

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

Wednesday,

October 7, 1998

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The Board of Zoning Adjustment Public Hearing met in Room 220 South, 441 Fourth Street, N.W. Washington, D.C., at 1:00 p.m., Sheila Cross Reid, Chairperson, presiding.

PRESENT:

SHEILA CROSS REID, Chairperson
BETTY KING, Vice Chairperson
GERRY GILREATH, Board Member
ANTHONY HOOD, Zoning Commission Member

STAFF PRESENT:

SHERI PRUITT-WILLIAMS, Interim Director, Office of Zoning
TRACEY WITTEN ROSE, Office of Zoning
BEVERLY BAILEY, Office of Zoning
PAUL HART, Office of Zoning

APPEARANCES:

On Behalf of the Applicant, Shell Oil Company:

of: CHRISTOPHER COLLINS, ESQ.
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1 P-R-O-C-E-E-D-I-N-G-S

2 1:00 p.m.

3 CHAIRPERSON REID: The hearing will please come
4 to order.

5 Good afternoon, ladies and gentlemen. My name is
6 Sheila Cross Reid. This is the October 7th public hearing of the Board
7 of Zoning Adjustment of the District of Columbia. Joining me today
8 are Betty King, Gerry Gilreath from the National Capital Planning
9 Commission, and representing the Zoning Commission is Anthony
10 Hood.

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

13 All those who plan to testify either in favor or in
14 opposition are to fill out two witness cards. These cards are located
15 on each end of the table in front of us. When coming forward to speak
16 to the Board, please give both cards to the reporter who is sitting to
17 my right.

18 The normal procedure for special exception and
19 variance cases will proceed as follows. Statement of witnesses of the
20 applicant; government reports including Office of Planning,
21 Department of Public Works, and ANC, et cetera; persons or parties in
22 support; persons or parties in opposition, closing remarks by the
23 applicant.

24 Cross examination of witnesses will be submitted for
25 persons or parties with direct interest in the case. The record will be

1 closed at the conclusion of each case except for any material
2 specifically requested. The Board and the staff will specify at the end
3 of the hearing exactly what is expected.

4 Consent of the Board in these contested cases must be
5 based exclusively on the public record. To abort any appearance to
6 the contrary, the Board requests that persons present not engage
7 members of the Board in conversation. The Board will make every
8 effort to conclude the public hearing as near as possible to 6 o'clock
9 p.m. If the applicant cases were not completed by 6 o'clock p.m., the
10 Board will assess whether it can complete the pending case or cases
11 remaining on the agenda.

12 At this time, the Board will consider any preliminary
13 matters. Preliminary matters are those which related to whether a
14 case will or should be heard today, such as requests for
15 postponement, continuance, or withdrawal, or whether proper and
16 adequate notice of the hearing has been given. If you are not
17 prepared to go forward with the case today, if you believe that the
18 board should not proceed, now is the time to raise such a matter.

19 Are there any preliminary matters?

20 MS. PRUITT-WILLIAMS: Madam Chair, staff has no
21 preliminary matters.

22 CHAIRPERSON REID: There was, with regard to the
23 preliminary matters of the staff, the letters that came in subsequent to
24 the taxes going out?

25 MS. PRUITT-WILLIAMS: Yes?

26 CHAIRPERSON REID: These letters don't require a

1 waiver?

2 MS. PRUITT-WILLIAMS: Just that we deal with them
3 in each case.

4 CHAIRPERSON REID: Rather than preliminary?

5 MS. PRUITT-WILLIAMS: Yes.

6 CHAIRPERSON REID: All right.

7 Then, let us proceed with the first case.

8 MR. HART: The first case 16363, application of David
9 and Loretta Garrison, pursuant to 11 DCMR 3108.1 for a special
10 exception under Section 233 to allow a two-story addition to a single
11 family dwelling that does not meet the lot occupancy requirement
12 under Section 403, or the width of open court requirements under
13 Section 406.1 for property located in an R-4 District at premises No. 8
14 Fourth Street, Southeast, Square 817, Lot 32.

15 Will all persons planning to testify in this application
16 please rise and take the oath.

17 Please raise your right hand.

18 Do you swear and affirm that the testimony that you're
19 about to give will be the truth?

20 PARTICIPANTS: I do.

21 MR. HOOD: Would the Applicant please come
22 forward.

23 MS. GARRISON: Members of the Board, I'm Loretta
24 Garrison. Thsi is my husband, David Garrison. We are the applicants
25 in Case No. 16363 that's pending before you. We're also the resident
26 owners.

1 CHAIRPERSON REID: Excuse me. Is your mike on?
2 There should be a green button. If you push that, a green light should
3 come on to speak.

4 MS. GARRISON: No, it's not.

5 CHAIRPERSON REID: You may have to hold it down
6 for a while.

7 MS. GARRISON: Okay. There we go.

8 CHAIRPERSON REID: Thank you.

9 MS. GARRISON: Can you hear now?

10 CHAIRPERSON REID: You also might need to pull the
11 mike a little closer.

12 MS. KING: And you also want to give us your home
13 address.

14 MS. GARRISON: Yes. I'm Loretta Garrison. This is
15 my husband, David Garrison. We're the applicants in your Case No.
16 16363. We're the resident owners of the property located at No. 8
17 Fourth Street, S.E. which is the subject of this hearing.

18 Our home is also located in the Capitol Hill historic district.

19 We are coming to you under this application under the
20 new regulations for a special exception under Section 223 to allow an
21 addition to a single family dwelling in an R-4 zone that does not
22 exceed 70 percent lot occupancy and that does not comply with the
23 width requirements for an open court.

24 You should have in the file a memorandum of August
25 10, 1998, from Edgar Nunley, chief of the Zoning Review Board which
26 sets forth this special exception.

1 We've also submitted for the file various photographs of
2 our home, proposed plans, the memoranda, actually there are two of
3 them from the Zoning Review Branch, and two written statements
4 discussing the proposed project, its impact on the neighborhood and
5 the standards that you will be using to review our application.

6 If I may ask the Board for permission, I have prepared
7 for illustrative purposes only two drawings which may facilitate your
8 understanding of the location of our property and its relationship to the
9 adjoining properties, houses, and also one that shows in a very simply
10 way what the proposed change is on the back of our house. I have
11 multiple copies if, Ms. Reid, if I may do that?

12 CHAIRPERSON REID: Yes, give them to --

13 Ms. Garrison, this is over and above what you've
14 already submitted to us in your package?

15 MS. GARRISON: Pardon me?

16 CHAIRPERSON REID: This is over and above what
17 you've already -- what you've previously submitted to us?

18 MS. GARRISON: Yes, that's correct. It occurred to us
19 -- this is not new information. It's illustrative because it may help to
20 visually explain just exactly -- the materials that you already have
21 before you.

22 The first is a drawing, and I have to say it is not at all --
23 it is not to scale, so I want to be clear about that, and it is illustrative
24 only.

25 This is a sketch of the block. As you can see, where it
26 says No. 8, that is our house. The heavy lines indicate roughly the

1 Property lines. The narrow lines that are shaded in yellow indicate
2 buildings.

3 As you can see, our house is connected on one side
4 only to another residence and that's to the south. This is property that
5 is owned by Ed and Helen Hazelmeyer. They live at No. 10 Fourth
6 Street, S.E. On the north side of our house, the property is connected
7 -- or, our house abuts property owned by Peggy Shaker and Holmes
8 Brown who reside at 403 East Capitol Street. And this particular area
9 that abuts the north of our house is used by them for their off-street
10 parking purposes. It runs a distance of approximately 50 feet and
11 much of the remainder of the property abuts what's presently a vacant
12 lot at 405-407 East Capitol Street.

13 The project is located in the rear of our house and is
14 not visible from Fourth Street. It is currently visible from East Capitol
15 Street at the -- from the vacant lot located at 405 and 407 East
16 Capitol. The new owner of that vacant lot does plan to build a
17 residence there and that would eliminate any view of the back of our
18 house from East Capitol.

19 Moving to the other drawing, and this may help explain
20 the photograph that you have in the record before you. We wanted to
21 clarify the nature of the project in case there's any confusion because
22 it has been described as a two-story addition.

23 We presently have an add-on to the back of our house.
24 It is this area that shows the step addition outlined in the heavy, dark
25 line. What we are proposing to do -- that addition, by the way, is built
26 of wood. It has asbestos shingles and the rest of the house is brick.

1 What we propose to do is to rebuilt this portion of our house. And,
2 where the dotted line shows, what we are -- want to do, is to extend
3 the second story approximately five feet in order to square off the
4 building. And it is because of that five foot extension on the second
5 story that we are here before you.

6 We are applying, as indicated, for the special exception
7 because the open court, the area on the south of our property and
8 immediately adjacent to our neighbors at No. 10, is less than the
9 required six feet. This is not just along the ten foot section that is at
10 issue but all along the entire rear of our house which is about 43 feet.

11 Because the open court doesn't meet current zoning,
12 the zoning review branch counts the entire open court area which is
13 not occupied as part of the coverage. And under this calculation, we
14 do not meet the 60 percent occupancy requirement. In fact, as you
15 see in the August 10 memorandum from Zoning Review, the lot
16 coverage is calculated at 69 percent.

17 In terms of the process, I wanted to summarize briefly.
18 We -- as far as the ANC-6B, we have had many conversations with
19 them about our project. We met with Peter Waldren who is the ANC
20 commissioner and chair of the ANC planning and zoning committee
21 for 6B. He visited our home, reviewed our plans, and looked over the
22 property. The Planning and Zoning Committee met on Tuesday,
23 September 1, and approved our application. However, the full ANC
24 was unable to muster a quorum at the meeting the following week and
25 therefore it could not take formal action.

26 What I also would like to do, Madam Chair, is last night

1 I received a letter from Gottlieb Simon who is the executive director for
2 ANC-6B. And he asked me to bring this today and to submit it to you,
3 and this will confirm what I have told you in terms of the ANC's
4 process. So, if I may also submit that?

5 CHAIRPERSON REID: This is a letter that the ANC
6 commission -- the chairperson gave you?

7 MR. GARRISON: No, Gottlieb Simon.

8 MS. GARRISON: Well, this is Gottlieb Simon who is
9 the executive director has written a letter.

10 CHAIRPERSON REID: On behalf of the ANC?

11 MS. GARRISON: That is correct.

12 CHAIRPERSON REID: At 6B?

13 MS. GARRISON: That is correct. Stating what action
14 the ANC was able to take and why it could not completely formalize it.

15 CHAIRPERSON REID: All right. This is the one that
16 you attended where they approved it and they didn't have a quorum,
17 or is this a letter that is subsequent to that meeting?

18 MS. GARRISON: That's right. The zoning committee
19 met and approved it. But the full ANC did not have a quorum the
20 following week so they could not actually take up the application.

21 CHAIRPERSON REID: So, that's --

22 MS. GARRISON: -- the full ANC.

23 CHAIRPERSON REID: This is just the zoning
24 committee?

25 MS. GARRISON: Yes. But he is writing on behalf of
26 the ANC, just outlining what information they had and what actions

1 they took.

2 If I may, I can read you the letter.

3 CHAIRPERSON REID: Well, no, that's okay. Just
4 submit it and when we have -- in the segment of this hearing comes
5 up for the ANC report, we will then read that for the record.

6 MS. GARRISON: Well, they will not have their next
7 meeting until the 13th of October. And so, that's why he suggested
8 that I submit this letter since this meeting occurs first. But, as you can
9 see from the letter, he said that there was no opposition and that they
10 did endorse -- support the application and anticipated that the full ANC
11 would also approve it.

12 On September 17, 1998, we attended a meeting of the
13 Capitol Hill Restoration Society which was chaired by Mr. Lyle
14 Schauer, where we also made a presentation on our project. We
15 have not heard anything either orally or in writing from Mr. Schauer
16 regarding our application. We assume this means that they have no
17 objection.

18 CHAIRPERSON REID: Did we receive anything from
19 Mr. Schauer?

20 MS. PRUITT-WILLIAMS: No, we have not.

21 MS. GARRISON: And finally, the District of Columbia
22 Historic Preservation Review Board has approved the design concept
23 for this project. You will find drawings in the file.

24 The reason that we are undertaking this project is to
25 improve the overall appearance of our home. We feel that this will not
26 only contribute to the enhancement of our home, but also to the

1 overall surrounding neighborhood which is in the Capitol Hill Historic
2 District.

3 I know that you will be concerned about the impact on
4 our immediate neighbors. We had submitted for the record two letters
5 in support of our application from our immediate neighbors. One is
6 from the neighbors to the south, Ed and Helen Hazelmeyer who are
7 the resident owners of No. 10 Fourth Street. They're the ones most
8 effected by the project and they do support the application. The
9 resident owners of 403 East Capitol Street, Peggy Shaker and Holmes
10 Brown whose property abuts our home to the north, have also
11 submitted a letter in support of our application.

12 The prospective neighbors at 405 and 407 East Capitol
13 Street who plan to build on the vacant lot, this is Mary Landreu and
14 Frank Snellings, have indicated that they have no objection.

15 In addition, we've discussed the proposal with a
16 number of our neighbors, all of whom have stated their support of our
17 application. We have talked to and heard support from our neighbors
18 along the east side of Fourth Street, Rick Bornman who lives at No. 12
19 Fourth Street; Jerry Fisher at No. 14 Fourth Street; Tom and Dawn
20 Winter at No. 16 Fourth Street, and Ken Kayoten at No. 18 Fourth
21 Street. While not directly effected by our project, we've also heard
22 support from others including Cliff and Terry Gibbons who live across
23 the street at No. 11 Fourth Street, Lynn Goldman at No. 19 Fourth
24 Street, Mike and Judy Canning at No. 19 Fifth Street, David Wells-
25 Kaufman at 411 East Capitol, Peggy Crenshaw at 321 East Capitol,
26 and Don Anderson at 325 East Capitol Street.

1 We are aware of one letter in the file that opposes our
2 application from a Ms. Diana Kriest, we do not know, who lives at 323
3 East Capitol Street, about a block away from us. Her opposition,
4 according to her letter, is "based on the fact that the proposed addition
5 will be visible from the street and will negatively impact the
6 appearance of houses within this historic victorian neighborhood.

7 As I have stated, the project is on the rear of our
8 house, the back of our house, and can only be seen from the vacant
9 lot that fronts on East Capitol Street. Once the present owner builds,
10 the rear of our house will not be visible from the street. Furthermore,
11 we do not believe that replacing a somewhat haphazard looking wood
12 structure that is clad with asbestos shingles, replacing it with brick
13 construction that will more appropriately tie in with the main brick
14 building will negatively impact the historic neighborhood. Rather, we
15 believe that it will improve the overall appearance and better relate the
16 structure to the victorian character of our home and the historic --
17 surrounding historic area.

18 I'd like to draw the Board's attention to the photograph
19 that we've submitted for the record. I have a duplicate set of originals
20 if you would like me, Madam Chairman, to pass these out to you.

21 CHAIRPERSON REID: A duplicate set of --

22 MS. GARRISON: Of original photographs, if that
23 makes it easier for the other members to look at the actual
24 photographs instead of Xeroxes.

25 CHAIRPERSON REID: We're okay because we do
26 have a copy of originals in the master files.

1 MS. GARRISON: Fine.

2 CHAIRPERSON REID: And we can glance at it.

3 MS. GARRISON: All right. Fine. Just, this will help
4 show more clearly for you the actual siting of the house. You can see
5 that we've got some photographs of the front of the house that clearly
6 show that we are joined on one side and that we are not joined by any
7 building on the north side. We will also show the victorian character of
8 the house and the fact that it is the principal residence is brick.

