

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

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WEDNESDAY

MAY 4, 2022

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:30 a.m., 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, Zoning Commission Chair

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SARAH BAJAJ, ESQ.
MARY NAGELHOUT, ESQ.
RYAN NICHOLAS, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on May 4, 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, Board of Zoning Adjustment. Today is 5/4/2022.
5 This public hearing will please come to hearing. My name is
6 Fred Hill. I'm the Chairperson of the District of Columbia
7 Board of Adjustment. Today joining me is Lorna John, Vice
8 Chair, and Board Members Carl Blake and Chrishaun Smith, and
9 Zoning Commissioner is Anthony Hood, Chairman Anthony Hood.

10 Today's meeting and hearing agenda are available
11 on the Office of Zoning's website. Please be advised that
12 this proceeding is being recorded by a court reporter and
13 also webcast live via Webex and YouTube Live. The video
14 broadcast will be available on the Office of Zoning website
15 after today's hearing. Accordingly, everyone who's listening
16 on Webex or by telephone will be muted during the hearing.

17 Also, please be advised that we do not take any
18 public testimony at decision meeting sessions.

19 If you're experiencing difficulty accessing Webex
20 or with your telephone call-in, then please call the OZ
21 hotline number at 202-770-5471. Once again, 202-770-5471 to
22 receive Webex login or call-in instructions.

23 At the conclusion of the 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

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

7 In today's hearing session, everyone who is listed
8 on Webex or the telephone will be muted during the hearing
9 and only persons who are signed up to participate or testify
10 will be unmuted at the appropriate time. Please state your
11 name and home address before providing oral testimony or your
12 presentation. Oral presentation should be limited to a
13 summary of your most important points. When you're finished
14 speaking, please mute your audio so that your microphone is
15 no longer picking up sound or background noise.

16 All persons planning to testify either in favor
17 or in opposition should have signed up in advance of their
18 need to testify. If this is an appeal, only parties are
19 allowed to testify by signing up to testify. All participants
20 must complete the oath or affirmation as required by Subtitle
21 Y 408.7. Requests to enter evidence at the time in online
22 virtual hearings such as written testimony and additional
23 supporting documents other than live video -- which may not
24 be presented as part of the testimony -- may be allowed under
25 Subtitle Y 103.13 provided that the persons making the

1 request to enter an exhibit explain a) how their exhibit is
2 relevant; b) the good cause justifying filing the exhibit
3 into the record including an explanation of why the requester
4 did not file the exhibit prior to the hearing pursuant to
5 Subtitle Y 206; and c) how the proposed exhibit would not
6 unreasonably prejudice any parties. There are procedures for
7 special exceptions and advances pursuant to Y 409.

8 At the conclusion of each case, an individual who
9 is unable to testify because of technical issues may file a
10 request for leave to file a written version of the planned
11 testimony to the record within 24 hours following the
12 conclusion of public testimony hearing. If additional
13 written testimony is accepted, the parties would be allowed
14 a reasonable time to respond as determined by the Board. The
15 Board will then make its decision at its next meeting session
16 no earlier than 48 hours after the hearing. Moreover, the
17 Board may request additional specific information to complete
18 the record. The Board and the staff will specify at the end
19 of the hearing exactly what is expected and the date when
20 persons must submit the evidence to the Office of Zoning.
21 No other information shall be expected by the Board.

22 Once again, after the Board adjourns the hearing,
23 I, in consultation with the Office of Zoning, will determine
24 whether a summary order or full order will be issued.

25 Finally, District of Columbia Administrative

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

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

12 MR. MOY: Good morning, Mr. Chairman, Members of
13 the Board. I do have a brief announcement regarding
14 preliminary matters. First, the -- in reference to the --
15 today's docket, Case Application Number 20704, Crystal
16 Hammond has been postponed and rescheduled to September 28,
17 2022. And there are other preliminary matters but for the
18 Board's efficiency sake, I will announce those when I call
19 the case application.

20 BZA CHAIR HILL: Okay, great. All right. Good
21 morning, everybody, pleasure to see you on the screen, which
22 is just ridiculous. And so Mr. Moy, you can go ahead and
23 call our first -- we have a little bit of a -- I know that
24 some Board Members have some issues with timing later, so I'm
25 again going to try to be expeditious, you know, as organized

1 as possible. Mr. Moy, if you could go ahead and call our
2 first expedited review.

