

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

SEPTEMBER 25, 2024

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Video/Teleconference, pursuant to notice at 12:34 p.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CHRISHAUN S. SMITH, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
TAMMY STIDHAM, NPS Designee

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
KEARA MEHLERT, Zoning Specialist
PAUL YOUNG, A/V Production Specialist

The transcript constitutes the minutes from the Regular Public Meeting held on September 25, 2024.

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

12:34 p.m.

BZA CHAIR HILL: Okay, Ms. Mehlert, you want to call our next case?

MS. MEHLERT: Next is in the Board's Meeting session. It's application number 21163, of Kaely Michels-Gualtieri.

As amended, this is a self-certified application, pursuant to Subtitle X, Section 901.2, for special exceptions under Subtitle E, Section 5201, from the lot occupancy requirements of Subtitle E, Section 210.1, and from the maximum building area requirements for an accessory building under Subtitle E, Section 5003.1.

Also, under Subtitle U, Section 320.2, to allow the conversion of an existing residential building to an apartment house use, and under Subtitle U, Section 301.1(g), the accessory use requirements of Subtitle U, Section 301.1(c).

This is brand new, two-story accessory building in the rear yard of an existing two-story row building, used as a two-unit flat in conversion of the buildings to use as three principal dwellings. It's located in the RF-1 zone of 627 A Street, Northeast, Square 868, Lot 49.

This case is currently scheduled for the October 9th hearing, and before the Board today is an advanced

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1 request for party status in opposition from Jessica Smith of
2 625 A Street, Northeast, and additionally, there are several
3 requests from neighbors to postpone the hearing due to an
4 alleged lack of notice.

5 BZA CHAIR HILL: Okay. Is the party status
6 requestor here? Is it Ms. Wong, or Mr. Wong?

7 MS. SMITH: Sorry, I didn't know if I could unmute
8 myself. But I am the advanced party status requestor.

9 BZA CHAIR HILL: Okay, could you introduce
10 yourself again for the record?

11 MS. SMITH: Yes. My name is Jessica Smith. I am
12 the owner and resident of 625 A Street, Northeast. I'm the
13 immediate neighbor to 627 and would be most immediately
14 impacted by the development project.

15 BZA CHAIR HILL: Okay. Ms. Smith. I'm sure as
16 you're an adjacent -- you're directly behind it.

17 MS. SMITH: Directly next to it. I have a photo
18 I can send you, if you want to share.

19 BZA CHAIR HILL: No, that's okay, that's okay.
20 I see your -- I saw your application. I'm just trying to get
21 a -- it doesn't matter.

22 MS. SMITH: Our backyards share a wooden fence.

23 BZA CHAIR HILL: I'm sure we're going to give you
24 party status. So, what will happen is, at the hearing, the
25 way that works is that the applicant will have an opportunity

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1 to give their presentation. Then, you will have an
2 opportunity to give your presentation.

3 Depending upon the order, usually then the party-
4 in-opposition will ask questions of the applicant. The
5 applicant can ask questions of the party-in-opposition. The
6 party-in-opposition and the applicant will both have an
7 opportunity to ask questions of the Office of Planning.

8 And that's another thing that if you haven't
9 looked in the record yet, I don't know if the Office of
10 Planning has their report in this record yet. But do you
11 know how to access the record?

12 MS. SMITH: You mean in the ISIS system?

13 BZA CHAIR HILL: Yes.

14 MS. SMITH: Oh yes. Yes, yes, I check it. I have
15 to check it regularly.

16 BZA CHAIR HILL: No, that's great. Then, the
17 Office of Planning will have a report there that you'll be
18 able to take a look at, at the appropriate time. And then,
19 that will be it. Do you have any questions concerning the
20 hearing itself?

