

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

JANUARY 29, 2020

+ + + + +

The Regular Public Hearing 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 L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

PETER SHAPIRO, Zoning Commission Member

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.

The transcript constitutes the minutes from the Public Meeting held on January 29, 2020.

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

2 9:43 a.m.

3 CHAIRPERSON HILL: All right. Good morning,
4 everyone. The hearing will please come to order.

5 We're located in the Jerrily R. Kress Memorial
6 Hearing Room at 441 4th Street, Northwest. This is the
7 January 29th, 2020 public hearing of the Board of Zoning
8 Adjustment of the District of Columbia.

9 My name is Fred Hill, Chairperson. Joining me
10 today is Carlton Hart, Vice Chair; Lorna John, Board Member,
11 and representing the Zoning Commission is Peter Shapiro.

12 Copies of today's hearing agenda are available to
13 you and located in the wall bin near the door.

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

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

23 All persons planning to testify either in favor
24 or opposition must raise their hand and be sworn-in by the
25 Secretary. Also, each witness must fill out two witness

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 at the table
4 on the right.

5 If you wish to file written testimony today or
6 additional supporting documents, please provide and submit
7 one 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 Zoning
10 located across the hall. Please remember to collate your set
11 of copies.

12 The order of procedures for special exceptions,
13 variances, and appeals are also listed as you come in through
14 the door.

15 The record shall be closed at the conclusion of
16 each case, except for any materials specifically requested
17 by the Board. The Board and the staff will specify at the
18 end of the hearing exactly what is expected and the date when
19 the persons must submit the evidence to the Office of Zoning.
20 After the record is closed, no other information shall be
21 accepted by the Board.

22 The Board's agenda includes cases set for
23 decision. After the Board adjourns, the Office of Zoning,
24 in consultation with myself, will determine whether a full
25 or summary order may be issued. A full order is required

1 when the decision it contains is adverse to a party,
2 including an affected ANC. A full order may also be needed
3 if the Board's decision differs from the Office of Planning's
4 recommendation. Although the Board favors the use of summary
5 orders whenever possible, an applicant may not request the
6 Board to issue such an order.

7 The District of Columbia Administrative Procedures
8 Act requires that the public hearing on each case be held in
9 the open before the public, pursuant to Section 405(b) and
10 406 of that Act.

11 The Board may, consistent with its rules and
12 procedures and the Act, enter into a closed meeting on a case
13 for purposes of seeking legal counsel on a case, pursuant to
14 D.C. Official Code Section 2-575(b)(4), and/or deliberating
15 on a case, pursuant to D.C. Official Code Section
16 2-575(b)(13), but only after providing the necessary public
17 notice or in the case of an emergency closed meeting after
18 taking a roll call vote.

19 The decision of the Board in cases must be based
20 exclusively on the public record. To avoid any appearance
21 to the contrary, the Board requests that persons present not
22 engage the Members of the Board on conversation.

23 Please turn off all beepers and cell phones at
24 this time, so as not to disrupt the proceeding.

25 Preliminary matters are those which relate to

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1 whether a case should be heard today, such as requests for
2 a postponement, continuance, or withdrawal, or whether proper
3 and adequate notice of the hearing has been given.

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

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

8 SECRETARY MOY: Good morning, Mr. Chairman,
9 Members of the Board.

10 I do have a brief announcement with regards to
11 today's docket. First is Case Application No. 20121 of
12 Bridges 2 Psychological Services and Consultation, LLC, has
13 been postponed and rescheduled to March 4th, 2020.

14 Any other preliminary matters, the Board will
15 address when I call the case.

16 And finally, Mr. Chairman, unfortunately -- and
17 I apologize -- our live video broadcast feed is down, and our
18 IT staff is working very hard to bring that back up for
19 viewing.

20 CHAIRPERSON HILL: How will our fans be able to
21 follow us, Mr. Moy?

22 If anyone is here interested in testifying, either
23 in favor or opposition, if you could please stand and take
24 the oath administered by the Secretary to my left.

25 SECRETARY MOY: Good morning.

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1 (Witnesses sworn.)

