

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

PUBLIC MEETING

TUESDAY
APRIL 3, 2001

The meeting came to order at 10:14 a.m. in Suite 220,
441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice,
Sheila Cross Reid, Chair, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

Sheila Cross Reid	Chairperson
Susan Hinton	Board Member
Carol Mitten	Board Member
Ann Renshaw	Board Member

COMMISSION STAFF PRESENT:

Beverly Bailey	Zoning Specialist
Paul Hart	Zoning Specialist
John Nyarku	Zoning Specialist
Marie Sansone, Esq.	Corporate Counsel

C-O-N-T-E-N-T-S

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

10:14 a.m.

CHAIRPERSON CROSS REID: We will start with our regularly scheduled meeting. We had a special hearing at 8:30 so now we're going to our regular meeting. Ms. Hinton will be coming right in. If we can commence with the minutes, Mr. Hart.

MR. HART: We will commence with the minutes, Madam Chair?

CHAIRPERSON CROSS REID: Yes. Just for the record. Now I will commence the Board of Zoning Adjustment regular meeting for April 3, the year 2001.

MR. HART: We begin this public meeting with approval of the following public hearing minutes for March 6.

MS. BAILEY: You just need to know the members on March 6. For March 6 minutes, the members present were Mrs. Mitten, Mrs. Hinton, Mrs. Renshaw and Mr. Sockwell, who's no longer on the Board.

MR. HART: Let me add that the first set of minutes were for a special public hearing on March 6th.

BOARD MEMBER RENSHAW: I so move.

CHAIRPERSON CROSS REID: Second.

MR. HART: Staff would record the vote--

CHAIRPERSON CROSS REID: No. All in favor.

(Ayes)

BOARD MEMBER RENSHAW: Was there any discussion?

1 CHAIRPERSON CROSS REID: No.

2 MR. HART: Staff would record the vote as four.

3 MS. BAILEY: Ms. Reid, you second but you weren't
4 here for that March 6 at the special public hearing.

5 CHAIRPERSON CROSS REID: The special public hearing.
6 I thought that you said --

7 BOARD MEMBER RENSHAW: We have to wait for Ms. Hinton
8 to come in.

9 MR. HART: There were two sessions on March 6th.
10 One was special public hearing and the second was just a regular
11 public hearing.

12 CHAIRPERSON CROSS REID: That's right. I don't even
13 have that.

14 BOARD MEMBER MITTEN: And for the special public
15 hearing, as we're sitting here right now, only Ms. Renshaw and I
16 could vote for approval of that, and so we'll have to wait.

17 CHAIRPERSON CROSS REID: On the special public
18 hearing.

19 BOARD MEMBER MITTEN: On the special public hearing.

20 CHAIRPERSON CROSS REID: Okay. That's on March the
21 6th?

22 BOARD MEMBER MITTEN: Yes.

23 CHAIRPERSON CROSS REID: Wasn't I present?

24 BOARD MEMBER MITTEN: You were present for the public
25 hearing, not the special public hearing.

1 CHAIRPERSON CROSS REID: Oh, okay.

2 MS. BAILEY: Did the Board want to do the public
3 hearing on March 6, the regular public hearing on March 6?

4 CHAIRPERSON CROSS REID: Okay.

5 MS. BAILEY: The members present at that time were
6 Mrs. Mitten, Mrs. Hinton, Mrs. Renshaw, Mrs. Reid, and Mr. Sockwell,
7 who's no longer on the Board.

8 BOARD MEMBER RENSHAW: I so move.

9 BOARD MEMBER MITTEN: Second.

10 CHAIRPERSON CROSS REID: All in favor.

11 (Ayes)

12 MS. BAILEY: Motion to approve the minutes were made
13 by Mrs. Renshaw, seconded by Mrs. Mitten. Has Mrs. Hinton arrived?
14 Mrs. Hinton not present, not voting. Mrs. Sheila Cross Reid to
15 approve.

16 The next minutes is of March 13th. The members present
17 were Mr. Parsons, Mrs. Hinton, Mrs. Renshaw, Mrs. Reid, and Mr.
18 Sockwell, who's no longer on the Board.

