 probably will take lunch. We'll just see how far we get.

17 Is the Board ready to deliberate?

18 (No audible response.)

19 CHAIRPERSON HILL: Okay, I can go ahead and begin.
20 I mean this is again an expedited review for a small bump
21 out. I thought that after reviewing the record, that the
22 analysis that was provided by the Office of Planning I would
23 actually be in agreement with, as well as that of the ANC.
24 I thought that the burden of proof that the Applicant put
25 forward justified the application in terms of how they're

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1 meeting the standard.

2 Once again, the Office of Planning is in support.
3 DDOT had no objection. And then the ANC is also now in
4 support, so I don't have any issues with this particular
5 application. And I'll be voting to approve. Is there
6 anything else you'd like to add?

7 (No audible response.)

8 CHAIRPERSON HILL: Okay, I'll go ahead and make
9 a motion then to approve Application Number 20060 as
10 captioned read by the secretary. And ask for a second.

11 MEMBER WHITE: Second.

12 CHAIRPERSON HILL: Motion made and seconded, all
13 those in favor say, aye.

14 (Chorus of aye.)

15 CHAIRPERSON HILL: All those opposed?

16 (No audible response.)

17 CHAIRPERSON HILL: Motion passes, Mr. Moy?

18 MR. MOY: Staff would record the vote as 5-0-0.
19 This on the motion of Chairman Hill to approve the
20 application for the relief being requested. Seconding the
21 motion is Ms. White. Also in support is Ms. John, Vice Chair
22 Hart, and Commissioner Robert Miller.

23 (Whereupon, the above-entitled matter went off the
24 record at 9:50 a.m.)

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: DC BZA

Date: 07-10-19

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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