

THE GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

TUESDAY

JULY 3, 2001

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The Public Meeting came to order at 1:00 p.m. in Room 220, 441 4th Street, N.W., Washington, D.C., Anne M. Renshaw, Vice Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

ANNE M. RENSHAW	Vice Chairperson
GEOFFREY GRIFFIS	Member

ZONING COMMISSION MEMBER PRESENT:

CAROL J. MITTEN	Commissioner
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COMMISSION STAFF PRESENT:

Beverley Bailey, Office of Zoning
Paul Hart, Office of Zoning
John Nyarku, Office of Zoning
Marie Sansone, Esq., Office of Corporation
Counsel
John Fondersmith, Office of Planning

<u>AGENDA ITEM</u>	<u>PAGE</u>
OPENING REMARKS.....	4
PRELIMINARY MATTERS.....	7
<u>APPLICATION OF BEVERLY J. ANDERSON:</u>	
<u>16735 ANC-6B</u>	7
<u>APPLICATION OF GORDON BREMER AND CARLA YATES-BREMER:</u>	
<u>16719 ANC-6B</u>	13
<u>APPLICATION OF NORMAN POZEZ AND MELINDA BIEBER:</u>	
<u>16717 ANC-1D</u>	18
<u>APPLICATION OF LOUIS LEVY, ET AL:</u>	
<u>16724 ANC-2E.</u>	18

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

1:02 p.m.

VICE CHAIRPERSON RENSHAW: Good afternoon, ladies and gentlemen.

This hearing will please come to order. This is the July 3rd, 2001 Public Hearing of the Board of Zoning Adjustment of the District of Columbia.

My name is Anne Renshaw. I'm the Vice Chair of the Commission. Today, the Chair as our Chair Sheila Reid is not with us and I would like to introduce the other members of the Board.

On my right is Carol Mitten our representative from the Zoning Commission and Mayoral Appointment Geoffrey Griffis and I am the third on the panel today and as I said, my name is Anne Renshaw.

Susan Hinton the representative from the National Capital Planning Commission will not be with us this afternoon.

Copies of today's hearing agenda are available to you. They are located to my left near the door.

All persons planning to testify either in favor or in opposition are to fill out two witness cards. These cards are located at each end of the table in front of us. Upon coming forward to speak to the Board, please give both cards to the reporter who is sitting to my right.

The order of procedure for special exceptions and

1 variances is as follows:

2 1. First a statement and witness of the
3 applicant;

4 2. The government reports including the Office
5 of Planning, Department of Public Works, and others.

6 3. Third the Report of the Advisory Neighborhood
7 Commission, ANC.

8 4. And four, parties or persons in support.

9 5. Five, parties or persons in opposition.

10 6. Then, six, closing remarks by the applicant.

11 The cross examination of witnesses is permitted
12 by the applicant or parties. The ANC within which the property
13 is located is automatically a party in the case.

14 The record will be closed at the conclusion of
15 each case except for any material specifically requested by the
16 Board and the Staff will specify at the end of the hearing
17 exactly what is expected.

18 The Sunshine Act requires that the public hearing
19 on each case be held in the open before the public. The Board
20 may consistent with its rules of procedures and the Sunshine
21 Act enter executive session during or after the public hearing
22 on a case for purposes of reviewing the record or deliberating
23 on the case.

24 The decision of the Board in contested cases must
25 be based exclusively on the public record. To avoid any

1 appearance to the contrary, the Board requests that persons
2 present not engage the members of the Board in conversation and
3 we ask that you please turn off all beepers and cell phones at
4 this time so not to disrupt the proceedings.

5 The Board will make every effort to conclude the
6 Public Hearing as possibly close to 6:00, but today we are
7 going to be adjourning earlier than that because our caseload
8 this afternoon is slight.

9 And, therefore, we are considering preliminary
10 matters and preliminary matters are those that relate to
11 whether a case will or should be heard today such as requests
12 for postponement, continuance or withdrawal or whether proper
13 and adequate notice of a hearing has been given.

14 If you are not prepared to go forward with a case
15 today or if you believe that the Board should not proceed, now
16 is the time to raise such a matter. Does the Staff
17 have any preliminary matters?

