

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY,

SEPTEMBER 4, 2007

+ + + + +

The Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 10:37 a.m., Ruthanne G. Miller, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

RUTHANNE G. MILLER Chair
CURTIS ETHERLY, JR. Vice-Chair
MARC D. LOUD Board Member

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY Secretary
BEVERLEY BAILEY Sr. Zoning Spec.
ESTHER BUSHMAN Gen. Counsel
JOHN NYARKU Zoning Spec.

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LORI MONROE, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

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STEVEN COCHRAN
ARTHUR JACKSON
JOHN MOORE

This transcript constitutes the
minutes from the Public Meeting held on
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1 P-R-O-C-E-E-D-I-N-G-S

2 10:37 a.m.

3 CHAIRPERSON MILLER: This meeting
4 will, please, come to order. Good morning,
5 ladies and gentlemen, still this morning at
6 least. This is the September 4th Public
7 Meeting of the Board of Zoning Adjustment of
8 the District of Columbia. My name is Ruthanne
9 Miller. I'm the Chairperson.

10 Joining me today is the Vice
11 Chair, Mr. Curtis Etherly, to my right and to
12 my left is Mr. Marc Loud, Mayoral appointee.
13 Proceeding down is Mr. Clifford Moy from the
14 Office of Zoning, Ms. Lori Monroe, Office of
15 Attorney General and Ms. Beverley Bailey from
16 the Office of Zoning.

17 Copies of today's meeting agenda
18 are available to you and are located to my
19 left in the wall bin near the door. We do not
20 take any public testimony at our meetings,
21 unless the Board asks someone to come forward.

22 Please, be advised that this
23 proceeding is being recorded by a Court

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1 Reporter and is also webcast live.
2 Accordingly, we must ask you to refrain from
3 any disruptive noises or actions in the
4 hearing room. Please, turn off all beepers
5 and cell phones.

6 Does the staff have any
7 preliminary matters?

8 MR. MOY: Good morning, Madam
9 Chair, Members of the Board. We do, but I
10 think we can take that case by case.

11 CHAIRPERSON MILLER: Okay. Then
12 let's proceed with the agenda.

13 MR. MOY: The first case for Board
14 action, Madam Chair, is a motion for
15 reconsideration of Application No. 17446-A,
16 pursuant to section 3126 of the Zoning
17 Regulations. Staff is not going to read the
18 entire reading, only because the preliminary
19 matter here is that the Board lacks a majority
20 concurring vote. Mr. John Mann is no longer
21 a Member of NCPC, so that leaves the remaining
22 Board Members as the Chair, Ms. Miller, and
23 Mr. Etherly.

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1 CHAIRPERSON MILLER: Thank you.
2 And I apologize to all those who have been
3 waiting so patiently. We are back from summer
4 and we have had some complications here and
5 this is one of them. With respect to the Nay
6 case, I know that the parties are aware that
7 the Board tried to move the case as quickly as
8 possible, being aware that there might be a
9 change in composition on the Board. And Mr.
10 Mann actually did get another job with a
11 different agency and is no longer able to
12 participate in this decision and he is our
13 third Board Member on the case.

14 So, therefore, what we are going
15 to do is have the new Member representing NCPC
16 read the record in this case and participate
17 in the decision making as soon as he is sworn
18 in. So we are optimistic that we would be
19 able to do this by September 18th and so,
20 therefore, we are going to continue our
21 decision making or postpone our decision
22 making on this matter until September 18th.

23 That will be deliberated in the

1 afternoon, early in the afternoon on the 18th.
2 Okay. So I think that's all we need to say on
3 this case. We're ready for the next case, Mr.
4 Moy, when you are ready.

5 MR. MOY: Yes, ma'am. The second
6 action of the Board is on a motion for
7 reconsideration of Application No. 17537 of
8 Victor Tabbs, pursuant to section 3126 of the
9 Zoning Regulations. The -- well, let me just
10 do the reading here. The original Application
11 No. 17537 of Victor Tabbs was pursuant to 11
12 DCMR 3104.1, for a special exception under
13 section 223, not meeting the lot occupancy
14 requirements under section 403, and pursuant
15 to 3103.2, for a variance from the limitation
16 on the number of stories under subsection
17 400.1, to construct a four story rear addition
18 to a flat two family dwelling at premises 740
19 13th Street, S.E., that's in Square 1045, Lot
20 97.

