

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

MARCH 13, 2024

+ + + + +

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. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
LORNA L. JOHN, Vice-Chairperson  
CARL H. BLAKE, Member  
CHRISHAUN S. SMITH, NCPC Designee

ZONING COMMISSION MEMBER[S] PRESENT:

ANTHONY J. HOOD, Chairperson  
ROBERT MILLER, Vice-Chairperson  
TAMMY STIDHAM, NPS Designee

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS

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 March 13, 2024.

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

9:40 a.m.

BZA CHAIR HILL: Good morning, ladies and gentleman, to the Board of Zoning Adjustment. Today's date is 3/13/2024.

My name is Fred Hill, Chairman of the District of Columbia Board of Zoning Adjustment. Joining me today is Vice Chair Lorna John, Board Members Carl Blake, Chrishaun Smith, and Zoning Commissioners Rob Miller, Tammy Stidham, and Zoning Commission Chair 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.

It is also webcast live via WebEx and YouTube live. The video and the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on WebEx or by telephone will be muted during the hearing.

Also, please be advised we do not take any public testimony at our decision meeting sessions.

If you're experiencing difficulty access WebEx or if your telephone call in, please call the OZ hotline number at 202-727-5471 to receive the WebEx log in or call in instructions.

At the conclusion of the decision meeting, I

1 shall, in consultation with the Office of Zoning, determine  
2 whether a full or summary order may be issued.

3 A full order is required when the decision it  
4 contains is adverse to a party, including an affected ANC.

5 A full order may also be needed if the Board's  
6 decision differs from the Office of Planning's  
7 recommendation.

8 Although the Board favors the use of summary  
9 orders whenever possible, a person may, or Applicant may not  
10 request the Board to issue such an order.

11 In today's hearing session, everyone who is  
12 listening on WebEx or via telephone will be muted during the  
13 hearing and only persons who have signed up to participate  
14 or testify will be unmuted at the appropriate time.

15 Please state your name and home address before  
16 providing oral testimony or your presentation. Oral  
17 presentations should be limited to a summary of your most  
18 important points. When you are finished speaking, please  
19 mute your audio so that your microphone is no longer picking  
20 up sound or background noise.

21 If you are experiencing difficulty accessing  
22 WebEx, please call our OZ hotline number at 202-727-5471.  
23 Once again, 202-727-5471.

24 All persons planning to testify either in favor  
25 or in opposition should have signed up in advance. They'll

1 be called by name to testify. If this is an appeal, only  
2 parties are allowed to testify. By signing up to testify,  
3 all participants completed the oath or affirmation as  
4 required by Subtitle Y, 408.7.

5           Requests to enter evidence at the time and online  
6 virtual hearing such as written testimony or additional  
7 supporting documents other than live video which may not be  
8 presented as part of the testimony, may be allowed pursuant  
9 to Subtitle Y, 103.13, provided that the person made the  
10 request to enter an exhibit, explain, A, how the proposed  
11 exhibit is relevant, B, have a good cause that justifies  
12 allowing the exhibit into the record, including an  
13 explanation why the requester did not file the exhibit prior  
14 to the hearing pursuant to Y, 206, and C, how the proposed  
15 exhibit would not unreasonably prejudice any parties.

16           The order of procedures for special exceptions and  
17 variances are in Y, 409. The order of an appeal is in Y,  
18 507.

19           At the conclusion of each case, an individual who  
20 was unable to testify because of technical issues may file  
21 a request for leave to file a written version of the planned  
22 testimony to the record within 24 hours following the  
23 conclusion of public testimony in the hearing.

24           If additional written testimony is accepted, then  
25 parties will be allowed a reasonable time to respond as

1 determined by the Board. The Board will then make its  
2 decision at its next meeting session, but no earlier than 48  
3 hours after the hearing.

4 Moreover, the Board may request additional  
5 specific information to complete the record. The Board and  
6 the staff will specify at the end of the hearing exactly what  
7 is expected and the date when persons must submit the  
8 evidence to the Office of Zoning. No other information shall  
9 be accepted by the Board.

10 Finally, the District of Columbia Administrative  
11 Procedures Act requires that the public hearing on each case  
12 be held in the open before the public. However, pursuant to  
13 Section 405(b) and 406 of that Act, the Board may, consistent  
14 with its rules of procedures and the Act, enter into a closed  
15 meeting on a case for purposes of seeking legal counsel on  
16 a case pursuant to D.C. Official Code Section 2-575(b)(4)  
17 and/or deliberate on a case pursuant to D.C. Office Code  
18 Section 2-575(b)(13) but only after providing the necessary  
19 public notice in the case of emergency closed meeting after  
20 taking a roll call vote.

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

22 MR. MOY: Good morning, Mr. Chairman, Members of  
23 the Board. I do have a quick announcement with regards to  
24 today's docket.

25 First, Case Application Number 20837 of Howard

1 University has been postponed and reschedule to July 31st,  
2 2024.

3 Finally, the Chairman has reviewed and granted  
4 waivers for late filings into the record and to the  
5 applicable case records pursuant to Subtitle Y, Section 206.7  
6 and Section 103.13.

7 Any other late filings during the course of  
8 today's live hearing should be presented before the Board by  
9 either the Applicant or other parties or witnesses after I  
10 call the case.

11 Other than that, Mr. Chairman, there are  
12 preliminary matters, but I think it's more efficient if I  
13 bring those to your attention when I actually call the case.

14 Thank you, sir.

15 BZA CHAIR HILL: Okay, thank you. Just let me  
16 pull up a file, you guys. All right, Mr. Moy, if you want  
17 to call our first decision, that would be great.

18 MR. MOY: Okay, Mr. Chairman, before we get  
19 started then, so the Board is in its public meeting session  
20 and I believe the first three decision making cases in this  
21 order begins with 20983, 21047, and 20996. Is this the  
22 order?

23 BZA CHAIR HILL: Yes, sir.

24 MR. MOY: Okay, very good. All right, okay, here  
25 we go.

1           So this is Application Number 20983 of the House  
2 of Ruth. This is a self-certified application pursuant to  
3 Subtitle X Section 901.2 for the following special  
4 exceptions. Subtitle C, Section 703.2 from minimum vehicle  
5 parking requirements of Subtitle C, Section 701, Subtitle C,  
6 Section 1506.1 from penthouse setback requirements, Subtitle  
7 C, Section 1504.1.

8           The property is located in the RA-2 zone at 1815  
9 and 1819 Minnesota Avenue, SE, Southeast, Parcel 0218/0138,  
10 0218/0139.

11           The Board will recall, this was last heard at its  
12 hearing on the one -- February 28, 2024 participating in the  
13 decision (audio interference) --

14           BZA CHAIR HILL: You cut out, Mr. Moy.

15           MR. MOY: Oh my.

16           BZA CHAIR HILL: You're still cutting out.

17           Now, you're kind of maybe back.

18           MR. MOY: Oh --

19           BZA CHAIR HILL: You said, we've got a  
20 participating on the decision.

21           MR. MOY: Oh, okay, good, I thought I had to start  
22 at the very beginning, thank you, sir. Thanks for the break.

23           Okay, so participating on the decision making is  
24 Chairman Hill, Vice Chair John, Mr. Blake, Mr. Smith, and  
25 Zoning Commission Chair Anthony Hood. Thank you, sir.



1           BZA CHAIR HILL:    Okay.    All right, so this is  
2 before us.   It has -- it was scheduled and postponed several  
3 times so that the Applicant could work with the community to  
4 address some of their concerns.

5           We had a hearing in which the community seemed to  
6 be most concerned with, what I would say, I mean, both of  
7 them was the penthouse setback and the parking requirements.

8           It is disappointing, I think, that there has been,  
9 and understandably so, I suppose, that the community believes  
10 that the parking is a big issue for them.

11          And that the -- and also even the penthouse  
12 setback is a big issues for them.

13          I would, again, as I'm going to be speaking to a  
14 lot today, actually, trying to point out to the members of  
15 the community that the Board is supposed to look at the  
16 regulations that are before us.

17          And if the Applicant meets or doesn't meet those  
18 regulations, we are supposed to do what we are supposed to  
19 do, which is approve or deny applications.

20          So in this particular case, this is a special  
21 exception.   So meaning that it is in -- within the zoning  
22 regulations.

23          And the parking issue, we had expert testimony  
24 from a transit expert that spoke that this parking was not --  
25 these 12 spaces were not going to hinder the parking that is

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1 available there.

2           There was testimony taken that that is not  
3 accurate.

4           However, the transportation expert was the one who  
5 had, you know, who is, I suppose, the expert on these issues,  
6 gave us their testimony that they did not think that the  
7 parking was going to be difficult for the community to  
8 absorb.

9           And the way the regulations read, we -- if the  
10 Applicant meets some of these criteria, they can't provide  
11 parking anyway. So therefore it is understandable that they  
12 would be asking for relief from the parking.

13           So if I refer to the Office of Planning's report,  
14 it says that, even if a curb cut were permitted because of  
15 the triangular shape and size of the lot, it would  
16 inefficient or potentially impossible to have a below-grade  
17 garage as the size and the shape of the lot could limit the  
18 ability of ramps to reach a lower level for cars to maneuver  
19 in the confined area.

20           And then, the written statement indicates that no  
21 parking is available within 600 feet of the lot. It was,  
22 again, in Exhibit 9, page 5. So therefore they meet the  
23 criteria for us to, at least I believe, for us to grant the  
24 parking relief.

