

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

MARCH 31, 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 9:34 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
CARL BLAKE, Board Member

ZONING COMMISSION MEMBERS PRESENT:

MICHAEL TURNBULL, Commissioner
ANTHONY HOOD, Chairperson

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 Regular Public Meeting held on March 31, 2021

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

Case Number 20163, Application of 719 Sixth Street, LLC. . . 5

Case Number 20425, Application of Mr. Hughes and Ms.
Koutroulis.10

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

(9:34 a.m.)

CHAIRPERSON HILL: 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 31st, 2021, public meeting session of the Board of Zoning Adjustment for the District of Columbia. My name is Fred Hill, Chairperson. Joining me today is Lorna John, Vice Chair; Board Members Carl Blake and Chrishaun Smith; and representing the Zoning Commission is Michael Turnbull.

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

The video of this webcast will be available on the Office of Zoning's website after today's meeting here, and 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 accessing Webex or your telephone call-in, then please call our OZ hotline number at 202-727-5471. Once again, 202-727-5471; it's also listed on your screen, to receive Webex login and call-in instructions.

At the conclusion of this meeting, 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 may also be needed if the Board's
5 decision differs from the Office of Planning's recommendations.
6 Although the Board favors using summary orders whenever possible,
7 an applicant may not request the Board to 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
10 postponement, continuous or withdrawal, or whether proper and
11 adequate notice had been given.

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

14 MR. MOY: Good morning, Mr. Chairman, Members of the
15 Board. We do, actually, but for the efficiency of the Board, I
16 suggest that I call those matters when I call the case.

17 CHAIRPERSON HILL: Okay. Great. Let's see. All right.
18 Well, as we're starting here, I'd like to, for the record,
19 officially welcome our newest Board member, Mr. Carl Blake.

20 Mr. Blake, welcome. Thanks to the Mayor and the Council
21 for sending you to us, and we look forward to you helping us in
22 determining what these cases -- how they move forward. So
23 welcome.

24 MR. BLAKE: Thank you very much.

25 CHAIRPERSON HILL: All right. Mr. Moy, I guess you can

1 go ahead and call our first meeting case.

2 MR. MOY: Thank you, Mr. Chairman. So this would be
3 Case Application No. 20163 of 719 Sixth Street, LLC. This is a
4 motion for reconsideration of the final order, the motion filed
5 by ANC 6C. And for the record, I'd like to read the underlying
6 application as advertised (indiscernible). The application was
7 amended for special exceptions under Subtitle E, Section 5201
8 from the rear addition requirements; Subtitle E, Section 205.4
9 and from the lot occupancy requirements; and Subtitle E, Section
10 304.1 (indiscernible) to construct a three-story rear addition to
11 the existing attached principal dwelling unit in the RF-1 Zone,
12 premises 719 6th Street, NE, Square 859, Lot 121. The Board
13 approved the application at its hearing on June 24, 2020, and the
14 final order was issued on March 4th, 2021.

15 CHAIRPERSON HILL: Okay. Great. Thank you, Mr. Moy.
16 All right. So you all know about the motion for reconsideration.
17 And then we asked that the Applicant have an opportunity to
18 respond to the motion, and that is in Exhibit 92.

19 And I reviewed both the motion of reconsideration and
20 their issues, and then also looked through the response from the
21 Applicant. I guess, and I'll, kind of, go around the table and
22 see where are with this, but -- and I guess there's some issues
23 with the ANC's motion that I would agree with. I guess, like,
24 we could actually take a harder look at some of the issues that
25 the ANC is bringing up as to how we might take a different look

1 at this.

2 And in order to provide clarity for me, what I would
3 request, actually, of the Applicant is -- and Mr. Moy, you can
4 help -- I'm sure the Applicant, obviously, is watching, but an
5 explanation of what qualifies as a "matter of right extension"
6 accounting for both the rear extension and the lot occupancy,
7 provide a revised shadow study prepared by a registered design
8 professional showing the difference in shading between the true
9 matter of light option described above and the proposed as-built
10 structure, and showing the extent of the shadow impacts on the
11 neighboring properties to the north beyond the immediately
12 adjacent neighbor.

13 And if we get those exhibits, then give enough time for
14 the ANC to respond, and then we can deliberate. And that's, kind
15 of, where I am.