9 I'm sorry, was there a question?

10 MS. KING: Yes, the property on the north side is not
11 an alley.

12 MS. GARRISON: It is not an alley.

13 MS. KING: That strip belongs to 403, is that correct?

14 MS. GARRISON: That's correct.

15 CHAIRPERSON REID: That was the question I had
16 also, because in your diagram --

17 MS. KING: This is L-shaped, 403 is an L-shaped lot.

18 MS. GARRISON: It's an L-shaped lot. That's correct.

19 CHAIRPERSON REID: Yes, and in looking at the
20 picture, it looked like it was abutting an alley. But that is just a
21 property line that comes right up to your property?

22 MS. GARRISON: That's correct. That's why the
23 illustrative drawing that I submitted earlier may have clarified the
24 ownership of land and how we relate to each of our neighbors.

25 The next view that is in your files is -- shows the back
26 of our house. And you can clearly see the length of the open court

1 area that runs a good distance down the back of our house. It will
2 also show you the wood construction with shingles, asbestos shingles,
3 that is the back addition that we propose to change.

4 And even more clearly, the last set of photographs
5 shows the view looking from the north side so that you get a side view.
6 The is will more closely correspond with the other illustrative drawing
7 that I gave you a few minutes ago that will show you how this building
8 hits onto the main house. It's a step down, two steps actually. The
9 first part comes out five feet and then the first story comes out an
10 additional five feet to ten feet. What we plan to do is not to build
11 further into our yard, but instead to replace this and square it off. So --
12 and that will be all brick so that it will in fact tie in more appropriately
13 with an all brick structure.

14 MS. PRUITT-WILLIAMS: Ms. Garrison, for a point of
15 clarification. On this illustrative drawing right here, you're not going to
16 extend past this property line?

17 MS. GARRISON: That's correct.

18 MS. PRUITT-WILLIAMS: You're just replacing?

19 MS. GARRISON: That's correct.

20 MS. PRUITT-WILLIAMS: Thank you, because the --
21 my understanding was that you were going to extend five feet from
22 there.

23 MS. GARRISON: No.

24 MS. PRUITT-WILLIAMS: So your property will not
25 protrude any further than it currently does?

26 MS. GARRISON: That's correct. With one small

1 exception which is minor and --

2 MS. PRUITT-WILLIAMS: The bay window on the
3 second --

4 MS. GARRISON: -- it's the cantilevered bay window on
5 the second story.

6 MS. PRUITT-WILLIAMS: Right. What's the depth of
7 that? Approximately five --

8 MS. GARRISON: No, I think it's approximate two, no
9 more than three feet. I don't recall precisely.

10 MS. PRUITT-WILLIAMS: Thank you.

11 MS. GARRISON: Yes.

12 MS. KING: Ms. Garrison --

13 MS. GARRISON: Yes?

14 MS. KING: The other houses are all brick all the way
15 back. Is yours uniquely the one that is made of wood and asbestos
16 tile -- shingle?

17 MS. GARRISON: Well, it is uniquely the one that has
18 asbestos shingles. There is one other that is wood but it has -- it's
19 sheathed in I believe sheet metal that is stamped to look like brick.
20 And all the other houses, however, are brick and all of the other
21 houses are squared off.

22 I think that the photograph -- this may show part of it. I
23 do have another photograph that shows a little bit more clearly the line
24 that runs the back of the house, if the Board would like to have that
25 photograph as well.

26 MS. KING: And you say this isn't to scale. Are all the

1 houses the same length or --

2 MS. GARRISON: No.

3 MS. KING: They're different lengths?

4 MS. GARRISON: They are not. No. That's correct.

5 Both our house and No. 10 are the same length. But No. 12 does
6 extend deeper into the yard and I'm not positive but I believe No. 14
7 may extend deeper yet. The other houses, at least Nos. 12 and 14,
8 are certainly deeper than our house.

9 CHAIRPERSON REID: Do we have -- Excuse me.
10 Excuse me one second, Ms. King.

11 MS. KING: Sure.

12 CHAIRPERSON REID: Do we have a Sandborne map
13 of this particular area?

14 MS. PRUITT-WILLIAMS: There should be one in your
15 file.

16 MS. GARRISON: My understanding was that you may
17 have a Sandborne map and that would give you the precise lay out.

18 MS. PRUITT-WILLIAMS: From the map that should be
19 -- a copy in your file. It appears that 8, 10, and 12, now, of course,
20 this is an old Sandborne. It may not necessarily reflect any changes.
21 8, 10, and 12 seem to be the same length. I'm sorry. 8 and 10 are
22 the same length. 12 appears to be slightly longer.

23 MS. GARRISON: Right.

24 MS. PRUITT-WILLIAMS: And it appears that maybe
25 14 is the same length as 12.

26 MS. GARRISON: That may be about right.

1 MS. KING: And behind your -- Behind the row of
2 houses, is there an alley?

3 MS. GARRISON: No, there is not.

4 MS. KING: So, this is the dividing line between your
5 property and Fifth Street, is it, or --

6 MS. GARRISON: That's right. Fifth Street property,
7 that's correct.

8 MS. KING: And have you talked to your back fence
9 neighbors?

10 MS. GARRISON: We have not talked to him. We
11 actually have not seen him for quite some time. For several years.

12 MS. KING: That sounds serious.

13 MS. GARRISON: It is. He is -- there is no evidence of
14 him being there.

15 Also, Ms. King, in terms of the relationship between the
16 properties on the west side of Fourth Street, which is where we are,
17 and the -- excuse me, the east side, and the west side of Fifth Street,
18 in other words, the neighbors behind us, their property is actually at a
19 lower elevation of about four feet or so, I believe. Yes.

20 MS. KING: That's interesting.

21 MS. GARRISON: Yes, but this is one block that does
22 not have a drive through alley.

23 CHAIRPERSON REID: It's completely landlocked?

24 MS. GARRISON: That's correct.

25 MS. PRUITT-WILLIAMS: Madam Chairman, I remind
26 you that this is for special exception, so the issues of uniqueness of

1 the character of the building are interesting but not germane to making
2 a decision.

3 CHAIRPERSON REID: Thank you.

4 MS. GARRISON: If I may just briefly summarize the
5 legal elements that you'll be considering for a special exception, I
6 believe we've presented these in our supplemental statement of
7 September 22.

8 CHAIRPERSON REID: Yes, basically for the record,
9 Ms. Garrison, you're going to demonstrate to us how your application
10 is in conformity with the special exception you come under which is
11 number, I think it's four.

12 MS. PRUITT-WILLIAMS: Section 223.

13 CHAIRPERSON REID: Section 223. And you had
14 indicated in your submission and I'd just like for you to basically go
15 over that for the record.

16 MS. GARRISON: Sure.

17 MR. HOOD: Madam Chair, before we get that, I just
18 have --

19 CHAIRPERSON REID: Sure.

20 MR. HOOD: I'm just curious what relationship is 323
21 East Capitol Street. I'm trying to, in the sense of organization, what
22 relationship. I'm sure it's a block away. Even from that facility, can
23 that -- what you're trying to do, even be seen? Or how is that having
24 an adverse impact?

25 MS. GARRISON: No, they can't. All right. If I may use
26 this illustrative drawing.

1 MR. HOOD: Right.

2 MS. GARRISON: We are here at No. 8. 323 you have
3 to go up to East Capitol and go back towards the Capitol. And 323 is
4 over here. It fronts -- It's on the -- sits on the south side of East
5 Capitol Street. But it's about four or five houses in from the corner of
6 Fourth Street. And it's in the next block over.

7 MR. HOOD: And also, the empty lot. You said they're
8 using that for off street parking?

9 MS. GARRISON: No, they are not. That is simply a
10 vacant lot. It was purchased about a year ago from the Snellings. We
11 do mean the 403 - 40 -- excuse me, 405 - 407 vacant lot?

12 MR. HOOD: Right.

13 MS. GARRISON: All right. That was purchased in July
14 of '97, I believe, by Frank Snellings and Mary Landreu. I believe you
15 will be hearing a case in about two weeks relating to their property.
16 But they are proposing to build a house on that lot and it will, as I
17 understand it, the design will go essentially from wall-to-wall across
18 East Capitol Street.

19 MR. HOOD: I guess from what I've heard and what
20 I've read, you covered your ground with the people who are most
21 affected right there in that area?

22 MS. GARRISON: Yes, that's correct. And I would also
23 like to say that the neighbors on either side of Ms. Kriest at 323 have
24 indicated to us that they do support our project, even though they are
25 on East Capitol and are not directly affected.

26 MR. HOOD: Thank you.

1 MS. KING: Mr. Hood, the off street parking she
2 referred to has to do with 403. This apparent alley is their property
3 and it's paved. And that's their -- the off street parking is behind 403.

4 MR. HOOD: That's what I --

5 MS. KING: That what you were referring to?

6 MR. HOOD: Right. That's what I was referring to.

7 MS. GARRISON: Oh, I'm sorry. I misunderstood.

8 MR. HOOD: No problem. No problem. That was good
9 to be enlightened on that, too. So, no problem.

10 MS. GARRISON: All right.

11 CHAIRPERSON REID: Any other questions?

12 MR. GILREATH: I'm new to this Board, here. You said
13 something to the effect which I understood you to say that the person
14 living right behind you, you've not been able to contact him to see
15 whether or not he had any concerns. Is that correct? It seems like
16 there was one house you said you've not been able to get any
17 response?

18 MS. GARRISON: We did not -- we did not canvas the
19 neighborhood.

20 MR. GILREATH: But the people that adjoin your
21 property in the back there, did you check with those people most
22 immediately to your property to touch base with them?

23 MS. GARRISON: But they would have received a
24 notice like everyone else in the area, and I assume that if they had
25 any problems, or questions, or concerns, they would have found us.
26 We have never seen -- we have not seen him for some years. There

1 is no evidence of lights or any activity on -- going on at the house.

2 MR. GILREATH: We can assume that since there was
3 a notice, if they didn't respond, that they didn't have any concerns.
4 That's kind of a normal --

5 CHAIRPERSON REID: Right. Right.

6 MR. GILREATH: All right.

7 MS. GARRISON: Thank you.

8 MS. KING: Ms. Garrison, before you go on, do we
9 have a copy of -- do you have any kind of document from the Historic
10 Preservation Review Board?

11 MS. GARRISON: The -- what you will have in the files
12 is a copy of our plans that has the stamped and signed approval by
13 Historic Preservation.

14 MS. KING: Oh, I see. I missed that.

15 MS. GARRISON: I believe the first set of plans that
16 attached to the first memorandum, I believe that's correct. But that is
17 in the file.

18 Just to briefly summarize, under provision 223.2 we
19 have several requirements. The light, air, and privacy of the
20 neighboring properties, as I've explained, as the photograph indicated,
21 the letters that you have show we have support from our immediate
22 neighbors who are impacted, particularly the ones at No. 10 who are
23 most directly affected. They do support our application. I would like to
24 underscore again that since the proposed addition involves only
25 extended the second story of the rear of our house, as it's currently
26 configured, about five feet, it will have minimal impact on the light, air,

1 and privacy of the neighboring properties. There are no windows on
2 the north side of our house and no building abuts our house on the
3 north.

4 We have tried very hard to be sensitive in our design to
5 the privacy of our neighbors to the south, the Hazelmeyers, and as I
6 said, they submitted a letter in support.

7 In addition, the -- you will be reviewing to see if it
8 conforms to the character, scale, and pattern of the adjacent homes.
9 As I've indicated, all of the adjacent homes along the east side of
10 Fourth Street have their second stories in the back in direct vertical
11 alignment with their first stories. Ours is the only property that does
12 not.

13 Also, all but one of the adjacent houses are brick
14 construction in the rear. By replacing the wood construction with
15 asbestos shingling --

16 MR. GARRISON: And asbestos shingling.

17 MS. GARRISON: And asbestos shingling with brick
18 construction, and by bringing the second story into direct alignment
19 with the first story, we will better conform our house with the adjacent
20 houses and believe we will greatly improve the appearance of our
21 historic victorian home.

22 Section 223.3, the lot occupancy, will not exceed 70
23 percent in an R-4 district, the August 10 memorandum from the zoning
24 review branch has calculated that the proposed plan will provide 69
25 percent lot coverage.

26 And Section 3108.1, the general authority for a special

1 exception, our application is in harmony with the intent and purpose of
2 the zoning regulations since we will continue to use it as our residence
3 and as I've discussed, our project will not adversely impact the use of
4 the neighboring properties.

5 We would be pleased to answer any further questions
6 that you may have.

7 CHAIRPERSON REID: Board members?

8 MR. GILREATH: As I understand it, the concept of
9 your design has been approved by one of the historic preservation
10 bodies, is that correct?

11 MS. KING: Yes, I've just checked the plans and it's
12 stamped -- I just checked the plans as Ms. Garrison indicated, and I've
13 now lost it but it is stamped with the approval of the Historic
14 Preservation Review Board.

15 MR. GILREATH: You said there was another,
16 apparently a historic preservation office. Is that a neighborhood thing?

17 MS. GARRISON: The Capitol Hill Restoration Society.

18 MR. GILREATH: You've not heard from them?

19 MS. GARRISON: I have not heard from them. They
20 are a different organization.

21 MS. KING: A private organization.

22 MS. GARRISON: Within Capitol Hill.

23 MR. GILREATH: But they don't have approval
24 authority?

25 MS. GARRISON: They do not have legal authority
26 before the Board but they are part of the process that we go through

1 since we are in a historic district. But the other group that Ms. King
2 was referring to --

3 MS. KING: Private organization.

4 MS. GARRISON: -- is the District of Columbia
5 government Historic Preservation Board. And they will review the
6 design plans.

7 MR. GILREATH: And have agreed with --

8 MS. GARRISON: Because we are in a historic--

9 MR. GILREATH: The concept has already passed that
10 stage?

11 MS. GARRISON: That's correct.

12 MS. KING: They've stamped the plan, the architect
13 drawing.

14 MR. GILREATH: Okay.

15 MS. KING: That it conforms to.

16 CHAIRPERSON REID: The next segment is in regard
17 to government reports and I think that there is a government report, a
18 report from the ANC.

19 Is there a member from the ANC here?

20 The letter that Ms. Garrison has submitted states that
21 while it is not reflect that there was a quorum of the ANC, a vote
22 taken. It's a letter that is from Gottlieb Simon?

23 MS. KING: Gottlieb Simon, yes.

24 CHAIRPERSON REID: Who is the executive director,
25 who attests to the fact that they -- the zoning committee had met and
26 that there was no opposition from the -- did not receive any letters or

1 any comments from anyone in opposition to this particular project.

2 And so, therefore, the record will reflect simply that we
3 have received this letter from 6B without the quorum and the vote
4 having been taken, they would not be afforded the great weight which
5 they generally would be. But this does not withstand the fact that we
6 have not gotten any opposition other than this one letter.

7 So, we can assume, then, that it's not a contentious
8 application.

9 Now, next we'll have those persons who are in support
10 of the application please come forward.

11 Persons and parties in support, persons and parties in
12 opposition?

13 Closing remarks by the Applicant.

14 MS. GARRISON: Thank you, Madam Chairman.

15 In closing, I would like to ask for a bench decision and the
16 summary order. The feasibility of doing our project depends upon
17 having ready access to the back of our house. Because the new
18 owners of No. 405 and 407 East Capitol are preparing to build a
19 house on that empty lot, we need to move ahead quickly before we
20 lose our access.

21 The owners of 405 and 407 East Capitol, Frank
22 Snellings and Mary Landreau, have given us permission for access
23 across their property in order to do our project if we're able to do so
24 before they are in the middle of work on their home.

25 MR. HOOD: Madam Chair, may I make a motion?

26 CHAIRPERSON REID: Uh huh.

1 MR. HOOD: Madam Chairman, I'd like to make a
2 motion that we accept the Applicant's proposal. As far as adverse
3 effect, she's proven that there's not going to be any adverse effect on
4 the neighboring properties, also not effecting enjoyment of other
5 neighboring properties and any other conditions my colleagues would
6 like to add.