25           In terms of the penthouse setback relief, I

1 believe that the Applicant did make a case for why those  
2 elevator cores couldn't be moved into different places so  
3 that they weren't able to meet the setback.

4 And so I think that the setback, in comparison to  
5 the parking, is a more nominal issue.

6 And so I would, again, agree that they had met the  
7 criteria for us to grant relief from the setback.

8 I, again, am disappointed that, you know, the way  
9 that the regulations read that I understand them is causing  
10 me to have to vote in this way.

11 But I do understand that the ANC, in particular,  
12 is opposed to this. And we are to give great weight to the  
13 ANC. And I am giving the ANC great weight.

14 I'm just unable to believe that they, the  
15 Applicant, are not meeting the criteria for us to grant the  
16 relief requested.

17 I don't know if I missed -- was Mr. Smith, were  
18 you not on this?

19 MEMBER SMITH: Typically, speaking --

20 BZA CHAIR HILL: Okay, got it.

21 Do you have any comments you'd like to make, Mr.  
22 Smith?

23 MEMBER SMITH: No, I, by and large, agree with all  
24 of your comments. You were very thorough with walking  
25 through, you know, the concerns -- well, the case and also

1 the concerns of the neighborhood -- that the neighborhood  
2 raised regarding parking.

3 And I think design was another issue that was  
4 raised.

5 The height and the use of the building is more or  
6 less a matter of right.

7 They're here for us -- they're here before us for  
8 parking relief and also penthouse setback requirements.

9 And I do agree with you, that I think they have,  
10 by and large, met the standards for us to grant both of the  
11 special exceptions.

12 And I won't go into too much more detail on what  
13 you've already stated about how they meet the special  
14 exception requirement for us to reduce their parking  
15 requirement.

16 Because, honestly, they only have to meet one  
17 criteria under C, 703.2 for us to grant the special exception  
18 for a full or partial reduction. And I do believe they've  
19 met that standard given the size, as you stated, of this lot.

20 It's a very small, triangular lot. And it would  
21 make it, from a physical constraint, fairly impossible to do  
22 any type of parking on the site, whether it's above ground  
23 or below ground.

24 So with that, I will support the special  
25 exception.

1 BZA CHAIR HILL: Thank you, Mr. Smith.

2 And I'll say, I do appreciate that we are also  
3 charged with looking at C, 703.2 and that the Board of Zoning  
4 Adjustment may grant full or partial reduction in the number  
5 of parking spaces as a special exception pursuant to X,  
6 Chapter 9, if they demonstrate to the Board's satisfaction  
7 of at least one of the following.

8 And then, there are many criteria listed below.  
9 And the Applicant meets several of the following, not just  
10 one.

11 And so, and again, I believe creates a situation  
12 where we have to approve this application.

13 Mr. Blake, any comments?

14 MEMBER BLAKE: Sure. I agree with the comments  
15 and statements that you've made in the entirety.

16 I would add that it's interesting that the ANC's  
17 concerns are about parking I think are insightful and  
18 certainly demonstrate the fact that one size or one solution  
19 may not be ideal for all parts of the city.

20 That said, the regulations are pretty clear and  
21 the Applicant has met the burden of proof to be granted the  
22 requested relief. So I'll be in support of the application.

23 BZA CHAIR HILL: Thank you. Vice Chair John?

24 BZA VICE CHAIR JOHN: Excuse me. I have nothing  
25 to add. I thought everyone summarized the criteria and the

1 rationale for granting the application, especially the fact  
2 that the Applicant met more than one criteria for parking  
3 relief, which I know was of great concern to the residents  
4 and understandably so.

5           The other issue, too, is that now there are 27  
6 parking spaces existing in the buildings with no parking,  
7 either. So, you know, there shouldn't be, in my view, a much  
8 greater demand because of the additional units.

9           But as you stated, the Board has to grant an  
10 application for special exception where the Applicant clearly  
11 meets the criteria. And with respect to the parking, I don't  
12 think the Board has any option but to grant the application.

13           So while I do give the ANC's issues and concerns  
14 great weight, I, as Mr. Smith said, I don't agree with their  
15 reasons. Thank you.

16           BZA CHAIR HILL: Thank you. I wasn't sure if  
17 Chairman Hood was with us or not.

18           ZC CHAIR HOOD: Yes, I'm on. Can you hear me?

19           BZA CHAIR HILL: Yes, Chairman Hood.

20           ZC CHAIR HOOD: Okay. Thank you, Mr. Chairman.

21           I would agree in part, and disagree in part. I  
22 have an issue with 703.2, Subtitle 701, but I believe that  
23 the Applicant has mitigated Subtitle C, 1506.

24           I'm hearing -- I'm fine with that. But when  
25 Subtitle C, 703.2, I don't think there's anything in this

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1 record, even though everybody's pointing to the one that --  
2 the one out of the four or five, or whatever they meet.

3 But the ANC was clear, adverse impacts. I don't  
4 see anything in this record that deals with adverse impacts  
5 which a special exception is required.

6 So, and to say the regulations meet one and we  
7 have to do this, I disagree with that. I've always disagreed  
8 with that in the BZA for years.

9 I mean, just as far as disagreeing with we have  
10 to do this. No, that's not true. What is, is you have to  
11 interpret the special exception and on the face of this,  
12 there's nothing in this record.

13 I think the Applicant could have done a little  
14 more. I'm not saying put a parking on the spot, but what in  
15 this record mitigates adverse impacts in which the ANC voted  
16 unanimously against both parts.

17 I think Subtitle C, 1506.1 can be mitigated. But  
18 I don't see where 703.2 is, and I'll just leave it at that.  
19 But I know where the votes lie and those are my comments.

20 Thank you, Mr. Chairman. I'll be voting -- I  
21 don't know if you want to break it up, because I would not  
22 like to vote against Subtitle C, 1506.1, but I will be voting  
23 against 703.2, depending upon how ask to vote.

24 Thank you, Mr. Chairman.

25 BZA CHAIR HILL: Chairman, I can break it up.

1           Okay, I'm going to go ahead -- does anybody have  
2 anything that they'd like to add or comment on after hearing  
3 Chairman Hood?

4           Okay. I can go ahead and make a motion to approve  
5 Application Number 21047 for a special exception pursuant to  
6 Subtitle X, 901.2 under Subtitle C, 1506.1 from the penthouse  
7 setback requirements of Subtitle C, 1504.1.

8           And ask for a second, Ms. John?

9           BZA VICE CHAIR JOHN: Second.

10          BZA CHAIR HILL: The motion was made and seconded.

11          Mr. Moy, if you'll take a roll call?

12          Oh no, shoot, I'm sorry, I'm sorry, I totally read  
13 the wrong case. I'm sorry, I had the wrong reading in front  
14 of me.

15          Okay, so I'll try again. So I'm going to make a  
16 motion to approve Application Number 20983 from Subtitle X,  
17 901.2 for special exceptions under Subtitle C, 703.2 from the  
18 minimum vehicle parking -- oh no, well, yes, okay -- from the  
19 minimum vehicle parking requirements in Subtitle C, 701 and  
20 ask for a second, Ms. John.

21          BZA VICE CHAIR JOHN: Second.

22          BZA CHAIR HILL: Thank you. So, Mr. Moy, if you'd  
23 take a roll call vote on the parking requirements?

24          MR. MOY: When I call your name, if you'll please  
25 respond to the motion made by Chairman Hill to approve



1 special exception from the minimum vehicle parking  
2 requirements of Subtitle C, Section 701.

3 Yes, I think that's what you said on your motion.

4 BZA CHAIR HILL: Yes.

5 MR. MOY: The minimum vehicle parking requirements  
6 of Subtitle C, Section 701 pursuant to Subtitle C, Section  
7 703.2 and Subtitle X, Section 901.2.

8 This motion to approve was seconded by Vice Chair  
9 John. Mr. Smith?

10 MEMBER SMITH: Yes.

11 MR. MOY: Mr. Blake?

12 MEMBER BLAKE:

13 MR. MOY: Vice Chair John?

14 BZA VICE CHAIR JOHN: Yes.

15 MR. MOY: Chairman Hill?

16 BZA CHAIR HILL: Yes.

17 MR. MOY: Zoning Commission Chair Anthony Hood?

18 ZC CHAIR HOOD: No.

19 MR. MOY: Staff would record the vote as 4 to 1  
20 to 0.

21 This is on the motion made by Chairman Hill to  
22 approve. The motion to approve was seconded by Vice Chair  
23 John who also voted to approve, as well as approval from Mr.  
24 Smith, Mr. Blake, Vice Chair John, Chairman Hill.

25 Voting no is Zoning Commission Chair Anthony Hood.

1 The motion carries on a vote of 4 to 1 to 0.

2 BZA CHAIR HILL: Okay, all right, thank you, Mr.  
3 Moy.

4 All right, I'm going to make another motion to  
5 approve Application Number 20983 from Subtitle X -- pursuant  
6 to Subtitle X, 901.2 for special exceptions under Subtitle  
7 C, 1506.1 from the penthouse setback requirements of Subtitle  
8 C, 1501.1 and ask for a second, Ms. John.

9 BZA VICE CHAIR JOHN: So this would be Subtitle  
10 C, 1506.1?

11 BZA CHAIR HILL: Yes.

12 BZA VICE CHAIR JOHN: Okay. Second.

13 MR. MOY: When I call your name, if you'll please  
14 respond to the motion made by Chairman Hill to approve the  
15 application for the special exception from the penthouse  
16 setback requirements of Subtitle C, Section 1504.1 pursuant  
17 to Subtitle C, Section 1506.1 and Subtitle X, Section 901.2.

