

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
FEBRUARY 28, 2024

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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
CARL H. BLAKE, Member

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson

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 February 28, 2024.

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

(9:34 a.m.)

BZA CHAIR HILL: Good morning ladies and gentlemen, the Board of Zoning Adjustment. Today's date is 2-28-2024. This public hearing will please come to order. My name is Fred Hill, Chairman of the Board of District of Columbia for the Board of Zoning Adjustment. Joining me today is Vice Chair Lorna John, Board members Carl Blake and Chrishaun Smith, and Zoning Commission Chairman Anthony Hood.

Today's meeting and hearing agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also Webcast live via WebEx and YouTube live. The video of the Webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listed on WebEx or by telephone will be needed during the hearing. Also be advised we do not take any public testimony at our decision meeting sessions. If you are experiencing difficulty accessing WebEx or with your telephone call in, then please call our OZ hotline number 202-727-5471 to receive WebEx call in instructions.

At the conclusion of the decision meeting session I shall, in consultation with the Office of

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

9 In today's hearing session everyone who is
10 listening on WebEx or by telephone will be needed during
11 the hearing, and only persons who have signed up to
12 participate or testify will be unmuted at the appropriate
13 time. Please state your name and home address before
14 providing oral testimony. (Audio interference) background
15 noise. All persons planning to testify either in favor
16 and opposition should have signed up in advance. They
17 will be called by name to testify.

18 If this is an appeal, only parties are allowed
19 to testify. By signing up to testify all participants
20 included the oath or affirmation as required by Subtitle
21 Y, 48.7. Request to enter evidence at the time of an
22 online virtual hearing such as written testimony or
23 additional supporting documents, other than live video,
24 which may not be presented as part of the testimony, may
25 be allowed pursuant to Y103.13 provided that the person

1 named in the request to enter an exhibit explain, (a) how
2 the proposed exhibit is relevant, (b) is a good cause to
3 justify allowing this exhibit into the record, including
4 an explanation of why the requestor did not file the
5 exhibit prior to the hearing pursuant to Y206, and (c) how
6 the proposed exhibit would not unreasonably prejudice any
7 parties.

8 The order of procedures for special exceptions
9 and variances are in Y409. The order of procedures for
10 appeal applications are pursuant to Y407 -- I'm sorry,
11 Y507. At the conclusion of each case an individual who
12 was unable to testify because of technical issues may file
13 a request for leave to file a version of the planned
14 testimony to the record within 24 hours following the
15 conclusion of public testimony and the hearing. If
16 additional written testimony is accepted then parties
17 would 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
20 48 hours after the hearing. Moreover, the Board may
21 request additional specific information to complete its
22 record. The Board's staff will specify at the end of the
23 hearing exactly what is expected, and the dates when
24 persons must submit the evidence to the Office of Zoning.
25 No other information shall be accepted by the Board.

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1 Finally, the District of Columbia's
2 Administrative Procedures Act requires that the public
3 hearing on each case be held in the open before the
4 public. However, pursuant to Section 405(b) and 406 of
5 that act the Board may, consistent with its rules of
6 procedures and the act, enter into a closed meeting on a
7 case for purposes of receiving legal counsel on a case
8 pursuant to DC Official Code Section 2-575(b)(4), and/or
9 deliberating on a case pursuant to DC Official Code
10 Section 2-575(b)(13), but only after providing the
11 necessary public notice and the case summary as a closed
12 meeting have obtained roll call vote.

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

15 MR. MOY: Thank you, Zoning Commission Chair.
16 This is going to be a great day, and we got two chairs on
17 the DC hearing today. This is always my favorite time.
18 Okay. All right. Here we go. So I have a few
19 announcements related to today's docket. First of all,
20 Case Application Number 21-010NL, 1271 5th Street LLC, the
21 Motion for Continuance was granted and postponed to July
22 31st, 2024. Also, finally the Chairman has reviewed and
23 granted waivers to allow late filings into the applicable
24 case record pursuant to Subtitle Y, Section 206.7 and
25 Section 103.13. Any other late filings during the course

1 of today's live hearing should be presented before the
2 Board by the applicant, or parties, or the witnesses after
3 I call the case. So with that, Mr. Chairman, I believe
4 that is all I have, and any other preliminary matters I
5 will bring to your attention when I call that case.

