

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

DECEMBER 20, 2023

+ + + + +

The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, 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
CARL BLAKE, Member
CHRISHAUN S. SMITH, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice-Chairperson

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING ATTORNEY ADVISOR PRESENT:

RYAN NICHOLAS, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on December 20, 2023.

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

2 10:17 a.m.

3 MR. MOY: I believe, Mr. Chairman, the Board is
4 going to address the request for party status to Case
5 Application 21017

6 BZA CHAIR HILL: Okay. All right. Do you want
7 to call it when you can?

8 MR. MOY: So, before the Board is Case Application
9 Number 21017 of Phillip H. Bishop, to address the request for
10 advance party status because the hearing of the merits of the
11 Application actually is scheduled for March 6, 2024, yeah.

12 So, for the record then, for the transcript, this
13 is an Application as amended pursuant to Subtitle X, Section
14 1002 for area variance from the alley lot maximum height
15 requirements of Subtitle D, Section 51001.1(a); use variance
16 from Subtitle U, Section 600.1(f)(1) to allow a residential
17 use on an alley lot in an R-1 Zone; and pursuant to Subtitle
18 X, Section 901.2 for a special exception under Subtitle D,
19 Section 5201.3(a) from the side yard requirements of Subtitle
20 D, Section 5100.1(d).

21 And, the property is located in the R-1B Zone at
22 2229 Rear Bunker Hill Road, Northeast, Square 4239, Lot 64.
23 I think in my citation I may, under the use variance, I may
24 have said Section 600.1(f)(1). I really meant 600.1(f)(1),
25 I believe.

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1 Anyhow, I gave you the Zone District, R-1B. The
2 address I've given, right? 2229 Rear Bunker Hill Road,
3 Northeast, Square 4239, Lot 64.

4 And the Board is to address the request for party
5 status. And I believe that's all I have, Mr. Chairman.

6 BZA CHAIR HILL: Okay. Thank you. All right.
7 We have six different people requesting party status. Or I
8 think we have seven.

9 Is the attorney with us here on this one? Is it
10 Ms. Cooper who is with us?

11 (No audible response.)

12 BZA CHAIR HILL: Oh, there's seven, right. Never
13 mind, I counted. Yeah, seven.

14 So, and I'm looking in the record for their
15 arguments. Mr. Moy, is everyone here? I don't want to --
16 I don't need to bring everyone in just yet.

17 I know that -- and Ms. Cooper, you can tell me
18 this, but I mean, I know that in order to be considered for
19 party status, those have to be present, correct, Mr. Moy?

20 MR. MOY: Yes, sir. That's my understanding. And
21 they are -- they have signed up. And they are in queue
22 whenever you're ready to call them.

23 BZA CHAIR HILL: Okay. Great. So, what I'm
24 trying to see is if -- well, I'm going to do a couple of
25 things. I'm going to ask OZLD whether I need to hear from

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1 anybody. Or, I can -- we can just base whatever we want to
2 do off of the request. Or, if we want to -- if we wanted to
3 just take the testimony that's in the record and determine
4 whether we think people are meeting the criteria for us to
5 grant party status.

6 My first question, Ms. Cooper, is that something
7 that we can do?

8 (No audible response.)

9 BZA CHAIR HILL: Yes?

10 MR. NICHOLAS: I will be the attorney assigned to
11 this case. But, yes. You do not need to hear from anyone.
12 It's if the Board chooses and that's it, Mr. Chair.

13 BZA CHAIR HILL: Okay. So, that's number one.
14 So, then give me a moment, please.

15 Okay. So, it seems that the issues that the party
16 status requesters are having with this project all seem to
17 be somewhat similar.

18 I'm looking at where everyone is located in
19 relationship to the property. And so, my question is, --
20 well, I guess we can go ahead, I can walk through and bring
21 everybody in and hear, you know, what they have to say.

22 I can see there's obviously a variety of adjacent
23 properties. There's several properties that are across from
24 the alley, it looks like, if that is an alley.

25 So, do you all -- would you all like to hear from

1 everybody, is my question?