18 This motion to approve was seconded by Vice Chair  
19 John. Mr. Smith?

20 MEMBER SMITH: Yes.

21 MR. MOY: Mr. Blake?

22 MEMBER BLAKE: Yes.

23 MR. MOY: Vice Chair John?

24 BZA VICE CHAIR JOHN: Yes.

25 MR. MOY: Chairman Hill?

1 BZA CHAIR HILL: Yes.

2 MR. MOY: Zoning Commission Chair Anthony Hood?

3 ZC CHAIR HOOD: Yes.

4 MR. MOY: I'm sorry, my signal was a little bit  
5 fuzzy when you spoke, Chairman Hill.

6 BZA CHAIR HILL: I think he said yes.

7 MR. MOY: Okay, thank you.

8 ZC CHAIR HOOD: Oh, yes, yes, I said yes. And  
9 thank you for (audio interference).

10 MR. MOY: Okay, I hear you now, sir.

11 Staff will record the vote as 5 to 0 to 0, this  
12 is on the motion made by Chairman Hill to approve.

13 The motion to approve was seconded by Vice Chair  
14 John who also voted to approve, as well as approval from Mr.  
15 Smith, Mr. Blake, Vice Chair John, Chairman Hill, and Zoning  
16 Commission Chair Anthony Hood.

17 The motion carries on a vote of 5 to 0 to 0.

18 BZA CHAIR HILL: Okay, thanks. And, Chairman  
19 Hood, you're welcome for splitting it up.

20 Okay, let's see, all right, the next one before  
21 us is, whatever the next one is, Mr. Moy.

22 MR. MOY: It would be Application Number 21047 of  
23 Keshar Israel Congregation of Georgetown. This is a self-  
24 certified application for a special exception pursuant to  
25 Subtitle X, Section 901.2, Subtitle C, 1506.1 from the

1 penthouse setback requirements of Subtitle C, 1504.1 and area  
2 variances from Subtitle X, Section 1002 from rear yard  
3 requirements of Subtitle D, Section 210.1, and from the lot  
4 occupancy requirements, Subtitle D, Section 210.1.

5           The property is located in the R-3/GT zone. The  
6 property located 2801 through 2803 N Street, Northwest, and  
7 1308 28th Street, Northwest, Square 1235, Lots 161, 163, and  
8 800.

9           The Board will recall, you last heard this at your  
10 hearing on February 28, 2024. Participating is Chairman  
11 Hill, Vice Chair John, Mr. Blake, Mr. Smith, and Zoning  
12 Commission Chair Anthony Hood.

13           BZA CHAIR HILL: Okay. Okay, as you all know, we  
14 heard this case and there was concern and opposition to it  
15 from the kind of immediate neighbors.

16           And they had an opportunity to work with the  
17 Applicant concerning their requested relief.

18           The ANC had worked with the Applicant and had an  
19 opportunity to, again, work with the Applicant to address  
20 some of their concerns. So that was on the community side  
21 of the application.

22           Concerning the penthouse setback, I, again, didn't  
23 have any issues with it because I believe they had shown how  
24 they weren't able to move the elevator so in a way that would  
25 enable them to adhere to the penthouse setback.

1 In terms of the area variances, again, they are  
2 able to meet this, I believe, and also in a way that is  
3 practically indifferent.

4 It's practically difficult for them to meet this  
5 criteria. I believe that they are also meeting the first and  
6 second prong of the variance standard.

7 I'm going to refer back to the Office of  
8 Planning's report concerning those particular standards. And  
9 I'll go ahead and read through some of them again. But I  
10 believe that the Applicant has made the case, and I will be  
11 voting in favor of the application.

12 Mr. Smith, do you have anything you'd like to add?

13 MEMBER SMITH: I don't have anything to add. I  
14 agree with your assessment on this particular case.

15 And the reasons and metrics are applied, they meet  
16 the standards for relief for both the special exception and  
17 also for the area variances that were requested by the  
18 Applicant.

19 Given the size of this lot, of these lots and the  
20 very tight nature of the fabric there in Georgetown, so I  
21 agree with your assessment in this case.

22 I do know that the ANC has recommended some  
23 conditions. But I do not believe that those conditions are,  
24 for the most part, within the purview of the Board to address  
25 adverse impacts that relate to zoning.

1           Some of them mostly relate to the structure that  
2 will be handled by the Department of Buildings at the time  
3 of building permit.

4           I do believe that the Applicant did put in -- or  
5 did make some recommendations to install landscape buffers  
6 in neighboring properties.

7           But that condition will probably -- it's the one  
8 that I would probably recommend that we do add, given that  
9 I do think that one would address some adverse impacts  
10 relating to privacy or the -- relating to the adjacent  
11 properties.

12           Other than that, I will recommend approval that  
13 one.

14           BZA CHAIR HILL: Thank you. Mr. Blake?

15           MEMBER BLAKE: I agree that Applicant has met the  
16 burden of proof to be granted the variance and special  
17 exception relief provided.

18           The issue I have with the conditions provided by  
19 the ANC is, again, consistent with Board Member Smith's  
20 comments about them being primarily construction related.

21           However, the first one, I, too, think is a little  
22 bit afar. The intent of the landscaping buffer was to  
23 mitigate the visual impact on the immediately abutting  
24 properties.

25           And the only one there that would have been

1 included on the Applicant's property is the one to the north.

2           The other landscape buffers would be installed on  
3 the opposition parties' properties which is outside of the  
4 purview of the Board.

5           So for that reason, I do not believe that that  
6 condition could also be included in our order.

7           BZA CHAIR HILL: So just so I'm clear, you're in  
8 favor of the landscape buffer to the north?

9           MEMBER BLAKE: I'm not in favor of any of the --  
10 just to be clear, I am not in favor of any of the conditions  
11 in the order because construction related primarily.

12           With respect to Mr. Smith's comment on the first  
13 condition, the issue there is that the majority of those  
14 issues, first, it's for visual impact which is not an area  
15 for us to focus on necessarily.

16           Although, the respect for privacy, that would be  
17 the reason. In this case, they had proposed it for visual  
18 impact.

19           And second, the buffers were intended to be on the  
20 opposition party's property, not on the Applicant's property,  
21 except for the one to the north.

22           So in combination, I just don't think we should  
23 include that for that reason.

24           BZA CHAIR HILL: Okay. Vice Chair John?

25           BZA VICE CHAIR JOHN: Thank you, Mr. Chairman.

1           So I agree with everything so far. The only thing  
2 I would point to is that this is an application for a special  
3 exception and two area variances.

4           And I believe the Applicant has met the criteria  
5 for the area variances which require an exceptional condition  
6 leading to a practical difficulty. And it is a lesser  
7 standard for an area variance than a use variance.

8           And I see that in the Applicant's 12 point  
9 presentation, the Applicant has detailed how the application  
10 meets all of these criteria.

11           I'm also going to give great weight to the Office  
12 of Planning's report. And with that, I also agree that we  
13 should not include the conditions in the final order.

14           BZA CHAIR HILL: Okay.

15           BZA VICE CHAIR JOHN: For the reasons already  
16 stated by everyone else.

17           BZA CHAIR HILL: Okay. Mr. Smith, are you fine  
18 with that?

19           MEMBER SMITH: Yes, I'm fine with that.

20           BZA CHAIR HILL: Okay.

21           MEMBER SMITH: And looking back at the record, I  
22 agree with Mr. Blake's assessment in this case.

23           So I'll take my recommendation.

24           BZA CHAIR HILL: Okay, thank you. Chairman Hood?

25           ZC CHAIR HOOD: I would agree with all the



1 comments I've heard. I would just only ask, the Applicant  
2 doesn't always have to be strictly here on the Board of  
3 Zoning Adjustment or the Zoning Commission or whatever you  
4 have it.

5 But sometimes you can work with communities and  
6 get through some of those issues. And I call that the good  
7 neighbor policy. So I will be voting in favor of this  
8 application because I think the record is complete.

9 Thank you, Mr. Chairman.

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

12 BZA VICE CHAIR JOHN: Mr. Blake has a --

13 BZA CHAIR HILL: Oh, I'm sorry, Mr. Blake, you had  
14 your hand up?

15 MEMBER BLAKE: Yes, I just wanted to also mention  
16 that there was a request for additional design flexibility  
17 that the Applicant made.

18 I don't think we should necessarily include as a  
19 condition of the order, but it should certainly be referenced  
20 and mentioned in the order.

21 BZA CHAIR HILL: Okay, I'll read that.

22 Okay, so what you're saying, Mr. Blake, and thank  
23 you for pointing this out, is their request would be  
24 mentioned in the order so that it could be referred to but  
25 not as a condition?

1 MEMBER BLAKE: That is correct.

2 BZA CHAIR HILL: Okay. And so what the reference  
3 would be is a statement in the order that said, approval is  
4 subject to the plans shown in Exhibit 38 with the flexibility  
5 to modify the approve plans as required to secure final  
6 approval from the U.S. Commission of Fine Arts and Old  
7 Georgetown Board or respectively -- or respective staffs,  
8 provided such modifications do not substantially alter the  
9 exterior design shown on the approved plans and provide  
10 further that -- and provided further that the zoning relief  
11 granted is not increased or affected.