6 BZA CHAIR HILL: Okay. Thanks. Are we doing
7 the appeal first, Mr. Moy?

8 MR. MOY: Yes, I believe that is a change up,
9 Mr. Chairman.

10 BZA CHAIR HILL: Yes. Okay, let's go ahead and
11 call that one then.

12 MR. MOY: Oh, oh, did you -- my understanding is
13 that we would call that as the first case in the hearing
14 session.

15 BZA CHAIR HILL: Okay, that is fine.

16 MR. MOY: We would go through the meeting
17 session cases first.

18 BZA CHAIR HILL: That's fine. Give a second
19 then.

20 Okay. Go ahead and call our first meeting case
21 then, Mr. Moy.

22 MR. MOY: Okay. In the Board's meeting session
23 the first case is an expedited review case, Application
24 Number 21073, of Robert Padavick and Renee Padavick, of
25 property. This is a self-certified application, of course

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1 for a special exception, pursuant to Subtitle X, Section
2 901.2, and then there is Subtitle D, Section 5201.1 from
3 the accessory building rear yard requirements of Subtitle
4 D, Section 5004.1, property located in the R1B zone at
5 1616 Roxanna Road, Northwest, Square 2764, Lot 43. That
6 is all I have. Thank you, sir.

7 BZA CHAIR HILL: Okay. Thank you, Mr. Moy. As
8 I mentioned, and I will probably continue to mention
9 throughout the day, I only have one monitor, so I am
10 looking at files. So if anybody has something they would
11 like to say please just speak up. Okay. Okay, so I have
12 had an opportunity to review the file -- the record that
13 is, and, again, OP's report, 25 feet required, existing 12
14 feet, 10.4 feet proposed from the rear yard requirements.
15 I would agree with the Office of Planning in terms of that
16 light, and air, and privacy do not seem to be an issue. I
17 will note also that the adjacent properties were in
18 support, as well as a variety of letters of support from
19 neighbors.

20 In Exhibit 11, the statement of outreach says
21 that they are going to reach out to the ANC, and I really
22 would have liked to have seen something a little bit more
23 substantial as to what happened, did they get to speak?
24 So in this particular case I suppose I would be able to
25 move forward with the application, because I do think that

1 they are meeting the criteria for us to grant the relief
2 requested, and I would agree with the analysis that,
3 again, has been provided by the Office of Planning. Also
4 what gives me confidence is that there was outreach that
5 was done to the extent that the adjacent property owners
6 have also provided their support. In the future for this
7 applicant, and I mentioned this before, just some kind of
8 follow up as to what did happen, like, did they speak
9 before the ANC, what happened at the ANC. I am a little -
10 - the one statement in Exhibit 11 does not really do a lot
11 for me, but, again, I do not necessarily think in this
12 particular case I want to hold it up. However, in future
13 cases if that is all we get I might want to ask for more
14 the next time around. So those are my initial thoughts.
15 Mr. Smith, do you have anything you would like to add?

16 MEMBER SMITH: No, Chairman Hill, we agree with
17 your assessment of this particular case, and the reasons
18 why it merits our approval given everything that is within
19 the record. I do agree with you that it would have been
20 great to see additional information from the ANC and from
21 the broader community I think, but we do have letters in
22 support from adjacent property owners that would be most
23 directly affected by this particular construction, so I am
24 very comfortable with moving forward with this case
25 knowing that it has been vetted and vetted by the

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1 surrounding property owners and they are in favor of this
2 request by their neighbor. So with that I give OP's staff
3 report great weight and will support the request of
4 special exception.

5 BZA CHAIR HILL: Okay. Thanks. I will note
6 again in Exhibit 11 it says they have reached out to the
7 ANC, and so it is not that they have not, and that they
8 were planning on presenting to the ANC it is just that a
9 follow up would have been nice. Mr. Blake.

10 MEMBER BLAKE: Mr. Chairman, I agree with your
11 assessment and that of Board Member Smith. I will be
12 voting in favor of the application.

13 BZA CHAIR HILL: Thank you. Chairman Hood.

14 ZC CHAIR HOOD: Chairman, I would agree with the
15 assessment. I think they meet the requirement, and then
16 when I look at having spent time with Commissioner Edwards
17 last week in a case I know if they had some issues or have
18 some issues either we will get a reconsideration or they
19 would have let us known by now. So I feel confident with
20 all the support that we have to move forward. Thank you.