7 CHAIRPERSON REID: Do I have a second?

8 MS. KING: I second that motion. I think it's clearly
9 advantageous to the appearance of the historic district for the back of
10 the house to be replaced with brick, and I suggest that we issue a
11 bench decision and summary order since it's -- The opposition by the
12 near neighbor does not constitute a party in opposition and therefore I
13 suggest we issue a summary order.

14 CHAIRPERSON REID: And the opposition, letter of
15 opposition, referred basically to a visual impact that would be
16 ameliorated when the other building is built.

17 MS. KING: Provided we give them permission to do
18 what they want to do.

19 CHAIRPERSON REID: Or the other, on the south side
20 of the property. Is this the north side?

21 MS. GARRISON: The north side.

22 CHAIRPERSON REID: The north side of the property.
23 And at least it's in harmony with the general purpose and intent of the
24 zoning map and plan, it will not effect the use of -- negatively effect the
25 use of the neighboring properties.

26 All in favor?

1 MS. KING: Aye.

2 MR. HOOD: Aye.

3 CHAIRPERSON REID: Aye.

4 MR. GILREATH: Aye.

5 CHAIRPERSON REID: Opposed?

6 MS. ROSE: Staff would record the vote is four to zero
7 with Mr. Hood, Ms. King, Mr. Gilreath, and Ms. Reid, to grant the
8 application and the issuance of a summary order.

9 MS. PRUITT-WILLIAMS: Madam Chair, I would just
10 like to interject --

11 Ms. Garrison, thank you for that thorough presentation.
12 I'd like to know if you give classes to any other applicants?

13 CHAIRPERSON REID: I wondered --

14 MS. PRUITT-WILLIAMS: Because it was very, very
15 clear.

16 CHAIRPERSON REID: She was so thoroughly
17 prepared, I was wondering if you had the benefit of being assisted by
18 our staff?

19 MS. GARRISON: Yes, I did and I want to give full
20 credit where credit is due.

21 CHAIRPERSON REID: And you know --

22 MS. GARRISON: And to Ms. Tracey Rose. She was
23 unstinting in the time that she gave me and the advice that she gave
24 me in order to insure that I would be as prepared as possible coming
25 in. So I am deeply indebted to her.

26 CHAIRPERSON REID: We are very grateful for that

1 and we are beginning to be able to distinguish between those people
2 who come without an attorney and are able to present it in such a
3 good manner, to be so well prepared when they have had the benefit
4 of the counsel of our staff. So, we certainly commend our staff as
5 well.

6 Thank you.

7 MS. GARRISON: Thank you very much.

8 CHAIRPERSON REID: You can kind of tell that now,
9 when the applicants are ready.

10 Next case, please.

11 MR. HART: Case No. 16364, application of Federal
12 MIS Limited Partnership, pursuant to 11 DCMR Section 3107.2, for a
13 variance from Subsection 401.3 from the minimum lot area and lot
14 width requirement for construction of 12 semi-detached dwellings in
15 an R-5-A district at premises 1728 to 1750 Galen Street, Southeast,
16 Square 5755, Lots 140 to 151.

17 Will all those persons who are to testify in this
18 application please rise and take the oath.

19 Do you swear or affirm that the testimony that you are
20 about to give will be the truth?

21 MR. CASEY: Yes.

22 MR. HART: Thank you.

23 CHAIRPERSON REID: Before getting started on this
24 particular application, this is in regard to a letter that was received
25 subsequent to -- received later than I think the designated time period.
26 Does that require a waiver?

1 John Casey dated October 5th?

2 MS. PRUITT-WILLIAMS: Is that a letter that was put
3 before us this morning?

4 CHAIRPERSON REID: Uh huh. Here, pass this.

5 MS. ROSE: Addressed to somebody called Kathy.
6 Who's Kathy?

7 CHAIRPERSON REID: Whoever that is. Who?

8 MS. PRUITT-WILLIAMS: Yes, she was -- I'm sorry.
9 You may need to request a waiver because all information should
10 have been in 14 days prior to the hearing.

11 MR. CASEY: That letter was -- there was an original
12 letter submitted with the package. And last week I was asked by
13 someone else to maybe beef up the letter.

14 MS. PRUITT-WILLIAMS: That's fine. You just need to
15 request a waiver because it's 14 days prior to the hearing.

16 CHAIRPERSON REID: Excuse me. You need to give
17 your name and address so the reporter will know who's speaking.

18 MR. CASEY: My name is John Casey. My address is
19 2458 Sandbrook Street, Dunn Loring, Virginia.

20 CHAIRPERSON REID: And as you were saying
21 regards to the letter?

22 MS. PRUITT-WILLIAMS: Mr. Casey, it would just be
23 simple to request that the Board waive the 14 day rule and accept this
24 into the record, then your information will be available. It's just a
25 procedural issue.

26 MR. CASEY: Okay.

1 MS. PRUITT-WILLIAMS: So you have to ask.

2 MR. CASEY: Yes. Please.

3 CHAIRPERSON REID: We have no problem with
4 giving you -- granting a waiver.

5 MR. CASEY: Thank you.

6 MS. KING: Is this the -- Mr. Casey, is this the only
7 statement we have from you regarding this case?

8 MR. CASEY: I believe so, yes.

9 MS. KING: And are you familiar with the tests that you
10 have to meet and the burden of proof in order to substantiate your
11 application?

12 MR. CASEY: I'm sorry, I didn't hear you.

13 MS. KING: Are you familiar with the tests that you
14 have to meet in order to substantiate your request?

15 MR. CASEY: Yes.

16 MS. KING: So, you're going to testify instead of having
17 filed anything?

18 MR. CASEY: Yes.

19 CHAIRPERSON REID: Okay, Mr. Casey, proceed
20 upon your case. Please present your case.

21 MR. CASEY: We currently have a piece of property
22 that is zoned for attached townhomes, 13 of them total. And what
23 we're proposing to do is to put in -- downsize the volume of homes
24 down to 12 homes and have them as semi-detached homes.

25 We currently are under the -- the reason for the waiver
26 is we have a minimum lot width requirement for semi-detached

1 homes. And that is the purpose of our waiver here.

2 And we're coming proposing to put in semi-detached
3 homes with a supposedly 3,000 square foot lot area for semi-detached
4 down to roughly a 2,266 square foot lot size. Two of the lots are 2,575
5 square feet.

6 Now, the size of the home that we're proposing is a
7 house that is 13' 6" wide by 52 feet deep. And the lot does not yield
8 the side yard restrictions required by the current zoning and does not
9 meet the minimum square foot lot size.

10 The homes are roughly 1,200 square feet in size, two
11 finished levels with sidewalk, lead walks, to the current street and
12 sidewalks. And the houses will consist of three bedrooms, two and a
13 half baths, new homes where currently in the neighborhood there are
14 townhomes on the same side of the street and on the opposite side of
15 street there are rental -- apartment rental properties.

16 We currently have done marketing on the property with
17 ReMax sales reps and they've gotten a positive feedback on the semi-
18 detached homes. And we thought though it was beneficial for the
19 neighborhood as opposed to downsizing the usage of the property to
20 semi-detached, having yards, being more feasible for children and
21 yards for children with the homes having front porches, rear porches,
22 and improving the neighborhood.

23 Currently, the neighborhood is a bit run down. The
24 property where we're proposing this build out is basically being used
25 right now as a dumping site. And we're proposing to clean it up, put
26 the new homes on, and improve the neighborhood.

1 Currently, if we were to try and propose putting in the
2 row houses, there is a problem with engineering and the feasibility for
3 the row houses going in due to the contour of the property. That's one
4 of the reasons why we've downsized the usage of the property. We
5 have a storm drain facility that we'll have to place on the property, and
6 the way the contour is, we would like to -- trying to tie into the storm
7 drain facilities, we may have to go in between the homes, the semi-
8 detached homes, in tying things in. Therefore, we downsized the
9 usage.

10 MR. GILREATH: If you did not have almost the
11 contour of the property, you could have done the regular units there
12 instead of -- on regular lots?

13 MR. CASEY: I'm sorry.

14 MR. GILREATH: Well, as I understand it, you
15 exceeded the lot coverage because to accommodate the unique
16 terrain and to tie into the, I guess, the storm drain or whatever.

17 MR. CASEY: Right.

18 MR. GILREATH: So, that's the unique quality of that, I
19 guess you were saying, it that because of this contour. Otherwise you
20 could have simply built --

21 MR. CASEY: Built the row --

22 MR. GILREATH: -- zoning, row houses.

23 MS. PRUITT-WILLIAMS: Mr. Gilreath, the existing lots
24 are substandard for that zone anyway. They're not as large as what is
25 called for that zone. They're what is required, if you look at Mr.
26 Nunley's memo, is something like 3,000 square feet.

1 CHAIRPERSON REID: -- feet?

2 MS. PRUITT-WILLIAMS: Yes, but what is provided is
3 only 266 and that lot's already subdivided. So, it was already
4 substandard.

5 MR. GILREATH: So, the existing zoning is kind of
6 antiquated for the allocated space, lot coverage?

7 MS. PRUITT-WILLIAMS: In some of the -- yes, in this -
8 - for this particular block.

9 MR. GILREATH: For that block.

10 CHAIRPERSON REID: That's the first point of
11 consent, Mr. Casey. That you have to demonstrate that based upon
12 some features of your property inherent in the land, it makes it usual
13 or unique for you to be able to not have some type of practical
14 difficulty in complying with existing zoning regulations. That's what
15 Ms. King was referring to when she was just reminding you that you
16 have to meet a three-prong test in order to be able to meet your
17 burden of proof to have a variance given to you from this Board.

18 MR. CASEY: Well, the contour of the land right now
19 won't yield to being able to develop it as it's originally proposed. And
20 that's why we're downsizing. That we don't have any way to make the
21 storm drain systems in the property to -- it won't yield itself. It just
22 cannot be designed. So, that's why we're proposing to go with the
23 semi-detached homes as opposed to the row. The row homes --

24 CHAIRPERSON REID: And it would --

25 MR. CASEY: The contours of the land just do not yield
26 itself where we have the current storm drain systems in place right

1 now in the street. Therefore, we are trying to give ourselves side
2 yards of these homes so we can tie in the storm systems.

3 MS. KING: The next issue is that this relief can be
4 granted without substantial detriment to the public good.

5 MR. CASEY: We feel as though the engineering of the
6 project is designed to tie into all the current city facilities there, storm
7 drain systems.

8 MS. KING: No, no, no. What I'm talking about is I
9 mean, are you going to make life a misery for your neighbors by
10 building these houses?

11 MR. CASEY: No. No, we're actually increasing the
12 value of the neighborhood. Currently there is a number of townhomes
13 that are on that street, in the same block, same side of the street, that
14 are a bit run down and the values are not what we plan on marketing
15 there.

16 I believe there are some comparable sales there on the
17 street ranging from in the 50s to \$60,000.00 range. We're coming in
18 and we're marketing townhomes in the low 110s. And we have had
19 positive feedback so we feel as though we are going to be definitely
20 increasing the value of the market there and increasing the tax base.

21 MS. KING: Have you had any opposition or any
22 complaints from anyone who lives in the immediate vicinity, any
23 abutters of that particular property?

24 MR. CASEY: I've talked -- from my travels through
25 there and in dealing with my engineers, we have talked with a number
26 of residents there. And they're very pleased to see the property being

1 developed because it's being used for other reasons such as
2 dumping. It's a dumping facility right now.

3 CHAIRPERSON REID: Have you talked to your ANC?

4 MR. CASEY: Yes. I've been trying to contact Ernest
5 Darling. We put a number of phone calls into Mr. Darling and we
6 haven't had any response back from him. But we have made a
7 number of contact-- attempts to contact him.

8 CHAIRPERSON REID: Ms. Pruitt-Williams, we have
9 not received any --

10 MS. PRUITT-WILLIAMS: No, we've not.

11 CHAIRPERSON REID: -- letters or reports from the
12 ANC, although they have been notified?

13 MS. PRUITT-WILLIAMS: Yes.

14 MR. CASEY: Yes, but we have -- if you have seen the
15 pictures of the property, you can see that it has been used as a dump
16 site and the neighbors, the few neighbors that I have talked with are
17 very entertaining to seeing new homes and residences being put on
18 the property.

19 MS. KING: We do in fact have a letter of support from
20 one of the neighbors.

21 CHAIRPERSON REID: Ms. King, do you want to
22 proceed?

23 MS. KING: And finally, that the -- that this relief will not
24 impair the intent and purpose, and integrity, of the zone plans as
25 embodied in the zoning regulations and map. This is zoned
26 residential, is it not?

1 MR. CASEY: Yes, it is.

2 MS. KING: I think that is clear.

3 CHAIRPERSON REID: And the property --

4 MR. HOOD: Yes, I was just going to ask one question
5 about parking.

6 Excuse me. I know that he's met the required parking
7 requirements. But looking at the pictures, I was just wondering, is it
8 going to be off street parking?

9 MR. CASEY: Yes, it is.

10 MR. HOOD: So, you have one space per one house,
11 but there's plenty parking on the street?

12 MR. CASEY: Yes sir.

13 CHAIRPERSON REID: Are you going to provide
14 garages?

15 MR. CASEY: I'm sorry?

16 CHAIRPERSON REID: Or, are you going not --

17 MR. CASEY: There's no garages. Just off street
18 parking.

19 CHAIRPERSON REID: In the rear?

20 MR. HOOD: All off street.

21 MR. CASEY: Off street in the front.

22 CHAIRPERSON REID: In the front, okay.

23 MS. KING: And for the record, there's a record from
24 Eula and Charlie Patterson who have lived
25 on Galen Street since 1976. They don't give their address but they
26 are delighted that this is happening. Strongly support the idea.

1 CHAIRPERSON REID: We'll move now to government
2 reports. We don't have an Office of Planning report or any other
3 government reports. Also, the ANC, is there any member or
4 representative from the ANC here?

5 Seeing none, we'll move now to persons or parties in
6 support of this application?

7 Persons and parties in opposition of the application?

8 Seeing none, closing remarks, Mr. Casey?

9 MR. CASEY: We've just had very positive feedback
10 from all the neighbors. I've been working in the northeast, southeast,
11 southwest area for quite some time and we've had a great success
12 with building new homes and creating homes for inner city buyers.
13 And I feel as though this is going to be another project that can be a
14 nice improvement to this particular sector of the neighborhood.

15 CHAIRPERSON REID: Mr. Casey, I think that you
16 want to ask for a bench decision, a summary order, so that you can
17 get your decision today and have your order in about two weeks?

18 MR. CASEY: Yes. If we could get a bench decision.

19 MS. KING: I move that we approve this application. It
20 is clear that there is difficulties in the topography of the land which
21 require the variance that I suggest that we grant. It is also clear that
22 there will be no detriment to the public good and that since they plan
23 to build residential housing, that it is certainly in keeping with the
24 zoning regulations and map. And furthermore, I'm happy that we are
25 able under the law and regulations to support the addition of new
26 housing in the District of Columbia.

1 CHAIRPERSON REID: I second.

2 All in favor?

3 MR. HOOD: Aye.

4 CHAIRPERSON REID: Aye.

5 MR. GILREATH: Aye.

6 MS. KING: Aye.

7 CHAIRPERSON REID: Opposed?

8 MS. ROSE: The staff would record the vote as four to
9 zero with Ms. King, Ms. Reid, Mr. Gilreath, and Mr. Hood.

10 CHAIRPERSON REID: You'll have your order--

11 MS. ROSE: An issuance of a summary order.

12 MR. CASEY: Thank you.

13 CHAIRPERSON REID: Can you submit witness cards
14 to the reporter.

15 MS. KING: Oh, I know, we called this one before and
16 then we postponed it because the property--

17 MR. HART: Case 16366, Application of Source
18 Theater Company, pursuant to 11 DCMR 3108.1, for a special
19 exception under Section 2116.5 for an accessory parking lot for five
20 parking spaces in a C-3-A/Arts District at premises 1835 - 14th Street,
21 N.W., Square 238, Lots 34 and 38.