18 MS. BAILEY: Madam Chair, good afternoon. Also
19 to the other members of the Board, yes, we do.

20 The first case -- there are three preliminary
21 matters. The first of which is the first case and that's
22 Application 16735 of Beverly J. Anderson. There is a request,
23 Madam Chair, for the hearing on that application to be
24 continued. I'm not sure if there's anyone in the audience
25 that's present and who would like speak about the continuance,

1 but there is a request from ANC as well as the applicant for
2 that case to be continued.

3 VICE CHAIRPERSON RENSHAW: Thank you, Ms. Bailey.

4 I want to announce at this point that Beverley
5 Bailey is Staff with the Office of Zoning and also Paul Hart is
6 with us from the Office of Zoning and John Fondersmith is with
7 us from the Office of Planning.

8 And with that, is there any representative of
9 Application 16735? Would you please come to the table.

10 MR. HOUSTON: My name is Andre Houston.

11 VICE CHAIRPERSON RENSHAW: Do you have your
12 microphone on?

13 MR. HOUSTON: It's on now? My name's Andre
14 Houston and I'm the agent for Dr. Anderson.

15 She was out of town when the ANC and the Capital
16 Hill Restoration Society had their Zoning Commission zoning
17 meetings and she -- I -- I talked to both her and to those two
18 groups and we decided it was better to wait until she was --
19 she could be there to make a personal representation.

20 I -- I told both those groups and they both
21 understand it and I told Planning who asked, too and I posted
22 and I wrote a letter to the Staff what I was going to be --
23 that I would be doing this. I wrote a letter to planning, too.

24 VICE CHAIRPERSON RENSHAW: All right. So, you
25 are suggesting a continuance.

1 MR. HOUSTON: Yes.

2 VICE CHAIRPERSON RENSHAW: And --

3 MR. HOUSTON: Requesting a continuance so that
4 she can have an opportunity to personally present these -- her
5 case before the ANC and the Capital Hill Restoration Society.

6 VICE CHAIRPERSON RENSHAW: All right. I'd like
7 to ask the Board members do they have any comments?

8 COMMISSIONER MITTEN: I don't have any. The only
9 comment that I have is that there's a piece of information
10 that's not in the record that I would like to get in the record
11 before we take the case up again. It's fairly easy to get.

12 Mention was made about the existing certificate
13 of occupancy and if we could just get a copy of the certificate
14 of occupancy for the record that would be helpful.

15 MR. HOUSTON: Sure.

16 VICE CHAIRPERSON RENSHAW: All right. Thank you.
17 That was on my list also.

18 Mr. Griffis, do you have anything?

19 MEMBER GRIFFIS: No comment.

20 VICE CHAIRPERSON RENSHAW: All right. I don't
21 have anything further.

22 Just make sure that you specify what floor the
23 doctor's office is on. I wasn't quite sure of that in reading
24 the material.

25 MR. HOUSTON: Okay. She lives and has an office

1 presently on the first floor. The second floor has a C of O
2 for two -- for -- for a doctor's office which is separate from
3 the -- the first floor had a C of O for a sewing shop. It's no
4 longer used as a sewing shop. So, it reverted to the
5 residential use. It's in a R-4 district.