2 It looks like Vice Chair John; you're trying to
3 say something? I don't mind bringing in everybody else. So,
4 to kind of have a general idea is what I think.

5 VICE CHAIR JOHN: I think I might be interested
6 in hearing. I'm looking for the, trying to pull up the data
7 again where people are located. Which I just lost.

8 BZA CHAIR HILL: Okay. Well, Ms. John, actually
9 I -- just to make this as efficient as possible for me also,
10 I'll go ahead bring everybody in.

11 Mr. Young, let's do this in sections first. Well
12 actually, just bring everybody in. I'll figure it out once
13 they're all here.

14 It looks like there's seven.

15 MR. MOY: Mr. Chairman?

16 BZA CHAIR HILL: Yes?

17 MR. MOY: For the record, it's seven. But if we
18 count the spouses, we have 11. So, I just want to make that
19 clear for the --

20 BZA CHAIR HILL: Okay.

21 MR. MOY: I just want to make that clear for the
22 record, okay, sir?

23 BZA CHAIR HILL: Sure. I'll call out people.
24 Bring everybody in, Mr. Young, please. And then I'll call
25 everybody off of the list that I have here.

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1 VICE CHAIR JOHN: So, Mr. Chairman, --

2 BZA CHAIR HILL: Yes?

3 VICE CHAIR JOHN: Perhaps we can expedite this by
4 hearing from the neighbors who are not adjacent to the
5 property.

6 BZA CHAIR HILL: Sure.

7 VICE CHAIR JOHN: I'm trying to find my -- so, it
8 seems that there's some requesters who are actually abutting
9 the property.

10 That would be the occupants of 2215 Bunker Hill
11 Road, 2223 Bunker Hill Road, -- actually, 2223 Bunker Hill
12 Road we might not need to hear from, because they appear to
13 be the closest to the property, as well as 2219 Bunker Hill
14 Road.

15 So, perhaps we could hear from the occupant at
16 2211 Bunker Hill Road. 4017 22nd Street, Remoire (phonetic)
17 and the last name is Beaty at 4009 22nd Street.

18 And Mr. and Mrs. Ferguson at 4021, I believe, 22nd
19 Street.

20 BZA CHAIR HILL: Okay. Let me call them. I've
21 got the list here also.

22 VICE CHAIR JOHN: Yes.

23 BZA CHAIR HILL: And, thanks, Vice Chair John.
24 So, first of all, can the people from 2211 Bunker Hill Road
25 please speak up and introduce yourselves for the record?

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1 (No audible response.)

2 BZA CHAIR HILL: Is that Hartsfield? Anna
3 Hartsfield?

4 (No audible response.)

5 BZA CHAIR HILL: Hello, can you hear me?

6 MS. HARTSFIELD: Yes. I thought I did.

7 BZA CHAIR HILL: Okay. Now, I can hear you.

8 MS. HARTSFIELD: Oh, okay. I'm Ms. Hartsfield.

9 I'm at 2211 Bunker Hill Road.

10 BZA CHAIR HILL: Okay. Great.

11 MS. HARTSFIELD: And the people who are speaking
12 for me are at 2215 Bunker Hill Road.

13 BZA CHAIR HILL: Okay. Give me one second here.

14 Oh, okay. All right. Okay, Ms. Hartsfield, so you're going
15 to have --

16 MS. HARTSFIELD: Hartsfield.

17 BZA CHAIR HILL: Hartsfield.

18 MS. HARTSFIELD: Um-hum.

19 BZA CHAIR HILL: Ms. Hartsfield, you're going to
20 have then, right, the 2215 people speak on your behalf?

21 MS. HARTSFIELD: Yes.

22 BZA CHAIR HILL: Okay. All right. So, there's
23 there. Okay. Let's see, could I hear from Bonita Beaty at
24 4009 22nd Street?

25 MS. BEATY: Yes.

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1 BZA CHAIR HILL: Could you introduce yourself for
2 the record, please?

3 MS. BEATY: My name is Bonita Beaty. I live at
4 4009 22nd Street, Northeast, Washington, D.C. 20017. And I
5 would like to speak to -- speak for 4001, 4005, and 4009.