2 SECRETARY MOY: Thank you. Ladies and gentlemen,
3 you may consider yourselves under oath.

4 CHAIRPERSON HILL: Okay. Good morning, everybody.

5 So, we're going to follow the agenda, basically,
6 as it is on the whatever as you came walking in through the
7 door. We have a really long day today probably. I really
8 hope we get through a lot of stuff before lunch, and then,
9 there's the appeal and the appeal is at the end of the day.
10 And so, just letting you all know it's a long day.

11 So, Mr. Moy, I was a little confused. That 20121,
12 that has already been postponed, is that correct?

13 SECRETARY MOY: Yes, sir. I was going to add --
14 and I guess you can tee me up for this now -- as one of our
15 administrative matters for the Board, because of rescheduling
16 of that application to March 4th, as you'll recall, there was
17 request for supplemental materials into the record. And if
18 I may, I'd like to include the revised deadline dates.

19 CHAIRPERSON HILL: Yes, Mr. Moy, I was just going
20 to add, do we need to announce that case again? Or, I mean,
21 the fact that I just brought up that number, that's
22 sufficient?

23 SECRETARY MOY: Well, I think it would help with
24 the transcript for me to read --

25 CHAIRPERSON HILL: Yes, could you call it again,

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1 so we can talk about it a little bit?

2 SECRETARY MOY: Yes, sir. So, that would be Case
3 Application No. 20121 of Bridges 2 Psychological Services and
4 Consultation, LLC. This application is captioned for a use
5 variance from the use requirements of Subtitle U, Section
6 201.1, to convert an existing detached residential building
7 to a medical office building, an R-2 zone. This is at 639
8 Atlantic Street, Southeast, Square 3105, Lot 72.

9 And as we've just said, it was scheduled for
10 hearing for today and has been rescheduled to March 4th,
11 2020.

12 CHAIRPERSON HILL: Yes, and there are some things
13 that we had requested from the applicant that we had not
14 gotten. So, do you want to mention those dates again?

15 SECRETARY MOY: Yes, I would, sir. The Board had
16 requested supplemental information from the applicant which
17 includes a revised statement and the new deadline would be
18 Monday, February the 17th. Mr. Chair, the Board also, as a
19 result of that, asked for filings from the Office of Planning
20 in the form of a supplemental report and a report from ANC
21 AE. And the deadline for their filings will be Friday,
22 February 21st.

23 CHAIRPERSON HILL: Okay. So, I just wanted to put
24 this on the record for the applicant again, that we didn't
25 get any of the information that we had requested. And if

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1 that continues to be the case, then it's possible that this
2 case itself would be dismissed. And I just wanted to kind
3 of mention that on the record.

4 So, Mr. Moy, then, with that, I guess we can move
5 on to our first public meeting case.

6 SECRETARY MOY: Thank you, Mr. Chairman.

7 Before the Board, there is a case application
8 where the applicant requested expedited review of his
9 application, which is Application No. 20173 of Susan Ludwig
10 and Laura Olsen, captioned for special exception under
11 Subtitle E, Section 5201, for the lot occupancy requirements,
12 Subtitle E, Section 304.1, to construct a one-story accessory
13 structure in the rear yard of an existing attached principal
14 dwelling unit, RF-1 zone, at 2011 1st Street, Northwest,
15 Square 3117, Lot 39.

16 CHAIRPERSON HILL: All right. Thank you, Mr. Moy.

17 So, is the Board ready to deliberate?

18 VICE CHAIRPERSON HART: Sure.

19 CHAIRPERSON HILL: Okay. All right. So, someone
20 else is welcome to start, if you'd like. I'm just reading
21 through this ANC --

22 VICE CHAIRPERSON HART: Yes, just it seemed like
23 there were some, a little bit of confusion about the actual
24 size of the accessory structure. I should say the height of
25 it. And I think this partly has to do with one of the

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1 neighbors was looking for, an adjacent neighbor was looking
2 for the building to be a little bit lower, and I don't know
3 if we -- I don't remember seeing any updated drawings that
4 showed that that had actually taken place. So, I was a
5 little bit more just concerned that we had the correct
6 drawings.

7 CHAIRPERSON HILL: I'm sorry to interrupt you.
8 I mean, I'm trying to look here through the ANC and it seems
9 as though those neighbors now are in agreement to the plans?

