

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

DECEMBER 15, 2021

+ + + + +

The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 2:50 p.m. EST, Lorna John, Vice Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

- LORNA JOHN, Vice Chairperson
- CARL BLAKE, Board Member
- CHRISHAUN SMITH, Board Member (NCPC)

ZONING COMMISSION MEMBER[S] PRESENT:

- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- CLIFFORD MOY, Secretary
- RYAN NICHOLAS, ESQ., Attorney Advisor
- PAUL YOUNG, Zoning Data Specialist

The transcript constitutes the minutes from the Regular Public Meeting held on December 15, 2021.

C-O-N-T-E-N-T-S

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II. TIME EXTENSION

Application No. 13540-B of National Geographic  
Society . . . . . 6

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

3:00 p.m.

1  
2  
3 MR. MOY: Yes, thank you, Madam Vice Chair. With  
4 pleasure. The Board is back in session after a quick break,  
5 and the time is 3:00 p.m. And the Board is about to convene.  
6 It's a decision meeting session where there are two scheduled  
7 cases.

8 So the first of the two cases, Madam Vice Chair,  
9 is Application No. 20585, Jacob Hensley. This application  
10 is scheduled for the Board's public hearing on December 22nd.  
11 However, there is a request for advanced consideration of  
12 party status and from a Jeff Gay. So that is what is before  
13 the Board. And I believe he is in the hearing room if the  
14 Board chooses to have any questions for him.

15 VICE CHAIRPERSON JOHN: Thank you, Mr. Moy. Yes,  
16 the regulations require the presence of the person making the  
17 application for party status. However, in this case, we have  
18 a very full record. And I believe we can -- we don't really  
19 need to take testimony on this case.

20 And I'll just go ahead and describe what the  
21 application is. Mr. Gay is the next door neighbor at 1455  
22 Swann Street, Northwest. And as the Board is aware, the  
23 Board typically grants party status to an adjacent neighbor  
24 which is what the current situation is.

25 And there's a presumption that that neighbor will

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1 be more significantly, distinctively, or uniquely affected  
2 by the project than other persons in the general public. So  
3 there's also no objection by the Applicant to granting party  
4 status. And in my view, Mr. Gay meets the requirement for  
5 receiving party status. But I would like to hear from other  
6 members of the Board.

7 COMMISSIONER SHAPIRO: I have no objection.

8 MEMBER SMITH: In addition, Mr. Gay has met the  
9 conditions of Y 404.1. He's complied with all of those file  
10 requirements. And there's also been not only no opposition  
11 from the Applicant but also there's no opposition of the  
12 affected ANC to party status as well. And as you pointed  
13 out, he has met the criteria of Y 404.13. So I would be  
14 prepared to support him having party status.

15 VICE CHAIRPERSON JOHN: Thank you.

16 COMMISSIONER SHAPIRO: I concur, Madam Chair.

17 VICE CHAIRPERSON JOHN: Okay.

18 MEMBER SMITH: I concur as well.

19 VICE CHAIRPERSON JOHN: Mr. Smith, okay. So  
20 having heard your responses, I will make a motion to approve  
21 Application No. 20585. I'll approve the party status request  
22 of Mr. Jeff Gay in the matter of Application No. 20585 of  
23 Jacob Hensley and ask for a second.

24 MEMBER SMITH: Second.

25 VICE CHAIRPERSON JOHN: Mr. Moy, would you please

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1 take the roll call?

2 MR. MOY: When you hear your names, if you would  
3 please respond with a yes, no, or abstain to the motion made  
4 by Vice Chair John to grant advanced party status in  
5 opposition to Jeff Gay. The motion was seconded by Mr.  
6 Smith. Zoning Commissioner Peter Shapiro?

7 COMMISSIONER SHAPIRO: Yes.

8 MR. MOY: Mr. Blake?

9 Mr. Smith?

10 MEMBER SMITH: Yes.

11 MR. MOY: Vice Chair John?

12 VICE CHAIRPERSON JOHN: Yes.

13 MR. MOY: We have a Board member not present, not  
14 voting. Staff would record the vote as 4 to 0 to 1, and this  
15 is on the motion of Vice Chair John to grant -- the motion  
16 was seconded by Mr. Smith, also in support of the motion to  
17 grant advanced party status. It is Zoning Commissioner Peter  
18 Shapiro, Mr. Smith, Mr. Blake, and Vice Chair John. Motion  
19 carries on the vote of 4 to 0 to 1.