6 And, in his diagrams, he expressed that these
7 three homes would be impacted during the whole project.

8 BZA CHAIR HILL: Ms. Beaty, just one second. So,
9 what we're doing here today is trying to figure out who has
10 applied for party status and who's going to get party status.

11 So, what that means again, is that party status
12 means that you would be treated as a party in the application
13 process. And you just mentioned some other addresses that
14 I was not aware of.

15 What addresses did you just mention?

16 MS. BEATY: 4001, 4005, and 4009. We are the
17 three houses on the corner of 22nd Street. And they're --
18 they didn't sign up for the party status.

19 But these are the three homes that's going to be
20 impacted as far as construction that Mr. Bishop had in his
21 diagram.

22 BZA CHAIR HILL: Okay. So, you're -- how do you
23 believe that you're uniquely impacted from this application?

24 Do you believe it's construction and the proximity
25 to the property?

1 MS. BEATY: Yes. Well, it took me two years to
2 have the alley rebuilt so water wouldn't come into, the
3 rainwater wouldn't come into our basement areas. And we just
4 had that alley redone in August of 2023.

5 So, by him tearing up the alley to redo -- to
6 build his property, I don't think that alley will go back
7 into the design to stop rainwater from coming in our yards
8 and going into our basements.

9 Not only that, we have 15 stairs in the front of
10 our home. The veteran that lives in 4005 is confined to a
11 wheelchair. He has one of his legs amputated. So, it would
12 impact us coming through our backyards, to bring in our
13 groceries --

14 BZA CHAIR HILL: Okay. Ms. Bonita, I apologize.
15 I'm not trying to -- we're going to have the hearing in
16 March.

17 MS. BEATY: Uh-huh.

18 BZA CHAIR HILL: So, you may be able to hear.
19 Everybody, we're just trying to figure out party status right
20 now. And I pulled up your map. And I see the homes that
21 you're speaking of, I believe. Could you repeat those
22 numbers again for me, please?

23 MS. BEATY: It's 4001, 4005, and 4009.

24 BZA CHAIR HILL: Okay. Got it, got it, got it.
25 Okay. All right. Okay. Give me one minute. 4001, 4005,

1 and 4009. Okay.

2 Is the Applicant here?

3 (No audible response.)

4 BZA CHAIR HILL: Mr. Bishop? Or, I guess -- yes?

5 MR. MOY: My understanding yesterday was the
6 Applicant was not planning to participate today. And I
7 realize there's nothing in the record from the Applicant.

8 So, his position on these requests is, is silent.

9 So, he's not here.

10 BZA CHAIR HILL: Okay. Okay. Is it Ms. Beaty?

11 Ms. Beaty, B-E-A-T-Y?

12 MS. BEATY: It's Beaty.

13 BZA CHAIR HILL: Beaty. Thanks Ms. Beaty. Okay,
14 Ms. Beaty, give me one minute. I'm going to come back to
15 everybody. Okay?

16 MS. BEATY: Okay.

17 BZA CHAIR HILL: Can I hear from the Fergusons,
18 I think? It's 4029. Are you all here?

19 MR. FERGUSON: Yes, sir. We are.

20 BZA CHAIR HILL: Okay. Could you introduce
21 yourself for the record?

22 MR. FERGUSON: My name is Brian Ferguson.

23 BZA CHAIR HILL: Okay.

24 MS. FERGUSON: My name is Janella Ferguson.

25 BZA CHAIR HILL: Okay. And you guys are at 4029?

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1 MR. FERGUSON: 4021, sir.

2 BZA CHAIR HILL: 4021. Oh, okay, you're 4021.
3 Okay. All right. So, that's 4021. And you believe you're
4 uniquely impacted how?

5 MR. FERGUSON: There's a couple of reasons. One,
6 we are directly adjacent to the property in question. Our
7 parking slip in our back lot, yard, is directly across the
8 alley from the proposed construction.

9 BZA CHAIR HILL: Okay. All right. Let's see, is
10 -- And I'll come back to everybody. Is 4017 here?

11 (No audible response.)

