

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 18, 2024

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:30 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

ANTHONY J. HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

KEARA MEHLERT, Secretary
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

RON BARRON
SHEPARD BEAMON
MICHAEL JURKOVIC
CRYSTAL MYERS
KAREN THOMAS

The transcript constitutes the minutes from the Regular Public Meeting held on September 18, 2024.

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

(9:45 a.m.)

MS. MEHLERT: Next on the Board's meeting session is Application No. 20507-B of Legacy Lofts II, LLC, and Legacy Lofts III, LLC. This is a request pursuant to Subtitle Y Section 703 for a modification without hearing to the order issued in Application No. 20507 which was also modified in Application No. 20507-A to add a third story addition to each building and increase the total number of new dwelling units in each building from 11 to 14.

This modification concerns two of eleven lots for the Board approved changes in the number of units and additions to existing two-story detached buildings which originally were eight-unit apartment houses. It's located in the RA-1 zone at 89 and 93 Hawaii Avenue, Northeast, Square 3674, Lots 8 and 9.

BZA CHAIR HILL: Okay. So, I know that we have all reviewed this. I think we're on the same page but I'm going to, I'm basically just going to read some information that has been put before us that I agree with. And I just want to note here.

So, the applicant characterizes this modification request as reinstatement of the original approval. However, the original approval ended when the

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1 Board approved the first modification, 20507-A, which is
2 the approval that is currently in affect.

3 The applicant does not indicate how an order
4 that is no longer in effect can be reinstated, and I don't
5 think it can be, even if they made the argument. We had
6 this before us before, and we didn't agree, not this
7 application, not this applicant, but this concept. And we
8 didn't agree with that.

9 The second modification request seeks new
10 relief beyond what is currently permitted both in terms of
11 expansion of the buildings and increases in the number of
12 units in each building. A request for new relief requires
13 a public hearing.

14 Each building originally had eight dwelling
15 units. Original approval allowed a third story addition
16 and 16 dwelling units in each building. The original
17 order that is, approval allowed a new residential
18 development of 16 new dwelling units in two buildings with
19 three story additions.

20 The first modification allowed a change in
21 plans eliminating the planned third floor and reducing the
22 number of units in each building to 11. Thus the first
23 modification changed the relief to a new residential
24 development of six new dwelling units in two existing
25 buildings.

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1 The second modification would increase the size
2 of each building beyond what is currently authorized by
3 adding a third floor not permitted in the first
4 modification, and increasing the total number of dwelling
5 units in the two buildings from 11 to 14. This is a
6 request for new relief to allow a new residential
7 development, enlargement of two existing apartment houses,
8 and the creation of a total of six new dwelling units not
9 comprising detached or semi-detached dwellings beyond what
10 is currently approved. That requires a special exception
11 under U-421 and a public hearing.

12 Okay. So I think this has to come back before
13 us for a public hearing with the new requested relief. We
14 can't just go back to the old plans. And so, do you all
15 agree with this?

16 And I'm going to start with you Mr. Smith.

17 MEMBER SMITH: Chairman Hill, I agree
18 wholeheartedly with everything that you just stated
19 regarding this particular case. I do believe that for the
20 exact same reasons that you stated I do believe that this
21 needs to come back to us in a full public hearing and I
22 would support that. So I'll leave it at that.

23 BZA CHAIR HILL: Thank you.

24 ZC CHAIR HOOD: I would agree, Mr. Chairman,
25 with both you and Board Member Smith.

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1 BZA CHAIR HILL: Okay. Ms. Mehlert, when could
2 this then reasonably be back before us?

3 MS. MEHLERT: So, if you would like to remove
4 this from the consent agenda and schedule for a --
5 modification with hearing, we would need to notice it as a
6 hearing. So that would be at least 40 days.

7 So, we could do this on November 20th to allow
8 for proper noticing.

9 BZA CHAIR HILL: What does November 20th look
10 like? Is that the one just before Thanksgiving?

11 MS. MEHLERT: Yes. There's three cases and an
12 appeal scheduled.

13 BZA CHAIR HILL: Okay. All right. Okay.
14 Okay. So this would be the fourth case and the appeal.

15 MS. MEHLERT: Right.

16 BZA CHAIR HILL: Okay. Okay. Let's put it for
17 11/20 and hopefully the applicant would be able to get all
18 of their ducks in a row by then. Okay. All right. So
19 that's that one.

20 (Whereupon, the above-entitled matter went off
21 the record at 9:51 a.m.)

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24

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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: 09-18-24

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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