22 Will all persons planning to testify in this application
23 please rise and take the oath.

24 Please raise your right hand.

25 Do you swear or affirm that the testimony that you are
26 about to give is the truth? Please say I do.

1 Would the Applicant please come forward.

2 Good afternoon.

3 MS. PRUITT-WILLIAMS: Excuse me. Madam Chair,
4 we have a preliminary issue that was just raised so that everyone will
5 be aware of this.

6 This application came to us as a self certification which
7 means it did not go through the zoning administrator or -- concurrence
8 or approval of its zoning relief that's requested. In those cases, staff is
9 instructed to actually advertise as the applicant has indicated.

10 We have gotten information in the file indicating that
11 there -- that other things are being done. Since that -- that other
12 zoning relief is being requested.

13 Before the Board today is only the issue on whether not
14 accessory parking, deals with accessory parking only. There are
15 letters in here that indicate that additional relief may be required. That
16 is not before us right now. What will happen is if the Board, once the
17 Board makes its decision, if it does decide it in the affirmative, it will go
18 back to the zoning administrator for concurrence. At that time, the
19 zoning administrator may agree with it. He may also determine that
20 additional relief may be needed.

21 I just wanted to explain that scenario to everyone
22 because there's some -- there could be appeared discrepancies.

23 MS. KING: Is this the question of the expansion of the
24 size of the theater?

25 MS. PRUITT-WILLIAMS: Exactly. But the Board right
26 today is only to really look at the issue of accessory parking.

1 CHAIRPERSON REID: Then in that substance of the
2 case is relatively new, we've had a few of them, my understanding is
3 that the owners of the responsibility and liability --

4 MS. PRUITT-WILLIAMS: On the applicant.

5 CHAIRPERSON REID: -- for it is directed on the
6 applicant. Now, if in fact you find -- it is determined, that when it goes
7 to the zoning administrator for review, that it was incorrect, then--

8 MS. PRUITT-WILLIAMS: Start over.

9 CHAIRPERSON REID: You have to go back to square
10 one.

11 MS. PRUITT-WILLIAMS: I just want -- I mean, these
12 are very new for people and they're -- they're new. Let's leave it at
13 that.

14 MS. DUNCAN: They're new for us, too. So--

15 My name is Deanna Duncan. I'm managing director of
16 Source Theater Company.

17 Our current C of O requires ten parking spaces for our
18 100 seat facility.

19 CHAIRPERSON REID: We need to have your
20 address.

21 MS. DUNCAN: Oh, I'm sorry. 1835 - 14th Street --

22 MS. PRUITT-WILLIAMS: Your home address.

23 MS. DUNCAN: Oh, 5203 South Tenth Place, Arlington,
24 Virginia 22204.

25 MS. KING: Proceed.

26 MS. DUNCAN: Can I go ahead? Should I continue?

1 Our current C of O requires ten parking spaces for our
2 100 seat facility. We fulfill that requirement through an arrangement
3 with an off-site parking lot that is half a block away from our facility.
4 The name of that lot is General Parking Systems, Incorporated.

5 We are preparing to renovate our space at 1835 - 14th
6 Street, Northwest, which will make the facility 150 seat theater. We
7 are requesting that our arrangement with General Parking Systems,
8 Incorporated, be allowed to fulfill our requirement to provide five more
9 parking spaces to accommodate our expanded occupancy.

10 General Parking Systems is located at 1914 - 14th
11 Street, half a block from the theater. I have a letter that, if not in our
12 file, I just received a copy faxed to me today. But it was -- we did have
13 it prepared for the July 8th hearing, from the owner of General Parking
14 Systems testifying to the arrangement that we have with them. I'm
15 sorry. I only have one copy but can I enter that into the file?

16 CHAIRPERSON REID: Yes, you may.

17 MS. DUNCAN: This letter testifies to the arrangement
18 that we have made for them to make available at least 15 parking
19 spaces under the requirements. We currently have ten available for
20 100 seats.

21 We understand that there is some opposition to this
22 request due to the confusion that was generated by the letter that was
23 sent around prior to the notifying of the July 8th hearing. This letter,
24 as we read at the beginning of our portion of the hearing, states that
25 we are applying for an accessory parking lot of five spaces at the
26 premises of 1835 - 14th Street. That is somewhat misleading as I

1 have had a conversation with one of our neighbors who understood
2 this to be that we were asking to be able to put five extra spaces next -
3 - adjacent to our building.

4 That is not correct. There's not room for five extra
5 spaces which is why we have entered -- we have had this agreement
6 with GPS Parking Systems. So, I just wanted to get on the record that
7 there is -- has been some confusion and that has fermented some
8 opposition to our request. I'm confident that once the confusion is
9 cleared up, that the opposition will not be so staunch.

10 In addition, we did write a letter requesting a waiver of
11 the filing fee under the general waiver provision in Chapter 33.

12 MS. KING: She's asking for the waiver of fees.

13 CHAIRPERSON REID: I'm sorry.

14 MS. PRUITT-WILLIAMS: Could we take a -- Staff
15 requests that we adjourn for a second to look at this.

16 CHAIRPERSON REID: Yes, we need --

17 MS. PRUITT-WILLIAMS: With this new information, it
18 makes some difference.

19 CHAIRPERSON REID: We're going to adjourned --
20 we're going to recess for about five minutes.

21 MS. PRUITT-WILLIAMS: But could I ask a question
22 before doing so.

23 The proposed -- where is the proposed location of the
24 new accessory lot, or where would you like to put it?

25 MS. DUNCAN: 1914 - 14th Street, General Parking
26 Systems.

1 MS. PRUITT-WILLIAMS: 1914.

2 MS. DUNCAN: Yes, half a block away from the
3 theater.

4 MS. PRUITT-WILLIAMS: Thank you.

5 CHAIRPERSON REID: We need to take a look at this
6 and talk a little bit. And we'll come right back in about five minutes.

7 MS. DUNCAN: All right.

8 (Whereupon, the foregoing matter went off the record
9 at 2:05 p.m. and back on the record at 2:25 p.m.)

10 CHAIRPERSON REID: The Board will now come to
11 order. The meeting will come to order. We apologize for the delay.
12 There was some uncertainty regarding the submission of the
13 verification and we feel that we have gotten that clarified and we are
14 all on the same case. So, let's move to your request for your waiver.

15 MS. DUNCAN: We had written a letter to Ms. Sheri
16 Pruitt-Williams, Interim Director, requesting that under the general
17 waiver provision in Chapter 33 of the zoning code, that we would like
18 to get the application fee waived.

19 This project, our renovation project for which we are
20 having to get this parking issue settled, is a result of a grant that we
21 just received from DHCD to do this renovation. And so, the budgeting
22 is very tight. We -- Source does not have the luxury of having a lot of
23 money to be able to pay for fees and-- filing fees and such. And we're
24 trying to keep the soft costs associated with the renovations down as
25 much as possible so that more of the money can be put into the actual
26 construction.

1 Source is a small, non-profit organization. So we are
2 just asking for that waiver.

3 MS. KING: You don't have to tell us anything about
4 tight budgets.

5 This is your second appearance before us. I really
6 think that the expenditure of staff time and readvertising, and so forth,
7 that really isn't possible for us to consider a waiver.

8 MS. DUNCAN: Is the first appearance, with regard to
9 the July 8th where that we were postponed.

10 MS. KING: Postponed because you failed to post the
11 property properly.

12 MS. DUNCAN: So --

13 MS. KING: And then we had to go through it again.
14 The bottom line is that tight budgets are rampant throughout the world
15 today and we simply don't have the luxury of waiving the fee in a case
16 like this.

17 CHAIRPERSON REID: And there are expenses that
18 we incur inherent to each case that is presented. So, therefore, those
19 expenses are covered through the fees that have to be charged to
20 every applicant who comes before the Board. And parity is in our
21 practice to treat everyone accordingly in regard to the fees.

22 MS. DUNCAN: If I might ask a question for just point of
23 clarification.

24 If the first hearing had not been postponed, our first
25 appearance had not been postponed, would there have been more of
26 a likelihood of this fee being waived?

1 MS. KING: Probably not.

2 MS. DUNCAN: Thank you.

3 CHAIRPERSON REID: Can we just take a vote on the
4 issue of fees being waived, that request?

5 MR. GILREATH: I need a little clarification.

6 Is this theater, does it serve a community -- it's kind of
7 a community service? What are your patrons? Do they come the
8 inner city or from out in the suburbs, or where?

9 MS. DUNCAN: Well, they come from all around. We
10 have people who walk to the theater from the neighborhood. We have
11 people who take the Metro from other parts of D.C. into the theater.
12 We have people who come into the suburbs from -- to the theater.

13 MR. GILREATH: Was this essentially a non-profit --

14 MS. DUNCAN: It's a non-profit theater company. And
15 we do have outreach and we are in the process of planning what
16 we're calling a community arts center after we have renovated the
17 theater so that other groups in the community can use our facility as
18 well when we're not producing in it.

19 We are also very active in the economic development
20 that is -- it's an organization called the U Street Business and Arts
21 Coalition. We have been instrumental in starting that to help the
22 economic development efforts along U Street and 14th Street.

23 Source Theater has been on 14th Street for 22 years.
24 We were the first organization to get -- to come to that street, the first
25 arts organization, after the 1968 riots. And after that, Studio came,
26 Woolly Mammoth, Living Stage, but Source was there first. And we

1 have been there for 22 years, good and bad times.

2 MR. GILREATH: If I could conclude that this provided
3 a public community service, would offset the fee that I would be
4 inclined to say we could waive that. On the other hand, if it does not, I
5 mean, it's just essentially a --

6 MS. PRUITT-WILLIAMS: Excuse me. Staff would just
7 like to interject, Mr. Gilreath. We have a lot of non-profits in here and
8 notwithstanding that Source is good work that they do, and stuff, this
9 office actually operates under a very, very tight budget. And while we
10 would like to really reduce fees or waive fees under -- in certain -- in a
11 lot of non-profit cases, it really just isn't economically feasible because
12 half of our budgets are determined by the fees we get, which we have
13 no control over.

14 So, a quarter of our -- half of our operating budget for
15 the year is based on the fees we get in which we have no control over
16 of when and how they're coming. So, we have to be very prudent--

17 MR. GILREATH: Well, shouldn't applicants be given
18 some kind of advisory that because of budget constraints, the Board,
19 in most of this, we're not going to be able to accommodate --

20 MS. PRUITT-WILLIAMS: Well, in fact, when I spoke to
21 -- I can't remember the person who actually wrote the check --

22 MS. DUNCAN: Pat Murphy-Sheehy.

23 MS. PRUITT-WILLIAMS: Right, Ms. Sheehy, I
24 indicated that we would hold their check until the Board made a
25 decision. But that she should submit it with the understanding that the
26 Board may not waive her fee because of these concerns.

1 MR. GILREATH: What have we done in the past?
2 Have we waived fees to any degree, or seldom, or never?

3 MS. PRUITT-WILLIAMS: Very seldom.

4 MS. KING: I've been here for over a year and so far
5 we haven't waived a fee that I'm aware of.

6 MR. GILREATH: Well, if this has been past procedure
7 --

8 MS. KING: I think the fact is that the District
9 government is as far as your average non-profit, in some cases
10 considerably poorer, and that--

11 MS. DUNCAN: We are a non-profit.

12 MS. KING: That it really is at this juncture, is not I think
13 fiscally responsible for us to waive fees. I mean, Source Theater is a
14 great institution.

15 MR. HOOD: And if I can just add, I think in better
16 times, I think that this board, I'm probably going out there on a limb,
17 probably would waive in a situation in better times. But since I've
18 been here in three or four months, I haven't seen that done because
19 of the financial constraints that we have upon ourselves.

20 CHAIRPERSON REID: And, my being the senior most
21 member of this board having now been here for three years, I have
22 not seen an occasion where fees were waived. And I think also that
23 we must look at the fact that it's a matter of policy. Because once you
24 start to waive fees to one organization, then again on parity, you must
25 do it for everyone. And that being the case, you can see where that
26 could really get us into some deep trouble as far as being able to

1 collect any fees.

2 So, we have to kind of stick to that policy across the
3 board.

4 MS. DUNCAN: I completely understand the Board's
5 position. One last attempt, could we get a reduced fee? Is it possible
6 to pay a reduced fee?

7 MS. BAILEY: Members of the Board, in Section
8 3380.4, it delineates specifically the conditions under which a fee may
9 be waived. And that is for the National Capital Planning Commission,
10 an advisory neighborhood commission, and a citizen's association or
11 association created for civic purposes and not for profit. And I don't
12 think the Applicant fits under any of those three conditions.

13 MS. DUNCAN: We are not for profit.

14 CHAIRPERSON REID: Could you repeat that again?

15 MS. BAILEY: It is Section 3380.4 of the Zoning
16 Regulations. And it says, "The following applicants shall not be
17 required to pay a filing fee. And those are the National Capital
18 Planning Commission, an advisory neighborhood commission, and a
19 citizen's association or association created for civic purposes and not
20 for profit."

21 MS. DUNCAN: Is that "and not for profit" associations -
22 -

23 MS. KING: A civic association --

24 MS. BAILEY: Not for profit.

25 MS. KING: A citizen's associations comma or
26 association created for civic purposes and not for profit.

1 CHAIRPERSON REID: I see a -- In regard to your
2 request for a reduction, Ms. Pruitt-Williams, again I defer to you to give
3 us some direction on how the zoning office deals with such requests.

4 MS. PRUITT-WILLIAMS: As executive director, I don't
5 have the authority to make that decision. It's a Board decision
6 whether or not you would like to reduce or waive the fee.

7 My recommendation is that unfortunately we fiscally
8 cannot afford to do that. So, I would recommend that we not. That's
9 my recommendation for the Board.

10 MR. HOOD: Madam Chair, I believe we need to be
11 consistent. And we haven't done it in the past recently. I don't know
12 what's happened before I got here but I think we need to set some
13 consistency.

14 CHAIRPERSON REID: I think so, too.

15 Let's do this, Mr. Hood, and our board members. Let's
16 first take a vote on the issue of whether or not we will waive the fees.
17 And then we take a vote on whether or not there should be a
18 reduction. And if so, determine how much of a reduction.

19 All in favor of a waiver of the fees for the Source
20 Theater, let it be known by --

21 MS. KING: All those opposed?

22 CHAIRPERSON REID: Thank you, Ms. King.

23 All those opposed?

24 MR. HOOD: Aye.

25 MS. KING: Aye.

26 CHAIRPERSON REID: Aye.

1 MR. GILREATH: Aye.

2 CHAIRPERSON REID: All right.

3 MS. DUNCAN: If I could take a minute before you take
4 a vote on the reduction of the fee.

5 The fee will be paid out of the money that DHCD has
6 given us if we are -- So, it's in essence moving money from one D.C.
7 organization to another. Just to clarify.

8 CHAIRPERSON REID: Thank you.

9 Now, in regard to whether or not the fee should be
10 reduced, all in favor?

11 Should we have a motion?

12 MS. ROSE: Madam Chair, we'd like to clean this up
13 administratively. Could we get a motion not to waive them for the first
14 one because we didn't have a motion and a second on the floor to
15 vote on.