21 On August 8, 2007, the Office of
22 Zoning received a motion for reconsideration
23 and a request for a stay from ANC-6B. This is

1 identified in your case folder as Exhibit 50.
2 That's a letter dated August 6, 2007. The
3 request for reconsideration was timely filed
4 within the required 10 day period after
5 issuance of the final order pursuant to
6 section 3126.2.

7 Let's see, the only other brief
8 that staff would like to give is this morning
9 the staff received a filing from the
10 applicant, Mr. Tabbs, and certainly this
11 filing, which I believe is a rebuttal to the
12 motion for reconsideration, is untimely
13 according to the Zoning Regulations. So that
14 would be -- staff would wait on the Board's
15 decision on that filing this morning. That
16 completes the staff's briefing on this
17 application, Madam Chair.

18 CHAIRPERSON MILLER: Thank you.
19 Okay. We have a motion for reconsideration
20 before us that has been timely filed. And the
21 first question, I believe, is the preliminary
22 question as to whether we waive our rules to
23 accept the late filing in response to the

1 motion.

2 Let me say this, let me back up.
3 We did lose Mr. Mann on this case as well.
4 And Mr. Jeffries had been on this case as
5 well, but we still have three Members as of
6 now on the case. Mr. Jeffries is not here,
7 but he did send in an absentee ballot on this
8 issue.

9 There are only two of us to decide
10 whether to take this into the record, but I
11 guess we can take it into the record for now
12 and Mr. Jeffries, perhaps can confirm if he
13 agrees that it should be taken into the
14 record. I think it should, because we are
15 considering the motion for reconsideration and
16 I think that there is good cause and no
17 prejudice to the other party to consider the
18 opposition.

19 What would you say, Mr. Etherly?

20 VICE CHAIR ETHERLY: Thank you,
21 Madam Chair. I would have no objection to
22 taking the submittal in. Generally, as a rule
23 of thumb, I think the Board tends to err on

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1 the side of desiring as expeditiously as
2 possible counter filings, if you will. I
3 believe in this particular instance, given
4 where we are potentially likely to go in terms
5 of looking at this case, I also would share
6 the opinion that there is no prejudice to
7 accepting the submittal in. So no objection.

8 CHAIRPERSON MILLER: Okay. So why
9 don't we just get into the merits of the
10 motion then? In this case, the ANC is
11 alleging that the Board erred in granting a
12 special exception under 223 for the project
13 not meeting the lot occupancy requirements of
14 403 and they also allege that we erred in
15 determining that the lower level of the
16 project is a cellar as opposed to a basement,
17 which affects whether or not a variance is
18 required.

19 The standard of review for the
20 motion for reconsideration is that the motion
21 state specifically all respects in which the
22 final decisions claim to be erroneous, the
23 grounds of the motion and the relief sought.

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1 Also, the relief sought in this case is a stay
2 of the order and then reconsideration and
3 reversal.

4 The standard of review for a
5 rehearing, which was not sought, particularly,
6 in the motion, but I believe would be
7 necessary if we are going to reconsider this,
8 it says that there shouldn't be any rehearing
9 considered by the Board unless new evidence is
10 submitted that cannot reasonably have been
11 presented at the original hearing.

12 Okay. I see this is divided into
13 two parts. The first one is with respect to
14 the 223 special exception whether or not the
15 light and air affects adversely neighboring
16 properties. And what the ANC submitted in
17 this case with its motion for reconsideration
18 is a shadow study, which we did not have
19 before us. And that shadow study purportedly
20 shows that there is a major detriment on light
21 to the neighboring property at 738 13th
22 Street, S.E.

23 And just in looking at this shadow

1 study myself without the benefit of expert
2 testimony, it does, to me, raise some concerns
3 about whether or not, there is, in fact, an
4 adverse impact. And for that reason, I would
5 be inclined to open the record again and have
6 a hearing on that aspect.

7 Now, the ANC did not set forth
8 reasons why it couldn't have presented this
9 evidence in the case earlier. However, to me,
10 because of the substance raising real
11 concerns, I think that we can either waive
12 that or if we decide to go that route or that
13 we can read in that perhaps this is the first
14 time the ANC has submitted something like
15 this. I'm not sure and wasn't aware that we
16 would need to do this before the record
17 closed.

18 So I don't know, but it raises
19 enough concerns, for me, that I would like to
20 reopen the record and have the parties address
21 it perhaps with experts or whatever.

