

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
NOVEMBER 8, 2023

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The Regular Public Meeting of the DC Board of Zoning Adjustment convened via Videoconference, pursuant to notice, at 9:35 a.m. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:
FREDERICK L. HILL, Chairperson
LORNA L. JOHN, Vice-Chairperson

ZONING COMMISSION MEMBERS PRESENT:
JOSEPH S. IMAMURA, PhD, AOC Designee

OFFICE OF ZONING STAFF PRESENT:
CLIFFORD MOY, Secretary
PAUL YOUNG, A/V Production Specialist

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:
SARAH BAJAJ, ESQ.
COMETRIA COOPER, ESQ.
CARISSA DEMARE, ESQ.
RYAN NICHOLAS, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on November 8, 2023.

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

2 9:35 a.m.

3 CHAIRPERSON HILL: Good morning,
4 ladies and gentlemen, Board of Zoning Adjustment.
5 Today's date is 11/8/2023. This public hearing
6 will please come to order.

7 My name is Fred Hill, Chair of the
8 District of Columbia Board of Zoning Adjustment.
9 Joining me today is Vice Chair Lorna John, Board
10 member Chrishaun Smith, Zoning Commissioners
11 Anthony Hood, Rob Miller, and Dr. Joe Imamura.
12 Today's meeting and hearing agenda are available
13 to you on the Office of Zoning's website.

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

21 Also, please be advised that we do not
22 take any public testimony in our decision meeting
23 session. If you are experiencing difficulty
24 accessing Webex or with the telephone calling,
25 please call our OZ hotline number at

1 202-727-5471, once again, 202-727-5471. It's all
2 still listed on your screen.

3 At the conclusion of the decision
4 meeting session, I shall, in consultation with
5 the Office of Zoning, determine whether a full or
6 summary order may be issued. A full order is
7 required when the decision it contains is adverse
8 to a party, including an affected ANC. A full
9 order may also be needed if the Board of Zoning's
10 decision differs from the Office of Planning's
11 recommendation. Although the Board favors the
12 use of summary orders whenever possible, an
13 Applicant may not request the Board to issue such
14 an order.

15 In today's hearing session, everyone
16 who is listening on Webex or telephone will be
17 muted during the hearing. Only persons who
18 signed up to participate or testify will be
19 unmuted at the appropriate time. Please state
20 your name and home address before providing oral
21 testimony or your presentation. Oral
22 presentation should be limited to a summary of
23 your most important points. When you're finished
24 speaking, please mute your audio so that your
25 microphone is no longer picking up the sound or

1 background noise.

2 All persons planning to testify either
3 in favor and opposition should have signed up in
4 advance. They'll be called by name to testify.
5 If this is an appeal, only parties are allowed to
6 testify. By signing up to testify, all
7 participants complete the oath or affirmation as
8 required by Subtitle Y 408.7.

9 Requests to enter evidence at the time
10 of the online virtual hearing, such as written
11 testimony or additional supporting documents
12 other than live video, which may not be presented
13 as part of testimony, may be allowed pursuant to
14 Subtitle Y 103.13, provided that, one, the person
15 making the request enter an exhibit and explain,
16 A, how the proposed exhibit is relevant, B, the
17 good cause that justifies allowing the exhibit
18 into the record, including an explanation of why
19 the requester did not file the exhibit prior to
20 the hearing pursuant to Y 206, and C, how the
21 proposed exhibit would not unreasonably prejudice
22 any parties. There are the procedures for
23 special exception of variances are pursuant to Y
24 409.

25 At the conclusion of each case, an

1 individual who was unable to testify because of
2 technical issues may file a request for leave to
3 file a written version of the planned testimony
4 to the record within 24 hours following the
5 conclusion of public testimony in the hearing.
6 If additional written testimony is accepted, the
7 parties will be allowed a reasonable time to
8 respond as determined by the Board.