16 CHAIRPERSON REID: Let's have a motion for--

17 MS. KING: I move that we do not waive the fees.

18 MR. HOOD: I second the motion.

19 CHAIRPERSON REID: All in favor?

20 MS. KING: Aye.

21 MR. HOOD: Aye.

22 CHAIRPERSON REID: Aye.

23 MR. GILREATH: I'll abstain on this one.

24 CHAIRPERSON REID: May I have a motion as to
25 whether or not fees should be reduced.

26 MS. KING: I move that we do not reduce the fees

1 because of our own powerless financial situation.

2 MR. HOOD: I second the motion.

3 CHAIRPERSON REID: All in favor?

4 MS. KING: Aye.

5 CHAIRPERSON REID: Aye.

6 MR. HOOD: Aye.

7 CHAIRPERSON REID: All opposed?

8 MR. GILREATH: I'll abstain on this one, too.

9 I would like to indicate on this, it should be made clear
10 to these applicants, though, that if this provision is on the book, we
11 say because of fiscal constraints we're not going to be able to
12 accommodate you. Or, if indeed this provision saying it's got to be a
13 civic association, there should be some kind of clarification made
14 available to these people so they would not come in here with the
15 expectation of saying this is feasible. This is a possibility.

16 MS. PRUITT-WILLIAMS: It was, Mr. Gilreath.

17 MR. GILREATH: It was made clear?

18 MS. PRUITT-WILLIAMS: Yes.

19 MR. GILREATH: Can we do that generally to the --

20 MS. PRUITT-WILLIAMS: Well, they have to make
21 written request -- usually they write to request the waiver. I don't have
22 the authority to do that. Only the Board. The Board has the authority
23 under what's cited in the regs and also the Mayor has delegated to the
24 Board the authority to set fees and deal with them.

25 So, through the Mayor's authority, the Board has the --
26 through the Mayor's delegation of authority to the Board, you can then

1 deal with either reducing or waiving fees on other entities that do not
2 fall under that particular section of the reg.

3 MR. HOOD: And also, Mr. Gilreath, if I may add, I
4 believe there's a brochure, and the chairperson can let me know
5 whether or not, I know there's a brochure that's being worked on --

6 MS. PRUITT-WILLIAMS: It's being worked on.

7 MR. HOOD: -- that's supposed to be able to be
8 available to the public which will ease some of that. That's being --
9 that's in process.

10 MR. GILREATH: As long as the public is informed of
11 this thing, even if this is on the books, fiscal constraints say this is not
12 really a practical consideration. If they know, I think it's fine.

13 MR. HOOD: I believe all that's being worked on.

14 MR. GILREATH: That's being done. But I think the
15 public should be informed that at the present time and for the
16 foreseeable future, fees will not be waived.

17 MS. ROSE: May I record the vote?

18 CHAIRPERSON REID: Okay.

19 MS. ROSE: Staff would record the vote as 3-0-1, with
20 Ms. King, Mr. Hood, and Ms. Reid not to waive the fees. Mr. Gilreath
21 abstaining. And 3 to 0 to 1 with Ms. King, Mr. Hood, and Ms. Reid not
22 to reduce the fees. Mr. Gilreath abstaining.

23 CHAIRPERSON REID: Now, go ahead with your --
24 continue with your presentation.

25 MS. DUNCAN: Okay. I'm done.

26 MS. KING: You are under the understanding that it is a

1 matter of right for you to expand the size of the theater. That is not an
2 issue that is before us?

3 MS. DUNCAN: Correct.

4 MS. KING: And that's -- The Department of Consumer
5 and Regulatory Affairs has said that you have it as a matter of right or
6 are you have just determined that yourselves?

7 MR. HOUSTON: It's been through zoning.

8 MS. KING: The zoning administrator has approved
9 your plan?

10 MR. HOUSTON: Well, let me correct that.

11 MS. DUNCAN: This is Andre Houston, our architect.

12 CHAIRPERSON REID: Yes, your name, sir, and your
13 address, home address.

14 MR. HOUSTON: My name is Andre Houston. You
15 want my home address?

16 CHAIRPERSON REID: Please.

17 MR. HOUSTON: 907 East Capitol Street, Southeast,
18 Washington.

19 An application has been made for a building permit.
20 Actually, because we had not completed this process here, the
21 application was made for the current number of seats, 101 seats,
22 because we couldn't conform to the parking requirements. But it was
23 with the understanding that once the parking, if the parking,
24 requirements could be met through this process here, then there
25 wouldn't be any problem in increasing the number of seats in the
26 theater.

1 There is no provision in zoning which limits the number
2 of seating -- which limits the seating, except for the parking.

3 MS. KING: So, we are dealing only with parking. Not
4 anything to do with expanding the size of your theater?

5 MS. DUNCAN: No.

6 MR. HOUSTON: That's correct.

7 MS. DUNCAN: That is correct.

8 CHAIRPERSON REID: This is the only thing that has
9 been advertised, Ms. King. So, we have to --

10 MS. KING: No, I understand that. But I -- there clearly
11 is some misunderstanding amongst the neighbors.

12 MR. HOUSTON: That's true.

13 MS. DUNCAN: Correct.

14 MR. HOUSTON: That's true.

15 CHAIRPERSON REID: You are basically certifying
16 that the -- at least what you're requesting is a special exception under
17 Section 2116.5, correct?

18 MS. DUNCAN: Yes, that's correct.

19 CHAIRPERSON REID: And we need you to, for the
20 purposes of the record, indicate how you comply with this particular
21 regulation.

22 MS. DUNCAN: I'm sorry, I really --

23 CHAIRPERSON REID: We'll wait for the sirens.

24 We need for you to indicate for us how you comply with
25 this regulation in order for you to be able to obtain the relief that you're
26 requesting here today.

1 MS. DUNCAN: We comply -- we currently comply with
2 the regulation under our current C of O with our relationship with
3 General Parking System. We are asking that that relationship, we
4 have expanded that relationship. That letter says as such, that they
5 will make at least 15 parking spaces available for us so that we can
6 comply with the regulations under an expanded capacity of 150
7 audience members. That's how we are planning to --

8 CHAIRPERSON REID: Do you have a copy of the
9 regulation. I need you to go through each section that pertains to your
10 particular application and to respond to it accordingly.

11 Because, even though you're responding, it's kind of
12 general. I'd like you to be more specific.

13 MS. KING: What you really need to deal with is the
14 fact that it is impossible to put 15 spaces, let alone 10 spaces, on the
15 property where Source Theater is located. You need to describe how
16 that impossibility.

17 MS. DUNCAN: So, we need to tell you that it is
18 impossible and then tell you because it's impossible --

19 MS. KING: Start with it's impossible.

20 CHAIRPERSON REID: You can start there, but then,
21 also, do you have a copy of this regulation?

22 MS. DUNCAN: Unfortunately I don't.

23 CHAIRPERSON REID: We'll provide you with a copy
24 of the regulation and then proceed to look at it and tell us how you
25 comply with it.

26 MS. DUNCAN: In response to 2116.5, it says that

1 open parking spaces may be located elsewhere except in the case of
2 one family dwelling. Source Theater Company is not a family
3 dwelling.

4 MS. KING: In accordance with the following three --
5 four sections.

6 CHAIRPERSON REID: Yes, but let her finish with that
7 one first. It's not a one family dwelling. And you intend to locate it --

8 MS. DUNCAN: And we intend to locate the parking --
9 we do not intend to locate the parking in unusual topography, grade,
10 shaped, size --

11 CHAIRPERSON REID: No, no. No. I was asking you
12 to state at this point where you intend to locate the parking.

13 MS. DUNCAN: We intend to locate the parking at
14 General Parking Systems, 1914 - 14th Street, Northwest.

15 MS. KING: Now what is it about the topography of the
16 lot on which the Source Theater is located that makes it impossible for
17 you to park 15 cars there?

18 MS. DUNCAN: The dimensions of the lot are not big
19 enough to accommodate 15 --

20 MS. KING: Do you have any parking spaces at all on
21 the premises?

22 MS. DUNCAN: We do. We have -- on a good day we
23 can get three or four cars behind the theater. But often times other
24 people park in our spots that have no relationship to the theater. But
25 we do have directly behind the theater three or four parking spots
26 available. And that is generally used by staff, cast, or crew members.

1 MR. GILREATH: Isn't there an access by a narrow
2 alley so it's kind of hard to egress?

3 MR. HOUSTON: Yes. That's right. It's a ten foot alley.
4 It's constricted down to ten feet. Because of the exact dimensions, I'm
5 not sure that those parking -- that the rear yard parking spaces legally
6 count as parking spaces. They're used as parking spaces. They
7 have never been included in the calculations which gave the Source
8 Theater Company its current certificate of occupancy. They've always
9 counted on the parking off site, although it's possible.

10 MR. GILREATH: Aren't you really asking for five more
11 -- you already have 10 parking spaces?

12 MR. HOUSTON: That's correct.

13 MS. DUNCAN: Currently we have --

14 MR. GILREATH: You're talking about increasing it.
15 Not talking about new parking, five more.

16 MR. HOUSTON: That's correct.

17 MS. DUNCAN: Correct.

18 MR. HOUSTON: That's correct.

19 CHAIRPERSON REID: Okay, now C, traffic hazards.

20 MS. DUNCAN: I am not quite sure how to respond to
21 this. I don't believe that there's additional parking spaces at 1914 -
22 14th Street.

23 MS. PRUITT-WILLIAMS: But there's an or, where you
24 read D. The location of the required parking spaces elsewhere on
25 another lot would result in more efficient land use. If you believe that
26 is true?

1 MS. DUNCAN: Yes. Absolutely.

2 MS. PRUITT-WILLIAMS: So, you're fine to put C and
3 B together?

4 MS. DUNCAN: Correct.

5 MS. KING: Let's talk about the adverse impact on
6 neighboring properties. I think that's --

7 CHAIRPERSON REID: Ms. King, before we go there,
8 we need to still look at --

9 MS. KING: No, I'm talking about D, the end of D.

10 CHAIRPERSON REID: Oh, I'm sorry.

11 MS. KING: And parking of the 15 cars at the general
12 whatever.

13 CHAIRPERSON REID: Less adverse impact.

14 MS. KING: -- would have less adverse impact on the
15 neighboring property?

16 MS. DUNCAN: Absolutely.

17 MS. KING: Great.

18 MS. KING: Now let's continue.

19 CHAIRPERSON REID: Now, that's point seven. Is the
20 parking lot separate by at least what -- by an alley from the lot from
21 which the building is --

22 MS. DUNCAN: No.

23 CHAIRPERSON REID: -- located.

24 MS. KING: The third. But that there are no parking
25 lots -- there are no parking lots just across an alley from yours that
26 could be used rather than the one in the next block?

1 MS. DUNCAN: The only one -- the only parking area
2 that's directly across the alley belongs to -- well, this is somewhat in
3 debate, belongs to the Department of Parks and Recreation. We have
4 discussed with them parking arrangements in the past, especially with
5 regard to having valet parking park cars on their space. To this date,
6 we have not been able to get a meeting with Doctor Gains to see, one,
7 if that is -- that space is actually the Department's or it's public parking.
8 And, two, if it is the Department's, if we could use it for parking.

9 We have been trying for a number of years to discuss
10 this with her. So, rather than exacerbate the problem, we have had
11 this ongoing relationship with this parking lot.

12 MR. GILREATH: The parking you're referring to that I
13 presume the patrons would park at night and you'd have to hire
14 someone to keep an eye on them. It would be a safety problem.

15 MS. DUNCAN: With the valet parking?

16 MR. GILREATH: No, no. You're talking about with this
17 District government, I think. All I'm saying is, that probably would not
18 be a practical solution unless you hire someone to supervise and keep
19 an eye on -- In other words, there's just -- at night, the Park Service or
20 whoever owns it, they vacate it and the workers go home, that people
21 just pull in there with any kind of --

22 MS. DUNCAN: That was one of the things that we said
23 in one of our correspondences with Doctor Gains is that the valet
24 company that we had a relationship with was bonded and licensed.
25 So, they took responsibility for the cars.

26 The Department of Parks and Recreation has its own

1 security on this lot as well. But they would not have been liable for
2 anything.

3 MR. GILREATH: Would they stay at night, the security
4 people?

5 MS. DUNCAN: They do. Because they have vehicles
6 there.

7 MR. GILREATH: I see. Okay. That helps then.

8 CHAIRPERSON REID: Point eight.

9 MS. DUNCAN: The lot at 1914 - 14th Street is, as I
10 said, half a block from the theater. You can see the front door of the
11 theater from the entrance of the parking lot. So, there is not as --
12 there's no safety issues. When we have a show, there are lots of
13 people coming and going from the theater. So, it's -- the parking
14 space is there at 1914 - 14th Street do meet the needs of the people
15 parking there.

16 CHAIRPERSON REID: And in regard to point nine, it
17 speaks to imposing of the conditions in regard to set back or
18 screening, fences, entrances, exits, and so forth, to protect the nearby
19 property. In that we are aware of the fact that this particular
20 associated parking is on an already established parking lot --

21 MS. DUNCAN: Correct.

22 CHAIRPERSON REID: So, the assumption would be
23 that that would definitely comply.

24 MS. DUNCAN: Correct.

25 CHAIRPERSON REID: Any other questions, Board
26 members?

1 In regard to adverse impact, in general, to your
2 knowledge, have you received -- you have received complaints
3 regarding this particular application, have you not?

4 MS. DUNCAN: I have had one conversation with one
5 person in the neighborhood who expressed to me that when they
6 received the notice about the hearing, they were confused. And he
7 had spoken with other people in the neighborhood as to how we
8 planned on putting five extra parking spaces on our lot. Because the
9 notification sent by the city, I have to admit, is somewhat confusing
10 about that.

11 I tried to clarify that. I think that letters were written and
12 should probably be in our file -- probably are in our file in objection to
13 our request. I think it's based on the confusion. I have not seen those
14 letters and I have only had one conversation.

15 MR. HOUSTON: I've actually seen the letters in the
16 file. And they do certainly appear to me to be based on
17 misunderstanding of what's being applied for. I don't know what else
18 to say. The file is open for anyone to look at. It's perfectly clear that
19 we're not applying for any sort of an addition which is -- seems to be
20 what their problem is.

21 I've gone over this with a number of city officials who
22 have been pursued by the neighbors and consequently have called
23 us. And all I can do is shake my head. I don't know what to say.

24 CHAIRPERSON REID: Are there any persons and
25 parties -- Is ANC present here today?

26 MS. KING: But we have a report from the ANC.

1 CHAIRPERSON REID: Right, Ms. King, but that one --
2 that we'll do at that juncture, the ANC part. This is cross examination.

3 MS. KING: Oh, I see. We're cross examining.

4 CHAIRPERSON REID: Are there any parties to this
5 particular applicant here today?

6 Are there persons in opposition?

7 But not a party? All right, then, thank you very much.

8 The ANC is not -- We don't see an ANC representative
9 here. However, we do have a report from the ANC and Ms. King will
10 read that into the record.

11 MS. KING: Yes. They had a meeting on June 10th,
12 1998 which a quorum was present. And they resolved --

13 CHAIRPERSON REID: Which ANC is that, Ms. King?

14 MS. KING: This is ANC 1B.

15 CHAIRPERSON REID: Thank you.

16 MS. KING: They resolved to support this application.
17 And they indicated that someone might come to testify but they have
18 not. But, it is unequivocal that they strongly support this application.

19 CHAIRPERSON REID: And they will be, then, afforded
20 a great weight in which they are entitled.

21 Thank you.

22 Persons and parties in support of the application?

23 Persons and parties in opposition to the application?

24 MR. RENCHARD: Good afternoon. My name is
25 George Ronald Renchard. I live at 1340 P Street, Northwest. The
26 clerk has my information.