16 Mr. Turnbull, what are your thoughts?

17 COMMISSIONER TURNBULL: Mr. Chair, I agree with your
18 analysis. I think we could give this one more look, I think.
19 Even at the time when we first looked at it, the studies were a
20 little bit confusing, so I think one more look at this wouldn't
21 hurt, and I totally agree with you're -- what you're proposing.

22 CHAIRPERSON HILL: Okay. Mr. Smith?

23 BOARD MEMBER SMITH: Mr. Chair, I agree with both you
24 and Mr. Turnbull. I'm comfortable with taking another look at
25 this project again in light of, I do believe, that we probably

1 | should see some additional shadow studies on this project. So I
2 | would be in favor of it.

3 | CHAIRPERSON HILL: Ms. John?

4 | VICE CHAIR JOHN: Thank you, Mr. Chairman. I'll agree
5 | with everyone's suggestion. I think it doesn't hurt to take
6 | another look at some studies. So even though we're only talking
7 | about a 3-foot difference between the matter of right and what
8 | was requested by the Applicant, because the issue has been raised,
9 | I would support the motion for reconsideration.

10 | CHAIRPERSON HILL: Okay. Mr. Blake, I can't remember.
11 | Did you read into this or are you not involved in this one?

12 | BOARD MEMBER BLAKE: I am not involved in this one.

13 | CHAIRPERSON HILL: Okay. All right. Okay. So then I
14 | will go ahead, then, and grant the ANC 6 motion for
15 | reconsideration and ask for a second, Ms. John.

16 | VICE CHAIR JOHN: Second.

17 | CHAIRPERSON HILL: All right. Mr. Moy, the motion was
18 | made and seconded. Can you take a roll call?

19 | (No audible response.)

20 | CHAIRPERSON HILL: You're on mute, Mr. Moy.

21 | MR. MOY: Thank you, Mr. Chair. That's number one.
22 | Okay. When I call your name, if you would please respond with a
23 | yes in response to the motion made by Chairman Hill to grant the
24 | request for reconsideration. And the motion was seconded by Vice
25 | Chair John.

1 Mr. Smith?

2 BOARD MEMBER SMITH: Yes. Yes.

3 MR. MOY: Vice Chair John?

4 VICE CHAIR JOHN: Yes.

5 MR. MOY: Chairman Hill?

6 CHAIRPERSON HILL: Yes.

7 MR. MOY: Zoning Commissioner Michael Turnbull?

8 COMMISSIONER TURNBULL: Yes.

9 MR. MOY: And the new Board member's not participating.

10 We have a Board seat vacant, staff will record the vote as 4-0-
11 1, and this on the motion made by Chairman Hill to grant the
12 request -- the motion for reconsideration. The motion was
13 seconded by Vice Chair John. Also in support of the motion was
14 Mr. Smith and Zoning Commissioner Michael Turnbull. Motion
15 carries, sir.

16 VICE CHAIR JOHN: (Audio interference.)

17 CHAIRPERSON HILL: (Audio interference) John.

18 VICE CHAIR JOHN: Mr. Moy, I do think we have a full
19 Board now. You might have been reading from an old script.

20 MR. MOY: Oh, yeah, I did say "Board seat vacant."
21 Thank you so much. I haven't had my second cup of coffee. So
22 I'll use that as my defense.

23 VICE CHAIR JOHN: Okay.

24 MR. MOY: So, yeah, 4-0-1, and the one is, of course,
25 Mr. Carl Blake, not participating.

1 VICE CHAIR JOHN: Thank you.

2 CHAIRPERSON HILL: Okay. Great. All right. Perfect.
3 Let's see. Mr. Moy, then you're can, kind of, reach out to the
4 Applicant, Ornedo (phonetic). Can you set dates?

5 MR. MOY: Well, I can do that now for you, sir.

6 CHAIRPERSON HILL: Okay. Great.

7 MR. MOY: I'm (indiscernible) right now. I had a more
8 aggressive timeline, but given the nature of the filing, I think
9 we should be a little bit more flexible with that. I would
10 suggest coming back on this application on May the 5th, if that's
11 convenient for Mr. Turnbull. I'd like the Applicant to make
12 their filing by April the 12th, which is a Monday, and for the
13 ANC 6C's response by April the 26th. I did check the ANC's 6C
14 calendar. They do meet on April the 14th, so I think this time
15 line is doable. But in any event, I'll reach out to the Applicant
16 and ANC, as well, after today's hearing.

