

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

MARCH 3, 2021

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Webex, pursuant to notice at 9:39 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 MEMBERS PRESENT:

ANTHONY HOOD, Chairperson
MICHAEL TURNBULL, 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

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The transcript constitutes the minutes from the
Regular Public Meeting held on March 3, 2021

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

(9:39 a.m.)

CHAIRPERSON HILL: So the meeting will please come to order.

Good morning, ladies and gentlemen. We are convening and broadcasting this decision meeting by videoconference. This is the March 3rd, 2021, public meeting session of the Board of Zoning Adjustment, District of Columbia. My name is Fred Hill, Chairperson, and joining me today is Lorna John, Vice Chair; Chrishaun Smith, Board Member; and representing the Zoning Commission will be Michael Turnbull and Anthony Hood.

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

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

If you are experiencing difficulty in accessing Webex or with your telephone call-in, then please call our OZ hotline at 202-727-5471 -- once again, 202-727-5471 -- to receive Webex login or calling instructions.

At the conclusion of this meeting session, I shall, in

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

8 Preliminary matters are those which relate to whether
9 a case will or should be heard today, such as requests for a
10 postponement, continuance or a trial, or that proper and adequate
11 notice of the meeting has been given.

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

13 MR. MOY: Good morning, Mr. Chairman and members of the
14 Board. I do not have -- the staff does not have any preliminary
15 matters for any of the two cases in this meeting session.

16 CHAIRPERSON HILL: Okay. Then why don't you, Mr. Moy
17 -- I think Commissioner Turnbull is only with us on one case,
18 correct?

19 MR. MOY: Yes, sir.

20 CHAIRPERSON HILL: Okay, why don't you go ahead and
21 call that case. Let me just grab some paperwork.

22 MR. MOY: All right, thank you.

23 So this case application for decision-making is
24 Application No. 20314 of George Thanos, and this application has
25 been captioned: Advertised for special exceptions under Subtitle

1 C, Section 703.2 from the minimum parking requirements of
2 Subtitle C, Section 701.5, under Subtitle G, Section 409.1 from
3 the lot occupancy requirements of Subtitle G, Section 404.1 and
4 pursuant to Subtitle X, Chapter 10, for an area variance from the
5 FAR requirements of Subtitle G, Section 402.1, this will
6 construct a principal detached dwelling unit on a vacant lot in
7 the MU-3A zone. This is at premises 4331 14th Street N.W., Square
8 2819S, Lot 1.

9 As the Board will recall this was last heard at its
10 hearing session on February 24th and the Board scheduled this for
11 decision for today, March 3rd.

12 CHAIRPERSON HILL: Okay. So we had a long talk about
13 this and so, you know, whatever you guys think -- and, Ms. John,
14 we'll end with you because I can't see you, but if you have to -
15 - if you have a question, just please -- or a comment, please
16 just, you know, speak up. And then I'll go around the table,
17 starting with the Commissioner, and then Mr. Smith and Ms. John.

18 For me, I guess I found this pretty confusing in that
19 I didn't understand what I thought about it, I guess. I mean,
20 the variance standard and, you know, this being an area variance,
21 and I believe that there is, you know, an exceptional condition
22 which leads to a practical difficulty, however -- I think there's
23 an exceptional condition; whether or not it leads to a practical
24 difficulty or not, I'm not necessarily sure. Whether or not, you
25 know, relief can be granted without substantial detriment to the

1 public good, that's also where I'm kind of struggling with. I
2 don't think that there's a problem with substantially impairing
3 the intent, premise, and integrity of the zone plan, in my
4 opinion.

5 So what I would be interested in doing is talking to
6 the applicant again, as well as the Office of Planning, and kind
7 of understanding a little bit more about the proposed project.
8 The part that I'm having difficulty with in the public good is
9 the whole thing about that amount of land being taken up by this
10 small piece of property, right? And what that means.