1 I am pleased that we have had a theatrical
2 performance and where we've been able to clarify the main objective
3 is parking. The reason I say that, because reading the actual
4 application itself that is in file, it states two special exemptions for the
5 proposed project. And that's one of the reasons I am here. I object to
6 the extension of the building itself.

7 I have no objection if they move their parking places
8 across the street to 1914 - 14th Street provided that this has nothing
9 to do with the extension of the building. And I'd like to suggest that
10 perhaps the Board might like to have a refiling of the application itself
11 to be sure that this is stated. This is the extension -- this is not the
12 extension of the building we're talking about, but it's the parking itself
13 of the five additional places across the street.

14 Reading the application, the original application, and
15 looking at the various plans, one would get a different view. These
16 are plans that are in your file.

17 CHAIRPERSON REID: Mr. Renchard, you're basically
18 saying that your opposition was predicated upon --

19 MR. RENCHARD: Yes, ma'am.

20 CHAIRPERSON REID: -- the extension of the building
21 which you now see that is not the case. That we're --

22 MR. RENCHARD: That's correct. At the meeting
23 today.

24 CHAIRPERSON REID: -- specifically about the
25 parking lot, the subject parking lot. And in the notice that they gave for
26 the -- and the certification, it was under 2116.5 which specifically

1 refers to subject parking lot as well as what was advertised in the
2 public record and on the -- posted on the property, and what was sent
3 out to the neighbors, people who live -- 200 people who live within a
4 certain proximity to the property, that it was a subject parking lot. And
5 now, which application are you specifically referring to that --

6 MR. RENCHARD: I am referring to the one that is in
7 the file with the Board.

8 MS. PRUITT-WILLIAMS: Madam Chair, if I can?

9 CHAIRPERSON REID: Sure.

10 MR. RENCHARD: Please.

11 MS. PRUITT-WILLIAMS: Clarification.

12 MR. RENCHARD: Please.

13 MS. PRUITT-WILLIAMS: When this application came
14 to us, it did come to us originally for two zoning reliefs. For parking
15 and for the building. Subsequent to the application and prior to its
16 being advertised, the certification was amended only to deal with the
17 parking.

18 So, you're correct. In the file itself there's additional
19 information. But the Board today is only looking at the exception
20 parking.

21 MR. RENCHARD: Right. No, I understand that and
22 that's the reason --

23 MS. PRUITT-WILLIAMS: And that's part of the
24 confusion.

25 MR. RENCHARD: Confusion. Also, I'm very pleased
26 to learned that the number of people went from 103 to 190 but down

1 now to 150. And that's the other point I wish to say because in the
2 original application that was filed with you, there seemed to be a
3 number of typos or misinformation in a case like this. And I think it
4 would behoove us all if we were to get it clear for the document, for
5 the docket at least, what they're really looking for is five parking places
6 across the street at 1914 - 14th Street, not everything else.

7 MS. PRUITT-WILLIAMS: Well, because of what we've
8 -- only -- the Board has only jurisdiction to actually deal with what was
9 physically -- what was advertised. And that was all that was
10 advertised for accessory parking. There was nothing listed about the
11 number of seats or spaces, or extending the building.

12 So, the Board does not have that before them today at
13 all.

14 MR. RENCHARD: Okay.

15 MS. PRUITT-WILLIAMS: So, it will be clear in our
16 records and the file has additional information. But the Board is only
17 dealing with what has been advertised and only has the jurisdiction to
18 do so.

19 MR. RENCHARD: Fine. Thank you very much.

20 MS. PRUITT-WILLIAMS: You're welcome.

21 CHAIRPERSON REID: Mr. Renchard, does that mean
22 that you are rescinding your opposition based upon what was
23 disclosed to us today?

24 MR. RENCHARD: Based upon that, I rescind my
25 opposition. If they keep their parking across the street, it's fine.

26 CHAIRPERSON REID: Thank you very much, sir.

1 All right. Closing remarks by the Applicant.

2 MS. DUNCAN: Source Theater Company once again
3 requests that it be allowed to add addition five seats to its -- five
4 parking spaces in its already existing arrangement with General
5 Parking Systems so that we can increase our C of O to 150 people.

6 We believe that by being able to have 150 people in
7 the theater and accommodate their parking, that helps the economic
8 empowerment of the street. This is part and parcel of a renovation
9 that we are doing that has been sanctioned and funded by DHCD as
10 another piece of its plan to increase the economic development and
11 the quality of life for the residents and businesses in the U Street and
12 14th Street corridors.

13 Thank you very much.

14 Can I ask for a summary judgment?

15 CHAIRPERSON REID: Yes. Bench decision,
16 summary order?

17 MS. DUNCAN: Yes.

18 CHAIRPERSON REID: Board members, can I have a
19 motion?

20 MR. GILREATH: I move that the additional parking
21 space be granted and I think that proposal like this kind benefit the
22 neighborhood and for people of the region to attend. So, it's a
23 contribution not only to the city but for the region as a whole. So, I'm
24 very much in favor of it.

25 CHAIRPERSON REID: Is there a second?

26 MR. HOOD: I second the motion.

1 MS. KING: Second.

2 CHAIRPERSON REID: And you feel that they have
3 met their burden of proof?

4 MR. GILREATH: I think they have.

5 CHAIRPERSON REID: In regard to a federal
6 exception?

7 MR. GILREATH: They cannot accommodate these on
8 the site and the building is too small. And it's necessary for them to
9 place it off site. Otherwise, the people will park on the street which is
10 a greater detriment.

11 CHAIRPERSON REID: And that they do not appear to
12 present adverse impact to the neighboring properties and that it does
13 not impair the intent or integrity of the zoning map or regulations?

14 MR. GILREATH: Absolutely not.

15 CHAIRPERSON REID: All in favor?

16 MS. PRUITT-WILLIAMS: Excuse -- go on.

17 CHAIRPERSON REID: Go ahead?

18 MS. PRUITT-WILLIAMS: Yes.

19 CHAIRPERSON REID: All in favor?

20 MS. KING: Aye.

21 CHAIRPERSON REID: Aye.

22 MR. HOOD: Aye.

23 MR. GILREATH: Aye.

24 CHAIRPERSON REID: Opposed?

25 MS. PRUITT-WILLIAMS: Staff would just like to make
26 it clear. We were going to, with your approval, sort of amend the

1 application, or rather, so that the order reads that accessory parking
2 elsewhere so it will be very clear --

3 MS. DUNCAN: Thank you.

4 MS. PRUITT-WILLIAMS: -- in the order where it is, if
5 that's okay with the Board.

6 CHAIRPERSON REID: Uh huh.

7 MS. ROSE: Staff would record the vote as 4 to zero
8 with Mr. Gilreath, Mr. Hood, Ms. King, and Ms. Reid, to grant the
9 application as amended, with the issuance of a summary order.

10 MS. DUNCAN: Thank you for your time and attention.

11 MR. HART: Application 16371, application of AM
12 Briggs - RSP, Inc., pursuant to 11 DCMR, Subsection 3107.2, for a
13 variance from Subsection 842.4 from the minimum rear yard setback
14 requirements for a proposed addition to an existing structure in the C-
15 M-2 District at premises 2130 Queens Chapel Road, Northeast,
16 Square 4261, Lot 6.

17 Would all those persons planning to testify in this
18 application please rise and take the oath. Please raise your right hand.

19 Do you swear or affirm that the testimony you are
20 about to give is true?

21 MR. SPINELLI: Yes, I do.

22 MR. HART: Thank you.

23 MR. SPINELLI: My name is Joe Spinelli. I reside at
24 7302 Edmonston Road, College Park, Maryland 20740.

25 I am a consultant to the AM Briggs Company, the
26 named applicant. The company is located at 2130 Queens Chapel

1 Road. We're here today to request a variance pursuant to Section
2 842.4 which requires a minimum 12 foot rear yard set back.

3 I'd like to start off by explaining a little bit about the
4 operation for Briggs. Briggs is a meat distribution and processing
5 organization. It is also the owner and occupies the property at the
6 present time. The company has been in the Washington, D.C. for 26
7 years. It's been at this particular location the last 15 years. It employs
8 approximately 150 people. The operation runs basically 24 hours a
9 day, six days a week.

10 The proposed addition that we are proposing will not
11 make any change to the operation other than to improve the
12 operation. We're not going to be hiring any additional people or
13 having more trucks, or anything that would actually change the basic
14 operation. It will be a huge improvement and I'll show you a little bit
15 with this site plan.

16 As you can see with the site plan, this is the -- this is
17 Queens Chapel Road. This is the existing facility which is a little over
18 20 some thousand square feet. This is the proposed addition. This is
19 on the west side of the property. It's a one story structure about 7,000
20 square feet.

21 The way the operation runs now, this is the main
22 entrance off of the main street. Trucks and delivery vehicles come
23 into one main loading dock and all our receiving is located in one area.
24 And it does cause a bit of a confusion within the confines.

25 By adding this addition, what we'll be doing is this will
26 be mainly a receiving dock and this will be mainly a shipping dock.

1 The proposed addition will be primarily used for storage. I have plans
2 on the back of this if you want to see in the detail. But in this facility
3 will be a walk in cooler, a freezer, and an area to assemble for
4 shipping. And major -- the direction and everything coming out of the
5 compound will be pretty much the same as it exists now.

6 The -- we have completed documents right now that
7 have been approved by the DCRA for permits pending this particular
8 resolve of this hearing. We would like to start our construction in
9 November. This particular renovation will be about a 60 day
10 construction period. We have met with the ANC on September the
11 16th and there was no opposition to this. And the commission ruled in
12 favor of the application.

13 I don't know if you receive da letter or not because I
14 spoke to Karen Lancaster for the last four days in a row and she said
15 she had it handwritten. I asked her to fax me a copy but she hasn't --
16 she said she was short of staff so I don't know if she sent you all a
17 copy or not. But I haven't received anything.

18 As you can see, the configuration of the building, which
19 is our major concern, it only allows us to actually expand out to the
20 back area. We have a railroad crossing here. We have an abutting
21 building here. This is the rear of the building. So, the only feasible
22 approach for us, we've looked at other scenarios, is to expand out in
23 the back because we have to take consideration -- we are looking for
24 additional space and also a organized method of having trucks go in
25 and out of this facility.

26 So, if we had to maintain the set back regulations

1 which we would lose about 30 percent of this building, it would also
2 cause more confusion to our traffic flow than we already have. We
3 would actually -- it would not be a feasible program for us to try to do it
4 that way.

5 So, we don't feel that the particular expansion has any
6 type of adverse impact to the community for a number of reasons.
7 One, it's located in the back of the building. From the public view, you
8 won't even see the building. There is not a residential district within a
9 200 foot radius of our property. We have contacted the neighbors.
10 Other than the railroad, we've called them a number of times, haven't
11 had any response from them. But we've contacted adjoining
12 neighbors and they're very much in favor of the project. It's mainly a
13 commercial type environment.

14 We don't see where it would be any impact to the
15 comprehensive zoning map. And I think at this time we would just like
16 to hand our proposal and ask the Board to grant a variance for this
17 application.

18 I'll address any questions you might have.

19 MS. KING: Is there going to be any impact on traffic
20 patterns?

21 MR. SPINELLI: No, the traffic --

22 MS. KING: I don't mean within your property. I mean
23 will there be additional --

24 MR. SPINELLI: No, I'm sorry. I spoke with somebody
25 in traffic. Actually, he was doing -- I don't think he reported anything to
26 you all but he was doing a traffic --

1 CHAIRPERSON REID: DPW?

2 MR. SPINELLI: Yes. And we sent an application. But,
3 we're having the same amount of trucks go in and out of there as we
4 do now. The only advantage we have is now we have a separate
5 shipping department and a separate receiving department. Before it
6 was all done in one place. And so, we're not hiring more people.
7 We're not really changing the style of operation. We've been on this
8 property for 15 years doing the same thing. So, it really shouldn't
9 have any really adverse impact at all.

10 MR. HOOD: I just want to ask you about your abutting
11 neighbors. Who are abutting neighbors?

12 MR. SPINELLI: Well, what we have here, this is a
13 warehouse. It's a -- there are many food distributors. This is a -- kind
14 of a industrial type of park.

15 MR. HOOD: I'm familiar with it. I just want to know
16 who abuts your area, your building.

17 MR. SPINELLI: This is a food distributor next to us.

18 MS. KING: Name of?

19 MR. SPINELLI: Pardon me?

20 MS. KING: What's the name of the food distributor?

21 MR. SPINELLI: The owner's name is Rob Silberman
22 and I have a list of the actual company here. But, we talked to them
23 and he has -- it's called Ott Properties, Incorporated. They're a
24 distributor. There's another piece of property here and it's all this
25 here. And I have pictures of this. They collect auto parts. I mean, it's
26 just parts out there. And then we have the railroad track that runs

1 along the back.

2 MR. HOOD: And on the other side of the railroad,
3 could you tell us what's on the other side of the railroad?

4 MR. SPINELLI: Right here is a vacant property right
5 now and I have photographs of this, too. It's a parcel that's just
6 vacant. This property abuts to ours. This is the back side of that
7 particular building.

8 MR. HOOD: Madam Chair, I don't know if I'm getting a
9 little off. I'm just curious, what impact does your facility have, and this
10 may be the wrong question not ask, on the trash transfer issues,
11 waste management, and also on the back and other side of the tracks
12 is Rogers Brothers. What impact does that have on your facility?

13 MR. SPINELLI: We don't see that it has any.

14 MR. HOOD: Briggs is not having any problems with --

15 MR. SPINELLI: None at all.

16 MS. KING: You must be the only people in the world
17 who aren't.

18 MR. HOOD: I think you might want to -- well, okay.
19 You might want to check on that.

20 MS. KING: Cool it.

21 MR. SPINELLI: What type of problems are you
22 alluding to? I'm only -- I'm going by what they--

23 MR. HOOD: I guess we need to speak to the issue.

24 MS. KING: Yes, I think so.

25 MR. HOOD: I just want to let you know, that is my
26 area. I do live in the area so I'm very familiar with it. I just wanted to

1 find out some things.

2 MR. GILREATH: Who owns the vacant lot which would
3 be behind the addition that you say is vacant now, right?

4 MR. SPINELLI: Right.

5 MR. GILREATH: Is that -- is there any kind of official
6 development for that? Someone owns it and they say in the future
7 they may try to put something there? Or do you --

8 MR. SPINELLI: It's been vacant for some time. I can
9 show you --

10 MR. GILREATH: Roman owns it. Or private
11 ownership?

12 MR. SPINELLI: I think at one point it was part of the
13 railroad, this whole track that goes around through here is part of the
14 railroad.

15 MR. GILREATH: It curves around rather than--

16 MR. SPINELLI: Right.

17 MR. GILREATH: I see.

18 MR. SPINELLI: This is what it -- I have pictures of it, if
19 you would like to kind of see it.

20 MR. GILREATH: No, I -- if the railroad curves around
21 there, most likely certainly part of it would be the right-of-way so that
22 reduces the likelihood of development.

23 MR. SPINELLI: Right. It's -- there's quite a bit of right-
24 of-way between our parcel and their tracks.

25 MR. HOOD: One other question. So, I guess the
26 conclusion that Briggs is going to move from the neighborhood, that's

1 been nullified?

2 MR. SPINELLI: Pardon me?

3 MR. HOOD: The conclusion that Briggs was going to
4 eventually move, I guess what you're doing an expansion --

5 MR. SPINELLI: Right. Well, this is why -- right. That's
6 why we --

7 MR. HOOD: That's why you want to do it.

8 MR. SPINELLI: That's exactly right. And if we don't do
9 it, we don't have a lot of alternative.

10 MR. HOOD: You would reconsider to move.

11 CHAIRPERSON REID: In regard to the type of relief
12 that you're requesting here today, sir, is a variance. And that being
13 the case, you must then demonstrate to us that you meet your burden
14 of proof in regarding to the three prong test.

