

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

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TUESDAY

MAY 6, 2008

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The Public Hearing convened in Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 2:30 p.m., Ruthanne G. Miller, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

RUTHANNE G. MILLER, Chairperson  
MARC D. LOUD, Vice-Chairperson  
MARY OATES WALKER, Board Member  
SHANE L. DETTMAN, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

MICHAEL G. TURNBULL, FAIA, Commissioner  
(OAC)

OFFICE OF ZONING STAFF PRESENT:

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

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

The transcript constitutes the minutes from the Public Hearing held on May 6, 2008.

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P R O C E E D I N G S

2:31 p.m.

MS. BAILEY: I'm sorry, Madam Chair. Should I just go ahead and call that case?

CHAIR MILLER: All right. Why don't I just say that the hearing for May 6, 2008 will come to order. Well, I ought to say who is here also. Ruthanne Miller, I'm the chair; Marc Loud, vice chair next to me; Mary Oates Walker, Shane Dettman, Board members. Clifford Moy, Office of Zoning and Beverly Bailey, Office of Zoning.

As we just had a procedural motion, as I understand it, I'm going to forego reading all the procedures for hearings. You can call the case now.

MS. BAILEY: Madam Chair, as you indicated, the afternoon agenda shows Appeal No. 17746 of the Reed Cook Neighborhood Association, and it's pursuant to 11 DCMR 3100 and 3101 from a February 22, 2007 decision of

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1 the Department of Transportation, Office of  
2 Public Space, to grant a curb cut to serve as  
3 accessory parking for an apartment building at  
4 premises 2351 Champlain Street, N.W. Madam  
5 Chair, you indicated there is a request for  
6 continuance from the Department of  
7 Transportation. I believe there is a  
8 representative from the Department of  
9 Transportation. Would you please have a seat  
10 at the table?

11 CHAIR MILLER: Good afternoon.

12 MR. BROWN: My name is Charles  
13 Brown. I'm an assistant attorney counsel  
14 with the District Department of  
15 Transportation, Office of the General Counsel.  
16 I also have with me here Ann Simpson Mason,  
17 and also Mr. Matthew Marcou with the Public  
18 Space Division of the DDOT Office.

19 CHAIR MILLER: Okay. Ms. Bailey  
20 characterized it as a motion by the Department  
21 of Transportation, but it looks like it's a  
22 joint motion by all the parties; is that

1 correct?

2 MR. BROWN: That's correct, Madam  
3 Chair, except for the developer, the Erie  
4 Association, does not join in that motion.  
5 Erie Associates.

6 CHAIR MILLER: Okay, thank you.  
7 Do they oppose it? Do you know their  
8 position?

9 MR. BROWN: Madam Chair, I do not  
10 know their position, but I think there is an  
11 attorney here who represents Erie Associates.  
12 I'd invite him to speak.

13 MR. COLLINS: Good afternoon. I'm  
14 Christopher Collins with Holland and Knight,  
15 representing Erie Associates. Mr. Bishop, who  
16 is with Erie Associates, is in the vicinity  
17 and will be here shortly.

18 But his position -- excuse me, I  
19 have allergies -- is that the Board had no  
20 jurisdiction over this case, so there's really  
21 no reason to even continue the case, to take  
22 up the calendar further.

1                   But having said that, we will  
2 defer to whatever the Board decides.

3                   CHAIR MILLER: You know, I don't  
4 know which to do first, but I think -- I was  
5 under the impression that we might not deal  
6 with the jurisdiction issue, because the case  
7 might disappear during the time that there was  
8 this motion for continuance.

9                   I thought prior to today this  
10 motion for continuance you were, you know,  
11 working this out and that there'd be nothing  
12 in the case.

13                  MR. BROWN: Well, there's two  
14 parts, Madam Chair, the first of which is that  
15 it was newly assigned to me, as an attorney  
16 with the General Counsel's office.

17                  So I am still reviewing the matter  
18 and I have had a meeting and a few discussions  
19 with the ANC, as well as the neighborhood  
20 association president in regards to this  
21 matter.

22                  In terms of what actually has

1 transpired, in terms of any discussions of  
2 course, I'm not privy to say at this moment.  
3 However, we thought that it would be a good  
4 position to take to have an extension or  
5 continuance, if not 30 days, whatever is  
6 reasonable for the Board, until we can resolve  
7 those issues or come back and address the  
8 actual substantive issues that are at hand,  
9 and it would also provide the General  
10 Counsel's office for DDOT more time to prepare  
11 an appropriate response, a written response  
12 one way or the other.

13 CHAIR MILLER: Okay. In my view,  
14 I think the Board hasn't made any decisions  
15 about jurisdiction, but I think it looks  
16 questionable for sure.

17 But is there any prejudice to the  
18 Applicant to delaying this for 30 days, and  
19 then coming back if necessary and dealing with  
20 the jurisdiction issue first at that time?

21 MR. COLLINS: I think that's fine.

22 CHAIR MILLER: Okay. So you all

1 want us to wait for 30 days, to see if we have  
2 anything in 30 days?

3 MR. BROWN: Yes, Madam Chair.

4 CHAIR MILLER: Okay.

5 (Pause.)

6 CHAIR MILLER: We can do June 10<sup>th</sup>  
7 in the afternoon.

8 MR. BROWN: Okay.

9 CHAIR MILLER: Okay.

10 MR. BROWN: That looks good to me.

11 CHAIR MILLER: Good.

12 MR. BROWN: Thank you.

13 CHAIR MILLER: Okay, anything  
14 else?

15 MR. BROWN: Nothing further.

16 MR. COLLINS: For what it's worth,  
17 I'm checking quickly. That's good, thank you.

18 CHAIR MILLER: Okay, good. I  
19 don't think we need to do anything else on the  
20 case, just set the date. Yes. Okay. Thank  
21 you very much, and do we have anything else on  
22 the agenda for this afternoon, Ms. Bailey?

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1 MS. BAILEY: No, Madam Chair.

2 CHAIR MILLER: Okay. Then this  
3 hearing's adjourned.

4 (Whereupon, at 2:38 p.m., the  
5 meeting was adjourned.)

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