21 BZA CHAIR HILL: Thank you. Vice Chair John.

22 VICE CHAIR JOHN: Good morning, Mr. Chairman. I
23 have nothing to add and I am in support of the
24 application.

25 BZA CHAIR HILL: Oh, great. Going to make a

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1 motion to approve Application Number 21073 as captioned
2 read by the Secretary and ask for a second. Ms. John.

3 VICE CHAIR JOHN: Second.

4 BZA CHAIR HILL: The motion has been made and
5 seconded. Mr. Moy, take a roll call, please.

6 MR. MOY: When I call your name if you will
7 please respond to the motion made by Chairman Hill to
8 approve the application for the relief requested. The
9 motion to approve was seconded by Vice Chair John. Zoning
10 Commissioner Chair Anthony Hood.

11 ZC CHAIR HOOD: (No audible response.)

12 MR. MOY: Mr. Smith.

13 MEMBER SMITH: (No audible response.)

14 MR. MOY: Mr. Blake.

15 MEMBER BLAKE: (No audible response.)

16 MR. MOY: Vice Chair John.

17 VICE CHAIR JOHN: Yes.

18 MR. MOY: Chairman Hill.

19 BZA CHAIR HILL: Yes.

20 MR. MOY: Staff would record the vote as five to
21 zero to zero, and this is on the motion made by Chairman
22 Hill to approve, the motion to approve was seconded by
23 Vice Chair John, Vice Chair John also approved the
24 application as well as approval from Zoning Commissioner
25 Chair Anthony Hood. Mr. Smith, Mr. Blake, Vice Chair John

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1 and Chairman Hill motion carries on a vote of five to zero
2 to zero.

3 BZA CHAIR HILL: Thank you, Mr. Moy. If you
4 could call our next case, Mr. Moy.

5 MR. MOY: The next case is a time extension
6 request, Application Number 19124-D of MR 622 I Street
7 Land LLC, and ACY and YL Chang LLC. This is a request
8 pursuant to Subtitle Y, Section 705.1 for a two-year time
9 extension of the validity of the Order Approving
10 Application Number 19124, which was issued on September
11 28, 2016 and valid until March 28, 2024. Property is
12 located in the D5R zone at 6101 Street, Northwest Square
13 453, Lot 61. Thank you, sir.

14 BZA CHAIR HILL: Okay. Thanks, Mr. Moy. Okay,
15 so I, again, had a chance to review the records and the
16 Applicant's statement again, which is in Exhibit 6,
17 concerning the time extension request being due to
18 extension to the economic and market conditions beyond the
19 Applicant's control, and have been unable to submit final
20 billing permit application plans for the project. The
21 Applicant's lender backed that on August 22nd -- I'm
22 sorry, August 2022 because of the validity in the market
23 that has made, I guess probably still continues from the
24 pandemic, and they hope to close the loan in four to six
25 months. So I am fine with the time extension. Also I

1 would note that the Office of Planning has provided their
2 support and the ANC has been notified, but we did not see
3 anything from them, so I assume that if they have any
4 problems they would let us know and/or they will file a
5 reconsideration. Mr. Smith, do you have anything you
6 would like to add?

7 MEMBER SMITH: I have nothing to add. I will
8 support the application.

9 BZA CHAIR HILL: Thank you. Mr. Blake.

10 MEMBER BLAKE: I too support the application.

11 BZA CHAIR HILL: Thank you. Chairman Hood.

12 ZC CHAIR HOOD: (No audible response.)

13 BZA CHAIR HILL: Vice Chair John.

14 VICE CHAIR JOHN: Nothing to add, Mr. Chairman.

15 BZA CHAIR HILL: Thank you. I will make a
16 motion to approve Application Number 19124D as captioned
17 read by the Secretary, and ask for a second. Ms. John.

18 VICE CHAIR JOHN: Second.

19 BZA CHAIR HILL: Motion made and seconded. Mr.
20 Moy, if you could make a roll call.

21 MR. MOY: Thank you, sir. When I call your name
22 if you will please respond to the motion made by Chairman
23 Hill to approve the request for a time extension. The
24 motion to approve was seconded by Vice Chair John. Zoning
25 Commission Chair Anthony Hood.

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1 ZC CHAIR HOOD: Yes.

