

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

APRIL 20, 2022

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 9:39 a.m. EST, 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 MEMBERS PRESENT:

- ANTHONY HOOD, Chairperson
- ROBERT MILLER, Vice 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 20, 2022.

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

2 9:39 a.m.

3 BZA CHAIR HILL: Good morning, ladies and  
4 gentlemen to the Board of Zoning Adjustment. Today's date  
5 is 4/20/2022.

6 The public hearing will please come to order. My  
7 name is Fred Hill. I'm the Chairperson of the District of  
8 Columbia Board of Zoning Adjustment. Joining me today is  
9 Lorna John, Vice Chair; Members Carl Blake and Chrishaum  
10 Smith; and Zoning Commissioners Anthony Hood and Rob Miller.

11 Today's meeting and hearing agenda are available  
12 on the Office of Zoning website. Please be advised that this  
13 proceeding is being recorded by a court reporter and it's  
14 also webcast live via Webex and Youtube Live. The video of  
15 the webcast will be available on the Office of Zoning's  
16 website after today's hearing. Accordingly, everyone who  
17 is listening on Webex or by telephone will be muted during  
18 the hearing. Also, please be advised that we do not take any  
19 public testimony at our decision meeting session.

20 If you're experiencing difficulty accessing Webex  
21 or with your telephone call-in, please call our OZ Hotline.  
22 The number is 202-727-5471. Once again, 202-727-5471, to  
23 receive Webex login or call-in instructions.

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

14           All presentations should be limited to a summary  
15 of your most important points. When you are finished  
16 speaking, please mute your audio so that your microphone is  
17 no longer picking up sound or background noise. Once again,  
18 if you are experiencing difficulty accessing Webex or with  
19 your telephone call-in, or have forgotten to sign up 24 hours  
20 prior to this hearing, then please call our OZ Hotline at  
21 202-727-5471 to sign up to testify.

22           All persons planning to testify either in favor  
23 or in opposition should have signed up in advance. They will  
24 be called by name to testify. If this is an appeal, the only  
25 parties that are allowed to testify. By signing up to

1 testify, all participants completed the oath or affirmation  
2 as required by Subtitle Y408.17.

3           Requests to enter evidence at the time of an  
4 online virtual hearing, such as written testimony or  
5 additional supporting documents other than live video, which  
6 may not be permitted as part of testimony, may be allowed  
7 pursuant to Y103.13 provided that the person making the  
8 request as an exhibit, explained how the proposed exhibit is  
9 relevant, the due cause justifies allowing the exhibit into  
10 the record including the explanation of why the request did  
11 not file the exhibit prior to the hearing pursuant to Y206  
12 and how the exhibit would not unreasonably prejudice any  
13 parties.

14           The order of procedures to a special exception to  
15 a variance are pursuant to Y409. The order of appeals is  
16 Y507.

17           At the conclusion of each case, an individual who  
18 is unable to testify because of technical issues may file a  
19 request for leave to file a written version of the planned  
20 testimony to the record within 24 hours following the  
21 conclusion of the public testimony in the hearing. If  
22 additional written testimony is accepted, then parties will  
23 be allowed a reasonable time to respond as determined by the  
24 Board. The Board will then make the decision at its next  
25 meeting session, but no earlier than 48 hours after the

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1 hearing.

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

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

14           MR. MOY: Good morning, Mr. Chairman, members of  
15 the Board. I do, but very briefly. As to today's docket and  
16 for the record, Case Application No. 20678 which is the  
17 application of Taylor Lofts, LLC, this application has been  
18 rescheduled to May 11th, 2022. Other than that there are  
19 other matters, but I think for the Board's efficiency, I can  
20 call that to the table when I call that specific application.

21           Other than that, that's all I have. Thank you,  
22 sir.

23           BZA CHAIR HILL: Okay, great. Thank you. Good  
24 morning, everybody. So nice to see everyone on this little  
25 virtual screen.

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1 Mr. Moy, if you could call our first meeting case,  
2 our first and only one actually, when you get to it.