21 MS. SMITH: No, no. Just we were just hoping for
22 postponement because of lack of notification, and we didn't
23 --

24 BZA CHAIR HILL: Yeah, I looked at all the
25 notification and I didn't see anything in terms of the lack

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1 of notification. It looks like to me all the, I'm sorry,
2 all the appropriate notification and paperwork went out to
3 the neighbors and the community, and everyone that was
4 supposed to receive it. So, I didn't really see the need for
5 a postponement.

6 When is this scheduled for, Ms. Mehlert?

7 MS. SMITH: Well, I'm sorry, but no one received
8 any notification until September 5th. So, no one got the
9 required 40-days advance notice. There's not a single person
10 who received anything before September 5th.

11 BZA CHAIR HILL: Okay, hold on a second. Okay,
12 first, before I do that, when is this currently scheduled,
13 Ms. Mehlert?

14 MS. MEHLERT: It's currently scheduled for October
15 9th. Two weeks.

16 BZA CHAIR HILL: Hold on a second. Ms. Smith, are
17 you able to use your camera?

18 MS. SMITH: Yeah, it's actually turned on. I
19 don't know why it's not -- yeah, hi.

20 BZA CHAIR HILL: Oh, great.

21 (Simultaneous speaking.)

22 BZA CHAIR HILL: Can you all give me one second,
23 please? I'll be right back.

24 Okay, now we have Commissioner Stidham and Mr.
25 Smith again. Okay, first, let's deal with one thing first.

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1 In terms of the party status, do you, Commissioner Stidham
2 or Mr. Smith, have any questions for the party status
3 applicant?

4 COMMISSIONER STIDHAM: I do not.

5 BZA CHAIR HILL: Okay. All right. And then, as
6 far as the notice, Secretary, you can help explain this to
7 me. But what I thought was that they got notice, cause then
8 there's things with -- they got notice in early September --
9 meaning the public -- and then there was a second notice that
10 got sent out as a courtesy.

11 And then, some of the things that the public
12 seemed to be referring to, were things that were actually for
13 design review for the Zoning Commission. And there was a
14 confusion in dates, in terms of the 45-day ruling. It was
15 a different thing altogether. So, Madam Secretary, could you
16 explain, please?

17 MS. MEHLERT: Sure. So, in terms of from OZ's
18 side in the noticing, we sent out on June 27th the public
19 hearing notices to the 200-foot property owners. So,
20 apparently, no one received that.

21 I'm not sure what happened. I don't know if it
22 was a USPS issue, but that attestation that it was sent out
23 is in the record and there's nothing else telling us that it
24 wasn't sent out, in terms of on the part of staff.

25 Then, when Ms. Smith reached out to staff in early

1 September, letting us know that seemingly no one received
2 thee notices, staff then, as a courtesy, resent the notice
3 out again, which is a September 5th mailing that she's
4 referring to and the letters refer to.

5 So, there was a second notice that went out. But
6 it was properly, in terms of our perspective, noticed from
7 our office, well in advance of the 40-day requirement. So,
8 I'm not sure if something happened. Just again, in --

9 BZA CHAIR HILL: Okay, okay, okay.

10 MS. MEHLERT: Yeah.

11 BZA CHAIR HILL: All right, do my Board members
12 have any questions of Madam Secretary or Ms. Smith concerning
13 the notice issue?

14 MS. SMITH: Can I jump in? Am I allowed to?

15 BZA CHAIR HILL: Go ahead, Ms. Smith.

16 MS. SMITH: Probably there's multiple Smiths. So,
17 I'm not sure.

18 I appreciate the acknowledgment that no one
19 received it and I understand that OZ was saying that they
20 sent it out on June 23rd. But if not a single -- I guess my
21 point is that if not a single person received it, we're just
22 not getting the notification that we're due.

23 And so wouldn't -- that's what I think is the
24 basis for postponing it. Because what's the point of
25 notification? I mean, we found out about an ANC hearing like

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1 two days before and we're scrambling.

2 And we just -- I mean, the point of notification
3 is so other parties and the neighbors within 200 feet have
4 time to -- apparently never got that.