12 So I would ask OZ to add that into order.

13 That also being the case, I would then make a  
14 motion to approve Application Number 21047 as captioned read  
15 by the Secretary and ask for a second, Ms. John.

16 BZA VICE CHAIR JOHN: Second.

17 BZA CHAIR HILL: Motion made and seconded.

18 Mr. Moy, take a roll call?

19 MR. MOY: When I call your name, if you'll please  
20 respond to the motion made by Chairman Hill to approve the  
21 application for the relief requested as well as references  
22 in the order with respect to flexibility as cited in the  
23 Chairman's motion.

24 The motion was seconded by Vice Chair John.

25 Mr. Smith?

1 MEMBER SMITH: Yes.

2 MR. MOY: Mr. Blake?

3 MEMBER BLAKE: Yes.

4 MR. MOY: Vice Chair John?

5 BZA VICE CHAIR JOHN: Yes.

6 MR. MOY: Chairman Hill?

7 BZA CHAIR HILL: Yes.

8 MR. MOY: Zoning Commission Chair Anthony Hood?

9 ZC CHAIR HOOD: Yes.

10 MR. MOY: Staff would record the vote as 5 to 0  
11 to 0, and this is on the motion made by Chairman Hill to  
12 approve.

13 The motion to approve was seconded by Vice Chair  
14 John, who also voted to approve the application as well as  
15 approval from Mr. Smith, Mr. Blake, Vice Chair John, Chairman  
16 Hill, and Zoning Commission Chair Anthony Hood.

17 The motion carries on a vote of 5 to 0 to 0.

18 BZA CHAIR HILL: Okay. All right, Mr. Moy, you  
19 can call our next decision case.

20 ZC CHAIR HOOD: That's it for me, thanks,  
21 everybody. Have a good day.

22 BZA CHAIR HILL: Bye, Chairman Hood.

23 MR. MOY: The next case before the Board is  
24 Application Number 20996 of 106 13th Street, LLC. This is  
25 a self-certified application pursuant to Subtitle X, Section

1 1002 for a use variance from Subtitle U, Section 301 to allow  
2 a restaurant use on the second floor of an existing building.

3 The property is located in the RF-1 zone at 106  
4 13th Street, Southeast, Square 1036, Lot 60.

5 And if you'll recall, the Board last heard this  
6 at its deliberations on January -- March the 6th, last March  
7 the 6th, 2024. Participating is Chairman Hill, Vice Chair  
8 John, Mr. Blake, Mr. Smith, and Zoning Commissioner Stidham.

9 Thank you, sir.

10 BZA CHAIR HILL: Okay. So there are a couple of  
11 things first, and it's going to take me a little while. So  
12 y'all can -- I've got a few things I'd like to say.

13 Commissioner Stidham, welcome.

14 Let's see, so there are motions to -- well, there  
15 is a motion to reopen the record for a letter from  
16 Councilmember Charles Allen.

17 And it being that it is the Councilmember who is  
18 an elected official and who represents this ward, I would be  
19 open to opening the record to allow this letter into the  
20 record. So that's my first comment.

21 The other is that there was a motion -- so let me  
22 do that first. I mean, does anyone have anything they'd like  
23 to say about that? And if so, raise your hand.

24 Okay, seeing no one raised their hand, Mr. Moy,  
25 if you could go ahead and reopen the record to allow the

1 letter from Councilmember Allen into the record?

2 MR. MOY: Yes, sir, yes, sir.

3 BZA CHAIR HILL: Okay. So the other was a motion  
4 to reopen the record from a Jessica Gardner. And I  
5 appreciate her request. However, I think that the record is  
6 very full. We've had a lot of comments from the community.  
7 We've had a lot of witnesses at the last hearing.

8 So I don't think that we would necessarily get any  
9 new information other than just people being in support of  
10 this particular application. So I would be inclined to deny  
11 the request to reopen the record for people to submit further  
12 testimony, and the public, that is, at large.

13 And because, again, we've had very full hearing  
14 on this and I do believe that the public has had a good  
15 opportunity to comment on this application.

16 Does anyone have anything to say about any of  
17 those things? If so, raise your hand.

18 So no one is raising their hand. Mr. Moy, we're  
19 going to go ahead and deny that motion to reopen the record  
20 for Ms. Jessica Gardner.

21 MR. MOY: Yes, sir.

22 BZA CHAIR HILL: Okay. So now that brings me back  
23 to a few things that I'd like to talk about concerning this  
24 --

25 MR. MOY: Mr. Chairman?

1 BZA CHAIR HILL: Sure.

2 MR. MOY: Sorry to interrupt, we also have filing  
3 from March the 11th, you see on your Exhibit 26 from the  
4 Applicant asking for postponement to continue.

5 So that's -- that should be on your list as well.

6 BZA CHAIR HILL: Got it, okay. So this leads into  
7 some of the things I want to talk about. Right?

8 So I'm talking to my fellow Board Members, I have  
9 a bunch of things I'd like to say. And a lot of it is even  
10 directed just kind of to the public at large, because this  
11 has been a very commented upon case within the community.

12 I'd like to mention a couple of things. I've got  
13 -- I've heard that the public is actually reaching out to  
14 individual Board Members. So I would like for the public to  
15 be very clear that we're just a volunteer organization. We  
16 basically get a small stipend.

17 We are here serving weekend and week out every  
18 Wednesday to look at the applications that are before us,  
19 compare them to the regulations that we're supposed to apply,  
20 and then, make a determination upon those regulations,  
21 getting input from the ANCs, the public, and the Office of  
22 Planning.

23 However, I'd just like to point out to the public  
24 that we, again, are not elected officials and we are not  
25 supposed to be dealing in ex parte communications anyway.

1           So all you're doing is hurting your case if you  
2 try to reach out to us individually in any way. And so I  
3 would definitely not do that anymore if anyone, if you -- you  
4 know, if you are doing that or have done that, we've had  
5 people reach out to us, please do not do that anymore.

6           Okay, so, and please, Board Members, bear with me  
7 because there's a lot of things I want to kind of say here.

8           So we, the Board, have to follow our regulations.  
9 Right? And we look at what is before us in terms of a -- and  
10 I am going to ask for a little bit of information at the end  
11 of this.

12           So we are supposed to look at the regulations and,  
13 again, determine whether or not we think they're meeting or  
14 not meeting the regulations. Again, taking information from  
15 the ANC, the Office of Planning, and other different  
16 departments between in the city.

17           So under the general procedures for the general  
18 provisions under 1001, I'm speaking specifically to what  
19 we're supposed to look at for a use variance.

20           The first prong is by reasons of exceptional  
21 narrowness, shallowness, or shape of a specific piece of  
22 property at the time of the original adoption of regulations  
23 or by reason of exceptional topographical conditions or other  
24 extraordinary or exceptional conditions of a specific piece  
25 of property the strict application of any regulation would

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1 result in -- okay, so that's the first thing. Is it an  
2 exceptional property? That's what we have to kind of look  
3 at. Right?

4 Then, the second prong is, due to the exceptional  
5 circumstances, is there an exceptional and undue hardship  
6 upon the property owner that allows this relief to be  
7 granted?

8 And I point out exceptional undue hardship because  
9 this is a use variance, meaning, again, it's the highest  
10 standard that we're supposed to look at.

11 Meaning, that there's a third prong which is, that  
12 provided that the relief can be granted without substantial  
13 detriment to the public good and without substantially  
14 impairing the intent, purpose, and integrity of the zone  
15 plan.

16 So if this were an area variance, as we've spoken  
17 to in a previous case, it would be exception, practical  
18 difficulties. It's a little bit of a lower bar. Right?

19 It's are there practical difficulties.

20 So practical difficulties, maybe, you know, is it  
21 impractical to change the second floor? Right?

22 And so really the exceptional undue hardship is,  
23 again, that they cannot meet the criteria that are within the  
24 matter of right or other options allowed by special  
25 exception.



1           And therefore, it's kind of a taking of the  
2 government taking what you can do with your property.

3           So that's why this is something that I think the  
4 Board is finding more difficulty with. Okay?

5           So I'm going to kind of point that out. And that,  
6 again, even though I mentioned it and Chairman Hood, in a  
7 previous case, we on the Board, and I know that I have a  
8 different opinion at this point with my fellow Board Members,  
9 are looking at the regulations and whether or not we think  
10 they're meeting the criteria for us to grant the relief.

11           So that being said, I am interested in hearing --  
12 getting a little bit more information from the Applicant as  
13 to some of the questions that I have.

14           And so that's why, if the Applicant now is  
15 requesting to reopen the record, and you'll forgive me,  
16 because I'm trying to like read through a lot of things that  
17 I'm thinking about. And you all can add anything at the end  
18 if you'd like.

19           But the Applicant is asking to reopen the record  
20 to allow some information.

21           I would take whatever information they'd like to  
22 supply for the Board to take under consideration.

23           I think that it could be helpful if there could  
24 be a more concise summary of their argument to take a look  
25 at.

1 I think the record has a lot of information in it.

2 And so I think that if the Applicant could provide  
3 a more concise argument, that might be an easier place for  
4 me to be able to synthesize the information.

5 And some of that additional information that I  
6 would be interested in is, again, the condition of the space  
7 before the Applicant's improvements on that second floor.

8 Because what I'm trying to understand is, what is  
9 the exceptional situation with that second floor? Right?

10 And I know that some of this is in the record, but  
11 if they could synthesize it in a way that might be more  
12 helpful to me, the cost of the renovation that it would cost  
13 to rehab the -- back into a residential use.