9 The Board will then make its decision
10 at its next meeting session, but no earlier than
11 48 hours after the hearing. Moreover, the Board
12 may request additional specific information to
13 complete the record. The Board and the staff
14 will specify at the end of the hearing exactly
15 what is expected and the date when persons must
16 submit the evidence to the Office of Zoning. No
17 other information shall be accepted by the Board.

18 Finally, the District of Columbia
19 Administrative Procedures Act requires that the
20 hearing of each case be held in the open before
21 the public. However, pursuant to Section
22 405(b)(4) -- I'm sorry, 405(b) and 406 of that
23 Act, the Board may, consistent with its rules and
24 procedures and the Act, enter into closed
25 meetings on a case for purposes of seeking legal

1 counsel on a case pursuant to D.C. Official Code
2 Section 2-575(b)(4) and/or deliberating on a case
3 pursuant to D.C. Official Code Section
4 2-575(b)(13), but only after filing the necessary
5 public notice and, in the case of an emergency
6 closed meeting, after taking a roll call vote.

7 Mr. Secretary, do we have any
8 preliminary matters?

9 MR. MOY: Good morning, Mr. Chairman.
10 Can you -- are you able to hear me?

11 CHAIRPERSON HILL: I am. Thank you.

12 MR. MOY: Got it. Boy, I think my
13 audio seems to have a mind of its own sometimes.
14 Anyways, good morning, Mr. Chairman, members of
15 the Board. Just a few announcements.

16 First, with regards to today's docket,
17 Application Number 20983 of the House of Ruth has
18 been postponed, rescheduled to January 31st,
19 2024. Application Number 20931 of Layla Bonnot
20 has been postponed, rescheduled to February 14th,
21 2024. Case Application Number 20974, RVH --
22 rather, RVP H Street, Northwest, LLC, postponed,
23 rescheduled to March 27th, 2024.

24 Other than that, Mr. Chairman, my
25 final statement is for our viewers and for the

1 record. The Chairman has reviewed and granted
2 waivers to allow late filings into the applicable
3 case records pursuant to Subtitle Y, Section
4 206.7, and Subtitle Y, Section 103.13. So any
5 other late filings today during the course of the
6 live hearing should be presented before the Board
7 by the applicant or parties or witnesses.

8 And I believe that's all I have for
9 you. Thank you, Mr. Chairman.

10 CHAIRPERSON HILL: Thank you, Mr. Moy.
11 Let me pull up some files.

12 All right, Mr. Moy. I know that we
13 have Dr. Imamura here just for a decision case.
14 So, if you can go ahead -- I think it's 20971 --
15 and welcome Dr. Imamura.

16 MR. MOY: Okay. This is the single
17 case in today's Board's meeting session, yes,
18 Application Number 20971 of 745 Kenyon Condos,
19 LLC. This, for the record, is an amended
20 self-certified application pursuant to Subtitle
21 X, Section 901.2, for the following special
22 exceptions: Subtitle E, Section 207.5, to allow a
23 rear wall, a row building to extend further than
24 ten feet; Subtitle U, Section 320.2, to allow
25 conversion of an existing residential building to

1 an apartment house use; Subtitle E, Section
2 204.4, for the rooftop architectural element
3 requirements; Subtitle E, Section 204.1, property
4 located in RF-1 zone at 745 Kenyon Street,
5 Northwest, Square 2892, Lot 38.

6 This was last heard by the Board at
7 its hearing on November 1st. And participating
8 on this decision is the Chairman, the Vice Chair,
9 Mr. Smith, and of course, Zoning Commissioner Dr.
10 Imamura.

11 COMMISSIONER IMAMURA: Thank you, Mr.
12 Chairman.

13 CHAIRPERSON HILL: Thank you. Okay.
14 So this one we heard last week. And I would
15 agree with the argument that the Applicant has
16 made as to why they're meeting the conditions for
17 us to grant the relief requested. I would also
18 agree with the analysis that the Office of
19 Planning has provided in support, including their
20 one condition about not allowing decks, terraces,
21 or recreational space on the roof of the rear
22 portion of the building containing Unit Number 3.