11 And we might be getting too much into the weeds of
12 this, I don't know. You all can kind of like talk this through
13 with me, right? But, like, you know, where is this fence? Where
14 is this yard? What part of this public space is actually going
15 to be taken up by this project, right? And, you know, I know
16 that public space is -- that's Public Space's issue, not us,
17 right? But knowing that this is going to impact public space
18 does give me a problem with the substantial detriment to the
19 public good, right? So that's what I'm struggling with on that
20 one.

21 Then in terms of the FAR, it's whether -- and there's
22 kind of a list of things here that we might ask from the
23 applicant, but I kind of like to hear what everybody has to say
24 first and then we can kind of figure out what, if anything, we
25 want to hear from the applicant. But then the FAR was like, you

1 know, is three times FAR too much. Meaning, you know, they could
2 do two times FAR or 2.5 -- I mean, this is where I'm also unclear.
3 Like the height, is the height really a problem, is the massing
4 really a problem, you know, what could they do more by matter of
5 right if nothing happens. I mean, is it truly just kind of a
6 taking that we're doing by they can't do anything with the
7 property. So that's where I'm kind of stuck, right?

8 And so some of the things that I'd be interested in
9 hearing from the applicant, if we get to that, is kind of where
10 this possible fence could be or could not be, meaning if it was
11 just left alone, right? And then I'd be interested in hearing
12 from the Office of Planning what would happen to -- like what's
13 not in our purview anyway, right? Like what is the back yard,
14 what is the front yard? And maybe you guys can help me talk
15 about this a little bit more as to, you know, even if we were to
16 say, yeah, we agree they meet the variance standard, and then
17 they walk away, does that then throw them into the public space
18 area where, you know, we don't have anything to say about it
19 anyway and they could still get their yard that takes up the
20 whole triangle. So that's where I'm kind of confused.

21 So, Mr. Turnbull, I'm going to turn to you, if it's
22 okay, and just kind of hear what your thoughts are.

23 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I would
24 agree with your comments totally. I think you've hit on a lot
25 of the issues and problems that I have with this particular case,

1 | which I think is very different from what we've had before. The
2 | FAR does seem egregious for what is -- would be required in the
3 | zone, three instead of one, understanding that there is a very
4 | tiny lot that we're dealing with here.

5 | But I guess what I'm confused, it gets back to what you
6 | were saying about, you know, what the applicant and even OP talked
7 | about how, well, you know, the streets -- the homes across the
8 | street have their front yards and that's in the public space.
9 | And that happens all the time, people think they own it, but it's
10 | really public space. But that's the front yard, which is
11 | understandable, it happens all over the city, but here what gets
12 | me is, does this same thing about public space apply to the side
13 | yard and the rear yard? In other words, where do I read in the
14 | zoning that the rear yard is public space or the side yard is
15 | public space, and people can encroach upon this depending whether
16 | the public space committee approves it or not.

17 | So that's an issue for me. I mean, are we really
18 | granting rear yard relief then on this project and side yard
19 | relief? And I'm -- the issue is, do they get this whole lot,
20 | this whole corner, this whole property for free just because it's
21 | public space and they're allowed to do it.

22 | And your question, the fence, where does the fence go?
23 | Can they put the fence anywhere? I mean, I think the applicant
24 | talked about the possibility of moving the fence, but where do
25 | they move the fence to? Is it five feet from their house? And

1 is the front yard going to have more space just because it's the
2 front yard? It's hard to -- I mean, the front and entrance to
3 this house looks like it's on Arkansas Street, and so I could
4 see something there, that's their front yard, but then I'm
5 troubled with what's the side yard and the rear yard and how much
6 space do they actually -- can they take.

7 So I think I'm in the same boat that you are. There's
8 a lot of issues that need to be further explained or we get some
9 more information that may help us to come up with some kind of
10 an answer for this case because, right now, I'm confused -- I
11 mean, not confused, but I struggle to have them be able to reach
12 the variance test. This seems like it's more -- it's going to
13 be a stretch right now for me to approve this, so I would -- I'm
14 willing to get more information and have somebody explain some
15 more items and see if we can -- and where we can go from there,
16 but right now I am struggling with this and for a lot of the same
17 reasons that you expounded upon earlier.