12 BZA CHAIR HILL: Okay. Could you introduce
13 yourselves for the record, please?

14 (No audible response.)

15 BZA CHAIR HILL: Hello, can you hear me?

16 (No audible response.)

17 BZA CHAIR HILL: Was it Ramiro?

18 MS. RAMIRO: Yeah, that's me. Sara Arranz Ramiro,
19 4017 22nd.

20 BZA CHAIR HILL: Okay. Are you with esposa?

21 MS. RAMIRO: No. My husband is unable to -- so,
22 here's my husband, Francisco.

23 BZA CHAIR HILL: Oh, okay.

24 MR. ASTUDILLO: Hello? Yes, this is Francisco
25 Astudillo.

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1 BZA CHAIR HILL: Okay. Could you introduce
2 yourself for the record?

3 MR. ASTUDILLO: My name is Francisco Astudillo.
4 And my property is 4017 22nd Street, Northeast, Washington,
5 D.C.

6 BZA CHAIR HILL: Okay. And you, Ms. Ramiro and
7 Mr. Astudillo, you believe you're uniquely affected because
8 you're across from the alley. Is that correct?

9 MR. ASTUDILLO: That is correct.

10 BZA CHAIR HILL: Okay. All right. All right,
11 let's see. Okay. Can I hear from 2215? Can you hear me?

12 MS. ROMO: Michelle Romo from 2215 Bunker Hill
13 Road, Northeast. And my husband is with me as well.

14 MR. MALTA: Here I am, Taras Malta, also at 2215
15 Bunker Hill Road, Northeast.

16 BZA CHAIR HILL: Okay. I got it. And then, I see
17 where your property is. You're adjacent to the property.
18 Right?

19 MS. ROMO: Correct.

20 BZA CHAIR HILL: And then, can 2223 hear me?

21 MR. RAINA: My name is Lalit Raina. I'm at 2223
22 Bunker Hill for the record.

23 BZA CHAIR HILL: Okay. Thank you. And you're
24 also adjacent to the property, correct?

25 MR. RAINA: Yes, sir. My property touches the

1 most of that property.

2 BZA CHAIR HILL: Okay. And then, is it 2219, can
3 you hear me?

4 (No audible response.)

5 BZA CHAIR HILL: Ms. Bell?

6 MS. BELL: Yes, I can hear you.

7 BZA CHAIR HILL: Okay. Great. Could you
8 introduce yourself for the record?

9 MS. BELL: I'm Mildred Bell, and I live at 2219
10 Bunker Hill Road, Northeast.

11 BZA CHAIR HILL: Okay. Great. And you also are
12 adjacent to the property, correct?

13 MS. BELL: I'm adjacent to the property and from
14 my understanding, I use -- I have an easement to use the
15 property to go through to the alley.

16 BZA CHAIR HILL: Okay. Okay. All right. Have
17 you all, I don't know who to ask. I guess I'll ask the
18 Romos, or 2215, do you guys know each other?

19 MS. HARTSFIELD: Yes.

20 BZA CHAIR HILL: As a group?

21 MS. ROMO: So, we're neighbors. We've known each
22 other over the years. And have come together to apply for
23 party status to oppose this construction.

24 BZA CHAIR HILL: Yes. And then, you're
25 representing 2211, is that correct?

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1 MS. BELL: Yes.

2 MS. ROMO: Yes, she -- we're trying to hope for,
3 you know, one voice. But, yes.

4 MS. BELL: Oh, I'm sorry.

5 MS. ROMO: I'm not a lawyer. I'm not formally
6 representing.

7 BZA CHAIR HILL: No, it's okay. What I'm trying
8 to figure out is how to best do this. And, you know, if you
9 all were able to speak together as a group, I do think that
10 you all are in close proximity to this property, right?

11 And so, you know the hearing -- hello. So, the
12 hearing isn't until March. Right?

13 So, what happens is, you know, we wouldn't give
14 party status so that each individual would speak at the same
15 amount of time. It would be more like a group.

16 If you all could kind of like get together and
17 speak as a coordinated effort, right. Then that way, you
18 know, and you all are allowed to turn the cameras if you
19 like.