23 And I appreciate the Office of
24 Planning's explanation as to not only why that is
25 something that they thought there were some

1 adverse impacts to, but also, I got something new
2 from it, which is that it's also looking forward
3 into the future as to other properties or
4 projects that might be around that over -- you
5 know, in the future, so not to cause undue impact
6 into privacy issues.

7 I also note that the ANC was in
8 support, and what we had had was keeping the
9 record open so that a staircase could be -- it
10 was already removed, but really now to be clearly
11 removed from the project on the third floor. Now
12 I noticed that even the roof now in the drawing
13 says Unoccupied Roof. But I would note, again,
14 that we're still going to put it as a condition
15 there.

16 Dr. Imamura, would you like to add
17 anything?

18 COMMISSIONER IMAMURA: Thank you, Mr.
19 Chairman. I think your summary was spot-on. I
20 don't think I have anything more to add other
21 than to underscore that the plans have been
22 updated in the record to reflect the condition,
23 and I'm prepared to vote in support.

24 CHAIRPERSON HILL: Thank you. Vice
25 Chair John?

1 VICE CHAIR JOHN: Thank you, Mr.
2 Chairman. I'm in support of the application. I
3 don't have anything to add, and I note that the
4 record has been updated as well.

5 CHAIRPERSON HILL: Thank you. All
6 right. I'm going to make a motion, then, to
7 approve Application Number 20971, including the
8 condition that OP had recommended concerning
9 there shall be no decks, terraces, or
10 recreational space on the roof of the rear
11 portion of the building containing Unit Number 3,
12 and ask for a second. Ms. John?

13 VICE CHAIR JOHN: Second.

14 CHAIRPERSON HILL: The motion has been
15 made and seconded. Mr. Moy, if you could take
16 the roll call, please.

17 MR. MOY: Thank you, Mr. Chairman.
18 When I call your name, if you'll please respond
19 to the motion made by Chairman Hill to approve
20 the application for the relief requested, along
21 with the condition as stated by the Chair that's
22 in reference to the condition that was in the OP
23 report. The motion is seconded by Vice Chair
24 John.

25 Zoning Commissioner Dr. Imamura?

1 COMMISSIONER IMAMURA: Yes.

2 MR. MOY: Vice Chair John?

3 VICE CHAIR JOHN: Yes.

4 MR. MOY: Chairman Hill?

5 CHAIRPERSON HILL: Yes.

6 MR. MOY: And we have an absentee
7 ballot vote from Mr. Smith, and his vote is to
8 approve the application and such conditions as
9 may be imposed. So staff would record the vote
10 as 4 to 0 to 1. And this is on the motion made
11 by Chairman Hill to approve, with one condition,
12 the motion to approve with second by Vice Chair
13 John.

14 Voting to approve, Zoning Commissioner
15 Dr. Imamura, Mr. Smith by absentee ballot, Vice
16 Chair John, and Chairman Hill. Motion carries,
17 sir, 4 to 0 to 1.

18 CHAIRPERSON HILL: Thank you. And,
19 Dr. Imamura, I might have a question for you
20 about something. So I'll send you a text.

21 COMMISSIONER IMAMURA: Sure thing.

22 CHAIRPERSON HILL: Thank you.

23 COMMISSIONER IMAMURA: All right.

24 Thank you, Mr. Chairman.

25 CHAIRPERSON HILL: You have a good

1 day.

2 COMMISSIONER IMAMURA: All right.

3 Thank you. You, too.

4 (Whereupon, the above-entitled matter
5 went off the record at 9:47 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: Regular Public Meeting

Before: DC BZA

Date: 11-08-23

Place: videoconference

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



Court Reporter

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