

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

NOVEMBER 17, 2021

+ + + + +

The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:30 a.m. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

- FREDERICK L. HILL, Chairperson
- LORNA L. JOHN, Vice Chairperson
- CARL H. BLAKE, Board Member
- CHRISHAUN S. SMITH, Board Member (NCPC)

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- CLIFFORD W. MOY, Secretary
- PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- RYAN NICHOLAS, ESQ.

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

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

9:38 a.m.

1  
2  
3 BZA CHAIR HILL: Good morning, ladies and  
4 gentlemen, the Board of Zoning Adjustment. Today's date is  
5 11/17. The public hearing will please come to order.

6 My name is Fred Hill. I'm Chairperson of the  
7 District Board of Zoning Adjustment. Today, joining me is  
8 Lorna John, Vice Chair, and Board Members Carl Blake and  
9 Chrishaun Smith, and Zoning Commissioners Anthony Hood and  
10 Peter Shapiro.

11 Today's meeting and hearing agenda are available  
12 to you on the Office of Zoning's website.

13 Please be advised that this recording is recorded  
14 live by Webex and YouTube Live. The video of the webcast  
15 will be available on the Office of Zoning's website after  
16 today's hearing.

17 Accordingly, everyone who is listening on Webex  
18 or by telephone will be muted during the hearing. Also,  
19 please be advised that we do not take any public testimony  
20 at our decision meeting sessions.

21 If you're experiencing difficulty accessing Webex  
22 or the telephone call-in, then please call our OZ hotline  
23 number at 202-727-5471, which is also listed on the screen.

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

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1 whether a full or summary order may be issued. A full order  
2 is required when the decision it contains is adverse to a  
3 party, including an affected ANC.

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

9 In today's hearing session, everyone who is  
10 listening on Webex or by telephone will be muted during the  
11 hearing and only persons who have signed up to participate  
12 or testify will be unmuted at the appropriate time. Please  
13 state your name and home address before providing oral  
14 testimony or your presentation.

15 Oral presentations should be limited to a summary  
16 of your most important points. When you are finished  
17 speaking, please mute your audio so that your microphone is  
18 no longer picking up sound or background noise.

19 Once again, if you are experiencing difficulty  
20 accessing Webex or with your telephone call-in, or if you've  
21 forgotten to sign up 24 hours in advance, then please call  
22 our OZ hotline number at 202-727-5471.

23 All persons planning to testify either in order  
24 or in opposition should have signed up in advance. They will  
25 be called by name to testify. If this is an appeal, only

1 parties are allowed to testify.

2 By signing up to testify, all participants  
3 completed the oath or affirmation as required by Subtitle Y-  
4 408.7.

5 Requests to enter evidence at the time of an  
6 online virtual hearing, such as written testimony or  
7 additional supporting documents, other than live video, which  
8 may not be presented as part of the testimony, may be allowed  
9 pursuant to Subtitle Y-103.13, provided that the person  
10 making the request to enter an exhibit explain how the  
11 proposed exhibit is relevant, the good cause that justifies  
12 allowing the exhibit in the record, including an explanation  
13 of why the requester did not file the exhibit prior to the  
14 hearing pursuant to Y-206, and how the proposed exhibit would  
15 not unreasonably prejudice any parties.

16 The order of procedures for special exceptions and  
17 variances are pursuant to Y-409. The order of appeals is  
18 pursuant to Y-507.

19 At the conclusion of each case, an individual who  
20 was unable to testify because of technical issues may file  
21 a request for leave to file a written version of the planned  
22 testimony to the record within 24 hours following the  
23 conclusion of public testimony in the hearing.

24 If additional written testimony is accepted, then  
25 the parties will be allowed a reasonable time to respond,

1 also to remind the Board.

2           The Board will then make its decision at its next  
3 meeting session, but no earlier than 48 hours after the  
4 hearing.   Moreover, the Board may request additional  
5 information, specific information to complete the record.

6           The Board and the staff will specify at the end  
7 of the hearing exactly what's expected and the date of the  
8 process with the Office of Zoning.   No other information  
9 shall be accepted by the Board.

10           Following the District of Columbia Administrative  
11 Procedures Act requires that the public hearing on each case  
12 be held in the open before the public.   However, pursuant to  
13 Section 405(b) and 406 of that Act, the Board may, consistent  
14 with its rules and procedures and the Act, enter into a  
15 closed meeting on a case for purposes of seeking legal  
16 counsel on a case pursuant to D.C. Official Code Section 2-  
17 575(b)(4) and/or deliberating on a case pursuant to D.C.  
18 Official Code Section 2-575(b)(13), but only after filing the  
19 necessary public notice and in the case of an emergency  
20 closed meeting after taking a roll call vote.

21           Mr. Secretary, do we have any preliminary matters  
22 today?

23           MR. MOY:   Thank you, Mr. Chairman.   Good morning,  
24 and good morning to the Board.   I do have a quick  
25 announcement.   The first one relates to case applications

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1 that are not on today's hearing docket. Number one, appeal  
2 number 20580 of NL 1271 5th Street, LLC has been rescheduled  
3 to January 26, 2022.

