

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

APRIL 24, 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, Lorna L. John, Vice-Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

TAMMY STIDHAM, NPS Designee

OFFICE OF ZONING STAFF PRESENT:

KEARA MEHLERT, Secretary
MICHAEL SAKINEJAD, Zoning Data Coordinator

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.
COMETRIA COOPER, ESQ.
CARISSA DEMARE, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on April 24, 2024.

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

9:42 a.m.

VICE-CHAIR JOHN: Good morning, ladies and gentlemen. The Board of Zoning Adjustment's April 24 Public Hearing will please come to order. My name is Lorna John, Vice-Chairperson of the District of Columbia Board of Zoning Adjustment. Joining me today are board members Carl Blake, and Chrishaun Smith, and Zoning Commissioner Stidham.

Today's meeting and hearing agendas 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 listening on WebEx or by telephone will be muted during the hearing.

Also, please be advised that we do not take any public testimony at our decision meeting session, if you experience difficulty accessing WebEx or with your telephone call-in, then please call our OZ hotline number at 202-727-5471 to receive WebEx login or call-in instructions.

At the conclusion of a decision meeting session I shall, in consultation with the Office of Zoning, determine whether a full or summary order may be issued. A full order is required when the decision it contains is adverse to a

1 party, including an affected ANC. A full order may also be
2 needed if the Board's decision differs from the Office of
3 Planning's recommendation. Although the Board favors the use
4 of summary orders whenever possible, an applicant may not
5 request the Board to issue such an order.

6 In today's hearing session, everyone who is
7 listening on WebEx or by telephone will be muted during the
8 hearing, and only persons who have signed up to participate
9 or testify will be unmuted at the appropriate time. Please
10 state your name and home address before providing oral
11 testimony or your presentation. Oral presentations should
12 be limited to a summary of your most important points, when
13 you're finished speaking please mute your audio so that your
14 microphone is no longer picking up sound or background noise.

15 Once again, if you experience difficulty accessing
16 WebEx or with your telephone call-in, or if you have
17 forgotten to sign up 24 hours prior to this hearing, then
18 please call our OZ hotline number at 202-727-5471 to sign up
19 to testify and to receive WebEx login or call-in
20 instructions.

21 All persons planning to testify either in favor
22 or in opposition should have signed up in advance, you will
23 be called by name to testify. If this is an appeal, only
24 parties are allowed to testify. By signing up to testify,
25 all participants completed the oath or affirmation as

1 required by Section Y, Subtitle Y Section 408.7.

2 Requests to enter evidence at the time of an
3 online virtual hearing such as written testimony or
4 additional supporting documents, other than live video which
5 may not be presented as part of the testimony, may be allowed
6 pursuant to Subtitle Y Section 103.13 provided that the
7 person making the request to enter an exhibition explains how
8 the proposed exhibit is relevant, the good cause that
9 justifies allowing the exhibit into the record, including an
10 explanation of why the requester did not file the exhibit
11 prior to the hearing pursuant to Subtitle Y 206, and how the
12 proposed exhibit would not unreasonably prejudice any party.

13 The order of procedure for special exceptions and
14 variances pursuant to Subtitle Y Section 409 will be as
15 follows. Preliminary and procedural matters, statement of
16 the applicant and the applicant's witnesses, report and
17 recommendation from the D.C. Office of Planning, reports and
18 recommendations from other public agencies, reports and
19 recommendations from the affected Advisory Neighborhood
20 Commission, and the ANC witnesses, if any, for the area
21 within which the property is located, parties in support of
22 the application, individuals and organization representatives
23 in support of the application, parties in opposition to the
24 application, individuals and organization representatives in
25 opposition to the application, individuals and organization

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1 representatives who are undeclared with respect to the
2 application, rebuttal and closing statements by the
3 applicant.

4 The order of procedure for appeal applications
5 pursuant to Subtitle Y Section 507 will be as follows.
6 Preliminary and procedural matters, statement of the
7 appellant and the appellant's witnesses, the respective cases
8 of the parties or interveners in support of the appeal in the
9 following order, the owner, lessees, operator, or contract
10 purchaser of the property involved if not the appellant, the
11 affected ANC if not the appellant, and any other party
12 permitted to intervene in the proceeding in support of the
13 appeal.

14 The statement of the administrative officer's
15 case, the respective cases of the parties or interveners in
16 opposition to the appeal in the following order, the owner,
17 lessee, operator, or contract purchaser of the property
18 involved, the affected ANC, and any other party permitted to
19 intervene in the proceeding in opposition to the appeal,
20 rebuttal evidence from the appellant followed by rebuttal
21 evidence from the parties in support of the appeal in the
22 order indicated in subparagraph three of this paragraph, and
23 closing arguments in the order established in subparagraphs
24 two-through-five of this paragraph.

25 Pursuant to Subtitle Y Sections 408.2 and 408.3

1 the following time constraint shall be maintained. The
2 applicant, appellant, and all parties, except an affected
3 ANC, in support, including witnesses exclusive of cross-
4 examination, a maximum of 60 Minutes collectively. The
5 Appellee, persons, and parties, except an affected ANC in
6 opposition, including witnesses, collectively have an amount
7 of time equal to that of the applicant and parties in
8 support, but in no case more than 60 Minutes collectively.
9 Individuals, maximum of three minutes. Organization
10 representatives, maximum of five minutes.

11 These time restraints do not include cross-
12 examination and/or questions from the Board. Cross-
13 examination of witnesses by the applicant or parties,
14 including the ANC, is permitted. The ANC within which the
15 property is located is automatically a party in a special
16 exception or variance case. Nothing prohibits the Board from
17 placing reasonable restrictions on cross-examination,
18 including time limits and limits on the scope of cross-
19 examination, pursuant to Subtitle Y Section 408.5.