15 Is there something about the property that is --

16 MR. SPINELLI: Sure. Let me address that.

17 Well, as you can see, the configuration of the property
18 is kind of an odd type of a shape.

19 CHAIRPERSON REID: An irregular shaped lot.

20 MR. SPINELLI: Right. Irregular shaped lot, which I
21 think the code allows. It has -- it's narrow in the sense of where we
22 could explain.

23 But, the two issues are, is this lot expanding, it's also
24 operational-wise as far as trying to get trucks and things turning
25 around. So, we can't just put this addition anywhere. So, the
26 irregularity of the property is one of the conditions, I think, that prohibit

1 us from achieving the set back requirements. And also, it reduces the
2 size so significant of the expansion, that it wouldn't be feasible to do.

3 And as I mentioned about the impact of the community
4 and the goodwill of the community, we don't see where it would really
5 have any major impact in the sense that it is in the back of the
6 property. You really aren't going to be able to see it from too much of
7 the public space. The operation is not changing significantly to the
8 point where it would effect traffic were we hiring another 200 people or
9 something like that. So, we felt that it really --

10 CHAIRPERSON REID: What about the unique or
11 unusual features inherent in that particular site?

12 MR. SPINELLI: Well, I think it's mainly the
13 configuration of the property. That would be the grounds that we
14 would find to have a variance. It is a -- kind of an odd type of a
15 shaped property. And there's no other place we can actually expand
16 to.

17 We've looked at other scenarios to try to find another
18 method but --

19 CHAIRPERSON REID: What is -- Do you speak to the
20 practical difficulty that you would have, the requirement would have, in
21 complying with the existing zoning regulation.

22 MR. SPINELLI: If we had to comply, this would reduce
23 our building approximately 30 -- almost 30 percent of the space. And
24 it would also create a major problem because of the way the lot is
25 designed to try to get trucks and facilitate that particular new addition,
26 try and get trucks in and out of here. It would just make it too

1 confining. It would be too small for us to try to facilitate.

2 MR. GILREATH: You wouldn't attempt to -- if you had
3 to comply with existing zoning, you would not build the addition?

4 MR. SPINELLI: No. It's just not -- it doesn't -- It's not
5 worth it at that point.

6 CHAIRPERSON REID: Adverse impact. We spoke
7 somewhat about that. We said that this facility is located at least, you
8 say, 200 feet away from most--

9 MR. SPINELLI: From any residential district.

10 CHAIRPERSON REID: -- residential, residential
11 property. And, have you had any opposition or complaints to your
12 application by any of the abutting business owners?

13 MR. SPINELLI: No.

14 CHAIRPERSON REID: In regard to traffic, noise,
15 parking, and the like?

16 MR. SPINELLI: No. One of my associates talked to
17 this gentleman. I talked to this gentleman, and both of them indicated
18 that they would support this. That they didn't see any problems in --

19 CHAIRPERSON REID: What about the ANC, have
20 you --

21 MR. SPINELLI: As I said, I went to the meeting myself.
22 I went to two. The first one was cancelled because we had a thunder
23 -- power was out. So, I went to the ANC meeting on September 16th
24 and there was no opposition to it. And they were very much in favor of
25 the program. Karen Lancaster was going to write a letter in support of
26 this but I haven't received it. She said she had a handwritten letter

1 she was going to sent to us.

2 CHAIRPERSON REID: We've not received anything
3 from the ANC so that's good. Unless they're in opposition, then if they
4 don't send anything, that's usually good.

5 MR. SPINELLI: But we did -- I presented this to the
6 ANC meeting on September the 16th.

7 CHAIRPERSON REID: And what kind feedback did
8 you get when you made your presentation?

9 MR. SPINELLI: They felt -- I mean, this is my
10 interpretation. The fact that the -- You know, we're in an industrial
11 park. There's not a whole lot of impact to residential. That they didn't
12 see any adverse problems with the proposed addition.

13 CHAIRPERSON REID: All right. Let's move now to
14 the government reports.

15 MS. KING: None.

16 CHAIRPERSON REID: None. ANC, is there a
17 representative of the ANC here today?

18 MS. KING: No.

19 CHAIRPERSON REID: And we don't have an ANC
20 report so if in fact they were in opposition, I'm sure they would be here
21 today.

22 The persons or parties in support of this application?

23 Seeing none, persons or parties in opposition to this
24 application?

25 Seeing none, closing remarks by the Applicant.

26 MR. SPINELLI: Thank you. I would like just to

1 reiterate that we feel that we've met the requirements for the impact to
2 the community and the type of configuration we have to the property,
3 and that considering that we are in a high industrial type of
4 environment, all the surrounding businesses around us are all
5 commercial, they're all distributors. There's a lot of traffic up and
6 down the corridor, Queens Chapel Road.

7 Saying all that, we are in desperate need for an
8 expansion right now. Our only alternative is very much so if we can't
9 do it in this manner, the only alternative we have would be to look for
10 facilities elsewhere. So, I would like the Board to maybe take into
11 consideration.

12 And also, if I could possibly have the Board grant a
13 bench decision on this so we can expedite our construction program.

14 CHAIRPERSON REID: A summary order?

15 MR. SPINELLI: Yes, please.

16 CHAIRPERSON REID: Speak to the extent to which
17 the -- your particular application, granting your application would not
18 have any adverse -- will not negatively impair the integrity of the
19 zoning regulation s and the map, the zoning map.

20 MR. SPINELLI: Well, based on -- I've actually tried to
21 go to the opposite plan. I think they were moving or something at the
22 time and I talked with the Department of Zoning. I talked to two
23 individuals there, showed them our proposal. And they felt that it
24 wouldn't have any impact on the zoning maps at all.

25 CHAIRPERSON REID: Board members, are there any
26 questions? Should we take a vote?

1 MS. KING: I'm prepared. Can I make a motion?

2 CHAIRPERSON REID: You can.

3 MS. KING: I move that we accept this application. It
4 seems to me that the applicant's representative has met the burden of
5 proof very adequately. There will be no adverse impact locally.
6 Clearly, there are unusual difficulties in expanding without the
7 variance and it will clearly not impair the zoning -- intent and purposes
8 of zoning. And therefore, I move that we issue a summary order
9 approving this application.

10 MR. HOOD: I second the motion.

11 CHAIRPERSON REID: All in favor?

12 MS. KING: Aye.

13 CHAIRPERSON REID: Aye.

14 MR. HOOD: Aye.

15 MR. GILREATH: Aye.

16 CHAIRPERSON REID: Opposed.

17 Thank you.

18 MR. SPINELLI: Thank you very much.

19 MR. HART: Staff records the vote as four to zero, Ms.
20 King, Mr. Hood, Mr. Gilreath, and Ms. Reid grants for the summary
21 order.

22 The final case, 16369, application of the Shell Oil
23 Company, pursuant to Subsection 3108.1, for a special exception from
24 Subsection 726 to allow a canopy at an existing gas station -- service
25 station, in a C-2-A District at premises 1830 Rhode Island Avenue,
26 Northeast, Square 4208, Lots 28.

1 Will all persons planning to testify in this application
2 rise and take the oath. Will you please raise your right hand.

3 Do you swear or affirm that the testimony you're about
4 to give is the truth? Please say I do.

5 MR. COLLINS: Yes.

6 CHAIRPERSON REID: Mr. Collins, obviously it
7 appears that there's no opposition to your application here today?

8 MR. COLLINS: Yes.

9 CHAIRPERSON REID: That being the case, then you
10 can feel free to expedite.

11 MR. COLLINS: All right.

12 CHAIRPERSON REID: Basically, hit on your salient
13 point of, make your case, and you should be able to wrap this one up
14 relatively quickly.

15 MR. COLLINS: We understand. Thank you.

16 My name is Christopher Collins with Wilkes, Artis,
17 Hedrick, and Lane. Seated to my right is Rudy Poulos representing
18 Shell Oil Company and to my far right is Ron Lipford from RL
19 Architects. Also in the audience is Mr. Ron Woodfolk who is also here
20 on behalf of Shell Oil Company.

21 This is a special exception for a canopy addition to an
22 existing gasoline station. Technically, we have to come before the
23 Board for the canopy addition because it generates gross floor area.
24 It's an addition of a building to the site. We did meet with the zoning
25 administrator to review the entire proposed renovations, and there are
26 many in the station, but it's only the canopy that requires us to be here

1 today.

2 The station is about 28 years old and it is, as you know
3 from seeing other gasoline stations, it's about time for modernization.
4 We have contacted both ANC 5A and 5B. 5A is located on the north
5 side of Rhode Island Avenue. 5B on the south side. I personally
6 contacted both and although I'm not permitted to testify, I'm the only
7 one with personal information about this.

8 I spoke to the staff person in 5-B and sent the
9 ampliation and the plans to 5-B. And they reviewed them and
10 determined they would not need to hear from us and they would take
11 no position on this case.

12 5-A, I spoke with Angela Ellis, the staff person there,
13 and she invited us to a meeting on September 30 where we went and
14 made a presentation to Chairman Joseph Bowser and the other
15 members of the commission who were holding that evening a
16 community forum for those who might have issues or concerns about
17 the station. And we met with them and based upon our presentation,
18 they said that they supported the ampliation. They took a vote that
19 evening. They said they would be submitting something to the record.
20 And I don't -- I did not see it when we checked the record yesterday.

21 CHAIRPERSON REID: Ms. Pruitt-Williams, did we
22 receive a report from the ANC 5B or 5A?

23 MR. COLLINS: That's 5A.

24 CHAIRPERSON REID: 5A.

25 MS. PRUITT-WILLIAMS: No.

26 CHAIRPERSON REID: But generally, your feeling was

1 that they were in support of?

2 MR. COLLINS: Yes. And as a matter of a fact, they
3 had -- the only concern they had is that the area behind the station be
4 secure. If you did read the statements, back in 1970 when the Board
5 approved this application, they required a 20 foot set back, a 25 foot
6 set back which is part of the record, the regulations, now still that the
7 station be separated from adjacent residential property by 25 feet.
8 They required the building to be set back 25 feet.

9 There's a big, large area between the building and the
10 adjacent property. As a result, that area is kind of been sometimes a
11 haven for vandals and vagrants, and others. And what the ANC
12 asked that we do is fence that area so that people cannot get back
13 there, and retain the lighting on the back of the building so the area is
14 lit but fenced with a -- chain link.

15 MS. KING: Shell owns that property, is that correct?

16 MR. COLLINS: That's correct. Shell does own the
17 property. All the property yo usee on the plans to my right --

18 MS. KING: And the 25 feet is down here at the left
19 end?

20 MR. COLLINS: It's from the building, is the rectangular
21 shaded area. The area to the left of that is the 25 foot area. Actually,
22 it's 25 feet from a residential zone and you can see the western -- the
23 left-hand property line kind of jogs down, goes straight down and then
24 jogs in. Where the jog in is, is where the transition from the residential
25 to the commercial. So, it only had to stay 25 feet from the residential
26 zone.

1 MS. KING: And is that a hedge there? That dark
2 green? Is that -- oh, yes.

3 MR. COLLINS: This is a hedge here. It's actually a
4 vegetation that's there. The residential zone --

5 MS. KING: Vegetation. Is that weeds or a hedge?

6 MR. COLLINS: Well, it's actually trees. They're small
7 trees and things. This area was cleared out kind of at the request of
8 the police department. So, this area is all kind of flat and grass area.

9 MS. KING: And where are you going to put the fence?

10 MR. COLLINS: The fence will be -- actually, I have a
11 handout that we gave -- that we sent to the ANC showing that which I
12 would like to submit to the record.

13 MS. KING: Please do.

14 MR. HOOD: Do you have any plans or anything for the
15 area that the ANC requested to be fenced in? Any plans later on
16 down the line other than just fencing it in and letting the weeds grow
17 and whatever else?

18 MR. COLLINS: Obviously to fence it in and keep the
19 weeds from growing because it's an area that -- there no current plans
20 for anything right there. It's required to be set back 25 feet by the
21 zoning regulations.

22 MR. HOOD: But you will maintain it? It will be
23 maintained?

24 MR. COLLINS: Absolutely.

25 MR. GILREATH: Is this all existing landscaping or are
26 you proposing some new landscaping?

1 MR. COLLINS: I guess at some point we are ought to
2 go to the witnesses to answer the questions. They are the ones
3 testifying. So, at this point, in order to -- before I get to your question,
4 I'd just like to point out we do have a statement of the applicant which
5 sets forth all of our testimony, how we meet the requirements, the
6 regulations. The exhibits include the maps and the plats of the area,
7 the 1970 BZA approval, and 1970 site plan which showed the original
8 landscaping, as it exists now, and has been maintained for the 28 year
9 period. The plat of this site, the plans for this project, and then the
10 outline to the witnesses.

11 And unless there's any questions, I'd like to go to the
12 first witness who is Mr. Poulos.

13 Mr. Poulos, could you please identify yourself for the
14 record and proceed with your testimony.

15 MR. POULOS: Rudy Poulos representing Shell Oil
16 Company, 2810 Elsa Court, Crofton, Maryland.

17 We propose to modernize our existing service station.
18 Part of that modernization includes a canopy. Other improvements
19 include upgrading the sales room with a new drop ceiling, new drywall,
20 a security enclosure for the cashier, new quarry tile on the floor, a new
21 HVAC system, and also an ADA compliant restroom. We're also
22 looking at a new glass door front on the sales room and painting both
23 inside and out of the store.

24 In the yard, we are proposing to install new multi-
25 product dispensers to replace the existing out of date dispensers.
26 We're also proposing to realign the dispenser islands. A new canopy,

1 at the same we're also going to be upgrading our underground
2 storage tanks and piping for '98 EPA compliance requirements.

3 We're also installing a new free-standing ID sign to
4 replace the existing. We'll be asphaltting the lot. And, as Chris had
5 mentioned, following our meeting with the ANC, we'll also be looking
6 at installing a chain link fence and also vandal covers on the existing
7 light fixtures, both on the building and in the yard.

8 MS. KING: Could you explain to me what kind of
9 covers those are? What --

10 MR. POULOS: It's a clear, polycarbonate plastic cover
11 that goes over the existing glass light fixture.

12 MS. KING: So, it doesn't glare into the neighbors'
13 yards?

14 MR. POULOS: All it does is it just protects the existing
15 fixture that's there.

16 MS. KING: But does it screen -- because one of the --
17 Mr. and Mrs. Hempel talk about needing to be shielded from noise
18 and light.

19 MR. POULOS: The only new lighting will be added will
20 be the lighting on the canopy. As part of the lighting plan, I had
21 expressed concern to our lighting supply contractor, the houses on
22 Irving Street, and they have provided shields in the canopy light
23 fixtures that will prevent the light from being thrown towards the
24 houses on Irving Street. And I've got a lighting plan in the file. I don't
25 know what the foot candles are on the ground but it does -- it does
26 shield the light from the houses on Irving Street.

1 MR. GILREATH: When you say shields the lighting,
2 will that make the Irving Street area darker or are there street lamps to
3 provide lighting? I presume there would be some lighting to increase
4 the safety of the area. You could use a muted lighting so that the only
5 -- if there's street lighting that's adequate, then you wouldn't have to
6 go beyond that.

7 MR. POULOS: There are existing yard lights around
8 the lot deemed adequate, and then only additional lighting will be
9 what's on the canopy.

10 MR. GILREATH: So it surely won't create a problem.
11 Fine.

12 MR. COLLINS: The regulations require that there --
13 the direct rays be confined to the site. So, we couldn't throw light out
14 in the street, anyway, and the way they're designed, they're designed
15 to go in. The impact, the covers are so that the lights don't get
16 broken. We've heard that they've gotten broken and the area has
17 gotten darker, which is an invitation for people to visit the site who
18 shouldn't be there.