10 COMMISSIONER SHAPIRO: Mr. Chair?

11 CHAIRPERSON HILL: Yes?

12 COMMISSIONER SHAPIRO: Yes, according to the ANC,
13 that after interviewing the neighbors, that they believe that
14 this special exception would not be adverse to the best
15 interest of the community. So, they're fine and they're
16 saying the neighbors are fine.

17 CHAIRPERSON HILL: Yes, and I know that there was
18 an issue with the neighbor was trying to get 10-feet-6 for
19 the height, and it looked as though the drawing was a little
20 bit above that. And my real question, though, is whether or
21 not the neighbor -- it's more whether or not we think the
22 standard is being met, as opposed to whether or not the
23 neighbor thinks that those 3 or 4 inches are necessary one
24 way or the other. I mean, I think that, given the
25 information that we've received from the applicant as well

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1 as that of the Office of Planning, as that as well of the
2 ANC, I'm satisfied that they're meeting the standards for
3 which we can grant the application. So, I'm going to be
4 voting in favor.

5 Is there anything else anyone would like to add?

6 VICE CHAIRPERSON HART: I agree with you. I think
7 I was just bringing up a point of just clarification for it.
8 I think that they have, with the drawings that we have in the
9 record, they have met the standard. It was more just trying
10 to understand where that particular neighbor was and we
11 didn't really receive the ANC report. And so, it was this
12 question, you know, but we didn't receive it until late
13 yesterday. So, that's the question that I really had. I
14 don't have an issue with the relief itself.

15 MEMBER JOHN: Mr. Chairman, I support the
16 application. I would just suggest that we specify that the
17 drawings -- we're approving the application based on the
18 drawings that we currently have in the file, just in the
19 event that there's still some confusion.

20 CHAIRPERSON HILL: Okay. All right. Sounds good
21 to me.

22 I'm going to make a motion --

23 SECRETARY MOY: Mr. Chair? I'm sorry to
24 interrupt. As you recall, and the Vice Chair triggered my
25 memory when he mentioned the word "late," because the

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1 Affidavit of Maintenance is untimely by one day.

2 CHAIRPERSON HILL: Okay. Well, unless the Board
3 has an issue with that, I'm going to waive that requirement
4 due to the fact that it's only one day and that we have, it
5 seems like, outreach from the community in terms of the ANC
6 has been presented to, as well as the information from the
7 neighbor. So, I'm going to waive that requirement.

8 VICE CHAIRPERSON HART: Well, I think that what
9 we're looking at is that the drawings that we have, which are
10 Exhibit 6, clearly show what's proposed and we have the
11 documentation from both the Office of Planning as well as the
12 applicant stating how they meet the criteria under the zoning
13 regs. And I think that's what we should be going by. I was
14 just trying to understand whether or not there were some
15 updated drawings that the applicant was looking to submit,
16 and they have not submitted any. So, what we have to go by
17 is what is in Exhibit 6. So, there's where I stand on it.

18 CHAIRPERSON HILL: Okay. All right. I'm going
19 to make a motion to approve Application No. 20173 as
20 captioned and read by the Secretary and ask for a second.

21 VICE CHAIRPERSON HART: Second.

22 The motion has been made and seconded. All those
23 in favor say aye.

24 (Chorus of aye.)

25 All those opposed?

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1 || The motion passes.

2 Mr. Moy?

3 SECRETARY MOY: Staff would record the vote as
4 4-to-0-to-1, and this is on the motion of Chairman Hill to
5 approve the application for the relief requested. Seconding
6 the motion is Vice Chair Hart. Also in support, Ms. John and
7 Zoning Commissioner Peter Shapiro. No other members present.

8 CHAIRPERSON HILL: Thank you, Mr. Moy.

9 You can call our next one when you get an
10 opportunity.

11 SECRETARY MOY: Okay. The next case or
12 application for decision-making is No. 14493B, as in bravo,
13 of MG Properties Management, LLC.

14 Mr. Chairman, this is a request for a modification
15 of consequence to the conditions of BZA Order No. 14493A.
16 This would allow the enrollment of children ranging in age
17 from two months to 14 years of age for the Child Development
18 Center, R-15 zone. This is at 5331 Colorado Avenue,
19 Northwest, Square 2718, Lot 804.