6 VICE CHAIRPERSON RENSHAW: But, she has -- well,
7 we'll bring this up when the case is --

8 MR. HOUSTON: Okay. She has on the second floor
9 it's a doctor's office. She rents that out to other doctors.

10 VICE CHAIRPERSON RENSHAW: All right. All right.

11 COMMISSIONER MITTEN: Does the doctor have a home
12 occupation permit?

13 MR. HOUSTON: I don't know.

14 COMMISSIONER MITTEN: Okay. If she does, let's
15 get a copy of that in the record as well.

16 MR. HOUSTON: Okay.

17 VICE CHAIRPERSON RENSHAW: If she's practicing on
18 the first floor.

19 MR. HOUSTON: Right. I -- I -- I will -- home --
20 where do you get that.

21 VICE CHAIRPERSON RENSHAW: DCRA.

22 MR. HOUSTON: DCRA.

23 VICE CHAIRPERSON RENSHAW: Yes and it's right in
24 the general office where you pick up permit forms.

25 MR. HOUSTON: The building department place?

1 VICE CHAIRPERSON RENSHAW: Yes. Okay.

2 MR. HOUSTON: Okay. Very good.

3 VICE CHAIRPERSON RENSHAW: On the second floor.

4 MR. HOUSTON: Yes.

5 VICE CHAIRPERSON RENSHAW: All right. Do any of
6 the Board members have any problem with a continuance?

7 COMMISSIONER MITTEN: No, Madam Chair, as long as
8 there's adequate time for the property to be posted for the --

9 VICE CHAIRPERSON RENSHAW: All right.

10 COMMISSIONER MITTEN: -- appropriate period.

11 VICE CHAIRPERSON RENSHAW: Mr. Hart?

12 MR. HART: Madam Chair.

13 VICE CHAIRPERSON RENSHAW: Ms. Bailey?

14 MR. HART: The date here is September the 11th in
15 the morning.

16 VICE CHAIRPERSON RENSHAW: All right. Mr.
17 Houston, does that sound like a good date for you, too?

18

19 MR. HOUSTON: Yes, that does.

20 VICE CHAIRPERSON RENSHAW: Convenient date?

21 MR. HOUSTON: That sounds like a convenient date.

22 VICE CHAIRPERSON RENSHAW: All right.

23 MR. HOUSTON: And I'll tell -- tell the -- the
24 ANC and the Restoration Society that we'll -- we can meet
25 anytime before that.

1 VICE CHAIRPERSON RENSHAW: All right.

2 COMMISSIONER MITTEN: Madam Chair, I would move
3 that we continue Application Number 16735 to September 11th,
4 2001.

5 VICE CHAIRPERSON RENSHAW: All right.

6 MEMBER GRIFFIS: Second.

7 VICE CHAIRPERSON RENSHAW: Okay. Any further
8 discussion?

9 All those in favor of continuing the case to
10 September 11 in the morning?

11 (Ayes.)

12 VICE CHAIRPERSON RENSHAW: Mr. Hart.

13 MS. BAILEY: Staff will record the vote as 3-0-2
14 to continue the case to September 11th morning session. Motion
15 made by Ms. Mitten. Seconded by Mr. Griffis. Ms. Renshaw in
16 agreement. Ms. Hinton and Ms. Reid not present unless -- I
17 can't see all the way down. Ms. Hinton is not --

18 VICE CHAIRPERSON RENSHAW: No, she is not here.

19 MS. BAILEY: Okay. And thus, the case is
20 postponed, Madam Chair, until then.

21 VICE CHAIRPERSON RENSHAW: All right. And would
22 you also read back what we are requesting? Ms. Mitten had --

23 MS. BAILEY: Sure.

24 VICE CHAIRPERSON RENSHAW: -- two requests I
25 believe.

1 MS. BAILEY: Certainly. Ms. Mitten requested a
2 copy of the certificate of occupancy to be placed in the file.

3 Also, if there's a home occupancy permit, that also is to be
4 placed in the file and the property is to be reposted.

5 VICE CHAIRPERSON RENSHAW: All right. Thank you,
6 Ms. Bailey.

7 MS. BAILEY: You're welcome.

8 VICE CHAIRPERSON RENSHAW: Thank you, Mr.
9 Houston.

10 MR. HOUSTON: Thank you.

11 MS. BAILEY: The next preliminary matter, Madam
12 Chair, has to do with Application Number 16719 Gordon Bremer,
13 Carla Yates Bremer. There is a request also for this case to
14 be rescheduled.

15 Is there anyone in the audience concerning this
16 case who would like to address the Board?

17 VICE CHAIRPERSON RENSHAW: Please come to the
18 table and if you would give your name and your address please.

19 MR. LINAM: John Linam. The address is 1742 N
20 Street, N.W. I work for KGP Design Studio. We're the
21 architects for this project.