18 CHAIRPERSON HILL: Mr. Smith?

19 BOARD MEMBER SMITH: So I would agree with both of your
20 interpretations. I am struggling with this request, not only the
21 variance, but also the special exception. And the reason why I,
22 you know, even go back to the special exception is because the
23 MU-3 zone, I look at the purpose and intent of the MU-3 zone; it
24 is to permit a low-density, mixed-use development. And when I'm
25 thinking low-density, it's not necessarily about the height. And

1 that's not the only development standard here that, to me,
2 categorizes low-density, it's bulk. It is setbacks,
3 proportionality to the neighborhood.

4 So I struggle with whether even a special exception
5 will be in harmony with the general purpose and intent of the MU
6 zone because of the size and bulk of this building taking up the
7 entire square footage of the privately-owned lot. And this entire
8 structure will be three stories, about 40 feet, which I think is
9 contrary to the other structures there. But while I understand
10 that there may be some other structures within the neighborhood
11 that are, you know, fairly tall, but, again, we're looking at
12 proportionality there because they are built on larger lots, they
13 have more open space to the rear of the property.

14 So I do not believe this building as designed is in
15 keeping with the MU-3 zone and the character of the neighborhood.
16 So -- and also looking at the variance, I do believe that it
17 could potentially meet the first prong of the narrowness,
18 shallowness, or shape of a specific piece of property could, you
19 know, cause an extraordinary or exceptional situation to develop
20 the property. I'm not quite there yet because it's something
21 can't be built on the property.

22 So I would like to hear more information from the
23 applicant regarding other options. A strict application of the
24 regulations would result in peculiar and exceptional practical
25 difficulties. I am definitely not there yet either for the same

1 reasons that I'm not there with R1. And the one that I'm really
2 struggling with and I'm not there at all is the third prong, just
3 as you were saying, Chairman Hill, for the same reasons. The
4 MU-3 zoning district is for low-density, mixed-use development.
5 So there is a reason why the Zoning Commission in approving the
6 FAR for the MU-3 zone maximized it at one, it is to protect that
7 low-density -- or to reinforce that low-density character to
8 protect the character of the neighborhood.

9 So, to me, the request to triple the FAR and therefore
10 allow a substantial amount of density and bulk that would
11 otherwise not be allowed on a small lot would to me be out of
12 character with the neighborhood and the purpose of the MU-3 zone,
13 zoning district.

14 So I would ask for additional clarification from the
15 applicant. Could we get some more clear diagrams on the size
16 and scale and the mass of this building in the context of the
17 lot that they own and the open space that's surrounding that lot?
18 And I would also ask for additional information regarding some
19 of the features of this building.

20 And I would reference back to the staff report and
21 comments from the Urban Design Division of OP, who I'm assuming
22 is opining -- when I would go through these different buildings
23 -- opine on the zoning ordinance and the building code here,
24 plumbing fixtures are not allowed in projections. And they
25 specifically referenced the kitchen, but we have a third-floor

1 bathroom that does not show plumbing and that entire bathroom is
2 within the projection.

3 So I don't believe that, as currently designed, the
4 floor plan as currently designed in Exhibit 30 meets that
5 criteria. Balconies and porches must be separated from the bay
6 windows; they're currently attached to the bay windows, so they
7 do not meet the regulations. These projections, these towers is
8 questionable, even under the admission of OP, whether they meet
9 the criteria for a bay window, because a bay window must be
10 predominantly windows. There is only two windows on each facade
11 of each tower. So I do not believe that the tower meets the
12 definition of a bay window to even be able to project in the
13 manner that it's projecting of that particular size into the open
14 space.

15 So I believe that we need some additional information
16 from the applicant. I don't think that even as designed it meets
17 the zone regulations and I'm not at the level that I believe it
18 meets the second and third prongs of variance criteria. So I'm
19 with both of you, I would request additional information.

