

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY

September 30, 2003

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APPLICATION NO. 17048
OF GREG GAY AND MARLANE LIDDELL

The Special Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice, at 9:00 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
CURTIS ETHERLY, JR.	Vice Chairperson
RUTHANNE G. MILLER	Board Member
DAVID ZAIDAIN	Board Member

ZONING COMMISSION MEMBERS PRESENT:

PETER G. MAY	Commissioner
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OFFICE OF ZONING STAFF PRESENT:

BEVERLEY BAILEY	Office of Zoning
CLIFFORD MOY	Office of Zoning

(Cont.)

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D.C. OFFICE OF CORPORATION COUNSEL:

SHERRY GLAZER, ESQ.

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

(9:30 a.m.)

CHAIRPERSON GRIFFIS: Good morning, ladies and gentlemen. Let me call to order our Special Public Meeting of the Board of Zoning Adjustment. I am going to just move ahead and call the first case for a Special Public Meeting and then do the proper introductions as we call our Public Hearing. We are going to have to take a break, as we were setting up for an FMBZA case in the morning, and then we'll move on to our full BZA case in the hearing.

So, with that, Mr. Moy, if you wouldn't mind briefly announcing the case before us for decision.

MR. MOY: Good morning, Mr. Chairman, members of the Board. The case is Application No. 17048 of Greg Gay and Marlane Liddell, pursuant to 11 DCMR 3104.1 for a special exception to allow a two-story rear addition to a single family dwelling under Section 223, not meeting the requirements under Section 401 and lot occupancy requirements under Section 403 in the R-4 District at premises 1118 East Capitol Street, N.E. That's in Square 988, Lot 818.

On September 23, 2003, the Board completed testimony on the application and requested that the

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1 Applicant submit additional information for its
2 decision on September 30, 2003. The Applicant has
3 done so, and that's in your case folders as Exhibit
4 No. 30.

5 That completes my briefing, Mr. Chairman.

6 CHAIRPERSON GRIFFIS: Thank you very much,
7 Mr. Moy. Board members, I think you will recall this
8 case had the support and recommendation for approval
9 from the Office of Planning and also the support and
10 recommendation for an approval of the ANC. It was
11 reviewed by the Capitol Restoration Society also in
12 support, and in fact, unanimous support of the
13 application. That is Exhibit No. 28 in our case.

14 We had set this for a decision making and
15 asked for the additional information in order to
16 insure that the lot occupancy was below the 70
17 percent, which would keep it for a special exception.

18
19 We heard that special exception case, and
20 I would move approval of Application 17048 of Greg
21 Gray and Marlane Liddell for that special exception
22 that would allow the two-story addition in the rear of
23 the single family dwelling under Section 223, of which
24 it did not meet the lot area requirements in 404 and
25 the lot occupancy requirements of 403 at premises 1118

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1 East Capitol, N.E., and I would ask for a second.

2 COMMISSIONER MAY: Second.

3 CHAIRPERSON GRIFFIS: Thank you, Mr. May.

4 As you recall, the two points that were coming into
5 interest for us, as I've indicated, first of all,
6 whether the chimney was counting towards the lot
7 occupancy, whether or not lot occupancy was actually
8 under 70 percent. The second was was the addition
9 allowable if it created the five-foot area setback
10 from the property line.

11 I think we have all taken the time to
12 review this and the additional submission that says
13 that it is actually allowed as the special exception
14 is part of the 2001 relief which talks about additions
15 to conforming structures, and of course 223 being one
16 of the best sections written in the zoning regulations
17 allowing additions to non-conforming residential
18 properties.

19 With that, I think that the record speaks
20 for itself. I would certainly put great reliance on
21 the Office of Planning's report, which outlines the
22 full test of the special exception and, in fact, leads
23 us in agreement, that they do comply with all of the
24 special exception requirements in the test that was
25 before us.

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1 I'd hear others speak to the motion.

2 COMMISSIONER MAY: Mr. Chairman?

3 CHAIRPERSON GRIFFIS: Yes.

4 COMMISSIONER MAY: I'm sorry, did you say
5 that there was a submission relevant to the specific
6 question of increasing the nonconforming yard?
7 Because the only submission I got had to do with the
8 lot occupancy.

9 CHAIRPERSON GRIFFIS: Good clarification.
10 The lot occupancy was the submission.

11 COMMISSIONER MAY: Right.

12 CHAIRPERSON GRIFFIS: I think it was a
13 Board question of us reading the regulations and
14 deliberating on that.

15 COMMISSIONER MAY: Okay. With regard to
16 that specific issue, since I met with something that
17 was of particular concern to me at the hearing, and
18 you know, the evidence that had been presented by the
19 Office of Planning notwithstanding, I was at the time
20 not comfortable with the notion that this new addition
21 would, in fact, incorporate what seemed like a new
22 nonconformity. On further review of the regulations
23 and some other clarifications, I'm comfortable that,
24 in fact, what we were doing is within Section 223,
25 what's allowed in terms of continuing an existing

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1 nonconformity.

2 It doesn't continue it exactly as it was,
3 although the Applicant would certainly be entitled to
4 do that, in other words, continue that nonconforming
5 court at essentially the same line. They could
6 continue it in that way, but then of course the court,
7 in its entirety, would be counted as part of the built
8 area of the lot.

9 By moving it back just a few feet,
10 essentially it takes advantage of a slight loophole
11 that gives you that flexibility, but it's still
12 essentially the same nonconformity that's being
13 continued, and because it happens to be just wide
14 enough to not count as built area, then that built
15 area can go to the actual building as opposed to the
16 court. So, I'm comfortable with that interpretation
17 and ready to vote for this special exception.

18 CHAIRPERSON GRIFFIS: Good. Thank you
19 very much, Mr. May. I think that's an excellent
20 description, and of course what you're also tying it
21 to is 2001.3, which is listed as part of the relief
22 available under special exception under Section 223.

23 Others? Very well. Then I can ask for
24 all those in favor, signify by saying aye.

25 (Chorus of ayes.)

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1 CHAIRPERSON GRIFFIS: And opposed?

2 (No response.)

3 MR. MOY: Staff would record the vote as
4 5-0-0, the Chairman motioned to approved, seconded by
5 Mr. May, and in support of the motion, voting for the
6 motion, Mr. Etherly, Ms. Miller, and Mr. Zaidain.

7 CHAIRPERSON GRIFFIS: Excellent. Thank
8 you, Mr. Moy. Anything else for us in this Special
9 Public Meeting this morning?

10 MR. MOY: No, sir.

11 CHAIRPERSON GRIFFIS: If there's not, then
12 I can adjourn the Special Public Meeting at 30
13 September, 2003, and we will return within a matter of
14 moments. Of course, we are looking for the
15 constitution of our FMBZA members, so we will be out
16 hopefully within five to ten minutes.

17 Thank you.

18 (Whereupon, the above-referenced matter
19 was concluded at 9:30 a.m.)

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