

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY

JANUARY 19, 2010

+ + + + +

The Special Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:30 a.m., Marc D. Loud, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MARC D. LOUD, Chairman  
SHANE L. DETTMAN, Vice Chairman, (NCPC)  
MEREDITH H. MOLDENHAUER, Board Member

ZONING COMMISSION MEMBER PRESENT:

MICHAEL G. TURNBULL, FAIA, Commissioner  
(AOC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
BEVERLEY BAILEY, Sr. Zoning Specialist  
JOHN NYARKU, Zoning Specialist

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Board of Zoning Adjustment  
District of Columbia  
CASE NO. Transcript  
EXHIBIT NO. null

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LORI MONROE, ESQ.

The transcript constitutes the minutes from the Special Public Meeting held on January 19, 2010.

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Vote to Approve the Motion .....	9
 <b>ADJOURN, Chairperson Loud</b> .....	 10

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

2 9:46 a.m.

3 CHAIRPERSON LOUD: This meeting  
4 will please come to order. Good morning,  
5 ladies and gentlemen. This is the January  
6 19th Public Meeting of the Board of Zoning  
7 Adjustment of the District of Columbia. My  
8 name is Marc Loud, Chairperson.

9 Joining me today are Vice Chair  
10 Shane Dettman. To my right representing the  
11 National Capital Planning Commission Mr. Mike  
12 Turnbull, representing the Zoning Commission.

13 To my left Mrs. Meredith  
14 Moldenhauer, BZA member; Mr. Cliff Moy,  
15 Secretary, BZA; Mrs. Lori Monroe, Office of  
16 the Attorney General; and on the far left Ms.  
17 Beverley Bailey, Zoning Specialist here in the  
18 Office of Zoning.

19 Copies of today's meeting agenda  
20 are available to you and are located to my  
21 left in the wall bin near the door. We do not  
22 take any public testimony at our meetings

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1 unless the Board asks someone to come forward.

2 Please be advised that this proceeding is  
3 being recorded by a court reporter and is also  
4 webcast live. Accordingly, we must ask you to  
5 refrain from any disruptive noises or actions  
6 in the hearing room. Please turn off all  
7 beepers and cell phones.

8 Does the staff have any preliminary  
9 matters this morning?

10 MR. MOY: Not this morning, Mr.  
11 Chairman.

12 CHAIRPERSON LOUD: Thank you, Mr.  
13 Moy. If not, and you said we don't, let's  
14 proceed with the agenda.

15 MR. MOY: The first and only case  
16 for the Special Public Meeting this morning,  
17 Mr. Chairman, is Application No. 18109 of Ming  
18 Zheng, pursuant to 11 DCMR 3104.1. This is  
19 for a special exception for a fast food  
20 restaurant (carry-out) under section 733, in  
21 the C-2-A District at premises 6215 Georgia  
22 Avenue, N.W. The property is in square 2979,

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1 Lot 39).

2 If the Board will recall, on  
3 January 12, 2010, the Board completed public  
4 testimony, closed the record, and scheduled  
5 this decision on January 19th. The Board  
6 requested that the applicant submit additional  
7 information to supplement the record by  
8 Friday, January 15, 2010.

9 The applicant did file a timely  
10 post-hearing document that is in your case  
11 folders identified as Exhibit 27th dated  
12 January 15. The Board is to act on the merits  
13 of the request for a special exception. That  
14 completes the staff's briefing, Mr. Chairman.

15 CHAIRPERSON LOUD: Thank you, Mr.  
16 Moy.

17 I do believe that we are ready to  
18 deliberate the case. In fact, I think we were  
19 ready to deliberate last week but we wanted to  
20 give the applicant an opportunity to  
21 supplement the record with what you have  
22 indicated, Mr. Moy, has now been received.

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1 It's our Exhibit No. 27 dated January 13. Let  
2 me just start us off. This is a section 733  
3 special exception request to establish a fast  
4 food restaurant in the C-2-A.

5 Without going in detail through all  
6 of the evidence and the test, the Office of  
7 Planning appeared at our hearing last week,  
8 January 12. Both in their Exhibit 22, which  
9 was part of the record, and in their testimony  
10 walked us through the test for the 733. There  
11 were no problems as I recall with the  
12 applicant meeting the test.

13 I think most of the Board Members  
14 were supportive but we wanted to see the  
15 applicant demonstrate proof that it could  
16 comply with, I think, Section 733.4 regarding  
17 putting a vinyl mesh in the rear of the  
18 property and the applicant appeared at the  
19 hearing and did not have that.

20 Nonetheless, January 13, 2009,  
21 Exhibit 27, the applicant supplements the  
22 record and says that the owner of the property

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1 management firm representing the owner agrees  
2 to install a mesh fence around the dumpster  
3 area of the property and thereby meet the  
4 final outstanding test for the Section 733  
5 relief.

6 With that, let me open it up to  
7 colleagues. I don't want to personally walk  
8 through the test for the evidence. I think we  
9 did that last week. I think the applicant  
10 makes the case for special exception. I adopt  
11 by reference the Office of Planning report as  
12 supplemented by this Exhibit 27.

13 MEMBER MOLDENHAUER: Chairman Loud,  
14 I believe that you have given a very full  
15 summary. I think, as you said, we all were in  
16 agreement previously and I don't believe there  
17 is any additional need for a discussion in my  
18 opinion.

19 MEMBER TURNBULL: I would concur,  
20 Mr. Chair. I think with Exhibit 27 from the  
21 Harvey Property Management Company basically  
22 authorizing or stating that they will put in

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1 the vinyl fence. I think we've got the last  
2 piece that we really wanted.

3 CHAIRPERSON LOUD: Okay. Then I  
4 would like to move approval of Application No.  
5 18019 with special exception for fast food  
6 restaurant under Section 733 in the C-2-A at  
7 6215 Georgia Avenue, N.W. Is there a second?

8 MEMBER TURNBULL: Second.

9 CHAIRPERSON LOUD: The motion has  
10 been made and seconded. All those in favor  
11 say aye.

12 ALL: Aye.

13 CHAIRPERSON LOUD: Is there any  
14 opposition? Are there any abstentions?

15 Mr. Moy, can you read back the  
16 vote, please?

17 MR. MOY: Yes. The staff would  
18 record the vote as four to zero to one on the  
19 motion of the Chair to approve the application  
20 to Section 733. Seconded the motion, Mr.  
21 Turnbull. Also in support of the motion Mr.  
22 Dettman and Ms. Moldenhauer. No other Board

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1 Members are participating. Again, four to  
2 zero to one.

3 CHAIRPERSON LOUD: Thank you, Mr.  
4 Moy. Would this be a summary decision? As I  
5 recall, there was no opposition from the ANC.

6 MR. MOY: That's correct.

7 CHAIRPERSON LOUD: Okay. So let's  
8 do this as a summary decision. Is there  
9 anything further for the decision meeting this  
10 morning?

11 MR. MOY: That completes it, Mr.  
12 Chairman.

13 CHAIRPERSON LOUD: Okay. Then this  
14 decision meeting is adjourned.

15 (Whereupon, at 9:53 a.m. the  
16 Special Public Decision was adjourned.)

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