20 CHAIRPERSON HILL: Okay. Ms. John?

21 VICE CHAIR JOHN: So, thank you, Mr. Chairman. So I'm
22 going to make this really very simple. It seems as if I agree
23 with most -- mostly with what's been said so far. I agree that
24 the applicant meets the criteria for the exceptional condition
25 and the second prong is questionable. Although part of me thinks

1 that the FAR is not unreasonable because this is a three-bedroom
2 unit, it's got small bedrooms, so it's not out of the ballpark
3 of what we would expect a three-bedroom unit to look like. And
4 the third prong is questionable.

5 I also have some concern about a private entity taking
6 so much public space without hearing from DDOT further.

7 The other question I have is how is the rear yard
8 calculated, because apparently the criteria for the rear yard is
9 being met because of the -- it's taking up so much of the public
10 space and I don't know if the regulations allow that. I would
11 like the applicant to point me to something in the regulations
12 that would allow public space to count for the rear yard
13 calculation. So I'm concerned about that.

14 I also feel it sort of shocks the conscience to provide
15 so much public space to an entity, a private entity. That's why
16 I recognize the neighbors' concerns. So I would really like to
17 hear more from DDOT as to why there isn't an issue with this
18 particular application in terms of the amount of public space
19 that's being appropriated, I would say, by a private entity.

20 So I would continue this case and ask for more
21 information. And it doesn't seem as if the majority of the Board
22 right now feels very strongly about granting this application and
23 I am on the fence without more information.

24 So I don't know where we are, Mr. Chairman.

25 CHAIRPERSON HILL: Okay, that's fine. I think that if

1 | you go ahead, Ms. John, and at a break we'll try to see if we
2 | can get you back online in terms of the camera.

3 | So I'm a little unclear as to how to proceed and so I'm
4 | going to make a couple of suggestions -- or at least this is what
5 | I -- like, rather than give -- so there's only kind of a few
6 | things. I mean, this is going to be a long day and I guess this
7 | is actually -- the reason why this is taking longer for us is
8 | that it is an area variance, and it is a little bit of a peculiar
9 | case, right? And so that's why I think we're struggling with it
10 | so much.

11 | Two things, I guess, for the record again. Mr. Smith
12 | was talking about the third prong, which is the substantial
13 | detriment of the -- or impairing the intent, purpose, and
14 | integrity of the zone plan, I was more talking to the second
15 | prong, which was substantial detriment to the public good. So
16 | that's one thing. The other is that, you know -- oh, that --
17 | it's funny, like -- and this is where I don't even know, like I
18 | wonder -- and this is if Office of Planning was here and I don't
19 | even know if they could have told me this -- if they do the matter
20 | of right thing, right, can they then still get the public space?
21 | Right? Like can you then go ahead and do your 700-square-foot
22 | building and then get the whole triangle?

23 | COMMISSIONER TURNBULL: That's an interesting question.

24 | CHAIRPERSON HILL: Right, right. So --

25 | VICE CHAIR JOHN: But -- but -- oh, sorry, go ahead.

1 CHAIRPERSON HILL: No, go ahead, Ms. John.

2 VICE CHAIR JOHN: I'm not sure if we have to reach that
3 question, though.

4 CHAIRPERSON HILL: No, I'm just -- the reason why, Ms.
5 John -- and I'm sorry I can't see your face, is that -- you know,
6 is that I just think this is actually really confusing, right?
7 Which is that Mr. Smith isn't even at the special exception place,
8 right? And then we're kind of, you know, trying to figure out
9 what we think we might be more interested in seeing just to try
10 to figure out how this might -- this square peg might fit in a
11 round hole, right, for all of us.