19 Unless there's any questions for Mr. Poulos, who just
20 gave an overview of the plan, then we'll just go to Ron Lipford, the
21 architect for the project.

22 MR. LIPFORD: Yes, good evening. For the record, my
23 name is Ronald Lipford. I reside at 2308 Wagon Wheel Court, Fort
24 Washington, Maryland.

25 I'd like to just describe to you the proposed canopy
26 design. The canopy spreads about from -- about 24 by 90 foot,

1 square -- 20 by 90 foot area. And has a clearance height of 13 foot 6
2 feet, and an overall height of 16 foot 6 inches. The canopy is a metal
3 facial wrapped canopy. Colors are Shell's corporate standard colors
4 and will provide the protection from the weather and inclement
5 weather for customers patronizing the station for gas.

6 Let me just show the rendering, if you can't see that.
7 It's located on this dark line shown on the site plan here with the four
8 pump islands located and situated for the ease of traffic and flow in
9 and out of the site.

10 The rendering here gives an illustration of how it
11 appears from the elevation view on both the long face of it and the
12 short face of it, of the elevation itself.

13 And if there are any questions, I'd be glad to entertain
14 them at this time.

15 MS. KING: There's no canopy, no covering over the
16 existing pumps at the present time, is that it?

17 MR. LIPFORD: There is absolutely no canopy at all.
18 That's correct.

19 MR. HOOD: Last drawing back.

20 Thank you.

21 MR. GILREATH: The purpose of these canopies is to
22 provide weather protection for motorists who come in for gasoline, or
23 what's the purpose of the canopies? That the primary purpose?

24 MR. LIPFORD: The primary purpose is to provide
25 protection over the -- over the gas pumping areas for the customers.

26 MS. KING: Is it entirely a self-service operation?

1 MR. LIPFORD: Yes.

2 MR. POULOS: Can I make a comment? One of the
3 things that hurt this station from a sales point is the lack of a canopy.
4 The retailer has mentioned on several occasions during inclement
5 weather that we have lost business to some of our competitors
6 because of the fact we do not have a canopy.

7 MR. GILREATH: So, the canopy will extend out far
8 enough so the motorists self service -- they get out of the car, there
9 will be protection from the elements now, to some degree?

10 MR. POULOS: Correct.

11 And, I'd like to mention also the new dispensers that
12 will be placed out there will have the pay at the pump card readers so
13 the customer doesn't have to walk from the canopy all the way to the
14 sales room. Currently the existing dispensers don't have that
15 capability.

16 MR. HOOD: I'm glad to see the new facility for which
17 the community -- which I may have -- Like you say, a lot of times if it's
18 raining, I just ride right on by and go to the next place. So, as
19 someone who patronizes that particular station, it's nice to see that
20 canopy and be able to go when it's pouring out rain and get gas, gas
21 my car. Thought I'd throw that in.

22 MR. COLLINS: Mr. Lipford, pages 3 through 5 of our
23 statement -- Pages 3 through 5 of our statement of the applicant set
24 forth how we meet the test for special exception relief.

25 Mr. Lipford, do you adopt pages 3 through 5 as your
26 testimony today?

1 MR. LIPFORD: I do.

2 MR. COLLINS: Thank you.

3 CHAIRPERSON REID: Mr. Collins, I will need for you
4 for the record to hit on the compliance with 726, the zoning
5 regulations.

6 MR. COLLINS: We do that in going through page 3
7 through 5, highlight the provisions and how we meet those for the test.

8 MR. LIPFORD: Sure. The application complies with
9 Section 726 of the zoning regulation to the extent that the special
10 exception relief for the addition of the canopy is required in this case
11 pursuant to Section 26 -- 726.1 of the zoning regulation.

12 MR. COLLINS: Would you just summarize items 1
13 through 5 on page 3, going over to page 4, please.

14 MR. LIPFORD: Item 1, Section 706.2, this application
15 was referred to the Office of Planning on June the 1st. 706.3, abuts
16 the R-5-A zone to the west of Irving Street, the proposed canopy
17 addition is well in excess of 25 feet from the R-5-A zone.

18 Section 706.4, the gasoline service station has been
19 located on this site since 1971, for over 20 years prior to that time, the
20 site was improved by a drive in restaurant or delicatessen. The
21 addition of the proposed canopy will not create any dangerous or
22 other objectionable traffic conditions, nor will it effect traffic circulation
23 in any way.

24 And Section 706.5, as illustrated in the site plan, the
25 proposed canopy is of a minimum size necessary to cover the four
26 MPDs, or pump, stations. The canopy will be unobtrusive and will

1 provide an amenity to the customers for service of the service station.

2 706.6, the addition of a canopy will not generate a
3 parking requirement under the zoning regulation.

4 MR. COLLINS: Thank you. Under -- and then under
5 item D, please summarize items 1 through 4 there.

6 MR. LIPFORD: Item 1, Section 2302.2, the canopy will
7 be in excess of 25 feet from the R-5-A district. Section -- Item 2,
8 Section 2302.3, the vehicular entrance and exit are a part of existing
9 service station and are all more than 25 feet from a residential district.

10 Item 3, Section 2302.4, the driveway entrance/exits,
11 are all more than 40 feet from the intersection of Rhode Island Avenue
12 and Irving Street.

13 Item 4, Section 2302.5, there will be no grease pits or
14 hoists established or constructed as a part of this application. Existing
15 service and repair facilities are in the building and will remain.

16 MR. COLLINS: Thank you.

17 MS. KING: I have a question.

18 CHAIRPERSON REID: Go ahead.

19 MS. KING: Yes, the Hempiels, in their letter, refer to
20 cars, abandoned cars on the owner's property left at the gas station.
21 Is that a problem? I mean, what-- tell me about the abandoned cars.

22 MR. POULOS: I spoke to the retailer about that.
23 There was a single incident that occurred about seven months ago. A
24 customer had dropped his car off to have it fixed but didn't have any
25 money. So, he left the vehicle and said he'd be back. Well, two
26 months later the owner never came back for the vehicle.

1 At some point, someone got into the car and started
2 sleeping in it and the retailer told me at that point he called the police
3 and had them tow the vehicle from the site. But it's -- in the several
4 visits that I've made to the site, have not seen any abandoned
5 vehicles.

6 MS. KING: Thank you.

7 CHAIRPERSON REID: Did you mention how long you
8 expect construction to be for erecting the canopy and what obstruction
9 to the area do you foresee as a result of that?

10 MR. POULOS: We discussed that with the ANC as
11 well. Right now it's going to be at least a 30 day construction period.
12 A lot of the EPA upgrades that we've been doing at our other locations
13 have taken that long. And we foresee it's going to take at least that
14 long here as well.

15 And as far as obstructions or whatnot, we don't
16 anticipate any adverse effects on the residences. I think there's
17 another gas station further down the road that they had mentioned in
18 the ANC meeting that they could visit.

19 CHAIRPERSON REID: In regard to the issue that's
20 raised by Mr. and Mrs. Hempel, the fence is what you're proffering as
21 the solution to the issue of the privacy of the residents?

22 MS. PRUITT-WILLIAMS: Madam Chair, may I
23 interrupt.

24 CHAIRPERSON REID: Yes.

25 MS. PRUITT-WILLIAMS: While there may be some
26 outside concerns associated with the -- that the community may have

1 with the gas station, what's before you today is only the canopy. The
2 extension of the canopy. So, you really can't -- the Board doesn't
3 have jurisdiction over dealing with lighting in the back of the building
4 which is existing -- any existing lighting, or even how to handle the
5 enclosed fence area because that's not before you. It's only the
6 canopy.

7 CHAIRPERSON REID: I understand that. But the --

8 MR. HOOD: Madam Chair, can I just ask a question.
9 Even though we cannot -- even though that's not before us, but can
10 we put conditions in the summary --

11 CHAIRPERSON REID: Well, that's what we have to
12 get to. But before going there, what I'm trying to get a clarification on
13 is, the adverse impact aspects of it. And I would like an answer to my
14 question in regard to when we were discussing earlier this fence. My
15 question was, is that the same fence that you spoke of earlier that
16 provided the security for the residence?

17 MR. POULOS: There is no existing fence.

18 CHAIRPERSON REID: The -- I'm sorry, the hedge,
19 that's there, and the landscaping. And then didn't I hear you say that
20 you were going to -- with the agreement with the ANC, that you were
21 going to erect a fence. I'm trying to see how this all ties -- comes
22 together.

23 MR. POULOS: If I understand -- there's -- When we
24 met with the ANC, there was a concern about the back of the building.
25 And that being an area for bad activity.

26 CHAIRPERSON REID: That's what I want to ask you.

1 Is that the same area that the Hempiels are referring to?

2 MR. POULOS: I don't believe so because I think the
3 Hempiels live further up near the intersection.

4 CHAIRPERSON REID: That's my question.

5 MR. HOOD: Madam Chair, the letter of concern, I don't
6 think I have it in my packet.

7 CHAIRPERSON REID: It came --

8 MR. HOOD: Thsi morning?

9 CHAIRPERSON REID: This morning. It was late
10 coming in.

11 MR. POULOS: I believe the Hempiels live further up
12 towards the intersection and not towards the building.

13 MR. GILREATH: I don't have any concerns but I think
14 that renovating that, that will improve -- activities that you're going to
15 have, I guess, the sales part where you have maybe drinks and so
16 forth there, more people coming and going, or any other problems.
17 So, frankly, I think it benefits the community and meets all the
18 requirements of zoning.

19 CHAIRPERSON REID: And there was a question as to
20 whether or not you were going to include a convenience. You didn't
21 mention that. Go ahead.

22 MR. POULOS: There will not be a convenience store.
23 It's strictly -- it's basically bringing up to today's standards the existing
24 sales room.

25 MR. GILREATH: So, they don't include sales of any
26 kind, then?

1 MR. POULOS: Nothing other than maybe some candy
2 bars and --

3 CHAIRPERSON REID: Cigarettes.

4 MR. POULOS: Yes, that type of stuff.

5 CHAIRPERSON REID: Soda.

6 MR. POULOS: There's not going to be like a --

7 CHAIRPERSON REID: Like a Stop-N-Go.

8 MR. POULOS: Yes. Like a food store in there.

9 MS. KING: And the sales will be from vending
10 machines or by your staff?

11 MR. POULOS: I imagine it will be a mixture of both.

12 MR. HOOD: Madam Chair, I just would hope that the
13 applicants will carry out the agreement that they've already had with
14 the ANCs and other community groups. As far as us being able to put
15 conditions, we can't but I hope that you follow through with that.

16 MR. COLLINS: Any comment?

17 MR. LIPFORD: We fully intend to put in the chain link
18 fence and also the vandal covers on the light fixtures. And those were
19 the only two requests that the ANC had made and we intend to follow
20 up on that.

21 CHAIRPERSON REID: Is there any more questions?

22 We move now to the government reports and I don't think that we
23 have any. No ANC reports. However, for the record, it was the --
24 reported to us that they had been meetings with the ANC and that
25 they were thoroughly in approval of this particular application. The
26 rest, the agreement, that they would put up the chain link fence and --

1 Is that the only thing?

2 MR. POULOS: The protective covers --

3 CHAIRPERSON REID: Protective covers.

4 MR. POULOS: -- on the light fixtures.

5 CHAIRPERSON REID: Shell has agreed to do that.

6 MS. BAILEY: Madam Chair, in the existing order, in
7 the current order, there are some conditions that you may want to take
8 a look at.

9 CHAIRPERSON REID: I was coming to that in a
10 moment because right now we're just going through the different
11 segments. And then when we get to the motion, I did have a question
12 about the conditions. I have a question about that.

13 Persons, parties in support of this application?

14 Seeing none, persons, parties in opposition to the
15 application? Seeing none, we did have a letter that we have spoken
16 about quite a bit within the course of this particular case, this
17 application. So, we move now to persons and parties -- No, we move
18 now to closing remarks by the applicant.

19 MR. COLLINS: The only comment I'd like to make at
20 this point is that the overall renovation plan that Mr. Poulos spoke of in
21 his testimony will be underway this fall as a matter of right. And
22 there's a letter in the file there where the zoning administrator has
23 allowed us to actually put the footings of the canopy in as part of the
24 plans for the matter of right renovation. And the idea is to get all this
25 work done at one time while the station is down and is not operating.

26 So, with that in mind, we respectfully request issuance

1 of a bench decision and a summary order.

2 MS. KING: Mr. Collins, is it your interpretation that the
3 1970 order for this property is -- will continue in effect unabated?

4 MR. COLLINS: Oh, yes, absolutely.

5 MS. KING: So, we don't have to reiterate all the
6 conditions therein because they're still --

7 MS. PRUITT-WILLIAMS: Well, as I said, that part of
8 the order is not before you.

9 MR. COLLINS: Right.

10 MS. PRUITT-WILLIAMS: That's a separate order
11 because that was to establish the gas station.

12 MS. KING: I understand that. I just wanted for the
13 record to establish that the conditions established in the 1970 order
14 will continue to be in force.

15 MS. PRUITT-WILLIAMS: But they cannot be part of
16 the previous order.

17 MS. KING: I'm not asking that they part of -- I just
18 wanted to make sure since somebody had raised the issue of there
19 being conditions on the '70 order.

20 MR. COLLINS: That's a continuing obligation on the
21 applicant.

22 MS. KING: That's a continuing situation. So, what is
23 before us is simply the canopy.

24 CHAIRPERSON REID: And then my question
25 becomes if this Board on this particular application elected to impose
26 some other conditions, did I understand you to say they could not so,

1 we could not so?

2 MS. PRUITT-WILLIAMS: No, you could, but the
3 conditions would have to relate to the canopy.

4 CHAIRPERSON REID: I understand that. We're very,
5 very clear on that.

6 MS. PRUITT-WILLIAMS: That's all.

7 CHAIRPERSON REID: So, what I'll suggest, Board
8 Members, is that we take a second and look at these conditions and
9 see if these are satisfactory and you feel that this -- basically we've
10 covered everything we'd like to cover and any condition that we would
11 impose in this particular order. And if not, think about something else
12 that you might want to that pertains specifically to the canopy.

13 MR. HOOD: Madam Chair, which page are you on?

14 MS. PRUITT-WILLIAMS: Conditions start on page 3.

15 MR. HOOD: Thank you.

16 CHAIRPERSON REID: We would to dispose of this
17 particular application today and therefore may I have a motion?

18 MS. KING: I move the -- we grant this application. I
19 think that they have very adequately met the burden of proof on all
20 tests for this and I think it will be a -- I think we should encourage this
21 kind of economic development in the District that it adds to the
22 amenities to the citizens. So therefore I urge that we adopt this -- that
23 we grant this application.

24 MR. HOOD: I'll second the motion.

25 MR. GILREATH: I'm satisfied with it.

26 CHAIRPERSON REID: The applicant has met its

1 burden of proof. There does not seem to be any adverse impact and
2 the -- there's not -- the applicant does not -- granting the ampliation
3 would not impair the intent and integrity of the zoning regulations and
4 map. So, all in favor?

5 MS. KING: Aye.

6 CHAIRPERSON REID: Aye.

7 MR. GILREATH: Aye.

8 MR. HOOD: Aye.

9 CHAIRPERSON REID: Opposed?

10 MS. KING: Summary judgment. Summary order.

11 MR. HART: Staff would record the vote as four to zero,
12 Ms. King, Mr. Hood, Mr. Gilreath, and Ms. Reid to grant. Summary
13 order is granted.

14 MR. COLLINS: Thank you.

15 CHAIRPERSON REID: Any other matters?

16 This meeting is adjourned.

17 (Whereupon, at 3:52 p.m., the Public Hearing was
18 adjourned.)

19

20

21