

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

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Wednesday,

October 7, 1998

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The Board of Zoning Adjustment Public Hearing reconvened in Room 220 South, 441 Fourth Street, N.W. Washington, D.C., at 3:55 p.m., Sheila Cross Reid, Chairperson, presiding.

PRESENT:

SHEILA CROSS REID, Chairperson
BETTY KING, Vice Chairperson

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

A-G-E-N-D-A

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16328, A request for clarification of the order filed on August 31st by Rodney Creecy, opponent in the application of Hugh V. Kelly pursuant to 11 DCMR 3108.1 for special exception under Section 213 to establish an accessory parking lot in a residential portion of a site in a C-1/R-5-A District at premise 3922 - 12th Street, Northeast

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

3:55 p.m.

MS. ROSE: The motion that's before the committee, Mr. Gilreath, you weren't privy to this so it won't be a problem. A request for clarification of the order filed on August 31st by Rodney Creecy, opponent in the application of Hugh V. Kelly pursuant to 11 DCMR 3108.1 for special exception under Section 213 to establish an accessory parking lot in a residential portion of a site in a C-1/R-5-A District at premise 29 -- I mean, 3922 - 12th Street, Northeast.

The hearing was April 4th -- on April 1st, 1998, with a bench decision that same day. The Board granted the application with the conditions by a vote of three to zero, Mr. Franklin, Ms. King, and Ms. Reid.

This is before you because Mr. Creecy has sent in several pieces of correspondence asking for request for clarification. You can either choose to clarify or not address his issues.

MS. PRUITT-WILLIAMS: Or determine the order is clear.

MS. ROSE: And determine that the order is clear enough and no further clarification is necessary.

MS. KING: Does it strike you that he is rearguing the case?

CHAIRPERSON REID: Absolutely.

MS. ROSE: Yes, Mr. Creecy has been --

MS. KING: All of this was testimony that was

1 presented at our original hearing.

2 MS. ROSE: And the issues that he has, such as the
3 poison oak or trash removal, is an enforcement issue. It's not under
4 the jurisdiction of the Board.

5 So, while his claims and concerns may be legitimate,
6 they're not under our jurisdiction and that he should seek relief
7 elsewhere.

8 CHAIRPERSON REID: I would agree. It appears to
9 me that -- I had a hard time following his logic. And I was trying to
10 ascertain clearly what in fact he was requesting from us. And, it
11 appears that he was basically requesting that the board take a closer
12 look at --

13 MS. PRUITT-WILLIAMS: He is not pleased with the
14 outcome.

15 CHAIRPERSON REID: Yes. The case has been tried.
16 The case has been before us.

17 MS. PRUITT-WILLIAMS: It's been tried.

18 CHAIRPERSON REID: And both sides had an
19 opportunity to make their case. We listened to it. And results of the --
20 the information, the testimony before us, the Board made a decision.
21 What he's asking us to do, I don't feel is within the scope of what this
22 Board would normally do.

23 If in fact he has a problem with some aspects of the lot,
24 something that the applicant did or could have done, has not done,
25 that is -- has been already approved by the Board, then as Ms. Pruitt-
26 Williams said, that's an enforcement issue which is not within our

1 purview.

2 Therefore, I would say that -- do we have to take a
3 vote?

4 I move that we deny the request for clarification.

5 MS. KING: I second that.

6 CHAIRPERSON REID: All in favor?

7 MS. KING: Aye.

8 CHAIRPERSON REID: Aye.

9 MS. ROSE: Staff will record the vote as--

10 MS. PRUITT-WILLIAMS: Three to zero.

11 MS. ROSE: -- three to zero to approve --

12 MS. PRUITT-WILLIAMS: To deny.

13 MS. ROSE: -- deny, to deny the request for
14 clarification. Motion made by Ms. King -- I mean, excuse me, by Ms.
15 Reid, seconded by Mr. King and Mr. Franklin.

16 MS. KING: Ms. King.

17 MS. ROSE: Thank you.

18 CHAIRPERSON REID: We know. The day has been
19 long. It's gotten late.

20 MS. PRUITT-WILLIAMS: With a proxy from Mr.
21 Franklin.

22 CHAIRPERSON REID: That, then --

23 MS. PRUITT-WILLIAMS: That concludes.

24 CHAIRPERSON REID: That concludes the meeting for
25 Wednesday, October 7th.

26 (Whereupon, at 4:00 p.m., the Public Meeting was

1 concluded.)
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