

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

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WEDNESDAY

MARCH 11, 2020

+ + + + +

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 L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

ANTHONY HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.  
DANIEL BASSETT, ESQ.

The transcript constitutes the minutes from the Public Meeting held on March 11, 2020.

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Street Northwest, LLC. Request  
for a Special Exception Under Subtitle E,  
Section 20515 and Subtitle E, Section 5201  
From the Rear Addition Requirements of  
Subtitle E, Section 2015.4 to Construct a  
Third Story and a Three Story Rear Addition  
to an Existing Principal Dwelling Unit and  
Convert it to a Flat in the RF-1 Zone at  
752 Lamont Street, Northwest, Square 2892,  
Lot 45.

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

9:41 a.m.

1  
2  
3 BZA CHAIR HILL: The hearing will please come to  
4 order. Good morning, ladies and gentlemen. We're located  
5 in Jerrily R. Kress Memorial Hearing Room at 441 4th Street,  
6 Northwest. This is the March 11th, 2020, Public Hearing of  
7 the Board of Zoning Adjustment of the District of Columbia.

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

11 Copies of today's Hearing Agenda are available to  
12 you and located in the wall bin next to the door. Please be  
13 advised that this proceeding is being recorded by a court  
14 reporter and is also webcast live. Accordingly, we must ask  
15 you to refrain from any disruptive noises or actions in the  
16 hearing room.

17 When presenting information to the Board, please  
18 turn on and speak into the microphone first stating your name  
19 and home address. When you're finished speaking, please turn  
20 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 opposition must have raised their hand and been sworn in  
24 by the Secretary. Also, each witness must fill out two  
25 witness cards. These cards are located on the table near the

1 door and on the witness table. Upon coming forward to speak  
2 to the Board, please give both cards to the reporter sitting  
3 at the table to my right.

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

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

14           The record shall be closed at the conclusion of  
15 each case except for any materials specifically requested by  
16 the Board. The Board and the staff will specify at the end  
17 of the hearing exactly what is expected and the date when the  
18 person must submit the evidence to the Office of Zoning.

19           After the record is closed, no other information  
20 shall be accepted by the Board. The Board's agenda includes  
21 cases set for decision. After the Board adjourns, the Office  
22 of Zoning in consultation with myself will determine whether  
23 a full or summary order may be issued. A full order is  
24 required when the decision it contains is adverse to a party  
25 including an affected ANC. A full order may also be needed

1 if the Board's decision differs from the Office of Planning's  
2 recommendation. Although the Board favors the use of summary  
3 orders whenever possible, an Applicant may not request the  
4 Board to issue such 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 406  
8 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 purposes of seeking legal counsel on a case pursuant to  
11 D.C. Official Code Section 2-575(b)(4) and/or deliberating  
12 on a case pursuant to D.C. Official Code Section 2-  
13 575(b)(13), but only after providing the necessary public  
14 notice. In the case of an emergency closed meeting, after  
15 taking a roll call vote.

16           The decision of the Board in cases must be made  
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.

20           Please turn off all beepers and cell phones at  
21 this time so as not to disrupt the proceeding. Preliminary  
22 matters are those which relate to whether a case will or  
23 should be heard today such as requests for a postponement,  
24 continuance or withdrawal or whether proper and accurate  
25 notice of the hearing has been given. If you're not ready

1 to go forward with the case today or if you believe the Board  
2 should not proceed, now is the time to raise such a matter.

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

4 MR. MOY: Good morning, Mr. Chairman and Members  
5 of the Board. I do have a brief announcement regarding some  
6 of the cases scheduled for today for the record.

7 First is Case Application Number 20219 of Julia  
8 Garrison has been removed from the expedited review calendar  
9 and placed on the hearing session on April 1st, 2020.

10 Application Number 20209 of Uzoma Ogbuokiri, O-G-  
11 B-U-O-K-I-R-I has been postponed, rescheduled to April 1st,  
12 2020, as well.

13 And, finally, Appeal Number 20191 of D.C. for  
14 Reasonable Development has been rescheduled to May 13th,  
15 2020.

16 Other than that there are other preliminary  
17 matters that the Board can address when I call the case, sir.

18 BZA CHAIR HILL: Okay. Good morning, everyone.  
19 If you plan on testifying if you wouldn't mind please  
20 standing and taking the oath administered by the Secretary  
21 to my left.

22 (Witnesses sworn.)

23 BZA CHAIR HILL: All right, Mr. Moy. We're going  
24 to go in the order of everything in terms of the agenda that  
25 we have, so you can call our first meeting case when you get

1 a chance.

2 MR. MOY: Thank you, Mr. Chairman. So the first  
3 and only case in the meeting session is Application Number  
4 20194 of Hamilton Street Northwest, LLC. This is a request  
5 for a special exception under Subtitle E, Section 205.5 and  
6 Subtitle E, Section 5201 from the rear addition requirements  
7 of Subtitle E, Section 205.4 to construct a third story and  
8 a three-story rear addition to an existing principal dwelling  
9 unit and convert it to a flat in the RF-1 Zone at 752 Lamont  
10 Street Northwest, Square 2892, Lot 45.

