

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

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WEDNESDAY

FEBRUARY 10, 2021

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The Regular Public Meeting of the District of Columbia Zoning Adjustment convened via Video conference pursuant to notice at 9:35 a.m., EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA JOHN, Vice-Chair
CHRISHAUN SMITH, Board Member

ZONING COMMISSION MEMBER PRESENT:

PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JOHN RICE, Esquire
ALEXANDRA CAIN, Esquire

The transcript constitutes the minutes from the Regular Public Meeting held on February 10, 2021.

T-A-B-L-E O-F C-O-N-T-E-N-T-S

I. MOTIONS

Case No. 20374 - Application of Matthew and Alicia Amling . 4

II. DECISIONS

Case No. 20356 - Appeal of Advisory Neighborhood
Commission 1C (Moved to hearing) N/A

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

2 (9:35 a.m.)

3 CHAIRPERSON HILL: The meeting will please come to
4 order.

5 Good morning, ladies and gentlemen. We are convening
6 and broadcasting this decision meeting by Video conference. This
7 is the February 10, 2021, public meeting session of the Board of
8 Zoning Adjustment of the District of Columbia. My name is Fred
9 Hill, Chairperson. Joining me today is Lorna John, Vice Chair;
10 Chrishaun Smith, Board Member; and representing the Zoning
11 Commission is Peter Shapiro and also Peter May at some point
12 during the day.

13 Today's meeting agenda is available to you on the Office
14 of Zoning's website. Please be advised that this proceeding is
15 being recorded by a court reporter and is also webcast live via
16 Webex and YouTube Live.

17 The video of the webcast will be available on the Office
18 of Zoning's website after today's meeting session. Accordingly,
19 everyone who is listening on Webex or by telephone will be muted
20 during the meeting. We do not take any public testimony at our
21 decision meetings.

22 If you're experiencing difficulty accessing Webex or
23 with your telephone, then please call the Hotline at 202-727-5471.
24 Once again, 202-727-5471 to receive Webex login or call-in
25 instructions.

1 At the conclusion of the meeting session, I shall, in
2 consultation with the Office of Zoning, determine whether a full
3 or summary order may be issued. A full order is required when the
4 decision contains adverse to a party, including an affected ANC.

5 A full order may also be needed if the Board's decision differs
6 from the Office of Planning's recommendation. Although the Board
7 favors the use of summary orders whenever possible, an applicant
8 may not request the Board to issue such an order.

9 Preliminary matters are those which relate to whether a
10 case will or should be heard today.

11 Mr. Secretary, do you have any preliminary matters?

12 MR. MOY: Good morning, Mr. Chairman, members of the
13 Board. I don't have any at this moment for the meeting session,
14 except to say that there are two cases on the meeting session,
15 except to remind you, Mr. Chairman, that one of the decision
16 cases, which is Appeal Number 20356 of ANC 1C, will not be called
17 until 2:00 p.m. or later for the Zoning Commissioner to arrive,
18 because he wanted to participate in the Board's discussion.

19 CHAIRPERSON HILL: Okay. Great. All right, Mr. Moy,
20 do you want to call -- or then, we only have one meeting case.
21 And then I guess we'll just go right into our hearing. If you
22 want to call that first meeting case.

23 MR. MOY: Yes. Thank you. This would be case
24 Application Number 20374 of Matthew and Alicia Amling, A-M-L-I-N-
25 G. And this is a request for party status in opposition, filed by

1 a Michael McDuffie. For the record, for the transcript I'm going
2 to read the case caption. And it is a request for special
3 exception from the front yard setback requirements of Subtitle D,
4 Section 1205.2; pursuant to Subtitle D, Section 5201.3, and
5 Subtitle X Section 901.2 to construct a front vestibule addition
6 to an existing two-story, principal dwelling unit in the R-20
7 Zone, at premises 3617 T Street, Northwest, Square 1296, Lot 338.
8 And I believe Mr. McDuffie may be on the line, but only if you
9 need to hear from him.

10 CHAIRPERSON HILL: Okay. Thank you. Well, as you
11 know, we don't take public testimony during our meeting cases
12 unless we really need to. And usually that's not what we normally
13 do. So are you all ready to deliberate on this? I'm just going
14 to go around the table if that's all right. Commissioner, may I
15 start with you?

16 MR. SHAPIRO: Mr. Chair, the request for -- the party
17 status request, I have concerns about it, that the parties at the
18 property is 733 feet from the applicant. I'm not sure how it
19 meets the relevant regulations, how this person is more
20 significantly, distinctly or uniquely affected in character or
21 kind for zoning action. So I'm not inclined to grant party
22 status. I'm looking for the humor of my fellow Board members on
23 this.

24 CHAIRPERSON HILL: Okay. Mr. Smith?

25 BOARD MEMBER SMITH: I completely agree with Mr. Shapiro

1 for the exact same reasons that he stated on Section Y- (audio
2 interference). I do not believe that this property owner that is
3 733 feet away is more uniquely affected than the property owners
4 that are immediately to the east and west of the property in
5 question at 617 E Street. To that point, I also am not inclined
6 to (audio interference).

7 CHAIRPERSON HILL: Thank you. Vice Chair John?

8 VICE CHAIR JOHN: Good morning, Mr. Chairman. I agree
9 with my colleagues. And I don't believe that the request meets
10 the standard on the regulations to be more significantly,
11 distinctively or uniquely affected in path or kind by the proposed
12 zoning action than other persons in the general public. So I
13 would not be inclined to grant party status. And as the
14 Commissioner noted, the applicant is more than 700 feet away from
15 the property. So I would not grant party status.

16 CHAIRPERSON HILL: Okay. I will agree with you guys.
17 I'm going to make a motion to deny the party status request of
18 Michael McDuffie for Application Number 20374, and ask for a
19 second, Ms. John?

20 VICE CHAIR JOHN: Second.

21 CHAIRPERSON HILL: Mr. Moy, the motion has been made
22 and seconded. If you could please take a roll call.

23 MR. MOY: Thank you, Mr. Chairman. Yes. When I call your
24 name if you would please respond with a yes, no, or abstain to the
25 motion made by Chairman Hill to deny the request for party status.

1 The motion was seconded by Vice Chair John. Zoning Commissioner
2 Peter Shapiro?

3 MR. SHAPIRO: I vote yes.

4 MR. MOY: Mr. Smith?

5 BOARD MEMBER SMITH: I vote yes.

6 MR. MOY: Vice Chair John?

7 VICE CHAIR JOHN: Yes.

8 MR. MOY: Chairman Hill?

9 CHAIRPERSON HILL: Yes.

10 MR. MOY: We have a Board seat vacant. Staff would
11 record the vote as 4 to 0 to 1. This is on the motion made by
12 Chairman Hill to deny, seconded by Vice Chair John, also in
13 support of the motion Mr. Smith and Zoning Commissioner Peter
14 Shapiro. The motion carries on a vote of 4 to 0 to 1.

15 CHAIRPERSON HILL: Okay. Thank you, Mr. Moy. All
16 right. I'll go ahead and read us into our hearing.

17 (Whereupon, the above-entitled meeting went off the
18 record at 9:45 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 Hearing

Before: DCBZA

Date: 02-10-21

Place: Teleconference

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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