20 CHAIRPERSON HILL: Okay. Great. Is the Board
21 ready to deliberate?

22 Okay, I can start a little bit. I was kind of
23 looking for something a little bit more substantial from the
24 ANC. However, in terms of what we do have, this is something
25 that's been approved twice already now, but the ages were

1 from 2 to 5. So, they're trying to change it to two months
2 to 14 years of age.

3 I do see that the ANC has been notified through
4 certified mail. And then, again, after reviewing the Office
5 of Planning's report, I would also be in agreement, in terms
6 of how they believe they're meeting the standard, for us to
7 go ahead and approve this modification of consequence. I
8 mean, in terms of the ages of the children, I guess they're
9 already there. From the testimony from the applicant, it
10 seems as though I think they're already there now from two
11 months to 14 years, and they need to change their Certificate
12 of Occupancy. And the fact that this has been functioning,
13 this Child Care Development Center has been functioning for
14 as long as it has, I believe that if there was something that
15 had been of concern, the ANC would have come forward.

16 Does anyone have anything they'd like to add?

17 All right. I'm going to make a motion to approve
18 Application No. 14493B as captioned and read by the Secretary
19 and ask for a second.

20 VICE CHAIRPERSON HART: Second.

21 CHAIRPERSON HILL: The motion has been made and
22 seconded.

23 All this in favor say aye.

24 (Chorus of aye.)

25 All those opposed?

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1 || The motion passes.

2 Mr. Moy?

3 SECRETARY MOY: Staff would record the vote as
4 4-to-0-to-1, and this on the motion of Chairman Hill to grant
5 the request for a modification of consequence. Seconded the
6 motion by Vice Chair Hart. Also in support, Ms. John and the
7 Zoning Commissioner Peter Shapiro. No other members present.

8 And before I call the next case, sir, I just want
9 to add for the record that I was just relayed from the staff
10 that our live video broadcast is back up.

11 CHAIRPERSON HILL: All right. Thanks, Mr. Moy,
12 for the heads-up. We're all very excited.

13 All right. If you can go ahead and call our
14 next case?

15 SECRETARY MOY: Okay. That would be Case
16 Application No. 20078 of Sig, S-I-G, LLC, and as amended.
17 This is captioned and advertised and amended for special
18 exceptions under the theoretical lot subdivision
19 requirements, Subtitle C, Section 305, and under Subtitle E,
20 Section 5206.1, from the minimum lot width for mandatory
21 inclusionary developments requirement, Subtitle E, Section
22 201.3, and pursuant to Subtitle X, Chapter 10, for area
23 variances from the front setback requirements of Subtitle B,
24 Section 315.1(c) and Subtitle E, Section 305.1, and the
25 height and story requirements, Subtitle E, Section 303.2.

1 This would raze an existing detached principal dwelling unit
2 to create six new theoretical lots and to construction six
3 new flats in the RF-1 zone. This is at 1256 through 1258
4 Talbert Street, Southeast, Square 5805, Lot 824.

5 CHAIRPERSON HILL: Okay. Thank your, Mr. Moy.

6 Is the Board ready to deliberate?

7 Okay. I can start. As you recall, we had a
8 pretty extensive case on this last week, I believe it was,
9 or last time we were here. And I think we went through all
10 of the issues that I had in terms of the application. I
11 think that we also did get something from the ANC in terms
12 of they have now, were in denial I believe, and now are in
13 support with some -- it looks like it's an agreement that
14 they have in Exhibit 56. We can talk about that a little bit
15 if we want in terms of if we get to the point where we're
16 approving this.

17 The Office of Planning's report I believe was also
18 accurate and well-justified in terms of how they're meeting
19 the standard for us to grant the exception -- I'm sorry --
20 the relief. And then, there's also a condition from DDOT,
21 which I do believe I would be also in favor of if we do move
22 forward with this.