20 Then, that way like, you know, you could -- we
21 could more efficiently hear what your issues and concerns
22 are. Right?

23 And since, is it Ms. Romo?

24 (No audible response.)

25 BZA CHAIR HILL: Okay, well, Ms. Romo, since you

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1 turned your camera on, and since you're one of the adjacent
2 properties, I'm going to look at you.

3 And since you seem to be taking notes, we'll go
4 ahead and go with at least you can help me, right?

5 MS. ROMO: Sure.

6 BZA CHAIR HILL: So, you know, I know in the past,
7 and I'll let my fellow Board Members ask any questions about
8 anything if they want to as I'm kind of going through this.

9 In the past, we, you know, adjacent properties,
10 I think, almost automatically meet the criteria for us to
11 grant the party status. And so, you know, those three people
12 would have been given party status.

13 However, even as I look at the other properties
14 that are asking for party status, and considering the
15 proximity to that rear alley property, you know, even I would
16 be in favor of party status for the other members. Right?

17 But again now, I'm just trying to figure out how,
18 and you can -- you've got until March to kind of come up with
19 this, right?

20 You know, getting yourself organized.
21 Understanding how the process is going to be. And do you
22 know how to access the case files?

23 MS. ROMO: Yes. Yeah, we've actually had a lot
24 of help from the administrative staff at BZA to help find the
25 case file and make sure that we understand where all the

1 documents are.

2 BZA CHAIR HILL: Good.

3 MS. ROMO: Yeah. And all of that.

4 BZA CHAIR HILL: Okay. And I don't know whether
5 these guys have been, if this Applicant has been to the ANC
6 yet. You don't know, do you?

7 MS. ROMO: We -- yes. We actually, our ANC rep
8 hosted a community meeting to have him discuss it. And a lot
9 of issues were raised there as well.

10 BZA CHAIR HILL: Okay. Did you also --

11 (Simultaneous speaking.)

12 MS. ROMO: And he --

13 BZA CHAIR HILL: But they haven't been presented
14 yet to your ANC, is that correct?

15 MS. ROMO: To the big ANC Meeting?

16 BZA CHAIR HILL: Yes.

17 MS. ROMO: No. They -- there was a meeting. I
18 wish our Edward Bracco (phonetic) was here. But there was
19 a meeting to vote to not support this application, because
20 it was incorrect.

21 Originally he tried to get away with special
22 exceptions, even though it was an easement variance. So, on a,
23 you know, they voted before the December break to not support
24 that.

25 BZA CHAIR HILL: Okay. That's okay. So, I don't

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1 have --

2 MS. ROMO: He didn't show up. The owner didn't
3 show up.

4 BZA CHAIR HILL: I don't have a report yet.

5 MS. ROMO: Okay.

6 BZA CHAIR HILL: Yes. So, all I was trying to say
7 is that, you know, it will be important for the Board to get
8 something from the ANC.

9 MS. ROMO: Okay.

10 BZA CHAIR HILL: I'm sure the ANC will go ahead
11 and give us something. But that's some connect -- or, I'm
12 sorry. That's the -- that's an input that the Board gets.
13 Okay?

14 The Office of Planning will also issue a report
15 to the Board. Okay? Right. And it sounds like you know a
16 little bit now about variances and special exceptions. Okay?

17 And, well, that's okay. I mean, I don't think you
18 know a lot about it. But still, at least you know -- you
19 used the word.

20 So, the Office of Zoning, okay, will at least be
21 able to direct you to where the standards are for a variance
22 versus a special exception and what we, the Board, look at
23 as the criteria to judge that special exception or variances.
24 Okay? At the very least, the Office of Planning's report
25 will outline those criteria. Okay?

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1 So, when the Office of Planning's report comes in,
2 you will be notified, all of you will be notified if you all
3 get this. We'll see what happens with my fellow Board
4 members. But all of you will be notified about filings that
5 happen into the record if you get party status. All right?