14 I'm curious, again, I think they did mention, but  
15 are the utilities separately metered?

16 How could that second floor be configured for  
17 residential use?

18 How can they make it a functional layout?

19 What efforts did the Applicant actually undertake  
20 to make the second floor usable as a residential space?

21 What efforts did the Applicant undertake to market  
22 the second floor as a residential space?

23 And then, lastly, I think like a demolition permit  
24 or something that showed that the Applicant was allowed to  
25 demolish whatever was there and then, turn it into the space

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1 that they've turned it into now, which seems to be ready for  
2 a restaurant use. Right?

3 I am curious, so back in -- and Exhibit 103 was  
4 the first Office of Planning's report from this application.  
5 And they referenced back in Application 20445, which was back  
6 in 2022, that the Applicant had tried to make an argument for  
7 the second floor as a restaurant use.

8 And the Office of Planning did not agree with the  
9 Applicant at that time.

10 And the Office of Planning, however, did agree  
11 that probably, or not probably, the Office of Planning agreed  
12 that the basement actually did create an exceptional  
13 situation leading to a practical difficulty that would have  
14 allowed the Board to grant the relief requested.

15 And that relief was requested and the basement was  
16 allowed to be included as a restaurant use, which, again, was  
17 something that was a difficult standard for the Board to also  
18 walk through.

19 And so I would be curious, and I'm speaking,  
20 again, to the Applicant and their counsel, you know, what did  
21 it look like back in 2022? Right?

22 And I know that it might be in the record there,  
23 but if it could be understood to me that, in 2022, this is  
24 what it looked like and it was so bad that we had to make  
25 these changes and we couldn't make it a residential use, we

1 couldn't do what we needed to do with it to make it fit  
2 within the regulations.

3           Therefore, it would be a taking if you wouldn't  
4 allow us to do this -- what we're asking for now. Right?

5           And again, I'm kind of -- I'm reiterating some of  
6 this, but, you know, what attempts did they make to rent that  
7 second floor?

8           In the arguments, the Applicant argues that the  
9 units were removed due to neglect. I didn't really see where  
10 the neglect was.

11           Like, you know, again, showing what was the  
12 practical, you know, the exceptional situation in terms of  
13 that second floor was so bad that they had to do what they  
14 did with it. Okay?

15           And so that's -- and y'all got something else,  
16 I'll stop at the very end of this.

17           I would like to refer back to, again, the Office  
18 of Planning's second report which, on page 2 again, it said,  
19 should be Board find that the Applicant's arguments,  
20 particularly ones related to economic hardship, do present  
21 an exceptional condition leading to an undue hardship, OP  
22 continues to concur that the expansion of the restaurant to  
23 the upper floor would not constitute a significant and undue  
24 hardship to the neighborhood.

25           Meaning, the third prong could be met as far as

1 the Office of Planning was concerned.

2           Finally, the intent of the -- and I'm reading,  
3 again, just the Office of Planning's report -- finally, the  
4 intent of the zoning regulation is generally not to permit  
5 an expanded use of a nonconforming use.

6           This is both to limit commercial encroachment into  
7 the low density to resident areas, and to maintain the  
8 integrity of areas zoned to be at the resident-pedestrian  
9 nodes.

10           As such, this proposal would typically be  
11 considered inconsistent with the intent of the RF-1 zone.

12           In this case, the non-residential use in a portion  
13 of the building is longstanding. And while the zoning  
14 regulations do not anticipate expansion of such use, if the  
15 Board determines that the Applicant's case for an exceptional  
16 condition leading to an undue hardship has been met, such an  
17 expansion would not, in this instance, appear to  
18 significantly detrimental to the integrity to the zone.

19           Again, referring to the third prong.

20           I mention all this because, I would also like,  
21 after we get this information, for the Office of Planning to  
22 take a look at the information that is given to us and then,  
23 provide the Board with their view of the additional  
24 information.

25           Yes, I guess I keep repeating myself, but, you

1 know, why'd you make the change to the second floor?

2           And then, oh, and then, finally, and I don't know  
3 if anybody has anything to add, then finally, to the  
4 Applicant, I don't know if this is a good argument or not  
5 yet.

6           I suppose you're here at the end and, you know,  
7 a little bit additional more time in attorney's fees may or  
8 may not help you, I just don't know.

9           What I'm trying to say is like, I don't know  
10 whether this is good money after bad, but I know that this  
11 is what at least I'm kind of interested in.

12           Does anybody have anything they'd like to add?  
13 And if so, raise your hand. Commission Stidham?

14           COMMISSIONER STIDHAM: And I'm sorry that I missed  
15 the last hearing, but I did listen to the entire thing last  
16 night and did spend some time going back over the record.

17           So I think I agree with you, there is some  
18 additional information that I think would be helpful to  
19 understand.

20           It's unclear to me if there was ever a legal  
21 residential use of the second floor.

22           I noted somewhere in the record that there wasn't  
23 a CFO for the use of the second floor as a residential, but  
24 there was a CFO for the use of all three levels, I believe  
25 it was, for the deli.

1           There seems to be a history of the use of a  
2 commercial use of this building and a lack of a record  
3 related to a residential use of this building.

4           And to understand that, would be really helpful  
5 in understanding if there was ever a residential and maybe  
6 we can figure why there wasn't or if there was.

7           You know, the -- I agree that I need to better  
8 understand why the changes to the second floor were made,  
9 whether code issues related to the second floor that  
10 prohibited the use of the first floor for the restaurant use  
11 or is it a separate issue and when those changes were made,  
12 just a why and when those changes were made and for what  
13 reasons.

14           And a little bit more, when -- I believe the use  
15 prior to the purchase by this particular owner, and I believe  
16 it was 2018, was a commercial use, but not for the second  
17 floor.

18           Curious what the use of the second floor during  
19 that previous commercial use was. That gives a little bit  
20 to the intent when the owner was purchasing the property.

21           And I think that's it. I found in the record some  
22 of my questions related to what was previously there with the  
23 demo plans from 2020.

24           But I think a clear summary would be really  
25 helpful about all of the bars we're trying to meet and where

1 the Applicant is on those, and a better understanding of the  
2 second floor would be good.

3 This is a hard one to sort of parse out.

4 BZA CHAIR HILL: Okay, thanks, Commissioner.

5 Does anybody else have anything they would like?  
6 And if so, raise your hand.

7 Okay. Mr. Moy, then, do you want to help me with  
8 dates?

9 MR. MOY: Yes, sir. Before I do that, just a  
10 couple of questions for my edification, I suppose. So this  
11 would return to the Board for another decision meeting  
12 session?

13 BZA CHAIR HILL: Yes.

14 MR. MOY: Okay. And you would allow the Office  
15 of Planning to submit a supplemental report that would  
16 evaluate the filings that will be submitted -- the filing  
17 that would be submitted by the Applicant, right?

18 BZA CHAIR HILL: Yes, please.

19 MR. MOY: Okay. So I'm thinking, given the number  
20 of additional information from the Applicant, today is March  
21 13th, if we give the Applicant, and you can shorten this by  
22 a week if you wish, of course, if the Applicant, let's say,  
23 filed by March 27th and require OP a week to evaluate and  
24 file into the record by April 3rd.

25 And back for a decision the following week which



1 would be April 10th.

2 BZA CHAIR HILL: Yes.

3 MS. DEMARE: Sorry to interrupt, but I just want  
4 to make sure that everyone knows that all parties would need  
5 an opportunity to respond.

6 BZA CHAIR HILL: Okay, thank you.

7 So then that means the ANC?

8 MS. DEMARE: Yes.

9 BZA CHAIR HILL: Okay.

10 So then, sorry, go ahead, Mr. Moy.

11 MR. MOY: No, go ahead.

12 BZA CHAIR HILL: So I was going to point out,  
13 you're asking for information to be submitted by the  
14 Applicant. But what was the date again?

15 MR. MOY: If we give the Applicant, let's say, two  
16 weeks, so that would be March 27th.

17 BZA CHAIR HILL: Yes.

18 And then, you were going to ask for a report by  
19 the -- you were going to ask for something -- allow the  
20 Office of Planning a week, so they could give us something  
21 by the 3rd?

22 MR. MOY: Right, right.

23 BZA CHAIR HILL: And then, also leave the record  
24 open for something from the ANC by the 3rd?

25 MR. MOY: Yes, or would you want ANC be able to

1 respond to the supplemental report from the Office of  
2 Planning?

3 BZA CHAIR HILL: Thank you.

4 Then, if we allow the ANC, I guess, until the 8th?

5 MR. MOY: March --

6 BZA CHAIR HILL: April 8th.

7 MR. MOY: April -- that would be a Monday?

8 BZA CHAIR HILL: Yes.

9 MR. MOY: Okay.

10 BZA CHAIR HILL: I'm just thinking that the --  
11 like if we're going to come back for a decision on the 10th,  
12 the Office of Planning is going to give us their report by  
13 the 3rd, then, I mean, I want to be able to have time to look  
14 at the -- well, I guess if you give the 27th, the 3rd, I  
15 mean, yes, the 3rd, we can give them until that Tuesday  
16 before we decide, I guess, the 9th?

17 Mr. Moy, I'm sorry, I took over your little --  
18 your dates.

19 I mean, what date do you think you would like to  
20 give the ANC to respond?

21 MR. MOY: Well, typically, I think it'd be wise  
22 to at least give the ANC response at least a week.

23 But then, that would put off your decision date  
24 another week. So instead of April the 10th, it would be  
25 April the 17th.