22 VICE CHAIRPERSON RENSHAW: All right. Go ahead.

23 MR. LINAM: There were two cases, 16719 and
24 16721. 16721, we met here last Tuesday. There was some
25 confusion about what issues we needed to address and the Board,

1 I believe Ms. Reid, proposed that we would postpone and hear
2 these two cases together and in the meantime, we would talk to
3 Mr. Bellow of the Zoning Office to receive a letter from him to
4 help clarify the issues. Actually, I met with him this
5 morning. So, we hope to have that process under way shortly.

6 It was Board's recommendation that we postpone.
7 We'd be happy to do so if that helps to --

8 VICE CHAIRPERSON RENSHAW: All right.

9 MR. LINAM: -- clear up the issues.

10 VICE CHAIRPERSON RENSHAW: All right. Any
11 comments from the Board members?

12 COMMISSIONER MITTEN: I just want to be clear
13 since I wasn't here last week, is this a continuance as well as
14 to consolidate this application with 16721 or are they still
15 separate? I just want to be clear about that.

16 MR. LINAM: I believe Ms. Reid was indicating
17 that they would still be separate cases because they are
18 separate lots.

19 COMMISSIONER MITTEN: But, heard on --

20 MR. LINAM: But --

21 COMMISSIONER MITTEN: Oh, I see. Okay. Heard on
22 the same day.

23 MR. LINAM: -- it would be convenient for them to
24 be heard together.

25 COMMISSIONER MITTEN: Okay. Thank you.

1 VICE CHAIRPERSON RENSHAW: All right. Mr.
2 Griffis, do you have any questions?

3 MEMBER GRIFFIS: No.

4 VICE CHAIRPERSON RENSHAW: All right. I don't
5 have any questions.

6 Then we would make a motion at this time that
7 Application Number 16719 be rescheduled and that it be heard on
8 the same day as BZA Case 16721.

9 Do I have a second?

10 COMMISSIONER MITTEN: I'll second it as long as
11 we can amend it with a specific date.

12 VICE CHAIRPERSON RENSHAW: All right.

13 COMMISSIONER MITTEN: Do we have a date for that
14 one?

15 MR. HART: We're looking at 16721?

16 COMMISSIONER MITTEN: Well, since they're going
17 to be on the same date, it would be a date to hear both 16721
18 and 16719.

19 MR. HART: That is -- it would have to
20 be --

21 MS. BAILEY: I'm sorry. Excuse me. I was just
22 going to say Ms. Mitten wouldn't that depend on how quickly the
23 zoning or when we get a response from the Zoning Administrator.
24 The applicant indicated that they met with him this morning.

25 Wouldn't the scheduling of the case be determined

1 by when we received that response?

2 VICE CHAIRPERSON RENSHAW: I think we could go
3 ahead and schedule the case for October. Late September or
4 October.

5 MS. BAILEY: Okay.

6 COMMISSIONER MITTEN: I think it's better if we
7 schedule something and then it gives some urgency to the
8 response rather than waiting for the response.

9 MR. HART: Yes, taking that into consideration,
10 that's why I put it down to October. Give us more than enough
11 time to do what we need to do and that would be the afternoon
12 of October the 1st.

13 VICE CHAIRPERSON RENSHAW: Okay. For both cases?

14 MR. HART: Yes, both cases.

15 VICE CHAIRPERSON RENSHAW: Both and is that good
16 for the applicant?

17 MR. LINAM: Yes, ma'am.

18 VICE CHAIRPERSON RENSHAW: That will be good.
19 All right.

20 All those in favor?

21 (Ayes.)

22 VICE CHAIRPERSON RENSHAW: And would you read
23 back, Ms. Bailey?

24 MS. BAILEY: Sure. The motion to reschedule this
25 case to October 1st afternoon session, both cases 16719 and

1 16721. The motion was made by Ms. Mitten. Seconded -- I'm
2 sorry. The motion was made by Ms. Renshaw. Seconded by Ms.
3 Mitten. Mr. Griffis in agreement. Ms. Hinton and Ms. Reid not
4 present, not voting.

5 VICE CHAIRPERSON RENSHAW: All right. Thank you
6 very much.

7 MS. BAILEY: Madam Chair, the last preliminary
8 matter that Staff has has to do with Application Number 16717
9 Norman Pozez and Melinda Bieber. I'm not sure about the
10 pronunciation. That case has been withdrawn. That's
11 Application Number 16717.

