

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 15, 2023

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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. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA L. JOHN, Vice-Chairperson
CHRISHAUN S. SMITH, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

ROBERT MILLER, Vice-Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON, Associate Director, Development Review
MATT JESICK, Development Review Specialist,
Development Review and Zoning

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.
COMETRIA COOPER, ESQ.
RYAN NICHOLAS, ESQ.

The transcript constitutes the minutes from
the Regular Public Meeting held on November 15, 2023.

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

2 9:39 a.m.

3 CHAIRPERSON HILL: Great, thank you. Good
4 morning, ladies and gentlemen of the Board of Zoning
5 Adjustment. Today's date is 11/15/2023, this public hearing
6 will please come to order. My name is Fred Hill, Chairman
7 of the District of Columbia Board of Zoning Adjustment.
8 Joining me today will be Vice-Chair Lorna John, board members
9 Chrishaun Smith and Zoning Commissioner Rob Miller.

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 is
13 also webcast live via WebEx and YouTube Live. The video of
14 the webcast will be available on the Office of Zoning's
15 website after today's hearing. Accordingly, everyone who is
16 listening on WebEx or by telephone will be muted during the
17 hearing. Also, please be advised that we do not take any
18 public testimony at our decision meeting session.

19 If you're experiencing difficulty accessing WebEx
20 or with your telephone call-in, then please call our OZ
21 Hotline number at 202-727-5471 -- it's also listed on the
22 screen.

23 At the conclusion of decision meeting session, I
24 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 persons who have signed up to participate
10 or testify will be unmuted at the appropriate time. Please
11 state your name and home address before providing oral
12 testimony or your presentation. Oral presentation should be
13 limited to a summary of your most important points. When
14 you're finished speaking, please mute your audio so that your
15 microphone is 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, they'll
18 be called by name to testify. If this is an appeal, only
19 parties are allowed to testify. By signing up to testify,
20 all participants agree to the oath or affirmation, as
21 required by Subtitle Y 408.7.

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

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1 be allowed, pursuant to Subtitle Y 103.13. Provided that the
2 person making the request enter an exhibit explains, A, how
3 the proposed exhibit is relevant. B, the good cause that
4 justifies the exhibit into the record, including explanation
5 of why the requestor did not file the exhibit prior to the
6 hearing, pursuant to Y 206, and how the proposed exhibit
7 would not unreasonably prejudice any parties.

8 The order of procedures for special exceptions and
9 variances are in Y 409. If this is an appeal, the special
10 order is -- I'm sorry, the order is also pursuant to Y 409.
11 Or, I'm sorry -- is pursuant to Y 507. The appeal is Y 507.

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

1 the Board.

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

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

15 MR. MOY: Good morning, Mr. Chairman and members
16 of the Board. I do have a brief announcement regarding
17 today's hearing. First, application number 20984, the appeal
18 of Jonathan Dupree, Mike Maguire, and 2429 Ontario
19 Condominium Unit Owners Association has been rescheduled to
20 the hearing of June 26, 2024.

21 Finally, the Chairman has reviewed and granted
22 waivers to allow any late filings today into the applicable
23 case records, pursuant to Subtitle Y Section 2016.7 and
24 Subtitle Y Section 103.13. Any other late filings today
25 during the course of the live hearing should be presented

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1 before the Board by the applicant, or other parties, or
2 witnesses. That's all I have for you, sir.

3 CHAIRPERSON HILL: Thank you, Mr. Moy. Vice-Chair
4 John, can you hear us?

5 BZA VICE-CHAIR JOHN: Good morning. Yes, I can
6 hear you. I'm trying to login on another device, so I will
7 continue to join by phone.

8 CHAIRPERSON HILL: Okay, great. As long as you
9 can hear us, Vice-Chair John, that's wonderful. Mr. Moy, if
10 you could go ahead and call our public meeting case for
11 today?

12 MR. MOY: All right, thank you, sir. So, before
13 the Board in it's public hearing session is application
14 number 21018 of 786 Lamont Street, LLC. This was submitted
15 as a self-certified application, pursuant to Subtitle X
16 Section 901.2 for special exceptions under Subtitle E Section
17 207.5. And under Subtitle E Section 5201 from the lot
18 occupancy requirements of Subtile E Section 210.1. Property
19 is located in the RF-1 zone at 786 Lamont Street Northwest,
20 Square 2892, Lot 69.

21 And there's a preliminary matter in this case, but
22 I'll leave that with you, Mr. Chairman, thank you.

23 CHAIRPERSON HILL: Okay. All right, so this
24 actually is a special exception -- I'm sorry, an expedited
25 review case for a special exception. And it appears as

1 though, again, it is in relief from the ten-foot rule. And
2 according to our regulations, the ten-foot rule is not
3 something which we can hear as an expedited review. And so,
4 I believe, Mr. Moy, we need to take this off of our expedited
5 review, and then set this for a hearing. Do you have a
6 suggestion as to when that might be best for the Board?

7 MR. MOY: My understanding, Mr. Chairman, is that
8 this application has -- since it was on the expedited review
9 calendar -- still required the 40-day public notice referral.
10 So, at this point, I believe you can reschedule it to a
11 future date -- I would suggest two or three weeks.

12 CHAIRPERSON HILL: Okay. Will it -- what date do
13 you suggest?

14 MR. MOY: I would suggest either November 29 or --
15 December 6 is already full, so I'm looking for either
16 November 29 or December 13.

17 CHAIRPERSON HILL: Okay. I mean, if we can take
18 care of it on the 29, then let's go ahead and take care of
19 it on the 29.

20 MR. MOY: All right, done.

21 CHAIRPERSON HILL: Okay, all right. Then, we'll
22 do this on 11/29. Okay, all right. Mr. Moy, you can call
23 our appeal case.

24 (Whereupon, the above-entitled matter went off the
25 record at 9:49 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: 11-15-23

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.

Neal R. Gross
Court Reporter

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