2 MR. MOY: Mr. Smith.

3 MEMBER SMITH: (No audible response.)

4 MR. MOY: Mr. Blake.

5 MEMBER BLAKE: (No audible response.)

6 MR. MOY: Vice Chair John.

7 VICE CHAIR JOHN: Yes.

8 MR. MOY: Chairman Hill.

9 BZA CHAIR HILL: (No audible response.)

10 MR. MOY: Staff would report vote as five to
11 zero to zero, and this is on the motion made by Chairman
12 Hill to approve the request for a time extension for
13 another additional two years. The motion was seconded by
14 Vice Chair John who also voted to approve the time
15 extension as well as approval from Zoning Commissioner
16 Chair Anthony Hood, Mr. Smith and Mr. Blake, Vice Chair
17 John, Chairman Hill. Motion carries five to zero to zero.

18 BZA CHAIR HILL: Thank you, Mr. Moy. You may
19 call our next one when you get a chance.

20 MR. MOY: The next case before the Board is a
21 Motion for Reconsideration. This goes to Application
22 Number 20813 of 401 K Street LLC. Again, this is a
23 request for a reconsideration of the order on a self-
24 certified Application that denied a special exception
25 under Subtitle E, Section 20614 from the roof top and

1 upper floor requirements of Subtitle E, Section 206.1 and
2 granted in the alternative an area variance pursuant to
3 Subtitle X, Section 1002 from the rooftop and upper floor
4 requirements of Subtitle E, Section 206.1, property
5 located in RF1 zone at 401 K Street, Northeast, Square
6 807, Lot 48. I believe that is all I have for you. Thank
7 you, sir.

8 BZA CHAIR HILL: Thank you. I had an
9 opportunity to review the file. Obviously, in the record
10 and I am pulling it up and taking a look at things right
11 now. I was speaking to Vice Chair John earlier. She said
12 she would be willing to lead the discussion on this one.

13 VICE CHAIR JOHN: Thank you, Mr. Chairman. So
14 this is a request for reconsideration of an order issued
15 by the Board which involved the removal of a cornice as
16 part of a project that involved a third-story addition and
17 conversion of a principal dwelling on a flat. So in its
18 motion the ANC argues that the Board ignored its arguments
19 that the applicant's submission to DCRA was incomplete and
20 deceptive because it lacked proper elevation drawings of
21 the proposed structure, which alerted the DCRA, now
22 Department of Buildings, to the removal of the cornice.
23 This issue was discussed at length during the hearing, and
24 there was no credible evidence that the Applicant was
25 intentionally defective and no reason to credit the ANC's

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1 issues and concerns on that issue, instead the Board
2 credited the Applicant's testimony and the photograph that
3 showed the front of the building and the stamped permit
4 which showed the cornice, that there was a cornice
5 existing at that time. The order might not be clear as to
6 what type of elevation was provided, however, the critical
7 feature for me is that the DOB had noticed that there was
8 a cornice on the building. Absent approval from the BCA
9 there should have been a cornice in the final structure.
10 So the DOB agreed that there was an error, and there was
11 no dispute as to that point. So the fact that -- so in
12 this case the Board disagreed with the ANC, and the Board
13 is required to consider the legally relevant issues and
14 concerns and to give great weight to those legal issues
15 and concerns, which the Board did. That process is
16 discussed on page 8 and 9 of the order. There was a
17 question as to whether or not the Board applied the
18 estoppel issue, and whether or not the footnote should
19 have been there. I believe that the footnote is
20 appropriate, because what the Board did was essentially
21 look at the zoning history and because the Department of
22 Buildings had already admitted that it made an error the
23 Board felt that that error was not very significant. So
24 in considering whether the area variance was met the Board
25 felt that the relief requested was de minimis. The

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1 Application met all of the development standards except
2 for the 2 percent discretionary lot occupants' relief that
3 the DA granted. In general, all of those conditions
4 created an exceptional condition for the Applicant. The
5 Applicant also provided information that the cost of
6 compliance after such a long time would be quite
7 extensive, approximately almost \$500,000.00 to come into
8 compliance, and that testimony was not contradicted. So
9 in looking at the record again I do not believe that there
10 is any reason to re-open the record or to grant
11 reconsideration, because the issues and concerns of the
12 ANC were noted and discussed thoroughly during the hearing
13 and essentially the ANC is arguing that the Applicant
14 failed to comply with the requirements for submission of
15 the permit, but before the Board the Applicant did show
16 that there was a cornice on the building and so in my view
17 that provided notice to the Department of Buildings that
18 there should have been a cornice in the final product. So
19 I believe the stop order was appropriate, and the
20 Applicant needed to seek relief from the Board. That is
21 it for now. I am sorry I was so long winded.