1 BZA CHAIR HILL: Yes, the 17th won't work for me.

2 MR. MOY: Well, unless you want to go later. If  
3 we go later, we're looking at April the 24th.

4 BZA CHAIR HILL: Yes, the 17th nor the 24th won't  
5 work for me.

6 MR. MOY: Oh, okay, okay.

7 Well, I'm sorry, I forgot.

8 Well, let's have the response from the ANC and any  
9 other parties, let's say --

10 BZA CHAIR HILL: Why don't we give them --

11 (Simultaneous speaking.)

12 MR. MOY: If they need more time, they'll write  
13 something into the record.

14 BZA CHAIR HILL: Or you could give -- can you give  
15 the Applicant until March 22nd? That's a week and a half.

16 MR. MOY: Sure.

17 BZA CHAIR HILL: And if they need more time, they  
18 can let us know. Right?

19 MR. MOY: Yes.

20 BZA CHAIR HILL: And then, the Office of Planning  
21 could give us their report by the 29th of March, that's a  
22 week later.

23 MR. MOY: Right.

24 BZA CHAIR HILL: And then, we can get the ANC  
25 report by the 5th of April. That's a week later.

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1 MR. MOY: Okay. And then back for decision making  
2 on Wednesday, April the 10th.

3 BZA CHAIR HILL: Yes, okay.

4 MR. MOY: So once again, the submissions would be  
5 due on Fridays, Applicant, March 22nd, OP supplemental  
6 report, March 29th, response from the ANC and if there are  
7 any other parties, Friday, April 5th, back for decision  
8 making, Wednesday, April the 10th.

9 BZA CHAIR HILL: Okay, great. Okay, does the  
10 Board have anything they'd like to add about this? And if  
11 so, raise your hand.

12 Okay. I'm going to just reiterate again, the  
13 public is doing no favors to this Applicant by reaching out  
14 to the Board because it's not -- it's ex parte communication  
15 and we are here as volunteers with a small stipend. But  
16 basically, you know, volunteers.

17 And so please do not reach out to the Board.

18 And the record is closed except for the  
19 information asked from the Applicant and then responses --  
20 I'm sorry, and then the Office of Planning. And then  
21 responses by parties.

22 So, okay. All right, Mr. Moy, I'm going to close  
23 that then. Okay, we're back on decision for 4/10. Okay?

24 Okay, I'm going to try to get through -- unless  
25 we've got -- if we can try to get through all of our -- I

1 mean, I'm sorry, our decision stuff first, and then, we'll  
2 take a break.

3 So, Mr. Moy, if you want to call our next one,  
4 please?

5 MR. MOY: Sorry for the delay, I'm reshuffling  
6 things here.

7 Okay, all right, so the next case before the Board  
8 is an expedited review case. And that is Application Number  
9 21077 of John Moody.

10 This is an amended self-certified application  
11 pursuant to Subtitle X, Section 901.2 for the following  
12 special exceptions under Subtitle D, Section 5201.1 from  
13 accessory structure building area requirements, Subtitle D,  
14 Section 5003.1, accessory structure location requirements,  
15 Subtitle D, Section 5004.1(a).

16 The property located in the R-1B zone at 1216  
17 Holly Street, Northwest, Square 2955, Lot 10.

18 BZA CHAIR HILL: Okay, thanks, Mr. Moy.

19 Okay, yes, this is an expedited review for, again,  
20 the accessory structure building area requirements and the  
21 location of that accessory structure.

22 After reviewing the record and, in particular, the  
23 Office of Planning's report, as well as the feedback from the  
24 ANC and the Applicant, I believe that they're meeting the  
25 criteria for us to grant the relief requested.

1 I didn't see particularly any issues or concerns  
2 I had. I thought that the architectural plans are very  
3 helpful.

4 And concerning a shadowing or a light or, you  
5 know, air, privacy issues, I didn't see any undue impacts.  
6 And so I was going to be voting in favor of the application.

7 Mr. Smith, do you have anything you'd like to add?

8 MEMBER SMITH: No, sir, your assessment of the  
9 case and I'm in support of the application.

10 BZA CHAIR HILL: Thank you. Mr. Blake?

11 MEMBER BLAKE: I have nothing to add. I'm in  
12 support of the application as well.

13 BZA CHAIR HILL: Thank you. Welcome, Commissioner  
14 Miller. Commissioner Miller?

15 ZC VICE CHAIR MILLER: Mr. Chairman, I agree with  
16 you and my colleagues. Thank you.

17 BZA CHAIR HILL: Thank you. Vice Chair John?

18 BZA VICE CHAIR JOHN: I agree with your comments,  
19 Mr. Chairman. I'm in support.

20 BZA CHAIR HILL: Thank you. All right, I'm going  
21 to make a motion to approve Application Number 21077 as  
22 captioned and read by the Secretary and ask for a second, Ms.  
23 John.

24 BZA VICE CHAIR JOHN: Second.

25 BZA CHAIR HILL: The motion made and seconded.

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1 Mr. Moy, if you'd take a roll call, please?

2 MR. MOY: When I call your name, if you would  
3 please respond to the motion made by Chairman Hill to approve  
4 the application for the relief requested.

5 A motion to approve was seconded by Vice Chair  
6 John. Zoning Commissioner Rob Miller?

7 ZC VICE CHAIR MILLER: Yes.

8 MR. MOY: Mr. Smith?

9 MEMBER SMITH: Yes.

10 MR. MOY: Mr. Blake?

11 MEMBER BLAKE: Yes.

12 MR. MOY: Vice Chair John?

13 BZA VICE CHAIR JOHN: Yes.

14 MR. MOY: Chairman Hill?

15 BZA CHAIR HILL: Yes.

16 MR. MOY: Staff would record the vote as 5 to 0  
17 to 0, and this is on the motion made by Chairman Hill to  
18 approve.

19 The motion to approve was seconded by Vice Chair  
20 John who also voted to approve the application, as well as  
21 approvals from Zoning Commissioner Rob Miller, Mr. Smith, Mr.  
22 Blake, Vice Chair John, and Chairman Hill.

23 Motion carries 5 to 0 to 0.

24 BZA CHAIR HILL: Thank you. May I ask if somebody  
25 else would start the deliberation on this one?

1 BZA VICE CHAIR JOHN: Okay. Hearing no one, I  
2 will try to start.

3 BZA CHAIR HILL: Thanks, Vice Chair John, way to  
4 step up, Vice Chair John. I appreciate it.

5 BZA VICE CHAIR JOHN: I always do my best.  
6 So this is a new two-story --

7 MR. MOY: Hold on, I'm sorry, ma'am, I should  
8 maybe call the case first.

9 BZA VICE CHAIR JOHN: Oh.

10 BZA CHAIR HILL: Oh, I thought you called it.  
11 Okay, that sounds --

12 MEMBER SMITH: I didn't know what you wanted me  
13 to step up on.

14 BZA CHAIR HILL: It's like --

15 BZA VICE CHAIR JOHN: Now that you know, Board  
16 Member Smith, you're welcome.

17 BZA CHAIR HILL: Okay. I mean, I'm like -- I'm  
18 already talked so much, my brain is tired.

19 BZA VICE CHAIR JOHN: And I need coffee, I'm in  
20 desperate need of a second cup of coffee.

21 BZA CHAIR HILL: We're going to get it right after  
22 this, I think. I think we've got one more maybe, I don't  
23 know.

24 So, please, Mr. Moy, call the case. Thank you.

25 MR. MOY: Okay, all right, all right. Before the



1 Board in its public meeting session is Application Number  
2 20505-A, that's A as in alpha, of Michael Farquhar. This a  
3 modification of consequence -- a request for a modification  
4 of consequence pursuant to Subtitle Y, Section 703 to amend  
5 approved plans.

6 The property location in the R-3/GT zone at 1963  
7 39th Street, Northwest, Square 1310, Lot 102.

8 I would just like to add for the record, Mr.  
9 Chairman, that, again, it's the Application Case Number is  
10 20505-A.

11 The has been some misunderstandings about whether  
12 the letter is B or C. We've been having issues with our  
13 ISIS. That's being corrected as I speak or may have already  
14 been correct.

15 But I just want the record to reflect that it's  
16 identified as 20505-A.

17 Other than that, that's all I have for you, Mr.  
18 Chairman.

19 BZA CHAIR HILL: Okay, thanks.

20 All right, Vice Chair John, thank you.

21 BZA VICE CHAIR JOHN: Okay. Okay, so this, I  
22 believe, is properly before us as a modification of  
23 consequence.

24 And so this accessory structure was previously  
25 approved by the BZA and there was an issue with an easement

1 and the location of the easement, and how the accessory  
2 structure would be sited on the property.

3 And so the Applicant was able to agree with the  
4 neighbor who was in opposition concerning where the easement  
5 would be.

6 And so based on that agreement, the Applicant was  
7 able to revise the site of the accessory structure so that  
8 the building footprint is located on the original lot which  
9 did not have an easement on that Lot 79.

10 I should say, that there were two lots, 79 and 80,  
11 and there was a question as to whether or not the siting  
12 encumbered an easement.

13 So there is really -- this is the same accessory  
14 structure, it's just sited differently on the lot and no new  
15 -- there's been no changes to the structure except to move  
16 it from one place to the next.