22 VICE CHAIR ETHERLY: Madam Chair,
23 I would share your position with regard to

1 your inclination to reopen the proceedings as
2 it relates to the shadow study. I share the
3 concern that you highlighted at the tail end
4 of the remarks and that is that there was not
5 -- while there wasn't an overwhelming
6 discussion on the part of the ANC's submission
7 with regard to why this evidence could not be
8 presented, in all frankness and all honesty,
9 this was a hotly, hotly contested case.

10 And while that is not necessarily
11 grounds for this Board to often times
12 reconsider its actions, recalling just how
13 close the question of light and air impacts
14 was with respect to the rear of the property,
15 I believe the shadow study also does provide
16 a suitable foundation for reopening our
17 proceedings with regard to that particular
18 question.

19 So I am inclined to agree with the
20 reconsideration request as relates to the
21 impact of light and air.

22 CHAIRPERSON MILLER: Okay. Yeah,
23 and in reviewing the transcript for this, I

1 noticed that -- I mean, there wasn't a lot of
2 concrete evidence on this subject that was
3 looking to the views of Office of Planning and
4 we had to make some judgments based on
5 photographs and, therefore, I think that this
6 evidence is important enough to consider.

7 With respect to the other issue
8 that the Board erred in determining that the
9 lower level of the project is a cellar as
10 opposed to a basement, it appears to me that
11 the evidence that the ANC submitted the
12 photograph in connection with their motion is
13 the same as, I believe, a photograph that was
14 entered into evidence at the hearing.

15 And if there is really nothing new
16 except a reargument of the issue that was
17 already argued, so I'm not inclined to have
18 any hearing on that, at this point, or reopen
19 the record for that. Also, they are saying
20 that their bottom line would be that the
21 applicant would have to seek variance relief
22 and, you know, it's up to the parties to seek
23 relief.

1 If later on down the road it's
2 determined that they are wrong, you know, they
3 proceed at their own risk, but in any event,
4 it doesn't look like there is anything
5 different in this filing than what we already
6 considered in the record before.

7 VICE CHAIR ETHERLY: I would also
8 agree, Madam Chair, as upon review of the
9 Board's original order as it spoke to the
10 issue of the withdrawal of the variance
11 request, I did not find anything in the
12 submittal of ANC-6B that fundamentally changed
13 or questioned the outcomes of our findings of
14 fact that related to the issue of the variance
15 request, in particular, findings of fact 12,
16 essentially, through 16 of our order of
17 Application No. 17537.

18 And as you indicated, there does
19 not appear to be any new evidence here. I
20 will note for the record as I did at this
21 particular case, I'm not making it as a
22 disclosure, because I don't necessarily
23 perceive it to be relevant, but just for the

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1 sake of complete candor here, as I indicated
2 at the original proceeding on this matter, I
3 am a resident of ANC-6B and do live in
4 relative close proximity to the subject
5 property about a block further to what would
6 be the south of the subject property.
7 Actually, probably about a block and a half.

8 So there is some general
9 familiarity on my part with the neighborhood,
10 but with respect to this particular property,
11 clearly, I have had no communications outside
12 of the four corners of our proceeding. But I
13 just simply offer that for the sake of kind of
14 full disclosure. And I will probably make
15 that disclosure again as we move forward with
16 the reconsideration.

17 But on the particular question of
18 the variance, I can't say explicitly enough
19 that I just don't see any new evidence here.
20 At the end of the day, the discussion on the
21 record with regard to this particular question
22 essentially came down to plans versus
23 photographs and I think this board in

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1 excruciating detail parsed and parsed and
2 parsed and took a very fine tooth comb through
3 the photographic evidence that was offered by
4 the ANC, the rebutting evidence that was
5 offered in the form of the plans of the
6 applicant and I just don't see anything new
7 here with respect to the ANC's submittal that
8 would justify reopening our proceedings as it
9 related to that particular question.

10 CHAIRPERSON MILLER: The last
11 issue, I guess, we should discuss is whether
12 or not to grant a stay on Order 17537 while
13 the Board reconsiders its decision. And my
14 inclination would be not to grant a stay, that
15 the applicant proceeds at his own risk and the
16 test for a stay hasn't been addressed in this
17 case and I don't believe that it would be
18 necessarily met.

19 So for that reason, I would not be
20 in favor of that.

21 VICE CHAIR ETHERLY: I would also
22 agree, Madam Chair.

23 CHAIRPERSON MILLER: Okay. Then

1 at this point, perhaps we can vote on the
2 motion. And I would move to grant the motion
3 for reconsideration of the decision with
4 respect to reopening the record and rehearing
5 the issues with respect to the special
6 exception, but not to -- alone, but not with
7 respect to the calculations for the basement
8 and cellar, and to deny the request for stay.