22 BZA CHAIR HILL: Oh my gosh, I appreciate it so
23 much. I have nothing to add. I appreciate your time and
24 effort with that analysis. Mr. Smith.

25 MEMBER SMITH: I do not, like you, have anything

1 to add. I thank Vice Chair John for a very thorough
2 explanation on this particular request, and I agreed with
3 her position on this. What was requested does not merit -
4 - based on everything within the record and what was
5 presented I do not agree that we should reconsider this
6 particular approval, so I agree wholeheartedly with Ms.
7 John.

8 BZA CHAIR HILL: Thank you. Mr. Blake.

9 MEMBER BLAKE: I do thank Ms. John for her
10 thorough analysis, and I do agree also that we need not
11 reconsider this.

12 BZA CHAIR HILL: Thank you. Chairman Hood.

13 ZC CHAIR HOOD: I too want to thank Vice Chair
14 John for her analysis, but I was just concerned he stated,
15 and I think Vice Chair John mentioned, I know we discussed
16 this very thoroughly, but he mentioned that it was not
17 noted that the ANC was, the way I read it, it was not
18 noted the ANC objected, but I think Vice Chair John
19 pointed that it was well known from the proceeding that
20 the ANC and where ANC 16 was in this particular case. So
21 I have no further comments on that and I will be voting
22 with my colleagues. Thank you, Mr. Chairman.

23 BZA CHAIR HILL: Okay. Thank you. Vice Chair
24 John, do you have anything to add before I make a motion?

25 VICE CHAIR JOHN: No, Mr. Chairman, I do not.

1 BZA CHAIR HILL: Okay. Thank you. I am going
2 to make a motion then to deny the request for
3 reconsideration, or I should say the Motion for
4 Reconsideration in Application 20813 as captioned and read
5 by the Secretary and ask for a second. Ms. John.

6 VICE CHAIR JOHN: Second.

7 BZA CHAIR HILL: Thank you. Mr. Moy, if you
8 could please take a roll call.

9 MR. MOY: When I call your name if you will
10 please respond to the motion made by Chairman Hill to deny
11 the Motion for Reconsideration. The motion to deny was
12 seconded by Vice Chair John. Zoning Commission Chair
13 Anthony Hood.

14 ZC CHAIR HOOD: Yes.

15 MR. MOY: Mr. Smith.

16 MEMBER SMITH: Yes.

17 MR. MOY: Mr. Blake.

18 MEMBER BLAKE: (No audible response.)

19 MR. MOY: Vice Chair John.

20 VICE CHAIR JOHN: Yes.

21 MR. MOY: Chairman Hill.

22 BZA CHAIR HILL: Yes.

23 MR. MOY: Staff would record the vote as five to
24 zero to zero, and this is on the motion made by Chairman
25 Hill to deny the Motion for Reconsideration. The motion

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1 to deny was seconded by Vice Chair John who also voted to
2 deny, as well as voted to deny from Zoning Commissioner
3 Chair Anthony Hood, Mr. Smith, Mr. Blake, Vice Chair John,
4 and Chairman Hill. The motion carries by a vote of five
5 to zero to zero.

6 BZA CHAIR HILL: Thank you, Mr. Moy. If you
7 could call our next case.

8 MR. MOY: The next and last case in the Board's
9 meeting session today is Appeal Number 20191 of the DC for
10 a reasonable development. This was as filed as an
11 emergency correspondence, or motion to reopen the record
12 to the appeal, and that underlying appeal was pursuant to
13 11 DC and marked Subtitle Y, Section 302 from the decision
14 made on August 16th, 2019 by the Zoning Administrator,
15 Department of Consumer and Regulatory Affairs at that time
16 to issue a Demolition Permit Number D1600814 to permit the
17 demolition of several aspects of the Macmillan Sand
18 Filtration Site, and for the decision made on August 27th,
19 2019 by the Zoning Administrator to issue foundation
20 permit number FD1800040 to permit the foundation of a new
21 community center properly located in the RA2 zone at 2948
22 North Capital Street, Northwest, Square 3128, Lot 800, and
23 I believe participating on this Board Action is Chairman
24 Hill, Vice Chair John, and Mr. Smith.

25 BZA CHAIR HILL: Okay. Thank you, Mr. Moy.

1 ZC CHAIR HOOD: Chairman, --

2 BZA CHAIR HILL: Chairman Hood.

3 ZC CHAIR HOOD: -- before you get started, I am
4 going to step away and I will come back at the appropriate
5 time when I am able. I have something else I need to take
6 care of, so I will be back.

