

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

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TUESDAY

JULY 23, 2013

+ + + + +

The Regular Public Meeting
convened in the Jerrily R. Kress Memorial
Hearing Room, Room 220 South, 441 4th Street,
N.W., Washington, D.C., 20001, pursuant to
notice at 9:57 a.m., Lloyd J. Jordan,
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD J. JORDAN, Chairperson
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ
MARY NAGELHOUT, ESQ.

The transcript constitutes the
minutes from the Public Meeting held on July
23, 2013.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

AGENDA ITEM	PAGE
APPLICATION NO. 18511 OF ALLY00P, LLC	4
Vote to approve 3-1	10

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

2 9:57 a.m.

3 CHAIRPERSON JORDAN: Let's call
4 our first case for decision for today.

5 MR. MOY: Good morning, Mr.
6 Chairman, members of the Board. The first
7 case for decision is Application No. 18511.
8 This is of Allyoop, LLC. I'll read for the
9 record the amended relief, requested relief.

10 That is the request for relief
11 from nonconforming structure provisions under
12 Section 2001.3, lot area and lot width
13 requirements under Section 401, rear yard
14 requirements under Section 404, and side yard
15 requirements under Section 404.1.

16 The project was revised to
17 subdivide the alley lot into three separate
18 lots and convert an existing automotive repair
19 shop to an office use and two artist studios
20 located within an alley lot. This is at
21 premises -- rather, in the R-4 District at
22 premises rear 1018 Irving Street, N.W.

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1 Property located in Square 2851, Lot 837.

2 CHAIRPERSON JORDAN: Good. Thank
3 you. I believe we had a motion that was
4 presented to the Board at the last setting
5 that was tabled to this meeting. Is there any
6 wish with this motion?

7 MEMBER HINKLE: Yes, Mr. Chairman.
8 I will withdraw that previous motion.

9 CHAIRPERSON JORDAN: We will
10 accept that withdrawal. Ms. Allen is not here
11 so we will accept that and not have any
12 opposition by the person who made the second.
13 Is there a new motion that we would like to
14 make or any other discussion about this case?

15 Again, another great save on the
16 case because this case in my estimation was
17 one which the Board did not grant relief as it
18 was initially submitted. However, the new
19 submission changed the whole complexion,
20 especially since some things can happen in
21 regards to submission as a matter of right.

22 I would be now inclined to grant

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1 the requested relief. This newest proposal
2 subdivides the property into three different
3 lots and the smaller lots allow for use as
4 artist studios which are allowed as a matter
5 of right. It really starts to get us back to
6 where we need to be in regards to the issue of
7 the Zoning Regulations.

8 Clearly this property is one that
9 has an exceptional situation and condition.
10 The property as it sits as irregularly shaped.
11 It is extremely large. It's in a physically
12 deteriorating condition with all kinds of
13 issues; the roof structure, the walls, water
14 damage.

15 It's on a contaminated site which
16 certainly adds to the other issue. Then it's
17 on a network of alleys, I think three alleys,
18 that come together at the head. This property
19 clearly has an exceptional condition or
20 situation which we can look at that gives
21 practical difficulty and undue hardship
22 regarding the use of this property.

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1 Any use other than an artist
2 studio is kind of handcuffed by the Zoning
3 Regulations. It's even hard to go in there to
4 do a single family home if you had the
5 opportunity to do that.

6 The continued use of the
7 automobile repair shop additionally would
8 require relief under 2507.3. I believe based
9 upon the other evidence submitted that there
10 would be a financial hardship to be able to
11 get this property to some type of reasonable
12 use and acceptable use.

13 Therefore, I think the standard
14 and test for practical difficulty and undo
15 hardship have been met. I think no matter
16 what you do with this property the public is
17 going to have a concern. We have people who
18 support it. We have people who didn't support
19 it.

20 I think no matter what you do,
21 even if you leave it as is, it's going to be
22 a problem. We have been guided by the ANC, to

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1 which we give great weight, who voted 9-0-1 to
2 support this project.