20 At the conclusion of each case, an individual who
21 was unable to testify because of technical issues may file
22 a request for leave to file a written version of the planned
23 testimony to the record within 24 hours following the
24 conclusion of public testimony in the hearing. If additional
25 written testimony is accepted, then parties will be allowed

1 a reasonable time to respond as determined by the Board. The
2 Board will then make its decision at its next meeting
3 session, but no earlier than 48 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 Once again, after the Board adjourns the hearing,
11 the Office of Zoning, in consultation with me, will determine
12 whether a full or summary order may be issued. A full order
13 is required when the decision it contains is adverse to a
14 party, including an affected ANC. A full order may also be
15 needed if the Board's decision differs from the Office of
16 Planning's recommendation. Although the Board favors the use
17 of summary orders whenever possible, an applicant may not
18 request the Board to issue such an order.

19 Finally, the District of Columbia Administrative
20 Procedure Act requires that public hearing on each case be
21 held in the open before the public. However, pursuant to
22 Sections 405b and 406 of that Act, the Board may, consistent
23 with its rules of procedure in the Act, enter into a closed
24 meeting on a case for purposes of seeking legal counsel on
25 a case, pursuant to D.C. Official Code Section 2575(b)(4),

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1 and/or deliberating on a case, pursuant to D.C. Official Code
2 Section 2575(b)(13), but only after providing the necessary
3 public notice. And in the case of an emergency closed
4 meeting, after taking a roll call vote.

5 Madam Secretary, do you have any preliminary
6 matters?

7 MS. MEHLERT: Good morning. Yes, there's a few
8 scheduling changes for today. Application 19887-A of Janet
9 Stedman has been postponed to the May 8, 2024 public meeting.
10 Application Number 21093 of Joseph and Kyle Fortson has been
11 postponed to the June 12, 2024 hearing. And Application
12 Number 21034 of Morningstar Community Development has been
13 postponed to the December 4, 2024 public hearing.

14 In terms of late filings, the Vice-Chair has
15 reviewed and granted waivers to allow late filings into the
16 applicable case record, pursuant to Subtitle Y Section 206.7
17 and Section 103.13. Any other late filings during the course
18 of today's live hearing should be presented before the Board
19 by the applicant, parties, or the witnesses after the case
20 is called. And any other preliminary matters will be noted
21 when that case is called.

22 VICE-CHAIR JOHN: Okay, thank you. Please give
23 me a minute here. Okay, please go ahead and call the first
24 case, it's a public meeting case.

25 MS. MEHLERT: Yes. So there's one case in today's

1 meeting session, that's Application Number 20687-A of Lloyd
2 and Margaret Belcher. This is a request pursuant to Subtitle
3 Y Section 703 for a modification of consequence of plans
4 approved by the order issued on April 27, 2022 in Application
5 Number 20687, to increase the height and alter the design of
6 a new two-story accessory structure in the rear yard of an
7 existing two-story attached principal dwelling. The project
8 is located in the RF-1 zone at 1127 G Street, Northeast,
9 Square 983, Lot 57.

10 VICE-CHAIR JOHN: So I'll go ahead and start the
11 discussion. I did not have any issues or concerns about this
12 request for a modification of consequence. The applicant
13 previously received special exception approval for an
14 accessory apartment in a new accessory structure, and now the
15 applicant is seeking to modify the plans to build an
16 accessory structure with storage instead of a separate unit.

17 And it was very helpful that the applicant
18 submitted a clear description with drawings to show how the
19 plans would change, and those plans, those descriptions are
20 in Exhibit Five, which tracked the architectural plans of
21 Exhibit Three. The height of the structure would increase
22 by two feet, which is still within the development's
23 standards. And so, overall this applicant is requesting a
24 reduction in scope and it's fairly straightforward.

25 I give great weight to OP's analysis and I note

1 that the ANC is in support. I don't believe that DDOT had
2 any issues or concerns. So, does anyone have anything else
3 to add? Board Member Smith?

4 MEMBER SMITH: I have nothing to add, I agree with
5 your statements.

6 VICE-CHAIR JOHN: Thank you. Board Member Blake?

7 MEMBER BLAKE: I too agree with what your,
8 analysis.

9 VICE-CHAIR JOHN: Thank you. Commissioner
10 Stidham?

11 MEMBER STIDHAM: I also agree.

12 VICE-CHAIR JOHN: Okay. Then I will make a motion
13 to approve Application 21 -- oh, that's not the right one.
14 Sorry. I'll make a motion to approve Application 20687-A as
15 captioned and read by the Secretary, and I ask for a second,
16 Mr. Blake?

17 MEMBER BLAKE: Second.

18 VICE-CHAIR JOHN: Thank you. Madam Secretary,
19 please take a roll call.

20 MS. MEHLERT: When I call your name, please
21 respond to the Vice-Chair's motion to approve the
22 application. Vice-Chair John?

23 VICE-CHAIR JOHN: Yes.

24 MS. MEHLERT: Mr. Smith?

25 (No audible response.)

1 MS. MEHLERT: Mr. Blake?

2 MEMBER BLAKE: Yes.

3 MS. MEHLERT: And Zoning commissioner Stidham?

4 MEMBER STIDHAM: Yes.

5 MS. MEHLERT: Staff would record the vote as four
6 to zero to one to approve Application 20687-A on the motion
7 made by Vice-Chair John and seconded by Mr. Blake, with one
8 board member not present or participating.

9 VICE-CHAIR JOHN: Thank you.

10 (Whereupon, the above-entitled matter went off the
11 record at 9:57 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: 04-24-24

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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