

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

MARCH 17, 2021

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:38 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. Hill, Chairperson
LORNA JOHN, Vice Chairperson
CHRISHAUN SMITH, Board Member

ZONING COMMISSION MEMBER PRESENT:

ANTHONY HOOD, Chairman

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, Esquire

The transcript constitutes the minutes from the Regular Public Meeting held on March 17, 2021

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

(9:38 a.m.)

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1 CHAIRPERSON HILL: The meeting will please come to
2 order.

3 Good morning, ladies and gentlemen. We're convened
4 and broadcasting this decision meeting by video conference.
5 This is the March 17th public meeting session of the Board of
6 Zoning Adjustment.

7 My name is Fred Hill, Chairperson. Joining me today
8 is Lorna John, Vice Chair; and Chrishaun Smith, Board member;
9 and representing the Zoning Commission is Anthony Hood,
10 Chairman Hood.

11 Today's meeting agenda is available to you on the
12 Office of Zoning's website. Please be advised that this
13 proceeding is being recorded by a court reporter and is also
14 webcast live via WebEx and YouTube Live. The video of the
15 webcast will be available on the Office of Zoning's website
16 after today's meeting session.

17 Accordingly, everyone who is listening on Webex or by
18 telephone will be muted during the meeting. We do not take any
19 public testimony at our decision meetings.

20 If you are experiencing difficulty accessing Webex or
21 with your telephone call-in, then please call our OZ hotline
22 number at 202-727-5471. Once again, 202-727-5471 to receive
23 Webex login or call-in instructions.

24 At the conclusion of this meeting session, I shall,
25 in consultation with the Office of Zoning, determine whether a

1 full or summary order may be issued. A full order is required
2 when the decision it contains is adverse to a party including
3 an affected ANC. A full order may also be needed if the
4 Board's decision differs from the Office of Planning's
5 recommendation. Although the Board favors the use of summary
6 orders whenever possible, an applicant may not request the
7 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 a request for a
10 postponement, continuance, or withdrawal or whether proper and
11 adequate notice of the meeting has been given.

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

14 MR. MOY: Good morning, Mr. Chairman. No, I do not,
15 not for the meeting session. Also today, in our meeting
16 session there is one case for the Board to address and act on,
17 as well as another case that I put on as an administrative
18 matter for the Board to address.

19 CHAIRPERSON HILL: Okay. The administrative matter
20 is the motion for reconsideration of Application of 20163; is
21 that correct?

22 MR. MOY: That's correct, sir.

23 CHAIRPERSON HILL: Okay. Do I need to -- you need to
24 say anything or -- to call us into that or is that enough?

25 MR. MOY: I think in this case, I think, it's enough

1 for you to say that this is a Motion for Reconsideration to
2 Case No. 20163 of 719 6th Street S.E. and it's filed by ANC-6C.

3 CHAIRPERSON HILL: Okay.

4 MR. MOY: So it's all yours, sir.

5 CHAIRPERSON HILL: Okay. So, I guess Chairman Hood
6 you're on this with us, but -- so it's a Motion for
7 Reconsideration -- or at least you're on for this portion of
8 it, to reconsider, again, Application 20163. It's a motion
9 that was raised by ANC 6C. And I read the reconsideration and
10 I think that it's something that we should put on to talk
11 about. I'd like to make a motion though that perhaps we would
12 like the applicant to have time to respond to the ANC's motion
13 for reconsideration.

14 I guess, Ms. Cain, are there dates that we'd like to
15 set for the applicant to respond to the ANC's motion?

16 MS. CAIN: So, the applicant would have 10 days from
17 when the ANC filed, so that would put them at March 25th, which
18 is next Thursday. I would just also note to you, Mr. Chair,
19 that Commissioner Turnbull was actually the sitting zoning
20 commissioner on this case, so he should probably be the one to
21 participate in any motion the Board takes.

22 CHAIRPERSON HILL: Oh, okay, great. All right,
23 Commissioner Turnbull, then you're on with us. So --

24 CHAIRMAN HOOD: Thank you, Ms. Cain. Thank you.

25 CHAIRPERSON HILL: If we have until the 25th or let

1 the applicant have the 10 days to respond by the 25th, if they
2 choose to do so, Mr. Moy, when could we put this on for -- I
3 guess, Ms. Cain, I mean, are we deciding now whether we want to
4 reconsider?