3 As they said, the area is
4 presently dilapidated. The auto repair shop
5 is contaminated. I believe the proposed
6 project is certainly an improvement to having
7 the autoshop there and contaminated land.

8 For those reasons, I would grant
9 relief as requested from 330.4, Section 401,
10 lot area and lot width; 403, lot occupancy;
11 404, the rear yard; 405, the side yard; and
12 also grant relief for the nonconforming use
13 and the slight height variance because the
14 height also has been reduced by the subsequent
15 submission which was another good thing. I
16 would offer to grant this relief requested
17 with the following conditions:

18 That there's a trash pickup
19 restriction plan. Install the appropriate no
20 parking signs as has been presented. Install
21 at least three to five secure long-term
22 bicycle parking spaces within the proposed

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1 garage.

2 Install the DDOT approved
3 pedestrian markings in the alley and upgrade
4 the existing alley lighting to support the
5 use. That would be my thought and what I
6 would lead into on this matter.

7 Any other comments or questions?

8 MEMBER HINKLE: Yes. Thank you,
9 Mr. Chair. I find this is really a difficult
10 and unusual alley lot, as you stated. I think
11 the revised plans are really more appropriate
12 to the site, as well as to the existing
13 zoning. I like to see this project because it
14 actually results in a significant upgrade to
15 what really is a pretty bad building from the
16 evidence that we've seen.

17 I do appreciate the reduction in
18 height. That was certainly a concern to a
19 number of neighbors. The project that is
20 being proposed now is really just an increase
21 of one foot plus some additional parapet.

22 I am glad the Applicant was able

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1 to do that. Then it was nice to have another
2 review by the ANC because this essentially was
3 a separate or a completely different project
4 than what we saw earlier.

5 With that said, I will second the
6 motion.

7 CHAIRPERSON JORDAN: Let me make
8 the motion. I should have made the motion but
9 I didn't. I so move in accordance of what I
10 said. We'll accept that as a second from Mr.
11 Hinkle. Any further discussion or
12 unreadiness? All those in favor signify by
13 saying aye.

14 BOARD MEMBERS: Aye.

15 CHAIRPERSON JORDAN: Those opposed
16 nay.

17 Mr. Moy, do we have absentee
18 ballots from Ms. Cohen and Ms. Allen?

19 MR. MOY: Yes, sir. We do, Mr.
20 Chairman. The two absentee ballots from two
21 participants. The first is from Ms. Marcie
22 Cohen who participated. Her absentee vote is

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1 to approve the application as revised per
2 conditions as the Board may impose.

3 The second absentee vote is from
4 the Vice Chairperson Kathryn Allen. Her
5 absentee vote is to deny the application.
6 With these two absentee votes I would record
7 the vote as 3-1, Mr. Chairman. This is on
8 your motion to approve the application with
9 the conditions as you've cited with the relief
10 as you've cited.

11 Seconding your motion, Mr. Hinkle.
12 Also in support of your motion Ms. Cohen.
13 That's your three votes to approve. Then we
14 have one vote to deny and we have a Board seat
15 vacant. Again, the motion carries with a vote
16 of 3-1.

17 CHAIRPERSON JORDAN: Great. One,
18 I'm going to ask that the counsel for the
19 Applicant prepare proposed finding of facts
20 and conclusions of law for the Board and offer
21 that to the Office of Zoning in this matter.

22 Again, this matter was a tough one

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1 and I really want to commend the neighborhood
2 and those people who were in opposition for
3 really putting forth -- bringing a lot of
4 things to light and taking that step also
5 really changed the whole complexion of what
6 the Applicant was trying to do. We need that
7 kind of input from citizens up front.

8 With that then, we've finished
9 this case and move onto the first case to be
10 called on this docket.

11 (Whereupon, at 10:05 a.m. the
12 meeting was adjourned.)
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