17 CHAIRPERSON HILL: Okay. What was the date, Mr. Moy,
18 again?

19 MR. MOY: May 5th.

20 CHAIRPERSON HILL: And that's for a decision?

21 MR. MOY: Yes, sir.

22 CHAIRPERSON HILL: Okay. And then if the Office of
23 Planning wants to give a supplemental, they can?

24 MR. MOY: Yes, sir.

25 CHAIRPERSON HILL: Okay. All right. Great. Okay.

1 You can call our next meeting case, Mr. Moy.

2 MR. MOY: All right. This is Case Application No.
3 20425 of 616 Quebec Place, NW, LLC, and this is before the Board
4 to address the request for advanced party status from two
5 individuals, Mr. Hughes and a Ms. Koutroulis, K-O-U-T-R-O-U-L-I-
6 S, and the purpose to the application that is a request for
7 special exception under the Residential Conversion Use
8 requirements of Subtitle U, Section 320.2, which would convert
9 an existing three-story semi-detached principal dwelling unit to
10 a three-unit apartment house in the RF-1 Zone at premises 616
11 Quebec Place, NW. And one more thing. No, that's it.

12 CHAIRPERSON HILL: Okay. So -- okay. So I've looked
13 at the party status request from both Koutroulis and Hughes, and
14 in terms of their proximity to the property, I would be in favor
15 of granting the party status. The only thing that I would point
16 out to the party status opponents who, hopefully, are watching
17 is that they should focus their arguments on the impact from the
18 intensification of the use.

19 In other words, the project is matter of right, except
20 for the third unit, and so, you know, they're building within the
21 envelope. So I'm just -- I'm setting all this up, because we're
22 going to put dates forward for the party status, and so I wanted
23 them to be aware that they should focus their arguments, again,
24 on the intensification of the use of the third unit. And so
25 that's what I would propose.

1 And then also, I guess, there are some dates that have
2 been suggested. If the hearing date, I guess, Mr. Moy, was on
3 the 26th, then the opposition should submit their written
4 statements how the Applicant is not meeting the individual
5 requirements for the relief by April 16th. The Applicant can
6 then file his responses to that filing by April 30th, and then
7 any optional responses from the Office of Planning or the ANC
8 will be due May 14th, which would give us to May 26th.

9 Does that work for you, Mr. Moy?

10 (No audible response.)

11 CHAIRPERSON HILL: We've lost Mr. Moy. Mr. Moy?

12 MR. MOY: All right. That's number two. Okay. So as
13 I was saying, May 26th is -- it's pretty full. One more isn't
14 going to make a difference, because the problem then would be
15 that because of the approach of Memorial Day holiday weekend, we
16 don't have a hearing, typically, that week, and I'm not sure --
17 that would take us to June 9th, which actually would be a better
18 day, but, yeah, we can do May 26th.

19 CHAIRPERSON HILL: Okay. Whoa. Whoa. How many is on
20 the day -- that one before Memorial Day? And Mr. Moy, your
21 camera's off. I don't know if you --

22 MR. MOY: Again, I'm back. I'm sorry about that.

23 CHAIRPERSON HILL: That's all right.

24 MR. MOY: So the 26th, as I was saying, we have eight
25 cases. And the next hearing after that is June 9th, where we

1 have seven cases plus one expedited. So it's -- yeah.

2 CHAIRPERSON HILL: So May -- let's do it on May 26th,
3 then, at least, we can look forward to a holiday. Yeah. Perfect.

4 Anyway, so this is what I'm proposing. I'm going to
5 go around the Board and see what they think to my suggestions,
6 including the party status.

7 Mr. Turnbull?

8 COMMISSIONER TURNBULL: Mr. Chair, I'm okay with the
9 party status, I think. I think you're right in pointing out what
10 they should focus on. So I'm okay with that and, actually, I
11 just checked the calendar, I guess I am back on the 26th of May
12 with the Board anyway, so I'm good.

13 CHAIRPERSON HILL: Okay. Great. Mr. Smith?

14 BOARD MEMBER SMITH: Mr. Chair, I agree with everything
15 that you're saying, and to reiterate what Mr. Turnbull said, I
16 do agree with the items that should be focused on. So with that,
17 I'm truly supportive of the action that you're proposing to take.