17 So I would give great weight to the Office of  
18 Planning's report recommending approval.

19 I don't know if we received anything from ANC.  
20 I'm looking at the ANC --

21 BZA CHAIR HILL: We got something from -- I don't  
22 think we got -- we got an email.

23 BZA VICE CHAIR JOHN: I don't think we got  
24 anything from the ANC. Someone please correct me.

25 BZA CHAIR HILL: Yes, we did. We did get their

1 report.

2 BZA VICE CHAIR JOHN: Okay.

3 BZA CHAIR HILL: And their report is an approval.

4 BZA VICE CHAIR JOHN: Okay. So based on that, I  
5 will be in support of the application.

6 BZA CHAIR HILL: Okay. And they say, should grant  
7 the relief requested by the Applicant.

8 ZC VICE CHAIR MILLER: Yes, it's ANC 2E, I  
9 believe.

10 BZA VICE CHAIR JOHN: Yes.

11 ZC VICE CHAIR MILLER: In support -- a letter of  
12 support. I don't have the exhibit number, but it's a letter  
13 dated March 7th.

14 BZA CHAIR HILL: It's Exhibit 10.

15 BZA VICE CHAIR JOHN: Okay.

16 BZA CHAIR HILL: Right, should grant -- BZA should  
17 grant the relief requested by the Applicant because this  
18 really would not visibly intrude on the character and scale  
19 of the house along this block.

20 It does not intend to affect the use of the  
21 neighboring properties.

22 Okay, thank you, Vice Chair John, thank you very  
23 much.

24 Mr. Smith?

25 MEMBER SMITH: I have nothing to add over the

1 other statements made by Vice Chair John.

2 I agree with her assessment of this case and will  
3 give the OP staff report great weight, and the ANC is also  
4 in support of the application.

5 So I will support the application.

6 BZA CHAIR HILL: Thank you. Mr. Blake?

7 MEMBER BLAKE: The application is clear, though,  
8 that the application -- initial application was for the  
9 accessory apartment and not the building itself.

10 The building relief is not right.

11 So the structure itself was never in question, but  
12 this does remove the issues by the party in opposition who  
13 is actually in support of the modification.

14 I'll be in support of the request.

15 BZA CHAIR HILL: Thank you.

16 Vice Chair Miller?

17 ZC VICE CHAIR MILLER: Thank you, Mr. Chairman.

18 Yes, I agree with your comments and those of my  
19 colleagues and support the application.

20 BZA CHAIR HILL: Thank you. I appreciate Vice  
21 Chair John taking the lead on that discussion. And I would  
22 agree with, again, her wonderful assessment.

23 I'm going to make a motion to approve Application  
24 Number 20505-A as captioned and read by the Secretary and ask  
25 for a second, Ms. John.

1 BZA VICE CHAIR JOHN: Second.

2 BZA CHAIR HILL: Motion been made and seconded.

3 Mr. Moy, if we can take a roll call?

4 MR. MOY: Thank you, sir. When I call your name,  
5 if you will please respond to the motion made by Chairman  
6 Hill to approve the application for the relief requested.  
7 This is the modification of consequence. The motion to  
8 approve was seconded by Vice Chair John.

9 Zoning Commissioner Rob Miller?

10 ZC VICE CHAIR MILLER: Yes.

11 MR. MOY: Mr. Smith?

12 MEMBER SMITH: Yes.

13 MR. MOY: Mr. Blake?

14 MEMBER BLAKE: Yes.

15 MR. MOY: Vice Chair John?

16 BZA VICE CHAIR JOHN: Yes.

17 BZA CHAIR HILL: I think I lost Mr. Moy.

18 All right, I think Mr. Moy can repeat what I'm  
19 about to say. He was going to ask for my vote, and I'm going  
20 to say yes, and then let the record show that the vote --

21 MR. MOY: Okay, here we go.

22 BZA CHAIR HILL: Okay.

23 MR. MOY: Okay, I'm coming back.

24 BZA CHAIR HILL: Still not here.

25 MR. MOY: There we go.

1 Vice Chair John, your vote?

2 BZA VICE CHAIR JOHN: Yes.

3 MR. MOY: Okay, I think we're back, okay.

4 That's a yes from Vice Chair John.

5 Chairman Hill?

6 BZA CHAIR HILL: Yes.

7 I lost him again.

8 MR. MOY: Okay. So staff would record the vote  
9 as 5 to 0 to 0 and this is on the motion by Chair -- on the  
10 motion made by Chairman Hill to approve.

11 The motion to approve was seconded by Vice Chair  
12 John who voted to approve the application, as well as  
13 approval from Zoning Commissioner Rob Miller, Mr. Smith, Mr.  
14 Blake, Vice Chair John, and Chairman Hill.

15 BZA CHAIR HILL: Thank you, Mr. Moy.

16 We just have this party status issue and then we  
17 can take a break before our meetings.

18 Although, Mr. Moy, can you call our next one?

19 MR. MOY: Okay. Mr. Chairman, if you can give me  
20 a few minutes, I'm --

21 BZA CHAIR HILL: Actually, that's fine.

22 MR. MOY: -- getting a --

23 BZA CHAIR HILL: You guys --

24 MR. MOY: -- message from my staff about one of  
25 the requesters, Kim Patterson, may be -- I need to clear that

1 up.

2 Can we take a quick break now and then come back  
3 so I can sort this out?

4 BZA CHAIR HILL: Yes, yes, let's go ahead.

5 MR. MOY: And I can set up for the advanced party  
6 status.

7 BZA CHAIR HILL: Okay. Let's take a 15 minutes  
8 break, you guys, okay? Thank you.

9 MR. MOY: Thank you, sir.

10 BZA CHAIR HILL: Bye-bye.

11 (Whereupon, the above-entitled matter went off the  
12 record at 10:57 a.m. and resumed at 11:20 a.m.)

13 MR. MOY: For the record, the Board has returned  
14 to its public hearing session after a very brief break, and  
15 the time is now at or about 11:20 a.m. in the morning.

16 Very quickly, Mr. Chairman, this is directed to  
17 our viewers today. We're having technical difficulties with  
18 our website with reference to an access code call in. So  
19 that's in the works for being corrected.

20 But for now, when our guests call in to get into  
21 our panel, the (audio interference) --

22 BZA CHAIR HILL: Mr. Moy, you're breaking up, in  
23 and out. I didn't hear -- Mr. Moy?

24 MR. MOY: -- number is the same, which is 202-860-  
25 2110 (audio interference) and it will ask you for the --

1 BZA CHAIR HILL: Mr. Moy, Mr. Moy?

2 MR. MOY: Yes?

3 BZA CHAIR HILL: You broke up that whole line, I  
4 didn't hear any of it.

5 MR. MOY: Oh, okay.

6 BZA CHAIR HILL: I don't think anybody heard  
7 anything.

8 MR. MOY: Okay, I turned off my video, but can you  
9 hear me clearly now?

10 BZA CHAIR HILL: Yes.

11 MR. MOY: Okay, perfect, I'll do this. Once  
12 again, we're having difficulties with our -- I guess it's the  
13 website when people try to call in the access code when  
14 signing up.

15 So for our viewers, I want to give you two numbers  
16 now. When you call the telephone number, which is the same,  
17 202-860-2110, once again 202-860-2100, it will ask you to  
18 type in the access code number which is, and this is a long  
19 number, 23142546672, again, 23142546672, and that will get  
20 you in.

21 If that fails, then the other alternative is to  
22 call Mr. Rob Reed, and that is the OZ hotline. And his  
23 number is 202-727-5471, 202-727-5471.

24 So hopefully that will solve it for now and to --  
25 can be corrected. We have our IZ people working on that now.



1 So I apologize to the public for this difficulty. Okay?

2 BZA CHAIR HILL: Okay.

3 MR. MOY: Okay. So before you now is, and it is  
4 the last Board action in its public meeting session, and it's  
5 to address request for advanced party status to Case  
6 Application Number 21065 of Thirteenth 202, LLC.

7 The case application is scheduled for next week,  
8 March the 20th.

9 So very quickly, Mr. Chairman, and you can cover  
10 me as well, we have two individuals asking for party --  
11 advanced party status, a Gayle Petersen, and a Gail  
12 Patterson.

13 The, let's see, and then, we have two other  
14 requesters who did not ask for advanced party status, which,  
15 normally, we would take up on the day of the hearing, which,  
16 again, will be March 20th.

17 But I thought for Board efficiency, you may want  
18 to entertain if they are available today.

19 But the Board has been trying to reach them, so  
20 they may or may not be here today.

21 And they are as follows, Elizabeth Falcon, F-A-L-  
22 C-O-N, but as of yesterday, she had not provided a  
23 certificate of service, so that may not work today anyhow.

24 And then, there is a Donna Marie Alexander. And  
25 once again, she may or may not be here today.

1 Which then, would meet these two -- last two would  
2 be addressed their request next Wednesday, March 20th.

3 So that's all I have for you, Mr. Chairman.

4 BZA CHAIR HILL: Okay, thanks.

5 Mr. Moy, the person who did have -- complete the  
6 paperwork properly was Ms. Alexander, is that correct?

7 MR. MOY: It is Ms. Falcon, but staff just -- has  
8 just -- staff has just told me just now within second that  
9 Elizabeth Falcon has withdrawn her party status request.

