

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

MAY 11, 2022

+ + + + +

The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Video-Teleconference, pursuant to notice at 9:35 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 MEMBERS PRESENT:

ANTHONY HOOD, Chairman
JOSEPH S. IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
SARAH BAJAJ, Attorney Advisor
RYAN NICHOLAS, Attorney Advisor
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 May 11, 2022.

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

2 9:34 a.m.

3 BZA CHAIR HILL: Okay. Good morning, ladies and
4 gentlemen of the Board of Zoning Adjustment. Today's date
5 is 5/11/2022. Public hearing will please come to order.

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

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

18 Also please be advised that we do not take any
19 public testimony during our decision meeting sessions. If
20 you're experiencing difficulty accessing Webex or with your
21 call-in, then please call our OZ Hotline number at 202-727-
22 5471 to receive Webex call-in instructions. It's also listed
23 on your screen.

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14TH ST., N.W. STE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

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. A full order may also be
4 needed if the Board's decision differs from the Office of
5 Planning's recommendation. Although the Board favors the use
6 of summary orders whenever possible, an Applicant may not
7 request the Board to issue it as an order.

8 In today's hearing session, everyone who's
9 listening on Webex or by telephone will be muted during the
10 hearing, and only persons signed up to participate and
11 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 Oral presentation should be limited to a summary
15 of your most important points. When you're finished
16 speaking, please mute your audio so that your microphone is
17 no longer picking up sound or background noise. All persons
18 planning to testify either in favor in opposition should have
19 signed up in advance. They'll be called up (audio
20 interference) only parties are allowed to testify. By
21 signing up to testify, all the participants complete the oath
22 or affirmation required by Subtitle Y-408.7.

23 Requests to enter evidence admitted at the time
24 of an online hearing, such as written testimony and
25 additional supporting documents other than live video, which

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14TH ST., N.W. STE 200
WASHINGTON, D.C. 20009-4309

1 may not be presented as part of the testimony, may be allowed
2 pursuant to Subtitle Y-103.13, provided that the person who
3 made the request to enter an exhibit explained, A, how the
4 proposed exhibit is relevant, B, has a good cause to justify
5 us allowing the exhibit into the record, including an
6 affirmation why the requester did not file the exhibit prior
7 to the hearing pursuant to Y-206, and C, how the proposed
8 exhibit will not unreasonably prejudice any parties.

9 The order and procedures for special exception and
10 variance as pursuant to Y-409. At the conclusion of each
11 case, an individual who is unable to testify because of a
12 technical issue may file a request for leave to file a
13 written version of the planned testimony to the record within
14 14 hours following the conclusion of public testimony in the
15 hearing.

16 If additional written testimony is accepted, then
17 parties will be allowed a reasonable time to respond as
18 determined by the Board. The Board will then make its
19 decision at its next meeting session but no earlier than 48
20 hours after the hearing. Moreover, the Board may request
21 additional specific information to include in the record.
22 The Board will establish and specify by the end of the
23 hearing exactly what's expected and the date when the person
24 must submit the evidence to the Office of Zoning. No other
25 information will be accepted by the Board.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14TH ST., N.W. STE 200
WASHINGTON, D.C. 20009-4309

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

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

12 MEMBER MOY: Good morning, Mr. Chairman and
13 members of the Board. It's Wednesday. So, very quickly, I
14 do have a few announcements, and let's see. So, for the
15 record, regarding today's docket, we have two cases that have
16 been granted their motion for continuance.

17 The first case is Application Number 20703 of
18 Mast, M-A-S-T, Holding I LLC. This has been rescheduled to
19 July 6th, 2022. And finally, Application Number 20713 of
20 Jeffrey and Jill Miller has been rescheduled to July 27th,
21 2022.

22 And there are preliminary matters on specific
23 cases, but I think it's more expeditious if I bring that to
24 your attention when I call the case. Thank you, sir.

25 BZA CHAIR HILL: All right. Thank you.

1 All right. Good morning, everybody. Let's see.
2 Mr. Moy, can you call our first public meeting?

3 MEMBER MOY: Yes, sir. This would be Case
4 Application Number 20054 of Rupsha 2011, LLC. And the case
5 caption reads as follow: as amended, pursuant to 11 DCMR
6 Subtitle X, Chapter 9, for a special exception under Subtitle
7 You, Section 421.1, to construct an eight-unit apartment
8 building in the RA-1 zone at premises 616 50th Street,
9 Northeast, Square 5180, Lot 814.

10 And the action that is before the Board is to
11 review and adopt the proposed order as the final order. And
12 that's it for me, Mr. Chair.

13 BZA CHAIR HILL: Thank you, Mr. Moy. Okay. I
14 know that everybody's had a chance to look at the draft order
15 that was approved by the Board. And I didn't have any
16 additional comments or issues with it. I think we're ready
17 to go ahead and make it final.

18 So does anybody have anything they'd like to add?
19 If so, raise your hand.

20 I don't see anyone raising their hand, so I'm
21 going to go ahead and make a motion to approve the final
22 order of Application 20054 and ask for a second.

23 Ms. John?

24 VICE CHAIR JOHN: Second.

25 BZA CHAIR HILL: Mr. Moy, the motion is made and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14TH ST., N.W. STE 200
WASHINGTON, D.C. 20009-4309

1 seconded. If you'd take a roll call.

2 MEMBER MOY: When I call your name, if you would
3 please respond with a yes, no, abstain to the motion made by
4 Chairman Hill to approve the proposed order as the final
5 order. The motion was made by Chairman Hill. The motion to
6 approve was seconded by Vice Chair John.

7 Mr. Smith?

8 MEMBER SMITH: Yes.

9 MEMBER MOY: Mr. Blake?

10 MEMBER BLAKE: Yes.

11 MEMBER MOY: Vice Chair John?

12 VICE CHAIR JOHN: Yes.

13 MEMBER MOY: Chairman Hill?

14 BZA CHAIR HILL: Yes.

15 MEMBER MOY: I believe there are no others
16 participating on this motion. The staff would record the
17 vote as 4 to 0 to 1. And this is on the motion made by
18 Chairman Hill to approve or to adopt. The motion was
19 seconded by Vice Chair John. Also in support of the motion,
20 Mr. Smith, Mr. Blake, and of course Vice Chair John and
21 Chairman Hill. No other participating.

22 Motion carries on a vote of 4 to 0 to 1.

23 BZA CHAIR HILL: Okay. Thanks, Mr. Moy.

24 (Whereupon, the above-entitled matter went off the
25 record at 9:42 a.m.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14TH ST., N.W. STE 200
WASHINGTON, D.C. 20009-4309

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: 05-11-22

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701