

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

APRIL 13, 2022

+ + + + +

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

- ANTHONY HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

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

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- MARY NAGELHOUT, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on April 13, 2022.

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

2 9:35 a.m.

3 BZA CHAIR HILL: Good morning, ladies and  
4 gentleman, the Board of Zoning Adjustment. Today's date is  
5 4/13/2022. Public hearing will please come to order.

6 My name is Fred Hill. And I am Chairperson of the  
7 District of Columbia Board of Zoning Adjustment. Joining me  
8 today is Lorna John, Vice Chair, and Board members Carl Blake  
9 and Chrishaun Smith and Zoning Commission Chairman Anthony  
10 Hood.

11 Today's meeting and hearing agenda are available  
12 through the Office of Zoning's website. Please be advised  
13 that this proceeding is being recorded by a court reporter.  
14 It is also webcast live via Webex and YouTube Live. The  
15 video of the webcast will be available on the Office of  
16 Zoning website after 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 session. If you're experiencing any  
21 trouble getting on Webex or a telephone, please call our  
22 hotline number at 202-727-5471, once again, 202-727-5471.

23 At the conclusion of our decision meeting session,  
24 I shall in consultation with the Office of Zoning determine  
25 whether a full or summary order may be issued. A full order

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

7 In today's hearing session, everyone who is  
8 listening on Webex or by telephone will be muted during the  
9 hearing and only the person who has signed up to participate  
10 or testify will be unmuted at the appropriate time.

11 Please state your name and home address before  
12 providing oral testimony or in a presentation. Oral  
13 presentations should be limited to a summary of your most  
14 important points. When you're finished speaking, please mute  
15 your audio so that your microphone is no longer picking up  
16 sound or background noise.

17 All persons planning to testify either in favor  
18 or in opposition should have signed up in advance. They will  
19 be called by name to testify. If this is an appeal, only  
20 parties are allowed to testify. By signing up to testify,  
21 all participants completed the oath or affirmation as  
22 required by Subtitle Y 408.7.

23 Request to enter evidence at the time of an online  
24 virtual hearing, such as written testimony or additional  
25 supporting documents other than live video which may not be

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1 presented as part of the testimony but it may be allowed  
2 pursuant to Subtitle Y 103.15 provided that the person making  
3 the request to enter an exhibit explain, A, how the proposed  
4 exhibit is relevant, B, a good cause that justifies allowing  
5 the exhibit into the record, including an explanation of why  
6 the requestor did not file the exhibit prior to the hearing  
7 pursuant to Y 206 and, C, how the proposed exhibit would not  
8 reasonably prejudice any parties.

9           The order of procedures for special exceptions and  
10 variances is pursuant to Y 409. (Audio interference.)

11           At the conclusion of each case, an individual who  
12 was unable to testify because of technical issues may file  
13 a request for leave to file a written version of the planned  
14 testimony to the record within 24 hours following the  
15 conclusion of all the testimony in the hearing.

16           If additional written testimony is accepted, then  
17 parties will be allowed a reasonable time to respond (audio  
18 interference). The Board will then make a decision at its  
19 next meeting session but no earlier than 48 hours after the  
20 hearing.

21           Moreover, the Board may request additional  
22 specific information to complete the record. The Board and  
23 the staff will specify at the ending of hearing exactly what  
24 is expected and the date when a person must submit the  
25 evidence the office cited. No other information shall be

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1 accepted by the Board.

2           Finally, District of Columbia Administrative  
3 Procedure Act requires a public hearing on each case be held  
4 in the open before the public. However, pursuant to Section  
5 405(b) and 406 of that Act, the Board may consistent with its  
6 rules and procedures and the Act, enter into closed meeting  
7 on a case for purposes of seeking legal counsel on a case  
8 pursuant to D.C. Official Code, Section 2-575(b)(4) and/or  
9 deliberate on a case pursuant to D.C. Official Code Section  
10 2-575(b)(13) but only after providing the necessary public  
11 notice, and in the case for an emergency closed meeting,  
12 after taking a roll call vote.