6 So, what I'm asking you again is when you come
7 back in March, to have a spokesperson. Right? It doesn't
8 have to be you. You can figure it out amongst yourselves
9 what you want to do, but have somebody that can speak on your
10 behalf. And then you all can ask questions of that
11 spokesperson or everything can go through that spokesperson.
12 Okay?

13 So, that -- I guess, all right. So then -- and
14 right. The ANC again, you know, and whether or not they have
15 gone before the ANC with what they're trying to do, okay, I
16 don't know.

17 I mean, I don't know what the ANC has seen or what
18 the ANC hasn't seen yet. So, that will again, be just
19 another point of reference.

20 Again, your SMD, your single member district
21 person, will be able to help you also. Okay? And then,
22 yeah. That should be it. Right. Oh, and just also like,
23 if you can, like, you know, I know these are very hotly
24 contested issues.

25 So, try to use language that isn't provoking. It

1 tends to be helpful. Right? And so, I don't have the
2 Applicant here. However, if the Applicants are -- I will
3 assume the Applicant will watch this or will listen.

4 It is very helpful for the Applicant to get in
5 touch with the ANC, the SMD, and also people that are in
6 opposition, so that if there are any concerns, they can be
7 worked out ahead of time. That is helpful.

8 So, hopefully the Applicant will reach out to you.
9 And/or, you will get information to reach out to the
10 Applicant, but that the Office of Zoning can help you, the
11 staff. Okay? Whether or not they're allowed to give you
12 that, I don't know.

13 Do you, Ms. Romo, have any questions for me?

14 MS. ROMO: I don't think I have any questions at
15 this moment. No.

16 BZA CHAIR HILL: Okay.

17 MS. ROMO: Oh, sorry. One question. The Office
18 of Planning's report, how far ahead of time before the
19 hearing does that come in?

20 BZA CHAIR HILL: Yeah. I don't know. Mr. Moy,
21 I tend to get that like a -- well, it looks like Chairman
22 Hood knows the number.

23 ZC CHAIR HOOD: Fourteen days. But don't do what
24 I do. Don't quote me on it. But I think it's 14 days.

25 MS. ROMO: Okay. Thank you.

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1 MR. MOY: Yes. That's typically -- that is
2 typically correct from what Chairman Hood just said.

3 MS. ROMO: Thanks. I've just never seen the
4 report. So, thank you.

5 BZA CHAIR HILL: Yeah, no. And, actually, if you
6 go and look at any of the cases that we've already pulled up,

7 --

8 MS. ROMO: Okay.

9 BZA CHAIR HILL: It has the report.

10 MS. ROMO: Okay.

11 BZA CHAIR HILL: Right? So, the case that we just
12 went through actually had an area variance in there.

13 MS. ROMO: Um-hum.

14 BZA CHAIR HILL: Yeah. It had an area variance
15 in there. So, you know, I don't even know what case that
16 was.

17 MS. ROMO: I can find it.

18 BZA CHAIR HILL: If you looked up 20919, --

19 MS. ROMO: Okay.

20 BZA CHAIR HILL: That had an area variance in
21 there. Right? And the Office of Planning's report. Okay?

22 And that's for anybody who's listening also. And
23 so, just so you all know today who's listening, we're just
24 trying to figure out party status. And then, we'll have the
25 hearing in March. Okay?

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1 All right. If anybody has any questions, please
2 -- oh, I'm sorry. Vice Chair John, do you have -- does
3 anybody from my Board have anything they'd like to add?

4 And, Vice Chair John, I think, had her hand up.
5 Please go ahead, Vice Chair John.

6 VICE CHAIR JOHN: Thank you. I have a question
7 for Ms. Bell. Ms. Bell, you said you have an easement that
8 allows you access through the property to the alley.

9 Is that correct?

10 MS. BELL: That is my understanding. And I am
11 currently asking, getting a title attorney to look it up.

12 VICE CHAIR JOHN: Okay. That's fine.

13 MS. BELL: That has been my understanding for the
14 30 -- for the 27 years that I've been living here.

15 VICE CHAIR JOHN: Okay. That's what I wanted you
16 to work on, if you think you have an easement.

17 MS. BELL: Okay.

VICE CHAIR JOHN: Okay. That's it Mr. Chairman.