9 VICE CHAIR ETHERLY: I would
10 second that motion, Madam Chair.

11 CHAIRPERSON MILLER: Okay.
12 Further discussion? All those in favor say
13 aye.

14 VICE CHAIR ETHERLY: Aye.

15 CHAIRPERSON MILLER: Aye.

16 BOARD MEMBER LOUD: Madam Chair,
17 do I need to officially abstain on the record
18 or is it understood?

19 CHAIRPERSON MILLER: It's
20 understood that you are not participating.

21 BOARD MEMBER LOUD: Okay.

22 CHAIRPERSON MILLER: I'm sorry, on
23 this decision.

1 BOARD MEMBER LOUD: That's okay.

2 CHAIRPERSON MILLER: But I do
3 believe we have an absentee ballot. Mr. Moy,
4 do you want to?

5 MR. MOY: Yes, I would, Madam
6 Chair. The staff would record the vote as 2-
7 0-2. This is on the motion of the Chair as
8 articulated and seconded by Mr. Etherly. We
9 have an absentee ballot and, of course, two
10 other Board Members not participating on this
11 application. We do have an absentee ballot
12 from the other -- from the third participating
13 Member, who is Mr. Jeffries, and I would like
14 to read for the record, Madam Chair, his
15 comments which read as follows:

16 "Given the decisive ANC-6B vote to
17 reconsider the above reference case and my
18 review of the shadow study illustrations
19 submitted by the ANC from their August 6th
20 letter, I am supportive of reconsidering this
21 application. While I'm not convinced there is
22 substantial new evidence submitted to have the
23 Board reconsider its decision, I am willing to

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1 defer to the ANC's concerns and allow a
2 further hearing of this case.

3 Those concerns include the
4 accuracy of the drawings submitted by the
5 applicant and whether there is adverse impacts
6 to the light and air of the neighboring
7 properties which is directly tied to the
8 special exception standard."

9 So that would give a resulting
10 vote of 3-0-2 in support of the motion.

11 CHAIRPERSON MILLER: Thank you. I
12 think, at this point then, what I would like
13 to do is set the schedule for the rehearing.
14 And I understand that Mr. Jeffries can be here
15 on September 25th, so I would suggest that we
16 put that on the agenda for the 25th, first in
17 the afternoon.

18 I anticipate that there would be
19 testimony and cross examination specifically
20 only on this issue of impact on light and air
21 of the neighbors and, in particular, on the
22 shadow study. I'm not sure if there is
23 anybody in the audience on this case who has--

1 okay. I think that we're out of the meeting.
2 We'll step out of the meeting format for a
3 minute, because we have made our decision and
4 we're just doing scheduling.

5 I want to know before I schedule
6 this that the 25th would work for the parties.
7 Okay. I see that it might not. So could you
8 come to the table, please?

9 VICE CHAIR ETHERLY: And I note,
10 Madam Chair, that I will take a very long
11 guess and suggest that these are
12 representatives of the ANC. Welcome, welcome,
13 good to see you. Happy end of the summer to
14 you. But I don't believe Mr. Tabbs is present
15 here in the room. Okay. I just wanted to
16 confirm that, Madam Chair.

17 MR. JARBO: Yes, Mr. Tabbs, for
18 the record, was here earlier.

19 CHAIRPERSON MILLER: Okay.

20 MR. JARBO: I don't know what
21 happened to him.

22 CHAIRPERSON MILLER: Could you
23 identify yourself, sir?

1 MR. JARBO: My name is Ken Jarbo.
2 I'm ANC-6B05.

3 MS. CAROL GREEN: And I'm Carol
4 Green, 6B07.

5 CHAIRPERSON MILLER: I'm sorry,
6 what's your name again?

7 MS. CAROL GREEN: Carol Green.

8 CHAIRPERSON MILLER: Carol Green,
9 right. Okay.

10 MR. JARBO: Madam --

11 CHAIRPERSON MILLER: Do you have a
12 problem with the 25th?

13 MR. JARBO: -- Chair, I'm --
14 unfortunately, I will be out of town on the
15 25th. I would like some guidance from the
16 rest of the ANC as to whether there are other
17 members who would be willing to handle this,
18 but unfortunately I'm out of town that day.