4 Case application number 20559 of William and Susan  
5 Nash has been granted a continuance to March 9, 2022. Case  
6 application number 20547 of 1005 Rhode Island Avenue NE  
7 Square, or rather NE Partner, LLC has been continued to  
8 February 16, 2022, and finally, case application number 20561  
9 of Matthew Baker has been withdrawn by the applicant.

10 Other than that, Mr. Chairman, as has been  
11 customary, staff would suggest for efficiency that the Board  
12 address other preliminary matters such as motions when the  
13 case is called. That's it for me, Mr. Chairman.

14 BZA CHAIR HILL: Okay, thanks, Mr. Moy. Good  
15 morning, everyone. It's nice to see everyone. Mr. Young,  
16 thank you for your help with my virtual background. I now  
17 feel part of the team. And if you could please call our  
18 first case, Mr. Moy?

19 MR. MOY: Yes, thank you, Mr. Chairman. I like  
20 the uniformity. It looks very good actually. I just wanted  
21 to let you know because maybe you can't see it from where you  
22 are.

23 Okay, so the one case that is on the Board's  
24 meeting session is an expedited review case, and that is case  
25 application number 20582 of Daniel Carucci, C-A-R-U-C-C-I.

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1 This is an application to construct a rear one-story  
2 accessory structure to an existing detached two-story with  
3 basement principal dwelling unit in the R-1-B zone, and this  
4 is a special exception from the maximum building area  
5 requirements of Subtitle D, Section 5003.1, pursuant to  
6 Subtitle D, Section 5201, and Subtitle X, Section 902.1.

7 This is located at 3827 Massachusetts Avenue NW,  
8 Square 1816, Lot 810.

9 BZA CHAIR HILL: Okay, after going ahead and  
10 reviewing the record, I didn't really have a lot of concerns  
11 about this application, or I should say also and this  
12 expedited review, the fact that it's an expedited review.

13 I would agree with the analysis that OP has  
14 provided. I would also agree with the argument that the  
15 applicant is making as to why they're meeting the criteria  
16 for us to grant the relief requested.

17 It seems as though the ANC had been notified or  
18 tried to be notified several times by letters, and I guess  
19 this project did not rise to the concerns of the ANC as to  
20 why, you know, we don't have anything from the ANC, but  
21 again, I didn't have any issues or concerns with this, so I  
22 was going to vote in support.

23 Mr. Smith, do you have any thoughts on that?

24 MEMBER SMITH: No, I don't. I concur with your  
25 analysis on this particular application and I will also

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1 support it.

2 BZA CHAIR HILL: Okay, Vice Chair John?

3 VICE CHAIRPERSON JOHN: I have nothing much to add  
4 except that the two adjacent property owners are in support  
5 and I'm in support of the application.

6 BZA CHAIR HILL: Okay, thank you, Ms. John. Mr.  
7 Blake? You're on mute, Mr. Blake.

8 MEMBER BLAKE: I apologize. I too would be in  
9 support of this. I would also reiterate the fact that DDOT  
10 has no objection, and of course, again, with the letters of  
11 support from the adjacent neighbors at 3823 and 3835 Mass  
12 Ave., and I would be prepared to support as well.

13 BZA CHAIR HILL: Thank you. Chairman Hood?

14 ZC CHAIR HOOD: I don't have anything to add. I  
15 think the record in this case warrants our approval.

16 BZA CHAIR HILL: All right, I'm going to make a  
17 motion to approve application number 20582 as captioned and  
18 read by the Secretary and ask for a second. Ms. John?

19 VICE CHAIRPERSON JOHN: Second.

20 BZA CHAIR HILL: The motion has been made and  
21 seconded. Mr. Moy, could you take a roll call?

22 MR. MOY: Thank you, Mr. Chairman. When I call  
23 each of your names, if you would please respond with a yes,  
24 no, or abstain to the motion made by Chairman Hill to approve  
25 the application for the relief requested. The motion to

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1 approve was seconded by Vice Chair John. Zoning  
2 Commissioner, or rather Zoning Commission Chair Anthony Hood?

3 ZC CHAIR HOOD: Yes.

4 MR. MOY: Mr. Smith?

5 MEMBER SMITH: Yes.

6 MR. MOY: Mr. Blake?

7 MEMBER BLAKE: Yes.

8 MR. MOY: Vice Chair John?

9 VICE CHAIRPERSON JOHN: Yes.

10 MR. MOY: Chairman Hill?

11 BZA CHAIR HILL: Yes.

12 MR. MOY: The staff would record the vote as five  
13 to zero to zero and this is on the motion made by Chairman  
14 Hill to approve. The motion to approve was seconded by Vice  
15 Chair John. Also in support of the motion to approve was  
16 Zoning Commission Chair Anthony Hood, Mr. Smith, Mr. Blake,  
17 and, of course, Vice Chair John and Chairman Hill. Again,  
18 Mr. Chairman, the motion carries with a vote of five to zero  
19 to zero.

20 BZA CHAIR HILL: Okay, thanks, Mr. Moy.

21 (Whereupon, the above-entitled matter went off the  
22 record at 9:52 a.m.)

23

24

25

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: 11-17-21

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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Court Reporter

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