19 BZA CHAIR HILL: Okay. Thanks. Does anybody who
20 is in the group have any questions?

21 (No audible response.)

22 BZA CHAIR HILL: Okay. All right. Then I'm going
23 to go ahead and close this portion of the hearing and excuse
24 everyone. Okay?

25 Thank you all. Okay. That was helpful and I'm

1 glad we took that time.

2 I would vote for party status for all of them to
3 be quite honest. Because that alley is in such a weird
4 little place that I don't know, you know, just -- and
5 everybody can work together so that however they decide to
6 come forward.

7 And it sounds like the Applicant -- I don't even
8 know what the Applicant is doing. It sounds like they have
9 an uphill battle with the community anyway.

10 And I don't even know what they're asking for.
11 I mean, they're asking for a lot of information. I haven't
12 had a chance, obviously, to review the case yet.

13 And I don't even know if Chairman Hood is going
14 to be with us also at that point, if he's not. You're
15 welcome to join us obviously, Chairman Hood.

16 But my vote would be -- my vote would be to give
17 party status to everyone. And then, ask them to come in as
18 a group.

19 And I'm going to go around the table and hear what
20 you all have to say. And I'll start with you, Mr. Smith, if
21 I might.

22 MEMBER SMITH: Your assessment of this was to
23 grant them all party status because they are all within that
24 square. They all touch that alley.

25 The alley is in the center of that triangle or

1 square there. So, they all have shown to me that they have
2 -- they will be directly impacted by, you know, this proposed
3 construction of this property on the alleyway.

4 So, I'm inclined to grant them all party status
5 too.

6 BZA CHAIR HILL: Mr. Blake?

7 MEMBER BLAKE: Yes. So, Chairman, I would agree
8 with that assessment, especially given the fact that this is
9 a use variance as well for an alley lot.

10 So, to me that kind of gets -- I'd say that's a
11 whole chain in the whole community, not just, you know,
12 construction issue or how even, you know, the height of the
13 building, which is the other area variance.

14 But this is a use variance. So, I think the
15 community, all the homes on that alley should be, could
16 potentially be party status as is requested here.

17 That's what I think.

18 BZA CHAIR HILL: Thank you.

19 MEMBER BLAKE: It would be nice to see them as a
20 group though, because it would be much more organized if it
21 were a group, yes.

22 BZA CHAIR HILL: So, thank you. I appreciate
23 that. And then, the people who are listening, it is again,
24 an area variance as well as a use -- I'm sorry, a use
25 variance, which is even a more difficult hurdle.

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1 But I've just been taking note that somebody needs
2 to take a quick break. Can we go ahead and just take a quick
3 break and we'll come back in like, let's come back in ten
4 minutes. Okay?

5 || Thank you.

(Whereupon, the above-entitled matter went off the record at 10:50 a.m. and resumed at 11:03 a.m.)

8 BZA CHAIR HILL: Okay, Mr. Moy, if you could call
9 us back, please.

10 MR. MOY: Mr. Chairman, after a quick brief
11 recess, the Board has returned to its public hearing session.
12 And the time is at or about 11:03 in the morning.

13 BZA CHAIR HILL: Great. Thank you. Okay. All
14 right. So, as I was saying, we had party status and I talked
15 to them about party status.

16 And in this Application what Mr. Blake pointed
17 out, which I appreciate, is that there is a use variance that
18 is also applied for this, which is an even higher bar than
19 an area variance.

20 I pointed out a previous case to an area variance.
21 A use variance basically means that you can't do anything
22 else with this other -- you can't do anything else with the
23 property other than what is being proposed.

24 That's something that is a very high bar for
25 anyone to pass. And so, just kind of pointing that out to

1 the party status presenters.

2 And so, you know, I'm going to vote for everybody
3 to have party status. Oh, yeah, I'm sorry. I think we were
4 at Mr. Blake.

5 And then, I think Chairman Hood, I think you were
6 last to go on your thoughts. Or, did you do it?

7 ZC CHAIR HOOD: Okay. Well, my thoughts on the
8 party status, I would agree with the way we're moving
9 forward.

10 But I also think my colleague's already mentioned
11 this. It would be good, even if they don't join together,
12 well, join together in their presentations.