19 MS. CAROL GREEN: And in addition,
20 the neighbor who had the shadow study done is
21 going to be in Ireland for the next month.

22 CHAIRPERSON MILLER: For how long?

23 MS. CAROL GREEN: For a month.

1 MR. JARBO: Next month.

2 CHAIRPERSON MILLER: For month?

3 MS. CAROL GREEN: Um-hum.

4 CHAIRPERSON MILLER: For the month
5 of?

6 MS. CAROL GREEN: September.

7 CHAIRPERSON MILLER: September.

8 MS. CAROL GREEN: Yes.

9 CHAIRPERSON MILLER: Okay. Hold
10 on a minute. Okay. We're going to have to
11 set a date that you can reach and that you can
12 meet if you know it, but Mr. Tabbs is not here
13 either and we want to have Mr. Jeffries here.
14 So let's just start with that date and if we
15 have to change it, you'll be contacted well in
16 advance.

17 So is there a Tuesday, and we also
18 have to look at our calendar and see, but we
19 anticipate it would be about an hour that it
20 would just be -- it may go a little longer.
21 I'm not saying definitely just an hour, but
22 focusing on those shadow studies and perhaps
23 a half an hour each party, just that issue

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1 though.

2 VICE CHAIR ETHERLY: And, Madam
3 Chair, perhaps while we're considering, I'll
4 add in another mix. Due potentially to other
5 confirmation nomination related issues, there
6 could conceivably be a change in the
7 composition of the Board that might result in
8 a similar impact with regard to what we had in
9 the earlier case that you just witnessed.

10 So one of the issues here is how
11 quickly can we move while we still have a
12 familiarity among most of the same Board
13 Members. In all likelihood if it sounds as
14 though we're going to have to move beyond the
15 25th, there may, indeed, be another Board
16 Member who would have to read the record and
17 get up to speed on the transcript of the case
18 and sit, which is fine, but just as an
19 indication to the ANC that there could,
20 indeed, be a composition change.

21 CHAIRPERSON MILLER: Yes, I would
22 also like to say I wasn't listening totally to
23 Mr. Etherly, because I was looking at the

1 schedule, but we do plan on adding another
2 Board Member to the case, so that we don't run
3 into any other complications or delays.

4 I don't know whether October 2nd is
5 too soon or not for your neighbor or for you.

6 MS. CAROL GREEN: We would like to
7 try it. We'll try it.

8 CHAIRPERSON MILLER: You'll try
9 for that one?

10 MS. CAROL GREEN: Yes.

11 CHAIRPERSON MILLER: Okay. So
12 we're going to schedule it for then and let
13 you know if Mr. Tabbs says he has a problem,
14 since he is not here, or otherwise we'll be in
15 touch. But this is how it will be as for now.

16 Do you have any questions about
17 the hearing? Do you understand what is going
18 to be focused on? Okay.

19 MR. JARBO: Thank you.

20 CHAIRPERSON MILLER: Thank you
21 very much.

22 MR. MOY: Madam Chair, a question
23 from the staff. Would the Board want this

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1 limited hearing in the morning or afternoon of
2 the 2nd of October?

3 CHAIRPERSON MILLER: I think that
4 we should put it in the afternoon. I know
5 that we only have a couple of decisions as of
6 now for the morning, but we may be adding more
7 as we go along this month.

8 MR. MOY: Okay.

9 CHAIRPERSON MILLER: Okay. Thank
10 you.

11 MR. MOY: The next and last action
12 of the Board in its Public Meeting is a motion
13 for modification of a Condition No. 6 of BZA
14 Order No. 17383-A of the Lab School of
15 Washington and a waiver of the six month time
16 requirement, pursuant to 3126. The original
17 application was pursuant to 11 DCMR 3104.1,
18 for a special exception under section 206, to
19 allow an increase in student enrollment from
20 310 to 330, an increase in faculty and staff
21 from 95 to 182, a special exception under 206
22 to permit the use of nearby property at 4749
23 Whitehaven Parkway, N.W., that's in Square

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1 1374, Lot 840, for administrative offices for
2 the school located at premises 4759 Reservoir
3 Road, N.W., in the R-1-B Zone District. And
4 that is Square 1372, Lot 25.

5 On August 21, 2007, the applicant
6 filed a motion for modifying Condition No. 6
7 of the BZA Order No. 17383-A and a waiver of
8 the six month time requirement pursuant to
9 section 3126. And that's identified in your
10 case folders as Exhibit 89. In response, ANC-
11 3D filed its written comments within the 10
12 day period and that is identified in your case
13 folders as Exhibit 90. The filing is dated
14 August 24th and received in the Office of
15 Zoning on August 30th.