12 There was a request from the applicants to
13 withdraw the case and there is no action necessary by the Board
14 unless the Board chooses to do so.

15 VICE CHAIRPERSON RENSHAW: All right. Do the
16 Board members have any comments on 16717?

17 COMMISSIONER MITTEN: No, Madam Chair.

18 MEMBER GRIFFIS: No, Madam Chair.

19 VICE CHAIRPERSON RENSHAW: Mr. Griffis. All
20 right. I don't either and we'll move on to the last case of
21 the day.

22 MS. BAILEY: Application Number 16724 of Louis
23 Levy, et al, pursuant to 11 DCMR 3104.1 for a special exception
24 to allow a parking lot under section 213 in the R-3 and C-2-A
25 Districts at premises 3053 M Street, N.W. (Square 1209, Lot

1 910).

2 All those wishing to testify please stand and
3 raise your right hand.

4 Do you swear that the information that you'll be
5 giving today will be the truth? Please say I do.

6 MR. LAWLOR: I do.

7 MS. BAILEY: Thank you.

8 VICE CHAIRPERSON RENSHAW: All right. I'm going
9 to recommend that we stand on the record.

10 Please give you name and your address and make
11 your statements please.

12 MS. BROWN: Thank you, Madam Chair. My name is
13 Carol Brown with the law firm of Holland and Knight.

14 With me here today is Mr. Jim Lawlor from
15 Colonial Parking.

16 We appreciate that you're standing on the record
17 and we'll go ahead and state simply that we're requesting a
18 ten-year renewal for this parking lot just as it was approved
19 for ten years previously. We believe there's a critical
20 shortage of parking in Georgetown as everyone knows and this
21 serves a critical need and the operations have been very
22 successful there in this location and we would hope that you
23 could approve this application from the bench.

24 With that, I'll turn over the mike to Mr. Jim
25 Lawlor.

1 MR. LAWLOR: I'm Jim Lawlor. I'm Jim Lawlor,
2 Director of Operations for Colonial Parking. I'm a resident of
3 the District of Columbia. I live at 624 Elliott Street, N.E.,
4 Washington, D.C.

5 We have been operating the lot for -- at this
6 address for the last year. We've had no complaints.

7 We -- we keep the lot very clean. The lot is
8 grown with vegetation on both sides of the lot. Our cleaning
9 schedule for the lot is currently we empty the garbage and
10 police the lot on a daily basis so there's no bottles or any
11 debris, paper around. During the spring and summer
12 months, we attend to the vegetation that's around the paved
13 area of the parking surface.

14 Upon request of the district manager, the
15 operation director, myself, they will go through and sweep the
16 lot, mechanically sweep it on a Saturday morning to get the
17 leaves and debris up like that. They -- we've painted
18 the exterior of the parking booth and we've made necessary
19 repairs to the macadam. It's just been recently all replaced.

20 And we maintain lighting, stronger at the front
21 of the light and narrower at the back of the lot not to
22 interfere with any of the residents that are close by us.

23 VICE CHAIRPERSON RENSHAW: Yes.

24 MR. LAWLOR: And we operate the lot seven days a
25 week, Monday through -- Sunday through Thursday it's operated

1 from 9:00 a.m. to midnight. Friday and Saturday 9:00 a.m. to
2 3:00 p.m.

3 If you have any additional questions,
4 I'll --

5 VICE CHAIRPERSON RENSHAW: All right. Any
6 questions from the Board?

7 COMMISSIONER MITTEN: No, Madam Chair.

8 VICE CHAIRPERSON RENSHAW: Mr. Griffis?

9 MEMBER GRIFFIS: No questions.

10 VICE CHAIRPERSON RENSHAW: All right. Very good.

11 Then we go to government reports.

12 MR. FONDERSMITH: Yes, Madam Chair, the Office of
13 Planning recommends approval of the special exception with
14 retaining the existing conditions for a period of ten years.