12 So I'm kind of going back to the Mr. Smith thing, which
13 is that, you know, the application in front of us is the
14 application in front of us and we vote it up or vote it down,
15 right? And then that's the end of that, right? Or the only
16 other thing that I would suggest now is, rather than give the
17 applicant a list of things that we think we might want to see,
18 we could have a continued hearing like next week. Like I'd rather
19 just get this over with while it's fresh in our brain and if we
20 think that, you know, the application in front of us is the
21 application in front of us -- or, the applicant is listening to
22 all this, they might just go ahead and pull it and be like that's
23 why I was asking about the matter of right. You know, if they -
24 - and I'm just having a discussion here with my colleagues -- if
25 they get that whole yard and they get their matter-of-right

1 building, then they might just say forget the BZA thing and just
2 go ahead and do what they can do, right?

3 And so, you know, I don't know -- so my two -- the
4 question on the table is, vote this up or down now or bring them
5 in next week again to clarify -- a limited-scope hearing to
6 clarify the issues about -- that we're having about public space
7 and FAR. So those are the two things that I'm putting on the
8 table, vote it up or down now or bring them in for a continued
9 hearing to talk about it. Because this is so messy, I don't even
10 want to ask them to give us design stuff or any of this junk
11 until we know what we want, then at the continued hearing we can
12 figure out what we actually want, ask them for it, and then set
13 up a timeline for the Office of Planning to respond, as well as
14 the ANC.

15 So those are my two suggestions. And if you can think
16 about that, Commissioner -- well, I'm going to go with Mr. Smith,
17 because Mr. Smith, I think, has an opinion.

18 Mr. Smith, what do you -- do you have an opinion?

19 BOARD MEMBER SMITH: My opinion hasn't changed from
20 last week. I think the application is what the application is.
21 If there's a substantial change in the application -- and, you
22 know, I will look for OAG to probably clarify what I'm about to
23 say -- if there's a substantial change in the application, then
24 I believe, even if they aren't successful with the request before
25 us today, they can come back to seek a variance for a

1 substantially different case than what we would see --

2 CHAIRPERSON HILL: Right, so I'm -- I'm going to
3 interrupt you one second, Mr. Smith -- so I'm leaning towards Mr.
4 Smith currently, is the up or down, right? And so -- or not, I
5 can -- I love it -- if Mr. Turnbull or Ms. John wants to hear
6 more from the applicant, because we're kind of finagling this a
7 little bit. And just to get clarity from OAG, Mr. Rice, they
8 wouldn't have to wait a year to come back with a substantially
9 different design, correct?

10 MR. RICE: That's correct. As long as they have a
11 substantially different set of circumstances, they can come back.
12 So if there's a different design, that would be different
13 circumstances.

14 CHAIRPERSON HILL: Right. If he came back with a
15 different design in any capacity, then that's a new application
16 and they don't have to wait a year.

17 MR. RICE: Yes, sir.

18 CHAIRPERSON HILL: Okay. So, Mr. Turnbull, where are
19 you with the two options?

20 COMMISSIONER TURNBULL: Well, I'm not in favor of the
21 project at all. I think, actually, Mr. Smith raised some
22 interesting architectural items about projecting into the public
23 space. Where normally you've got a bay window or something
24 similar to that projecting into public space, here you've got a
25 significant architectural portion of the floor plan projecting

1 into the public space in order to make any kind of floor plan
2 work. So, I mean, that really is an egregious attempt to take
3 over more land than simply a bay window.

4 A matter of right, I mean, they can't -- the house
5 would be radically different if it were matter of right, because
6 it's only that inner triangle. They don't get to projecting
7 space as a matter of right, they need permission from the Board
8 to grant the variance to go into the public -- the -- and the
9 same thing with the special exception. They can't go before the
10 Public Space Committee and get all of these things without also
11 proving certain parts of the variance request.

12 So, right now, unless there's some dramatic change in
13 what they're going to do, I would vote this down.

14 CHAIRPERSON HILL: Okay. Ms. John?

15 VICE CHAIR JOHN: So I -- just a minute. So I'm
16 inclined -- I'm inclined to go ahead and vote this down. After
17 listening to everyone, it's just a very hard case for me to make
18 that there is not substantial detriment to the public good. I
19 am really concerned about the use of public space, even though
20 it's not within the jurisdiction of the Board. This project
21 cannot work without public space and so I am not comfortable with
22 approving this application on that basis.