19 BOARD MEMBER RENSHAW: I so move.

20 CHAIRPERSON CROSS REID: I second. Did Mr. Parsons
21 sit in as proxy?

22 MR. HART: No, he did not.

23 CHAIRPERSON CROSS REID: At least we can still vote
24 on it. All in favor.

25 (Ayes)

1 MS. BAILEY: The motion is to approve the minutes,
2 made by Mrs. Renshaw, seconded by Mrs. Sheila Cross Reid, Mrs. Susan
3 Mitten in agreement, Mr. John Parsons not present, not voting.

4 The next minutes are of January 16th. The members
5 present at that time were Mr. Hood, Mr. Moulden, who's no longer
6 on the Board, Mrs. Renshaw, Mrs. Sheila Cross Reid, and also Mr.
7 Sockwell, who's no longer on the Board.

8 MS. SANSONE: Madam Chair, I have a correction on
9 this set of minutes. The appeal number 166558. At the end of the
10 paragraph there it indicates "The applicant requested that the
11 application be withdrawn." That should be corrected to say that
12 "The appellant requested that the appeal be withdrawn." That's on
13 page five of the minutes.

14 CHAIRPERSON CROSS REID: Okay.

15 MS. BAILEY: So noted by staff.

16 CHAIRPERSON CROSS REID: But now this one, we only
17 have two members. We don't have a quorum because Sockwell and Moulden
18 and Hood are not here, Moulden not being here any more. So what
19 do we -- can we just table this for this afternoon and perhaps call
20 Mr. Hood and get a proxy?

21 MR. HART: Yes, we can. Mr. Hood did get a corp of
22 the minutes.

23 CHAIRPERSON CROSS REID: Did he send a proxy?

24 MR. HART: No, he hasn't sent a proxy.

25 CHAIRPERSON CROSS REID: Okay. We'll do it at the

1 beginning of the next hearing at 1:00.

2 MS. BAILEY: And the last set of minutes were for
3 February 20th. The members present at that time were Mr. Parsons,
4 Mrs. Hinton, Mrs. Renshaw, Mrs. Reid, Mr. Sockwell, no longer on
5 the Board.

6 CHAIRPERSON CROSS REID: Okay. I move approval of
7 these minutes.

8 MS. HINTON: I second.

9 CHAIRPERSON CROSS REID: All in favor.

10 (Ayes)

11 MS. BAILEY: Staff will record the vote as four to
12 zero to approve the minutes, the motion made by Mrs. Reid, seconded
13 by Mrs. Hinton, Mrs. Renshaw in agreement. Mr. Parsons. Did you
14 have a proxy from Mr. Parsons, Paul?

15 MR. HART: No.

16 MS. BAILEY: Okay. So actually the vote is three
17 to zero to approve the minutes, Mr. Parsons not voting on these
18 minutes.

19 Madam Chair, those are all the minutes that we have
20 for this morning except for --

21 MS. SANSONE: Do you wish to go back to the special
22 public hearing of March 6 that we passed over while Mrs. Hinton was
23 out of the room?

24 BOARD MEMBER RENSHAW: And did we do April 3rd?

25 CHAIRPERSON CROSS REID: We waited. Go ahead and

1 call it, please.

2 MS. BAILEY: Madam Chair, I'm sorry. I didn't hear
3 you. For me to call the members who were present on March 6 at the
4 special public hearing?

5 CHAIRPERSON CROSS REID: Correct.

6 MS. BAILEY: Mrs. Mitten, Mrs. Hinton, Mrs. Renshaw,
7 and Mr. Sockwell present, but he's no longer on the Board. These
8 are the special public hearing March 6.

9 BOARD MEMBER RENSHAW: So moved.

10 BOARD MEMBER MITTEN: Second.

11 CHAIRPERSON CROSS REID: All in favor.

12 (Ayes)

13 MS. BAILEY: Staff will record the vote as three to
14 zero to approve the minutes. The motion was made by Mrs. Renshaw,
15 seconded by Mrs. Mitten, Mrs. Hinton in agreement.