15 Obviously, the Georgetown retail corridor is an
16 important retail corridor, important to the community and the
17 city. It's changed somewhat in the last ten years, but not
18 substantially and this parking lot is about -- except with the
19 changes that have been mentioned about the same as it was ten
20 years ago.

21 The record indicates it's been a parking lot for
22 53 years, since 1948. It's kind of uniquely tucked into this
23 block next to the old stone house, a fairly narrow entrance
24 way and then it widens out in the middle of the block. So, you
25 hardly know it's there.

1 So, we think it does serve a useful purpose in
2 Georgetown for the surrounding businesses. We noted
3 in our report, of course, that the ANC voted to support it
4 actually on their consent calendar.

5 The way it's tucked into the lot in terms of the
6 relation to the surrounding properties and you can see that on
7 the aerial photograph, it really is separated from them and
8 screened and there are brick walls and then a wooden wall along
9 the old stone house property.

10 So, we really think this is rather
11 straightforward. It's serves an important purpose. It's well
12 maintained, well located and we do recommend extension --
13 approval of the special exception for a term of another ten
14 years.

15 VICE CHAIRPERSON RENSHAW: All right. Are there
16 questions for Mr. Fondersmith?

17 COMMISSIONER MITTEN: No, Madam Chair.

18 VICE CHAIRPERSON RENSHAW: Mr. Griffis?

19 MEMBER GRIFFIS: No questions.

20 VICE CHAIRPERSON RENSHAW: All right. I was just
21 rather amused on page three of the Office of Planning's report
22 under your analysis were you talk about the fact that
23 landscaping is less than the 5 percent indicated and then you
24 mention in the last line that there is a sense of landscape
25 setting with the existing arrangement.

1 MR. FONDERSMITH: Yes and that's the applicant
2 mentioned that in their application also that it's less than
3 the 5 percent, but the sense of the setting really comes out of
4 the shape of the lot there in the center block or near the
5 center of the block and so, you have both the vegetation that
6 is on the lot and then you have surrounding vegetation so that
7 when you're in the lot you, you know, really have kind of
8 contained landscape feeling. Some of that is from trees and
9 shrubbery that is on adjacent property.

10 VICE CHAIRPERSON RENSHAW: Thank you for
11 explaining that. All right.

12
13 Moving on, we have an ANC report. Mr. Griffis,
14 would you like to read into the record the ANC report. It's
15 under Tab F.

16 COMMISSIONER MITTEN: Madam Chair --

17 VICE CHAIRPERSON RENSHAW: Yes.

18 COMMISSIONER MITTEN: -- if I could, there's no
19 reason to read it into the record. It's in the record.

20 VICE CHAIRPERSON RENSHAW: Just to acknowledge
21 it.

22 COMMISSIONER MITTEN: Okay.

23 VICE CHAIRPERSON RENSHAW: Just to acknowledge
24 it. It's a short letter in any case.

25 MEMBER GRIFFIS: I have Exhibit Number 25. Is

1 that what you're referring to?

2 VICE CHAIRPERSON RENSHAW: Yes.

3 MEMBER GRIFFIS: And it states clearly that it
4 was put on the consent calendar and was unanimously passed by
5 the ANC eight commissioners who attended the meeting which
6 represented a quorum. So, it is clear that they are in
7 support.

8 VICE CHAIRPERSON RENSHAW: The meeting was June
9 5th, 2001.

10 MEMBER GRIFFIS: Indeed.

11 VICE CHAIRPERSON RENSHAW: And the letter form
12 the ANC is signed by the Chair Peter Pulsifer and the ANC's
13 letter is dated June the 15th, 2001.

14 Are there any parties or persons in support?

15 Are there any parties or persons in opposition?

16 Now, it's closing remarks by the applicant.

17 MS. BROWN: Thank you, Madam Chair.

18 We believe we have met the burden of proof for
19 extending this another ten years under the special exceptions
20 standards and we would request approval from the bench.

21 Thank you very much.

22 VICE CHAIRPERSON RENSHAW: All right.

23 Ms. Mitten, would you like to frame a motion
24 please?

25 COMMISSIONER MITTEN: Yes, I would. I move

1 approval of BZA Application Number 16724 incorporating the
2 conditions from the previous order of Application 15537 and for
3 the reasons that the applicant has stated in their statement in
4 terms of meeting the standards special exception approval under
5 section 213 of the Zoning Ordinance.