23 CHAIRPERSON HILL: Okay, all right. Oh, Ms. John,
24 you've joined us.

25 VICE CHAIR JOHN: Yes.

1 CHAIRPERSON HILL: Okay, great.

2 Let's see, so -- okay. All right, Mr. Rice, do you
3 have everything you need from us?

4 MR. RICE: Yes, sir.

5 CHAIRPERSON HILL: Did you say yes?

6 MR. RICE: Yes.

7 CHAIRPERSON HILL: Okay, great. Perfect.

8 MR. RICE: I mean, you guys need to make a decision,
9 but --

10 CHAIRPERSON HILL: Right, okay, you've got
11 (indiscernible).

12 Well, Mr. Smith, since you're the one who I think in
13 my mind made the clarifying thing for me, which is that the
14 application in front of us is the application in front of us,
15 would you like to make a motion, Mr. Smith?

16 BOARD MEMBER SMITH: Yes, Mr. Chair, I would like to
17 make a motion to deny the request for the special exception and
18 variances.

19 CHAIRPERSON HILL: Okay. So, again -- and, Ms. John,
20 would you like to second?

21 VICE CHAIR JOHN: Sure, second.

22 CHAIRPERSON HILL: All right. The motion has been made
23 and seconded.

24 Mr. Moy, if you want to go ahead and call a roll call?

25 MR. MOY: Yes. Thank you, Mr. Chairman.

1 When I call your name, if you would please respond with
2 a yes, no, or abstain to the motion made by Mr. Smith to deny
3 the application for the relief that's being requested. The motion
4 was seconded by Vice Chair John to deny.

5 Zoning Commissioner Michael Turnbull?

6 COMMISSIONER TURNBULL: Yes, to deny.

7 MR. MOY: Chairman Hill?

8 CHAIRPERSON HILL: Oh, yes to deny.

9 MR. MOY: Vice Chair John?

10 VICE CHAIR JOHN: Yes, to deny.

11 MR. MOY: Mr. Smith?

12 BOARD MEMBER SMITH: Yes, to deny.

13 MR. MOY: We have a Board seat vacant. The staff would
14 record the vote as 4 to zero to 1.

15 And this is on the motion by Mr. Smith to deny the
16 application; the motion was seconded by Vice Chair John. Also
17 in support of the motion is Zoning Commissioner Michael Turnbull
18 and Chairman Hill. And the motion carries 4 to 0 to 1 to deny.

19 CHAIRPERSON HILL: Okay, great. All right, Mr.
20 Turnbull, thank you so much. You have a nice day.

21 COMMISSIONER TURNBULL: You too. And I hope your day
22 speeds up a bit for yourself.

23 CHAIRPERSON HILL: Thank you.

24 All right, we have Chairman Hood joining us.

25 COMMISSIONER HOOD: Good morning. How is everybody?

1 CHAIRPERSON HILL: Very good.

2 COMMISSIONER HOOD: Good. The word of the day was
3 "struggle."

4 (Laughter)

5 CHAIRPERSON HILL: The word of the day is "struggle"?

6 COMMISSIONER HOOD: How many times I heard that same
7 word when I started -- I started marking it down, but I said --

8 CHAIRPERSON HILL: Oh, I got you. Usually there's a
9 drinking game associated with these kind of things and you'd
10 drink every time the word is said.

11 COMMISSIONER HOOD: Oh, okay. I can't do that.

12 CHAIRPERSON HILL: Well, I thought you were wearing
13 your Tiger Woods red there for a second, like the Sunday -- you
14 know, Tiger Woods wears his red and black pants on Sunday.