3 MR. MOY: Yes. So this would be -- this is an  
4 expedited review of calendar case and it is Application No.  
5 20669 of Kenna, K-E-N-N-A, Williams. This is a request for  
6 special exception pursuant to Subtitle E Section 5201 and  
7 Subtitle X Section 901.2 from the accessory building rear  
8 yard requirement, Subtitle E Section 5004.1A. This would  
9 construct an accessory building in a required rear yard. The  
10 property is located at 1520 Spring Place, NW, Square 2689,  
11 Lot 77. That's it, sir.

12 BZA CHAIR HILL: Great. Okay, thank you, Mr. Moy.  
13 Okay, I've had a chance to review the application and  
14 originally I wasn't -- there was some questions that I might  
15 have had concerning the Office of Planning's report, but  
16 after going back through it again I think actually I'm  
17 comfortable with the project and the relief that's being  
18 requested.

19 While I think the solar project is an interesting  
20 project and also it's good to move forward with things that  
21 I know the Mayor is interested in doing in terms of solar and  
22 -- or having an opportunity to help with that endeavor.  
23 However, I do think that they're meeting the criteria for us  
24 to grant the relief requested.

25 I also would agree with the analysis that has been

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1 provided by the Office of Planning and that of the ANC which  
2 are both in support and DDOT had no objection.

3 I don't know if anyone has anything to add.

4 Mr. Smith?

5 MEMBER SMITH: I don't have anything to do. I  
6 agree with your assessment and I am voting to support this  
7 application.

8 BZA CHAIR HILL: Thank you, Mr. Smith.

9 Mr. Blake?

10 MEMBER BLAKE: I'm okay with the application. I  
11 believe the applicant met the burden of proof pursuant to  
12 80.5201 as well as the general standing of Subtitle X.

13 BZA CHAIR HILL: Great. Thank you. Chairman  
14 Hood?

15 ZC CHAIR HOOD: I don't have anything to add. I  
16 won't be repetitive, but I would agree with my colleagues and  
17 I am ready to support this expedited review. Thanks.

18 BZA CHAIR HILL: Great. Thank you. Vice Chair  
19 John?

20 BZA VICE CHAIR JOHN: I'm in support of the  
21 application. I have nothing to add.

22 BZA CHAIR HILL: Okay. I'm going to make a motion  
23 then to approve Application No. 20669 as captioned and read  
24 by the Secretary and ask for a second.

25 Ms. John?

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1 BZA VICE CHAIR JOHN: Second.

2 BZA CHAIR HILL: Motion made and seconded. Mr.  
3 Moy, if you could take a roll call?

4 MR. MOY: When I call each -- when I call your  
5 name, if you would please respond with a yes, no, or abstain  
6 to the motion made by Chairman Hill to approve the  
7 application for the special exception and relief requested.

8 The motion to approve was seconded by Vice Chair  
9 John.

10 Zoning Commission Chair Anthony Hood?

11 ZC CHAIR HOOD: Yes.

12 MR. MOY: Mr. Smith.

13 MEMBER SMITH: Yes.

14 MR. MOY: Mr. Blake.

15 MEMBER BLAKE: Yes.

16 MR. MOY: Vice Chair John.

17 BZA VICE CHAIR JOHN: Yes.

18 MR. MOY: Chairman Hill.

19 BZA CHAIR HILL: Yes.

20 MR. MOY: Staff would then record the vote as five  
21 to zero to zero and this is on the motion of Chairman Hill  
22 to approve. The motion to approve seconded by Vice Chair  
23 John in support of the motion. Also in support of the motion  
24 to approve Zoning Commission Chair Anthony Hood, Mr. Smith,  
25 Mr. Blake, and of course, Vice Chair John, and Chairman Hill.

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1 Motion carries on a vote of five to zero to zero.

2 BZA CHAIR HILL: Okay, great. Thank you, Mr. Moy.

3 (Whereupon, the above-entitled matter went off the  
4 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: 04-20-22

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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