18 CHAIRPERSON HILL: Great. Vice Chair John?

19 VICE CHAIR JOHN: I agree with all the comments so far,
20 Mr. Chairman.

21 CHAIRPERSON HILL: Thank you. Mr. Blake?

22 BOARD MEMBER BLAKE: Yes, yes. I feel comfortable with
23 the comments made. It make perfectly good sense to present party
24 status.

25 CHAIRPERSON HILL: Thank you. All right, Mr. Moy, I'm

1 going to -- well, I'm going to make a motion to -- do I need to
2 make a motion?

3 Ms. Cain, I don't need to make -- do I need to make a
4 motion on party status? I forget now.

5 MS. CAIN: I recommend that you do, yes.

6 CHAIRPERSON HILL: I love the recommendation. Okay.
7 I'm going to make a motion to approve the party status for
8 Application No. 20425, and ask for a second.

9 Ms. John.

10 VICE CHAIR JOHN: Second.

11 CHAIRPERSON HILL: Motion made and seconded, Mr. Moy.
12 If you could take the roll-call vote.

13 MR. MOY: When I call your name, if you would please
14 respond with a yes, no, or abstain from the motion made by
15 Chairman Hill to grant the request for advanced party status to
16 Mr. Hughes and Ms. Koutroulis. Motion seconded by Vice Chair
17 John.

18 Zoning Commissioner Michael Turnbull?

19 COMMISSIONER TURNBULL: Yes.

20 MR. MOY: Mr. Blake?

21 BOARD MEMBER BLAKE: Yes.

22 MR. MOY: Mr. Smith?

23 BOARD MEMBER SMITH: Yes.

24 MR. MOY: Vice Chair John?

25 VICE CHAIR JOHN: Yes.

1 MR. MOY: Chairman Hill?

2 CHAIRPERSON HILL: Yes.

3 MR. MOY: Staff would record the vote is 5-0-0, and
4 this is on the motion of Chairman Hill to grant the request for
5 advanced party status, seconded by Vice Chair John. Also in
6 support of the motion is Mr. Smith, Mr. Blake, and Zoning
7 Commissioner Michael Turnbull. The motion carries on a vote of
8 5-0-1 -- 5-0-0.

9 CHAIRPERSON HILL: Okay. Great. Well, Mr. Blake,
10 congratulations, your fist vote, and we now have a full Board.
11 All you had to do was go through a couple of hearings, council
12 meetings, and trainings.

13 All right. Mr. Turnbull, is that it for you?

14 COMMISSIONER TURNBULL: I am done for the day for you
15 folks, and I hope you enjoy the rest of your day, and Mr. Blake,
16 again, welcome to the Board. I look forward to working with you.

17 BOARD MEMBER BLAKE: Thank you.

18 CHAIRPERSON HILL: All right. Bye, Mr. Turnbull.

19 COMMISSIONER TURNBULL: Bye. Talk to you later.

20 CHAIRPERSON HILL: Okay. I think we're going to get
21 -- I need to just grab something. Give me one moment, please.

22 (Pause.)

23 CHAIRPERSON HOOD: Good morning, everyone. Board
24 Member Blake, since we're public, let me also, again, welcome to
25 the BZA.

1 BOARD MEMBER BLAKE: Thank you very much, Chairman
2 Hood.

3 CHAIRPERSON HOOD: And that's the last time I'm going
4 to welcome you.

5 CHAIRPERSON HILL: Chairman Hood.

6 CHAIRPERSON HOOD: Good morning.

7 CHAIRPERSON HILL: Good morning. All right. I heard
8 you welcoming Mr. Blake, Chairman Hood; is that correct?

9 CHAIRPERSON HOOD: Yes. I welcomed Mr. Blake. I did
10 it previously, but I wanted to do it publicly, and I -- he's
11 probably tired of hearing me say, "Welcome," so I told him that
12 that would be the last time I'd do that, but we're glad to have
13 you aboard, sir.

14 CHAIRPERSON HILL: I'm going to keep saying welcome
15 every single time so he doesn't leave. I'm going to be, like,
16 welcome, welcome, welcome. Thank you. Please stay. All right.

17 Let's see. Okay. All right. I'm going to read into
18 the hearing.

19 (Whereupon, the above-entitled matter went off the record
20 at 9:54 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: 03-31-21

Place: Teleconference

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
accurate record of the proceedings.



Gary Euell

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