15 COMMISSIONER HOOD: Well, if it fits for the situation,
16 then that's why I have it on.

17 CHAIRPERSON HILL: There you go, there you go. Well,
18 you look good. All right.

19 COMMISSIONER HOOD: Thank you. That's nice of you, Mr.
20 Chairman. Thank you.

21 CHAIRPERSON HILL: Sure, sure.

22 All right, Mr. Moy, if you'd call our next one. I
23 think we just have the expedited review, correct?

24 MR. MOY: That's correct, sir. So this is the last of
25 the cases for the meeting session and it is Case Application

1 Number 20432 of Mark C. Bisnow, B-I-S-N-O-W.

2 This is an application -- as you said, it's an expedited
3 review calendar case where the applicant is seeking a special
4 exception from the side yard requirements of Subtitle D, Section
5 507.1. And this would construct a two-story with lower level,
6 attached, accessory garage to an existing two-story with
7 basement, detached principal dwelling unit in the R-8 Zone. And
8 this is at premises 2717 Chesapeake Street, N.W.

9 CHAIRPERSON HILL: Okay, great. Thank you, Mr. Moy.

10 You guys, I didn't really have an issue with this. I
11 mean, I thought that in terms of the standards that, you know,
12 we're looking at, the light and air, privacy, enjoyment, D §
13 5201.4 and D § 5201.4(c) and (d) -- I'm sorry, (c) and (d), I
14 didn't have any issues. I didn't have any issues with the general
15 special exception standards at X § 901.2. And I thought that
16 the Office of Planning's report was very concise.

17 Also, DDOT had no issues with it, and also the ANC has
18 also signed off.

19 So I don't have any issues and I'm going to vote in
20 favor.

21 Chairman Hood, do you have anything to add?

22 COMMISSIONER HOOD: No, Mr. Chairman. The location of
23 the property and (audio interference) specifications in the
24 regulations 5201 and Subtitle X, Section 901.2, and my analysis
25 and also all the support, I believe this warrants our approval.

1 Those are my comments. Thank you, Mr. Chair.

2 CHAIRPERSON HILL: Mr. Smith?

3 BOARD MEMBER SMITH: I agree with everything that you
4 said, Chairman Hill, and I would be in support of this.

5 CHAIRPERSON HILL: Ms. John?

6 VICE CHAIR JOHN: I am in support of the application.
7 I agree with everything that --

8 CHAIRPERSON HILL: Okay. All right, great. Thank you.
9 It's a lovely house, by the way.

10 All right. I'm going to make a motion to approve
11 Application Number 20432, as captioned and read by the Secretary,
12 and ask for a second. Ms. John?

13 VICE CHAIR JOHN: Second.

14 CHAIRPERSON HILL: The motion has been made and
15 seconded. All those in favor, say -- oh, Mr. Moy, could you take
16 a roll call vote, please?

17 MR. MOY: Yes. Thank you, sir.

18 When I call your name, if you would please respond with
19 a yes, no, or abstain to the motion made by Chairman Hill to
20 approve the application for the special exception being
21 requested. The motion was seconded by Vice Chair John.

22 The Zoning Commission Chair Anthony Hood?

23 COMMISSIONER HOOD: Yes, to approve.

24 MR. MOY: Mr. Smith?

25 BOARD MEMBER SMITH: Yes, to approve.

1 MR. MOY: Vice Chair John?

2 VICE CHAIR JOHN: Yes, to approve.

3 MR. MOY: Chairman Hill?

4 CHAIRPERSON HILL: Yes, to approve.

5 MR. MOY: And we have a Board seat vacant. The staff
6 would record the vote as 4 to zero to 1.

7 And this is on the motion made by Chairman Hill to
8 approve, seconded by Vice Chair John, and of course the motion
9 was in support by Mr. Smith and Zoning Commission Chair Anthony
10 Hood. Motion carried, sir.

11 CHAIRPERSON HILL: Okay, great. Thank you, Mr. Moy.

12 All right, everybody, I'm going to read into the
13 hearing session, and maybe we'll do one or two cases and then
14 take a break, if that's good.

15 (Whereupon, the public meeting was adjourned 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: DCBZA

Date: 03-03-21

Place: Teleconference

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
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Tracey Williams

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