5 And I'm not saying it's anybody's fault.
6 Something happened. We didn't get notification until I found
7 out through the hearing that we're supposed to. And then I
8 called OZ --

9 BZA CHAIR HILL: Okay, okay. All right, Ms.
10 Smith, I guess the thing is, like, our calendar is very
11 jammed up. And so, it's very difficult for us to move cases.

12 And so, you're here. You're being granted party
13 status. You have two full weeks before you're going to be
14 back here again. Right? And it's, I think, you know, pretty
15 easy in order to have the case in the two-week period. It's
16 not like it's next week, so.

17 But I'll allow the Board members to also give
18 their impression. But anyway, so the Office of Zoning is
19 saying they did what they were supposed to do. And then,
20 they're saying they actually went beyond what they were
21 supposed to do.

22 And so, I'm a little, you know -- and I'm just
23 trying to make sure that we also adhere to what we are doing,
24 which is providing the appropriate time for the applicant
25 that also went and did their due diligence. Right?

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1 So, anyway, does my Board members have any other
2 questions about the postponement issue?

3 Okay. All right, so, Ms. Smith, we're going to
4 see you then probably on 10/9. Okay? And I hope you -- and
5 actually, if you get an opportunity and have a chance to
6 reach out to the applicant -- have you reached out to the
7 applicant?

8 MS. SMITH: Yes.

9 BZA CHAIR HILL: Okay. And I guess if there's
10 anything you can do to discuss anything with the applicant
11 so they know your issues and concerns, that way you're all
12 on the same page when you get here. Okay?

13 All right. So, I'm going to go ahead and make a
14 motion to approve the party status of Ms. Smith and ask for
15 a second. Mr. Smith?

16 MS. SMITH: No.

17 BZA CHAIR HILL: Okay. Pardon me, Ms. Smith?

18 MS. SMITH: No. No, no, you're referring to the
19 second Mr. Smith as in --

20 BZA CHAIR HILL: Sorry, sorry.

21 (Simultaneous speaking.)

22 BZA CHAIR HILL: Sorry. It's okay. I'll tell you
23 what, Ms. Smith, it's so nice to see you. We'll see you on
24 10/9. I'm going to excuse you from the hearing room. Okay?
25 Thank you.

1 All right, I'm going to make a motion to approve
2 the party status-in-opposition of Ms. Smith. May I have a
3 second, Mr. Smith?

4 MEMBER SMITH: Second.

5 BZA CHAIR HILL: Motion made and seconded. Ms.
6 Mehlert, could you take a roll call vote, please.

7 MS. MEHLERT: Please respond to the Chair's motion
8 to grant party status-in-opposition to Jessica Smith.
9 Chairman Hill?

10 BZA CHAIR HILL: Yes.

11 MS. MEHLERT: Board Member Smith?

12 MEMBER SMITH: Yes.

13 MS. MEHLERT: Commissioner Stidham?

14 COMMISSIONER STIDHAM: Yes.

15 MS. MEHLERT: Staff will report the vote is 3-0-2
16 to approve party status-in-opposition to Jessica Smith.

17 BZA CHAIR HILL: Great. Then, I'm going to make
18 a motion to deny the motion to postpone because I believe
19 adequate notice has been given, and ask for a second. Mr.
20 Smith?

21 MEMBER SMITH: Second.

22 BZA CHAIR HILL: Motion made and seconded. Ms.
23 Mehlert, if you can a roll call, please.

24 MS. MEHLERT: Please respond to the Chair's motion
25 to deny the request to postpone the hearing. Chairman Hill?

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1 BZA CHAIR HILL: Yes.

2 MS. MEHLERT: Board member Smith?

3 MEMBER SMITH: Yes.

4 MS. MEHLERT: Commissioner Stidham?

5 COMMISSIONER STIDHAM: Yes.

6 MS. MEHLERT: Staff will record the vote as 3-0-2
7 to deny the request to postpone.

8 (Whereupon, the above-entitled matter went off the
9 record at 12:47 p.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: 09-25-24

Place: teleconference

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

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