23 The items that were listed by the ANC, I believe
24 that these are things that -- I guess I'm just not sure which
25 ones of these we would be using as conditions, as opposed to

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1 I'm kind of leaning just towards this is something that the
2 ANC has worked out with the applicant, and they, on their
3 own, then, have this agreement that they, I believe, would
4 enforce themselves. And I wouldn't be wanting to necessarily
5 list all of these as conditions that we, the Board, or, then,
6 DCRA would have kind of as an enforcement issue. So, I would
7 not be in favor of listing these as conditions, which I don't
8 believe the ANC has necessarily mentioned. They are just
9 saying that they are now in support due to this discussion
10 that they've had.

11 So, we did have testimony in opposition. However,
12 I believe that, from what I've seen, that the applicant has
13 met the standards for us to grant the application. I'm going
14 to be voting to approve.

15 Is there anything else you would like to add?

16 VICE CHAIRPERSON HART: Yes, Mr. Chairman. Since
17 this is, has been, was a fairly complex project because of
18 the number of lots, I wanted to kind of step through this,
19 my thinking on this as well.

20 So, there were six lots in all. In Lots 1, 2, and
21 3, which were along Talbert Street, the request for special
22 exception relief from the IZ lot width and variance relief
23 from the front setback. For the Lots 4 and 5, which were
24 along Morris Street, the requested special exception relief
25 was from the theoretical subdivision and IZ lot width, as

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1 well as variances from the relief -- excuse me -- variance
2 relief from the front setbacks as well as height. And then,
3 finally, Lot 6, along Morris Street, was requesting special
4 exception relief from the theoretical subdivision and
5 variance relief from the front setbacks and height. And I
6 only say that, it just seemed like there were kind of
7 groupings for this.

8 Regarding the front setback variance relief, I
9 didn't have any issue with the relief and I would support the
10 -- I think the applicants provided sufficient information for
11 me to be able to support it.

12 The exception situation prong, the applicant is
13 required to, would have been required to provide setbacks
14 along Talbert Street and along Morris Street to accommodate
15 the adjacent parking lot, which is on the southeast, as well
16 as the existing buildings that are on, I guess, the
17 northeast. And this wouldn't really contribute, in my
18 estimation, to a positive street facade. And I think that
19 what they're proposing actually is more in keeping with what
20 -- they're bringing the buildings towards the street and
21 making the buildings much more a part of the streetscape, as
22 opposed to being pushed back away from the street. And I
23 think that that is definitely a good thing.

24 So, with regard to a substantial detriment to the
25 public good, reducing the front yards would improve the

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1 streetscape, as I noted earlier, and it would allow for
2 improved street visibility, and result in a building design
3 more consistent with other rowhouses that exist within the
4 immediate surrounding area.

5 With regard to the substantial harm to the zoning
6 regs, according to the OP report, the intent of this
7 provision is to ensure consistency with existing patterns of
8 neighborhood development. In this case, there is no
9 consistent front yard setback within the surrounding area and
10 the existing neighborhood properties have front yards
11 inconsistent with typical rowhouse patterns. The requested
12 relief would permit a housing development that would be more
13 consistent with the RF-1 bulk regulations for a use permitted
14 as a matter of right.

15 Regarding the height variance relief -- and I
16 think this is really, it kind of boils down to the pretty
17 substantial topography of the site -- there is a 40-foot drop
18 from Talbert Street down to Morris Street. This does create
19 difficulties with the building height measuring point and
20 dramatically impacts the constructability of the design. I
21 accept the applicant's explanation in Exhibit 55.

22 And part of this is they were looking for height
23 relief in terms of the number of feet as well as the number
24 of floors. The fourth floor on the Morris Street is really
25 an entrance from the street, from Morris Street. It doesn't

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1 really extend back into the building. So, really, it's a
2 three-story building, and then, the fourth story is a really
3 tiny kind of vestibule for people to enter in off of Morris
4 Street. So, I thought that this was an exceptional
5 situation, and I didn't think that there was a particular
6 issue with the substantial detriment to the public good or
7 substantial harm to the zoning regs.

8 And then, with regard to the special exception
9 criteria, I'm not going to read all of those, but I would be
10 in support of the relief, for the reasons that were laid out
11 in the OP report in Exhibit, I think it's 55. I think that's
12 55.