16 Section 3126.3 requires
17 modification requests within six months of the
18 issuance of the order and, therefore, in this
19 instance, August 2, 2007 would be the deadline
20 for filing such request. So this should be a
21 preliminary matter for the Board. If the
22 waiver is granted by the Board, then the Board
23 should act on the merits of the modification.

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1 The Board's action would be
2 reflected as Order No. 17383-B. The staff
3 would only conclude that there was three
4 Members participating on this case and I'll
5 leave it at that.

6 CHAIRPERSON MILLER: Thank you,
7 Mr. Moy. Again, this case has been affected
8 by a change in composition on the Board. We
9 have lost Mr. Jeffries and now we have lost
10 Mr. Mann and Mr. Etherly and I are here
11 prepared to rule on this motion. However, Ms.
12 Mitten is the third Board Member and we don't
13 have an absentee ballot from her, at this
14 point.

15 Since this is right after Labor
16 Day, I think it was difficult to reach her.
17 So therefore, after all that, we're going to
18 have to continue or postpone our decision on
19 this case and the date that we are going to
20 continue that to is September 18th.

21 In light of our schedule for that
22 day, we have decided that the best time to
23 deliberate on this motion would be first in

1 the afternoon on the 18th.

2 VICE CHAIR ETHERLY: Madam Chair,
3 I would definitely have no objection given our
4 circumstances to proceeding in that vein. I
5 would perhaps with your lead ask that we step
6 for a limited purpose outside of our Public
7 Meeting format to perhaps entertain a comment
8 from -- I believe we do have a representative
9 for the applicant here in the hearing room and
10 also a representative of the ANC.

11 But as was indicated in the
12 applicant's submittal, as Condition 6 of our
13 order noted the new angled parking spaces
14 would need to be in place in nine months from
15 the effective date of the order. That date
16 would be, by the applicant's count, I believe
17 November 12, 2007. And I would like just to
18 be sure to confirm that that is, indeed, the
19 understanding.

20 With an eye towards trying to be
21 as sensitive as possible to the applicant's
22 rock in a hard place position, at this
23 particular point, so again, Madam Chair, with

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1 your lead, if we could confirm that from the
2 applicant, I think that would be helpful just
3 to make sure that our September 18th date is,
4 indeed, timely enough.

5 MS. PRINCE: Allison Prince of
6 Pillsbury Winthrop Shaw Pittman on behalf of
7 the Lab School. That works very well for us.
8 We have no problem with September 18th.

9 CHAIRPERSON MILLER: Thank you.
10 And while we're asking, Ms. Gates, I see, is
11 in the audience also from the ANC. And I know
12 that there was a letter submitted by an ANC
13 Commissioner, but not on behalf of the whole
14 ANC, because this hearing was -- this decision
15 meeting was taking place before your meeting
16 and so I just would like to ask if you would
17 like us to keep the record open, since there
18 is time now for any additional response? I
19 think we could do that.

20 MS. GATES: Thank you, Madam
21 Chair. The ANC would appreciate that. And we
22 will have an opportunity to put this on our
23 agenda this week.

1 CHAIRPERSON MILLER: Okay. So why
2 don't we just set a date by which your report
3 would come in. When is your meeting?

4 MS. GATES: The 5th.

5 CHAIRPERSON MILLER: The 5th,
6 tomorrow.

7 MS. GATES: Yes.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Moy or Ms. Bailey, when would we need that in,
10 so that we can have time to look at it? Our
11 decision meeting is in two weeks.

12 MR. MOY: In two weeks. Well,
13 certainly, a week prior to the 18th would be
14 sufficient for the office, which would be the
15 -- which would be September the 11th, if
16 that's doable with the ANC.

17 MS. GATES: I think that's doable.

18 CHAIRPERSON MILLER: Okay.

19 Anything else? Okay. Thank you.

20 MS. PRINCE: Thank you.

21 MS. GATES: Thank you.

22 CHAIRPERSON MILLER: Mr. Moy, is
23 there any other items on our agenda for our

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1 meeting?

2 MR. MOY: No, ma'am, that
3 concludes the Public Meeting.

4 CHAIRPERSON MILLER: Okay. Then
5 this meeting is adjourned.

6 (Whereupon, the Public Meeting was
7 concluded at 11:09 a.m.)

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