5 MS. CAIN: So if the Board could put this on for the
6 March 31st meeting and at that meeting you can decide how you
7 want to proceed further. At this point, you're only requesting
8 that the applicant respond to the initial filing for the ANC.

9 CHAIRPERSON HILL: Okay. So then we'll have the
10 applicant respond by the 25th and then on the 31st we can
11 determine whether we are going to reconsider; that's what
12 you're saying? Okay. All right, Mr. Moy, is that going to
13 work? Can you put that on?

14 MR. MOY: Yes, it's done. Thank you.

15 CHAIRPERSON HILL: Okay. All right. So we're done
16 with that. Then, I guess, there's another matter; is that
17 correct, Mr. Moy?

18 MR. MOY: Yes, sir. I can read into that.

19 CHAIRPERSON HILL: Okay.

20 MR. MOY: Okay. This is -- applies to Application
21 No. 20351 of William Cowdrick, Trustee. And the applicant
22 filed a motion to reopen the record to allow two of his
23 exhibits into the record that goes to the -- actually to the
24 conditions that the Board acted on when it approved the
25 application back on March the 3rd.

1 For the record, this case was captioned, as amended,
2 for special exceptions under Subtitle C, Section 703.2 from the
3 minimum parking requirements of Subtitle C, Section 701.5 and
4 under Subtitle D, Section 5201 from the side yard requirements,
5 alley centerline setback requirements, and the minimum pervious
6 surface requirements of Subtitle D, Section 5100.1 and pursuant
7 to Subtitle X, Chapter 10, for an area variance from the alley
8 lot height requirements, Subtitle D, Section 5100.1 which would
9 construct a new, semi-detached principal dwelling unit on a
10 vacant lot, R-17 zone, at premises bounded by 25th Street N.W.,
11 K Street N.W., 24th Street N.W. and Snows Court N.W., Square
12 28, Lot 149.

13 CHAIRPERSON HILL: Okay. Thank you, Mr. Moy.

14 MR. MOY: No, that's fine. That's good.

15 CHAIRPERSON HILL: Okay. So, we approved this with
16 conditions on 03/03 and the applicant's requesting to reopen
17 the record to admit two exhibits, which are clarifying the
18 building height and an issue with the cornice line. And also
19 clarify the design flexibility. I remember there was like a
20 couple of windows within a very small portion of the façade.
21 They want to be able to -- we approved the flexibility, but I
22 guess they're clarifying as -- for HPRB.

23 I guess the information isn't changing any the facts
24 of the case and would actually provide clarification of the
25 elements. So I don't have any issue reopening the record to

1 admit those two exhibits.

2 So I'm going to go ahead and make a motion, I guess,
3 to reopen the record to admit those two exhibits and ask for a
4 second, Ms. John.

5 VICE CHAIR JOHN: Second.

6 CHAIRPERSON HILL: The motion been made and seconded,
7 Mr. Moy, could you take a roll call?

8 MR. MOY: Yes. When I call your name if you would
9 please respond with a yes, no, or abstain to the motion made by
10 Chairman Hill to grant the motion to reopen the record and to
11 admit the exhibits, I think that was part of the motion
12 seconded by Vice Chair John. Mr. Smith?

13 BOARD MEMBER SMITH: Yes.

14 MR. MOY: Zoning Commission Chair Anthony Hood?

15 CHAIRMAN HOOD: Yes.

16 MR. MOY: Vice Chair John?

17 VICE CHAIR JOHN: Yes.

18 MR. MOY: Chairman Hill?

19 CHAIRPERSON HILL: Yes.

20 MR. MOY: We have a board seat vacant. Staff would
21 record the vote as 4 to 0 to 1, and this is on the motion of
22 Chairman Hill and seconded by Vice Chair John. Also in support
23 of the motion is Mr. Smith and Zoning Commission Chair Anthony
24 Hood, and the motion carries 4 to 0 to 1, sir.

25 CHAIRPERON HILL: All right. Great. Thank you, Mr.

1 Moy. All right. Chairman Hood, is that it for you?

2 CHAIRMAN HOOD: I have one more. I think I have the
3 first case on the public hearing agenda.

4 CHAIRPERSON HILL: Oh, okay. All right.

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

7

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: 3-17-21

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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