13 And that would conclude my remarks.

14 So, I would be in support of the application.

15 MEMBER JOHN: Mr. Chairman, I don't have very much
16 to add. I believe Mr. Hart did a very thorough explanation
17 of how the application meets the standards. For me, the
18 variance relief was the most significant. The special
19 exception was straightforward, and as Mr. Hart said, the
20 topography of the lot is basically the condition that drove
21 the need for the variance. And also, I'd add that the angle
22 at which Talbert Street crosses the lot also sort of
23 contributed to why there was this need to do that front yard,
24 bring the front yard closer to the street.

25 So, based on the record, OP's very detailed

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1 analysis of how each of the lots met the theoretical lot
2 standards, I would support the application.

3 CHAIRPERSON HILL: Okay. Thank you.

4 And then, the Board had asked for some further
5 information about the landscaping plans and I guess I think
6 the type of fence that was going to be used. And I believe
7 that now is in the record. I am satisfied by the information
8 that's been put forward.

9 I do appreciate, yes, that the Office of Planning
10 did have some conditions that were in Exhibit 40 in their
11 report, that I would also be in support of. So, okay, I'm
12 not going to read out the conditions.

13 I'm going to make a motion to approve
14 Application --

15 MS. CAIN: Mr. Chair? Sorry to interrupt.

16 CHAIRPERSON HILL: Yes. It's all right.

17 MS. CAIN: With regard to the conditions, the ones
18 that you mentioned in the OP report mostly regarded
19 additional information that they wanted to be submitted. I
20 believe those conditions were 1 through 4. OP can confirm
21 that. They have been submitted to the record. So, I don't
22 think they need to be included as conditions. The condition
23 that the applicant install the fence is the only one
24 considered outstanding. That would be able to be included
25 as a condition.

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1 The DDOT conditions that you mentioned largely go
2 to public space concerns and, therefore, are outside of the
3 Board's purview. And we don't believe that those would be
4 ones that you could properly include in an order.

5 MEMBER JOHN: Mr. Chairman? I also believe that
6 the applicant addressed the fence. There was a submission
7 with a diagram of what the fence would look like. I don't
8 remember what exhibit that is.

9 CHAIRPERSON HILL: No, no, I appreciate that fact.
10 It just came in, it was one of the items that came in.

11 And thank you very much, OAG, for pointing all
12 this out. We did go through this with the applicant in terms
13 of those were things that, you're right, the Office of
14 Planning had requested and they had received.

15 And then, in terms of I guess the fence, I think
16 that has already been taken care of.

17 So, then, we don't actually have any conditions
18 that we will be putting forward with this application.

19 So, I'm going to make a motion to approve
20 Application No. 20078 as captioned and read by the Secretary
21 and ask for a second.

22 VICE CHAIRPERSON HART: Second.

23 CHAIRPERSON HILL: The motion is made and seconded.

24 All those in favor say aye.

25 (Chorus of aye.)

1 All those opposed?

2 The motion passes.

3 Mr. Moy?

4 SECRETARY MOY: Mr. Chairman, we do have an
5 absentee ballot vote from Michael Turnbull, who participated
6 on this application, and his absentee vote is to approve, and
7 to approve if there were any conditions imposed by the Board.

8 If I may, I'd like to read his comments.

9 CHAIRPERSON HILL: Please do. Thank you.

10 SECRETARY MOY: They're very brief.

11 Mr. Turnbull wanted to note for the record that
12 "The applicant agreed that no trees on the adjacent
13 property's" -- "Applicant agreed that no trees on the
14 adjacent property's property" -- "on the adjacent neighbor's
15 property will be damaged by the activity or construction on
16 the applicant's site, on the applicant's property."

17 So, that would give a final vote of 4-to-0-to-1
18 on the motion of Chairman Hill to approve the application for
19 the relief requested. Seconded the motion by Vice Chair
20 Hart. Also in support, Ms. John and Zoning Commission Peter
21 Shapiro. No other members voting, participating, but Michael
22 Turnbull.

23 CHAIRPERSON HILL: Thank you, Mr. Moy.

24 (Whereupon, the above-entitled matter went off the
25 record at 10:13 a.m.)

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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: DC BZA

Date: 01-29-20

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.

Neal R. Gross
Court Reporter

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