11 BZA CHAIR HILL: Okay, great. Is the Board ready  
12 to deliberate and/or have any questions?

13 MEMBER HART: I actually have a few comments I'd  
14 like to make on the case if I could, Mr. Chairman?

15 BZA CHAIR HILL: Sure, please go ahead.

16 MEMBER HART: So I did actually review the  
17 application. There were some irregularities with some of the  
18 drawings that I think need to be corrected. And the reason  
19 that I'm saying this is that the drawings are not consistent  
20 with themselves.

21 So there are elevations that show that there is --  
22 a front and rear elevation that showed that there is a -- I  
23 don't know if you'd call it some sort of penthouse access  
24 that looks like it is a penthouse, but then on some of the  
25 elevations, on other elevations it doesn't show up, and then

1 on the plans it doesn't show up. There is no stair that I  
2 can understand that accesses the roof, and yet there is a  
3 railing that's on the roof. So, again, I'm still trying to  
4 understand how that is supposed to work. So I think that I  
5 would like to request additional drawings or I should say  
6 corrected set of drawings.

7           And I understand that this has already been  
8 constructed. I also understand that they're looking at a  
9 fairly minimal relief -- request for relief with regards to  
10 the rear addition. What I would like to have in the record  
11 just so that we have -- we understand what drawings we are  
12 actually approving and making sure that they are consistent.

13           The elevations show in Exhibit 11A and 11 -- I'm  
14 sorry. The floor plans in 11A and 11B do not show any way  
15 to access the roof. And it looks like there may be a roof  
16 hatch, but I don't have any stair to go to them so I don't  
17 know how that actually works.

18           And an elevation on Exhibit 38 shows a -- looks  
19 like a penthouse but it doesn't seem to -- has been  
20 constructed and I don't know -- and I'm just not exactly sure  
21 what's going on. So I'd like to understand and have all of  
22 the drawings be consistent either showing or not showing it,  
23 but I just don't know what's happening with that.

24           Also, on the front porch in the drawings, the  
25 front porch actually has a flat roof in the drawings, but it

1 looks like it may actually be a pitched roof in actuality.  
2 So I'd like for that to be corrected.

3           And then I'm -- I think that the -- well the  
4 drawings also don't show what's happening on the roof itself.  
5 If you look at the photographs from the rear of the building,  
6 there seems to be an overhang in the dogleg area like a two-  
7 foot overhang on the roof in the dogleg area. And that  
8 doesn't show up in any of the drawings, and I just was  
9 curious as to what that actually was.

10           So if we could have all the drawings be  
11 consistent, it would be helpful for us to understand what it  
12 is that we are actually approving.

13           And I'll also note that the Applicant is proposing  
14 or, I guess, has now built two at-risk windows on the first  
15 floor on the east facade of the building and these show up  
16 in Exhibit 11A which are the floor plans and also the  
17 elevations. And just making sure they understand that those  
18 are at-risk windows. They are on the property line on the  
19 east side and they may be -- you know, something may be built  
20 right up next to them so I just think that that needs to be  
21 understood.

22           So, I think that if we get all these drawings we  
23 could set this for an expedited review, you know, two weeks  
24 from now or something or a week from now. But I just feel  
25 that it's hard for me to be able to say with any clear

1 understanding from either the photographs, the elevations,  
2 the floor plans that -- what it is that they are actually --  
3 have actually constructed and are proposing. So that's it.

4 BZA CHAIR HILL: Okay. I'm fine with that. Does  
5 the Board have any questions? Okay.

6 So, Mr. Moy, I guess if you can reach out to the  
7 Applicant and ask them to provide the corrected set of  
8 drawings or more clearly set of drawings that Mr. Hart was  
9 looking for, and we can -- I guess, is there a date that you  
10 need to set for when we're going to get the information, and  
11 could we put this on expedited review again on -- in two  
12 weeks?

13 MR. MOY: Yes, we can do that, Mr. Chairman. We  
14 could set it on -- a decision meeting on the 25th and have  
15 the Applicant submit corrected drawings in a week's time  
16 which would set us at March 18th.

17 So submission by the Applicant deadline March  
18 18th, the scheduled decision on March 25th.

19 BZA CHAIR HILL: Okay, great. All right, Mr. Moy,  
20 we can move on to our next -- or our hearing case when you  
21 get a chance, for the hearings.

22 Oh, one other thing actually, Mr. Moy, before I  
23 forget. The previous case, I guess the Affidavit of  
24 Maintenance wasn't dated, and so I guess if you can, when you  
25 reach out to them, have them date the Affidavit of

1 Maintenance.

2 MR. MOY: Okay. I'll take care of that, Mr.  
3 Chairman.

4 (Whereupon, the above-entitled matter went off the  
5 record at 9:53 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: 03-11-20

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.



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Court Reporter

**NEAL R. GROSS**

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