20 VICE CHAIRPERSON JOHN: Thank you, Mr. Moy. And  
21 can you call our last case?

22 MR. MOY: This is Application No. 13540-B of the  
23 National Geographic Society. This is a request for a time  
24 extension from BZA Order No. 13540-A which was effective  
25 November 17, 2019. This would extend for an additional two

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1 years, BZA Order No. 13540-A. Let's see. This is located  
2 in RF-1 Zone. Property is located at 1600 M Street,  
3 Northwest, Square 183, Lot 883 and Lot 884.

4 VICE CHAIRPERSON JOHN: Thank you, Mr. Moy. So  
5 I believe that this case also can be decided on the record  
6 without additional testimony because it's a fairly full  
7 record and the issues are not really very complicated. So  
8 if anyone does not object, then we can go ahead and  
9 deliberate. Are there any hands? No. Okay. So does anyone  
10 want to start the deliberation? Mr. Blake, would you like  
11 to start?

12 MEMBER BLAKE: Sure. The Applicant has complied  
13 timely with the requirements of Y 705.2A. And there have  
14 been no substantial changes in any of the material facts upon  
15 which the Board based its original proof of the application.  
16 And the application -- the Applicant has demonstrated good  
17 cause in that the Applicant was unable to proceed with the  
18 financing of the project, the planning and preparation of fit  
19 joints, because of some delays with HPRB in approving a  
20 reconsideration of HPRB decision. So for that reason, I  
21 believe that the Applicant has met the requirements of Y  
22 705.1 and be comfortable granting the extension.

23 VICE CHAIRPERSON JOHN: Thank you. Mr. Shapiro?

24 COMMISSIONER SHAPIRO: I concur, Madam Chair.

25 VICE CHAIRPERSON JOHN: Mr. Smith?

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1 MEMBER SMITH: I concur as well.

2 VICE CHAIRPERSON JOHN: And I also agree with the  
3 comments so far. I would just note that there could be some  
4 issue about whether or not a time extension can be granted  
5 for modification of consequence like this. But I believe the  
6 regulations can be read broadly to include the modification  
7 of consequence.

8 And that, I think, is because of Y 705.1 which  
9 states that the requirements of that regulation apply to all  
10 applications approved by the BZA. And the modification of  
11 consequence is directly related to the granting of the  
12 special exception. I believe it was earlier.

13 And the request is timely. It was filed -- the  
14 effective date of the order granting the modification of  
15 consequence was November 17, 2019 which would expire November  
16 17, 2021. And the application was filed on October 20th,  
17 this year. So are there any other comments?

18 So since there are no other comments, I will make  
19 a motion to approve Application No. 13540-B of National  
20 Geographic Society for a time extension as captured and read  
21 by the Secretary and ask for a second. Mr. Blake?

22 MEMBER BLAKE: Second.

23 VICE CHAIRPERSON JOHN: Thank you, Mr. Blake. Mr.  
24 Moy, would you please take the roll call?

25 MR. MOY: When you hear your names, would you

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1 please respond with a yes, no, or abstain to the motion made  
2 by Vice Chair John to grant the request for a time extension.  
3 The motion to grant was seconded by Mr. Black. Zoning  
4 Commissioner Peter Shapiro?

5 COMMISSIONER SHAPIRO: Yes.

6 MR. MOY: Mr. Smith?

7 MEMBER SMITH: Yes.

8 MR. MOY: Mr. Blake?

9 Vice Chair John?

10 VICE CHAIRPERSON JOHN: Yes.

11 MR. MOY: We have a Board member not present, not  
12 voting. But staff would record the vote as 4 to 0 to 1, and  
13 this is on the motion made by Vice Chair John to approve or  
14 to grant the request for a time extension. The motion was  
15 seconded by Mr. Blake. Also in support of the motion, Zoning  
16 Commissioner Peter Shapiro, Mr. Smith, Mr. Blake, and Vice  
17 Chair John. Staff would record the vote as 4 to 0 to 1. The  
18 motion carries, ma'am.

19 VICE CHAIRPERSON JOHN: Thank you, Mr. Moy. So  
20 is there anything else pending before the Board today, Mr.  
21 Moy?

22 MR. MOY: There is nothing from the staff for the  
23 Board.

24 VICE CHAIRPERSON JOHN: Thank you. Well, on that  
25 note, we will adjourn this hearing. The Board is no longer

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1 in session.

2 (Whereupon, the above-entitled matter went off the  
3 record at 3:11 p.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: DC BZA

Date: 12-15-21

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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