16 CHAIRPERSON CROSS REID: All right. Board Members,
17 we have a motion. Do you want to call it for us, please, Ms. Bailey,
18 the first motion, only motion of the day.

19 MR. HART: Okay.

20 CHAIRPERSON CROSS REID: Or Mr. Hart.

21 MR. HART: Yes, Madam Chair.

22 CHAIRPERSON CROSS REID: Thanks.

23 MR. HART: There's a motion before the Board for
24 dismissal. Application No. 16340 of Eshetie H. Yemiru, pursuant
25 to 11 DCMR 3108.1 which is new Section 3104.1, for a special exception

1 under Section 213.1 to establish a parking lot for 30 spaces in an
2 RC/R-5-B District at the premises 2327 Champlain Street, N.W. which
3 is in Square 2563, Lot 879.

4 This case was originally scheduled for public hearing
5 on June 3, 1998. At that hearing, the case was continued to December
6 2, 1998. At the December 2, 1998 public meeting, the applicant
7 requested and received a further postponement to allow for ownership
8 of the subject property to be determined. The Board advised the
9 applicant that once ownership of the property was established, that
10 he should contact the Office of Zoning so that we could proceed with
11 the hearing. There was no response from the applicant for the next
12 15 months.

13 In a letter to the applicant dated March 21, 2000,
14 the Office of Zoning inquired about the status of the application.

15 The applicant responded in a letter dated March 27, 2000 in which
16 he requested a further postponement of the hearing because he had
17 not yet achieved ownership of the property.

18 In a letter dated December 11, 2000, the Office of
19 Zoning again requested information as to the status of the project
20 and informed the applicant that failure to respond by the close of
21 business on December 28, 2000 would result in staff submitting the
22 application to the Board at its January 2, 2001 public meeting with
23 the recommendation that it be dismissed. The applicant was further
24 informed that if the applicant dismissed the application he could
25 reapply for the special exception once ownership of the property

1 was determined.

2 On March 28, 2001, staff contacted the applicant and
3 informed him that a recommendation for dismissal was being submitted
4 to the Board at its April 3, 2001 public meeting. At the time of
5 the writing of this motion, there had been no response from the
6 applicant, but I believe you have in your package a letter that was
7 received on Friday close to the end of business requesting again
8 that the case be postponed.

9 BOARD MEMBER MITTEN: I would move dismissal of this
10 case, Madam Chair.

11 MS. HINTON: I second.

12 CHAIRPERSON CROSS REID: All in favor.

13 (Ayes)

14 CHAIRPERSON CROSS REID: All opposed.

15 (No response)

16 MR. HART: Staff will record the vote as four to zero.

17 Mrs. Mitten and Mrs. Hinton making the motion and seconding.

18 Madam Chair, that completes this phase of the public
19 meeting for this morning. We have one more agenda item.

20 BOARD MEMBER MITTEN: We have the election of the
21 officers to BZA.

22 CHAIRPERSON CROSS REID: Oh, okay. Because of the
23 fact that our chairperson is no longer on the Board, this morning
24 we would like to elect new officers. May I have the motion?

25 BOARD MEMBER MITTEN: I would move that Mrs. Reid

1 be the Chair of the Board of Zoning Adjustment and that Ms. Renshaw
2 be the Vice Chair.

3 MS. HINTON: I'll second.

4 CHAIRPERSON CROSS REID: All in favor.

5 (Ayes)

6 MR. HART: The staff will record the vote for election
7 of new offices of the Board of Zoning Adjustment, motion made by
8 Mrs. Mitten and seconded by Ms. Hinton, for Mrs. Reid to be the
9 Chairperson and Mrs. Renshaw to be the Vice Chair.

10 CHAIRPERSON CROSS REID: Okay. Thank you.

11 MR. HART: Madam Chair, I believe that concludes our
12 business for this morning.

13 CHAIRPERSON CROSS REID: Thank you very much. That
14 concludes our meeting for this morning.

15 (The meeting was concluded at 10:27 a.m.)