10 So forget -- strike what I just said about  
11 Elizabeth Falcon. She's off your list.

12 BZA CHAIR HILL: Okay.

13 And then, there's still Patterson -- Petersen,  
14 Patterson, and Alexander.

15 MR. MOY: Yes, Alexander, the seven-day response  
16 for her filing, which she filed on -- let's see, when did she  
17 file -- her deadline -- well, let me think -- oh, she filed  
18 March 6th, so she's good in terms of timeliness.

19 But here, again, if -- when we try to reach her,  
20 if she's not here today, then you'll have to address her  
21 request next --

22 BZA CHAIR HILL: That's --

23 MR. MOY: -- Wednesday.

24 BZA CHAIR HILL: No, let's address everybody now.

25 So Falcon has withdrawn. Okay. So based upon the

1 location, and thank you so much for OZLD's putting this party  
2 status map together, it's very helpful.

3 I don't see how Ms. Patterson is uniquely  
4 affected. She's several blocks away and I would not be in  
5 favor -- how she's more uniquely affected than the general  
6 public. And so I would not be in favor of her party status.

7 What do my fellow Board Members think?

8 I'm going to start with you, Mr. Smith.

9 MEMBER SMITH: I agree with the assessment on her  
10 getting her location relative to the property in question.  
11 So I agree with you.

12 BZA CHAIR HILL: Okay. Mr. Blake?

13 MEMBER BLAKE: For Patterson, I would agree with  
14 your assessment.

15 BZA CHAIR HILL: Okay. Vice Chair John?

16 BZA VICE CHAIR JOHN: I agree with your  
17 assessment, Mr. Chairman.

18 BZA CHAIR HILL: Thank you. Vice Chair Miller?

19 ZC VICE CHAIR MILLER: I also agree, Mr. Chairman.

20 Thank you.

21 BZA CHAIR HILL: Okay. I'm going to make a motion  
22 to deny the party status of Ms. Kim Patterson and ask for a  
23 second, Ms. John.

24 BZA VICE CHAIR JOHN: Second.

25 BZA CHAIR HILL: Motion has been made and

1 seconded. Mr. Moy, if you'd take a roll call?

2 MR. MOY: When I call your name, if you'll please  
3 respond to the motion made by Chairman Hill to deny party  
4 status request, in this case, advanced party status request  
5 to Kim Patterson. And the motion was seconded by Vice Chair  
6 John.

7 Zoning Commissioner Rob Miller?

8 ZC VICE CHAIR MILLER: Yes.

9 MR. MOY: Mr. Smith?

10 MEMBER SMITH: Yes.

11 MR. MOY: Mr. Blake?

12 MEMBER BLAKE: Yes.

13 MR. MOY: Vice Chair John?

14 BZA VICE CHAIR JOHN: Yes.

15 MR. MOY: Chairman Hill?

16 BZA CHAIR HILL: Yes.

17 MR. MOY: On a vote of -- staff would record the  
18 vote as 5 to 0 to 0, and this is on the motion made by  
19 Chairman Hill to deny.

20 The motion to deny was seconded by Vice Chair  
21 John, who also voted to deny the request for advanced party  
22 status as well as voting to deny from voting -- as well as  
23 voting to deny from Zoning Commissioner Rob Miller, Mr.  
24 Smith, Mr. Blake, Vice Chair John, and Chairman Hill.

25 Motion carries, sir, 5 to 0 to 0.

1 BZA CHAIR HILL: Okay, thank you. So the next one  
2 that I see is Ms. Elizabeth Falcon. And she is the -- oh no,  
3 she's the one who withdrew her status -- her request.

4 MR. MOY: Yes, sir, yes, she withdrew.

5 BZA CHAIR HILL: Got it. So Ms. Alexander is an  
6 abutting neighbor, it looks like. And so I would think that  
7 she would be uniquely affected and we should offer her party  
8 status. Mr. Smith, do you agree with that?

9 MEMBER SMITH: I agree because she's directly  
10 adjacent to the property in question, so I'm in support.

11 BZA CHAIR HILL: Thank you. Vice Chair John?

12 BZA VICE CHAIR JOHN: I agree, Mr. Chairman.

13 BZA CHAIR HILL: Thank you. Mr. Blake?

14 MEMBER BLAKE: I'm in support.

15 BZA CHAIR HILL: Okay, thank you. Vice Chair  
16 Miller?

17 ZC VICE CHAIR MILLER: Yes, I also support the  
18 party status request.

19 BZA CHAIR HILL: Okay. Then I'm going to make a  
20 motion to approve the party status request of Ms. Donna Marie  
21 Alexander and ask for a second, Ms. John.

22 BZA VICE CHAIR JOHN: Second.

23 BZA CHAIR HILL: Motion has been made and  
24 seconded. Mr. Moy, take a roll call?

25 MR. MOY: When I call your name, if you'll please

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1 respond to the motion made by Chairman Hill to grant the  
2 request for advanced -- to grant a request for party status  
3 to Donna Marie Alexander. The motion was seconded by Vice  
4 Chair John. Zoning Commissioner Rob Miller?

5 ZC VICE CHAIR MILLER: Yes.

6 MR. MOY: Mr. Smith?

7 MEMBER SMITH: Yes.

8 MR. MOY: Mr. Blake?

9 MEMBER BLAKE: Yes.

10 MR. MOY: Vice Chair John?

11 BZA VICE CHAIR JOHN: Yes.

12 MR. MOY: Chairman Hill?

13 BZA CHAIR HILL: Yes.

14 MR. MOY: Staff would record the vote as 5 to 0  
15 to 0 to grant party status to Donna Marie Alexander.

16 This is the motion made by Chairman Hill, seconded  
17 by Vice Chair John who voted to approve or grant, as well as  
18 granting the request made by Zoning Commissioner Rob Miller,  
19 Mr. Smith, Mr. Blake, Vice Chair John, and Chairman Hill.

20 The motion carries, sir, 5 to 0 to 0.

21 BZA CHAIR HILL: Okay, thanks, Mr. Moy.

22 All right, I'm going to let y'all tell me what you  
23 think about this next one which is the person who's directly  
24 across the alley it looks like, Ms. Gayle Petersen.

25 I'm looking at her party status application. And

1 a lot of what she mentioned seems to be like general concerns  
2 about construction, rat issues.

3 And the only thing that I see that really would  
4 pertain to her perhaps directly is that she's speaking to  
5 parking access.

6 And so I don't know, I mean, we have some -- one  
7 person signed or we've given an opportunity to one person to  
8 have party status, so, you know, I guess they are --

9 And I'm looking at the plans, they are demolishing  
10 the garage. And so I guess there is some possibility that  
11 Ms. Petersen would be uniquely affected.

12 But her being across the alley, this is what I'm  
13 unclear on.

14 Would I get an opinion from those Board Members,  
15 please? And whoever would like to go first, raise your hand.

16 BZA VICE CHAIR JOHN: So I think that she -- her  
17 interest is in parking, which is slightly different from the  
18 abutting neighbor. So I would support her being a party.

19 BZA CHAIR HILL: Okay. Mr. Smith?

20 MEMBER SMITH: I think her interest is parking,  
21 but I think some of the other party status to the -- they did  
22 have some concerns were made for parking, trash, waste,  
23 rodents, some of those are more construction related issues.

24 But I do think that she would be directly  
25 impacted, even though she's across the alley from the

1 construction that would occur here at this -- yes, any  
2 construction that would occur at this property.

3 So I am inclined to permit her party status.

4 BZA CHAIR HILL: All right, thank you. Mr. Blake.

5 MEMBER BLAKE: I support the request for party  
6 status based on proximity.

7 BZA CHAIR HILL: Thank you. Commissioner Miller?

8 ZC VICE CHAIR MILLER: Thank you, Mr. Chairman.

9 Yes, I also support the party status request.

10 BZA CHAIR HILL: Okay. So I'll make a motion to  
11 approve party status for Ms. Gayle Patterson, and ask for a  
12 second, Ms. John.

13 BZA VICE CHAIR JOHN: Second.

14 BZA CHAIR HILL: Mr. Moy, can you do a roll call?

15 MR. MOY: When I call your name, if you'll please  
16 respond to the motion made by Chairman Hill to grant party  
17 status to -- advanced party status to Gayle Petersen. This  
18 motion was seconded by Vice Chair John.

19 Zoning Commissioner Rob Miller?

20 ZC VICE CHAIR MILLER: Yes.

21 MR. MOY: Mr. Smith?

22 MEMBER SMITH: Yes.

23 MR. MOY: Mr. Blake?

24 MEMBER BLAKE: Yes.

25 MR. MOY: Vice Chair John?



1 BZA VICE CHAIR JOHN: Yes.

2 MR. MOY: Chairman Hill?

3 BZA CHAIR HILL: Yes.

4 MR. MOY: Staff would record the vote as 5 to 0  
5 to 0, and this is on the motion made by Chairman Hill to  
6 grant.

7 The motion to grant was seconded by Vice Chair  
8 John who also voted to grant advanced party status, as well  
9 as voting to grant party status from Zoning Commissioner Rob  
10 Miller, Mr. Smith, Mr. Blake, Vice Chair John, Chairman Hill.

11 Motion carries, sir, 5 to 0 to 0.

12 BZA CHAIR HILL: Thank you. Could you tell me  
13 again, Mr. Moy, when that hearing is?

14 MR. MOY: March 20th.

15 BZA CHAIR HILL: Okay, great, thank you.

16 (Whereupon, the above-entitled matter went off the  
17 record at 11:35 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: 03-13-24

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.

  
-----  
Court Reporter

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