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

14           MR. MOY: Good morning, Mr. Chairman and members  
15 of the Board. I do have a brief announcement regarding  
16 preliminary matters.

17           But first, let's see, for the record regarding  
18 today's docket, we have two applications that have been  
19 postponed and rescheduled to a future date. The first of the  
20 two is Case Application No. 20234. This is the application  
21 of Kuumba Learning Center, Inc., rescheduled to May 18, 2022,  
22 and also Case Application No. 20594 of Nezahat and Paul  
23 Harrison, rescheduled to May 18, 2022 also.

24           Other than that, there are only a few preliminary  
25 matters in today's hearing. But I can call those when I call

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1 the case, Mr. Chairman.

2 BZA CHAIR HILL: Okay. Thanks, Mr. Moy. Good  
3 morning, everybody. Nice to see everybody. Thank you for  
4 joining us today. Mr. Moy, you can call our first meeting  
5 case.

6 MR. MOY: All right. Thank you, sir.

7 So this would be Appeal No. 19027-B, B as in  
8 Bravo, of Rima Calderon and William Sawicki. Before you, Mr.  
9 Chairman, and the Board is your action, for you to take  
10 action on the draft final order on remand.

11 And I suppose for the transcript, well, let me  
12 read the caption to this appeal. This is Appeal No. 19027-B  
13 of Rima Calderon and William Sawicki, pursuant to 11 DCMR  
14 Section 3100 and 3101, from a March 19, 2015 decision of the  
15 Department of Consumer and Regulatory Affairs to issue  
16 building permit number B1504436, which would renovate a hotel  
17 in the DC/R-5-D District. That premises is 1731 New  
18 Hampshire Avenue, N.W., Square 154, Lot 829. And once again,  
19 Mr. Chairman, this is before the Board regarding the draft  
20 final order.

21 BZA CHAIR HILL: Okay. I know that everyone has  
22 had a chance to take a look at the draft final order. This  
23 was something that, again, was on remand to us and was also  
24 revised to address parties' comments.

25 The Board initially heard this order -- I'm sorry.

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1 The Board's initial order was remanded by the D.C. Court of  
2 Appeals so that the Board could address various questions.  
3 A proposed order on remand was approved by the Board on  
4 August 4, 2021. Because some of the Board members  
5 participating in the remand did not personally hear evidence  
6 in the case, the proposed order was distributed to the  
7 parties for their comments in accordance with the D.C.  
8 Administrative Procedures Act.

9           Comments were received only from the appellants,  
10 who challenged two aspects of the decision on the remand.  
11 The first comment addressed an alleged increase in commercial  
12 adjunct/function room space in the hotel, which the Board has  
13 already addressed. The second comment alleged for the first  
14 time in this proceeding that the relocation of seating space  
15 increased its visibility. This claim differed from the  
16 appellants' prior arguments on the initial visibility and was  
17 not timely to raise now.

18           The draft order is ready for issuance. I don't  
19 have anything further to add. And if so, my fellow Board  
20 members can raise their hand. I'm going to go ahead and make  
21 a motion to approve the final order on remand and ask for a  
22 second, Ms. John.

23           VICE CHAIRPERSON JOHN: Second.

24           BZA CHAIR HILL: The motion was made and seconded,  
25 Mr. Moy, if you can take a roll call.

1 MR. MOY: Thank you, sir. When I call each of  
2 your names, if you would please respond with a yes, no,  
3 abstain to the motion made by Chairman Hill to issue the  
4 draft final order on remand. This motion was seconded by  
5 Vice Chair John. Chairman, Zoning Commission Chairman Hood.