7 BZA CHAIR HILL: Okay.

8 ZC CHAIR HOOD: Thank you.

9 BZA CHAIR HILL: Okay. So just let it be noted
10 that Chairman Hood has left the hearing room. So a couple
11 of things, I guess this was back from an appeal that was
12 back in August of 2020, and we the Board voted to dismiss
13 the appeal in part and to deny the sole remaining claims
14 in error. There seem to be -- as I recall there was a lot
15 of claims, and they were all -- I think the one -- and
16 then there was one that we particularly heard about and
17 then voted to deny. There is now a motion to re-open the
18 record under Y602.6. I am going to read 602.6, "Any
19 supplemental material received by the Board after the
20 close of the record that bears upon the substance of the
21 application or appeal shall be returned by the director
22 and not accepted into the files of the Board, however, if
23 the materials are accompanied by a separate request to re-
24 open the record the request shall be accepted and
25 presented to the Board for consideration. The request

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1 must demonstrate good cause and the lack of prejudice to
2 any party. Such request may be granted by the presiding
3 officer, and if granted the supplemental material shall be
4 entered into the record." So we have had a chance to look
5 at this as well as discuss with the Office of Zoning Legal
6 Division the legal parameters of this particular motion,
7 and I think really there is nothing here for us to
8 consider. They are asking just to reopen the record to
9 file an emergency motion to, what seems to be to
10 reconsider the appeal, and the reconsideration of an
11 appeal would happen after -- oh, I'm sorry. A
12 reconsideration would happen after an order has been
13 written, and I know that it has taken some time for this
14 order to be written due to a variety of administration
15 factors that are going on in terms of the line that we
16 have to get out orders. I know that this is now nearing
17 the top of the line, as I under it, so there will be an
18 order issued as quickly as possible. At this point,
19 however, I think that this is really not properly before
20 us and should be dismissed. Those are my initial
21 thoughts. I now turn to Mr. Smith to see if he have
22 anything different to add.

23 MEMBER SMITH: No, I do not have anything
24 different to add. I agree with your assessment that -- I
25 do not think this is properly filed under Y602.6, and I do

1 think that it is also premature at this point, as you
2 stated, so I really do not have anything to add so I agree
3 with your assessment.

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

5 VICE CHAIR JOHN: Thank you, Mr. Chairman. I
6 have nothing further to add. I believe you noted that
7 this is the second request requesting the same relief, and
8 the first emergency motion was dismissed in 2021 and this
9 motion basically asks for the same thing. So I am in
10 agreement that this motion should be dismissed as well.

11 BZA CHAIR HILL: All right. I am going to make
12 a motion to dismiss the motion asking for -- I'm sorry. I
13 am going to make a motion to dismiss the Motion that was
14 put before us by DC for reasonable development for Appeal
15 Number 20191 and ask for a second. Ms. John.

16 VICE CHAIR JOHN: Second.

17 BZA CHAIR HILL: The motion was made and
18 seconded, Mr. Moy.

19 MR. MOY: When I call your name if you will
20 please respond to the motion made by Chairman Hill to
21 dismiss the Motion that was filed by DC for a reasonable
22 development. The motion to dismiss was seconded by Vice
23 Chair John. Mr. Smith.

24 MEMBER SMITH: Yes.

25 MR. MOY: Vice Chair John.

1 VICE CHAIR JOHN: Yes.

2 MR. MOY: Chairman Hill.

3 BZA CHAIR HILL: Yes.

4 MR. MOY: The staff would record vote as three
5 to zero to two, and this is on the motion made by Chairman
6 Hill to dismiss. The motion to dismiss was seconded by
7 Vice Chair John who also voted to dismiss as well as
8 voting to dismiss from Mr. Smith, so voting to dismiss Mr.
9 Smith, Vice Chair John, Chairman Hill. Staff would record
10 vote as three to zero to two, the motion carries, sir.

11 BZA CHAIR HILL: Thank you, Mr. Moy. All right.
12 Yes, go ahead Vice Chair John.

13 VICE CHAIR JOHN: Can we take a five minute
14 break, Mr. Chairman?

15 BZA CHAIR HILL: Yes, of course. All right,
16 everybody, we are going to take a five minute break. We
17 will be back. Thank you.

18 (Whereupon, the above-entitled matter went off
19 the record at 10:08 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: 02-28-24

Place: teleconference

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
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