13 I think the Supreme Court has already sent -- put
14 a direction on how this should be handled. Some people, some
15 lawyers, attorneys say, even if you see the development, you
16 should be party status.

17 But I think everyone here is uniquely affected.
18 But some -- we probably could parse some out. But I think
19 due to the position of this property and how it's being done,
20 and the type of area, I believe I would be inclined as well
21 to give everyone party status.

22 But I would ask, because I'm dealing with this on
23 the Commission now, I would ask Mr. Chairman, I think this
24 is what you're alluding to, is maybe it's -- as Board Member
25 Blake mentioned, and welcome back Board Member Blake, that

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1 they come together.

2 Even if they don't come together as one party,
3 which I think that's where you're going, I'm not sure. But
4 at least put the presentation in a format which is beneficial
5 to us.

6 And I'll leave it at that. And I'm not sure if
7 I'm going to be the one here. But we'll see what happens.
8 Thank you, Mr. Chairman.

9 BZA CHAIR HILL: Thank you, Chairman. All right.
10 I'm going to go ahead and make a motion then.

11 I'm going to list everybody. And I'm even going
12 to list 2211, because, I think, 2211 has just as much right
13 as anybody else.

14 And so, I'm going to make a motion to approve
15 party status for 2215 Bunker Hill Road, Northeast, 2223
16 Bunker Hill Road, Northeast, 2219 Bunker Hill Road,
17 Northeast, 4017 22nd Street, Northeast, 4021 22nd Street,
18 Northeast, 4009 22nd Street, Northeast, and 2211 Bunker Hill
19 Road, Northeast.

20 And ask for a second, Ms. John?

21 VICE CHAIR JOHN: Second.

22 BZA CHAIR HILL: Okay. I don't even think I have
23 to take a roll call on this. So, I may -- But I did it
24 anyway.

25 So, go ahead, Mr. Moy, go ahead and take a vote.

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1 MR. MOY: Thank you, Mr. Chairman. When I call
2 your name, if you'll please respond to the motion made by
3 Chairman Hill to grant party status to the party status
4 requesters or individuals at the addresses that the Chairman
5 has cited in his motion. The motion to grant party status
6 was seconded by Vice Chair John.

7 Okay. Zoning Commission Chair Anthony Hood?

8 ZC CHAIR HOOD: Yes, to the motion.

9 MR. MOY: Mr. Smith?

10 MEMBER SMITH: Yes.

11 MR. MOY: Vice Chair -- rather, Mr. Blake?

12 MEMBER BLAKE: Yes.

13 MR. MOY: Vice Chair John?

14 VICE CHAIR JOHN: Yes.

15 MR. MOY: Chairman Hill?

16 BZA CHAIR HILL: Yes.

17 MR. MOY: Staff would record -- staff would record
18 the vote as five to zero to zero. And this is on the motion
19 made by Chairman Hill to grant party status to the list of
20 individuals at the addresses cited in his motion.

21 The motion to grant was seconded by Vice Chair
22 John who approves of the motion to grant party status, as
23 well as the following, approving granting party status from
24 Zoning Commissioner Anthony Hood, Mr. Smith, Mr. Blake, Vice
25 Chair John, and of course, Chairman Hill.

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1 The motion carries five to zero to zero.

2 BZA CHAIR HILL: Okay. Great. And when is it?

3 It's in March when, Mr. Moy?

4 MR. MOY: March 6, I believe.

5 BZA CHAIR HILL: Okay. Okay. All right. Can you
6 double check on that?

7 MR. MOY: Give me a second.

8 BZA CHAIR HILL: Okay.

9 MR. MOY: Since we're on the record. Yes, March
10 6.

11 BZA CHAIR HILL: Okay. Great. Thank you. All
12 right. You can call our next one.

13 (Whereupon, the above-entitled matter went off the
14 record at 11:09 a.m.)

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In the matter of: Regular Public Meeting

Before: DC BZA

Date: 12-20-23

Place: teleconference

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

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