3 MR. MOY: Yes, sir. This would be the only case
4 on the Board's meeting session today, and that is Case
5 Application Number 20708 of Patricia Probst, P-R-O-B-S-T, and
6 Jourdan Miller. This is an application for special
7 exceptions pursuant to Subtitle D Section 5201 and Subtitle
8 X Section 901.2 from the lot occupancy requirements of
9 Subtitle D Section 304.1 and from rear yard requirements of
10 Subtitle D Section 306.2. The property is located 515
11 Oglethorpe Street, NW, Square 3202, Lot 218. The property
12 is in the R-2 Zone and let's see, I gave the address. And
13 I think that's it.

14 The only other thing I have, Mr. Chairman, is the
15 applicant filed within our block 24-hour period for
16 submissions and it was the applicant's document that regards
17 the applicant's evidence of outreach to the neighbors and to
18 the ANC. So that's before you, too, as to whether or not you
19 would allow that into the record, please.

20 BZA CHAIR HILL: Okay. If you could go ahead --
21 unless the Board minds, I would like to go ahead and drop
22 that into the record. If you have any issues, raise your
23 hand. Seeing none, Mr. Moy, if you could ask the staff to
24 drop that into the record. I see that the ANC did provide
25 their report which is something that I was unclear about.

1 And by the way, I don't know who the chair is of this ANC but
2 4B, if you're listening, you did a wonderful job with your
3 report, I mean like it's very -- it's actually quite helpful.

4 So in terms of deliberating on this case, I didn't
5 really have an issue with it. I thought it was pretty clear
6 and straightforward in terms of why they're meeting the
7 criteria for us to grant the relief requested. I would agree
8 with the analysis that the Office of Planning has provided
9 as well as that of DDOT and then also the ANC's resolutions.
10 I'm going to be voting in favor. Mr. Smith, do you have
11 anything to add?

12 MEMBER SMITH: I agree with your analysis. I
13 agree with the analysis of Office of Planning on the reasons
14 why we should support these special exceptions for them to
15 be able to construct the addition of the rear of the existing
16 dwelling. And with that, I'll support the application.

17 BZA CHAIR HILL: Thank you. Mr. Blake?

18 MEMBER BLAKE: I agree with the analysis that you
19 put forth as well as the analysis of the Office of Planning
20 and recommendation. I do appreciate the report from the ANC
21 4B. I know the applicant went through a lot to get that, and
22 I appreciate that very much. I will be voting in favor as
23 well.

24 BZA CHAIR HILL: Thank you. Chairman Hood?

25 ZC CHAIR HOOD: I, too, Mr. Chairman, would agree

1 with my colleagues. I think the application warrants, first
2 of all, doing an expedited review and with all the findings,
3 I will be voting in support. Thank you.

4 BZA CHAIR HILL: Thank you. Vice Chair John?

5 VICE CHAIRPERSON JOHN: Thank you, Mr. Chairman.
6 I'm in support of the application. It's very
7 straightforward.

8 BZA CHAIR HILL: All right. I'm going to make a
9 motion to approve Application Number 20708 as captioned and
10 read by the Secretary and ask for a second. Ms. John?

11 VICE CHAIRPERSON JOHN: Second.

12 BZA CHAIR HILL: Motion has been made and second.
13 Mr. Moy, can you take a roll call?

14 MR. MOY: When I call your name, if you would
15 please respond with a yes, no, or abstain to the motion made
16 by Chairman Hill to approve the application for the relief
17 that's requested. The motion to approve was second by Vice
18 Chair John. Zoning Commission Chair Anthony Hood?

19 ZC CHAIR HOOD: Yes.

20 MR. MOY: Mr. Smith?

21 MEMBER SMITH: Yes.

22 MR. MOY: Mr. Blake?

23 MEMBER BLAKE: Yes.

24 MR. MOY: Vice Chair John?

25 VICE CHAIRPERSON JOHN: Yes.

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1 MR. MOY: Chairman Hill?

2 BZA CHAIR HILL: Yes.

3 MR. MOY: Then staff will record the vote as 5-0-0
4 and this is on the motion made by Chairman Hill to approve.
5 The motion to approve and in support was made by Vice Chair
6 John. Also in support of the motion to approve, Zoning
7 Commission Chair Anthony Hood, Mr. Smith, Mr. Blake and, of
8 course, Vice Chair John and Chairman Hill. The motion
9 carries on a vote of 5-0-0.

10 BZA CHAIR HILL: Thank you, Mr. Moy.

11 (Whereupon, the above-entitled matter went off the
12 record at 9:45 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: 05-04-22

Place: teleconference

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



Court Reporter

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