6 ZC CHAIR HOOD: Yes.

7 MR. MOY: Mr. Smith.

8 MEMBER SMITH: Yes.

9 MR. MOY: Mr. Blake.

10 Vice Chair John.

11 VICE CHAIRPERSON JOHN: Yes.

12 MR. MOY: Chairman Hill.

13 BZA CHAIR HILL: Yes.

14 MR. MOY: Staff would record the vote as five to  
15 zero to zero. And this is on the motion made by Chairman  
16 Hill, second by Vice Chair John. Also in support of the  
17 motion to issue is Mr. Smith, Mr. Blake, Vice Chair John,  
18 Chairman Hill, and, of course, Zoning Commission Chair  
19 Anthony Hood. The motion carries on a vote of five to zero  
20 to zero.

21 BZA CHAIR HILL: All right. Thanks, Mr. Moy. You  
22 can call our expedited review when you get a chance.

23 MR. MOY: This is Case Application No. 20689 of  
24 Roopa, R-O-O-P-A, Kosuri, and Kanak Patel. And this is an  
25 expedited review application for special exception from the

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1 side yard requirements, so Subtitle E, Section 207.4,  
2 pursuant to Subtitle E, Section 5201 and Subtitle X, Section  
3 901.2, which would construct a rear, two-story addition to  
4 an existing, detached, two-story principal dwelling unit in  
5 the RF-3 Zone, property located at 119 Sixth Street, S.E.,  
6 Square 842, Lot 36.

7 BZA CHAIR HILL: Okay. As you all know, this is  
8 an expedited review for a special exception from the side  
9 yard requirements to construct a two-story, rear addition to  
10 a two-story, detached principal dwelling.

11 I've had an opportunity to review the record. And  
12 I don't really have any issues with this. I do believe that  
13 the applicant is meeting the criteria for us to grant the  
14 relief requested.

15 In addition to that, the Office of Planning has  
16 provided their recommendation in support, which I would agree  
17 with in their analysis, as well as support of ANC 6B. And  
18 DDOT has no issues. This is also, it's the same footprint  
19 as the existing deck, so another reason why I didn't really  
20 have any issues with it. The Architect of the Capitol did  
21 submit a report with no objection in Exhibit 25. And the  
22 Capitol Hill Restoration Society also has submitted a letter  
23 in support.

24 If the Board doesn't have anything further to add,  
25 I'm going to go ahead and make a motion to approve

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1 Application No. 20689 as captioned and read by the Secretary  
2 and ask for a second, Ms. John.

3 VICE CHAIRPERSON JOHN: Second.

4 BZA CHAIR HILL: The motion has been made and  
5 seconded, Mr. Moy, if you can take a roll call.

6 MR. MOY: Thank you, sir. When I call each of  
7 your names, if you would please respond with a yes, no, or  
8 abstain to the motion made by Chairman Hill to approve the  
9 application for the relief that's being requested. The  
10 motion to approve was seconded by Vice Chair John. Zoning  
11 Commission Chair Anthony Hood.

12 Mr. Smith.

13 MEMBER SMITH: Yes.

14 MR. MOY: Mr. Blake.

15 Vice Chair John.

16 Chairman Hill.

17 BZA CHAIR HILL: Yes.

18 MR. MOY: Staff would record the vote as five to  
19 zero to zero. And this is on the motion made by Chairman  
20 Hill to approve, second by Vice Chair John, also in support  
21 of the motion to approve Zoning Commission Anthony Hood, Mr.  
22 Smith, Mr. Blake, and, of course, Vice Chair John and  
23 Chairman Hill. The motion carries on the vote of five to  
24 zero to zero.

25 BZA CHAIR HILL: Okay. So, you guys, that

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1 finished our meeting cases. I'm just pointing out we have  
2 12 cases today. So I'm going to do my best to keep us on  
3 track and moving forward. But I just wanted to point out we  
4 had 12 cases today.

5 (Whereupon, the above-entitled matter went off the  
6 record at 9:48 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: DC BZA

Date: 04-13-22

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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