6 VICE CHAIRPERSON RENSHAW: Do I have a second?

7 MEMBER GRIFFIS: Second.

8 VICE CHAIRPERSON RENSHAW: All right. Any
9 discussion?

10 All those in favor?

11 (Ayes.)

12 VICE CHAIRPERSON RENSHAW: Ms. Bailey.

13 MS. BAILEY: Madam Chair, before I call the vote,
14 can I clarify one matter very quickly please?

15 VICE CHAIRPERSON RENSHAW: Yes.

16 MS. BAILEY: And that is the first -- in the
17 previous order, the first number -- condition number item 8,
18 are we saying for the current order that it's approved based on
19 the expiration of the C of O and the -- the current -- the C of
20 O expired on April 21st, 2001. Are we saying it's approved from
21 today or when the order is issued? Are you with me, Madam
22 Chair, or did I confuse you?

23 VICE CHAIRPERSON RENSHAW: Yes. Yes, I am with
24 you.

25 MS. BAILEY: Okay. So --

1 VICE CHAIRPERSON RENSHAW: I would say it would
2 be approved as of today.

3 Comments from Commissioners -- Board members
4 rather?

5 Ms. Mitten?

6 COMMISSIONER MITTEN: I mean I -- you're saying
7 that there's been a period of time when they don't have a valid
8 certificate of occupancy or --

9 MS. BAILEY: Well, based on -- well, no, based on
10 number 8, approval shall be for a period of ten years from the
11 date of the expiration of the previous certificate of
12 occupancy. So, that was from ten years and the ten years
13 expired on April 21st, 2001 and I guess I'm saying is it -- the
14 new approval, is it from the date of April 1 -- I'm sorry --
15 April 21st, 2001 for the next years or is it from when the order
16 is issued -- the current order is issued? And I guess I'm just
17 trying to get clarification.

18 MEMBER GRIFFIS: I would think we'd make it from
19 when the order is issued rather than trying to make a ruling on
20 the past.

21 MS. BAILEY: Okay.

22 COMMISSIONER MITTEN: Yes and --

23 MEMBER GRIFFIS: Just keep it clean.

24 COMMISSIONER MITTEN: -- perhaps if I could now
25 that you call attention to the certificate of occupancy and so

1 on, is that we would add a condition that would say that the
2 approval is subject to the applicant obtaining a valid
3 certificate of occupancy.

4 VICE CHAIRPERSON RENSHAW: All right.

5 COMMISSIONER MITTEN: So, I would propose that
6 that would be an additional condition.

7 VICE CHAIRPERSON RENSHAW: I agree to that.

8 Mr. Griffis, yes?

9 MEMBER GRIFFIS: Agree.

10 VICE CHAIRPERSON RENSHAW: All right. Is it
11 clear about the date then, Ms. Bailey?

12 MS. BAILEY: Yes, Madam Chair.

13 VICE CHAIRPERSON RENSHAW: All right. Then would
14 you call the vote?

15 MS. BAILEY: The vote is 3-0-2 to approve the
16 application. Motion made by Ms. Mitten. Seconded by Mr.
17 Griffis. Ms. Renshaw in agreement. Ms. Hinton and Ms. Reid
18 not present, not voting.

19 VICE CHAIRPERSON RENSHAW: All right. There has
20 been a request for a bench -- it's a bench decision and a
21 summary order?

22 MS. BAILEY: Bench -- bench decision and summary
23 order for the --

24 VICE CHAIRPERSON RENSHAW: Very good. And that
25 will be available at what time?

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MS. BAILEY: I would say about three weeks, Madam Chair.

VICE CHAIRPERSON RENSHAW: Three weeks.

MS. BROWN: Thank you very much, Madam Chair.

VICE CHAIRPERSON RENSHAW: All right. And thank you very much.

That ends the afternoon session of the Board of Zoning Adjustment. It is now 1:30 and the meeting is adjourned.

(Whereupon, the meeting was concluded at 1:30 p.m.)