

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY

JUNE 26, 2012

+ + + + +

The Special 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 9:41 a.m., Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
NICOLE SORG, Vice-Chairperson
RASHIDA MacMURRAY, Board Member
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

ANTHONY HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS
STEVEN COCHRAN
ARTHUR JACKSON

The transcript constitutes the minutes from the Public Meeting held on June 26, 2012.

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C-O-N-T-E-N-T-S

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<u>APPLICATION NO. 18048</u>	
OP Staff Report, Mr. Moy	5
Vote: Five, zero, two to approve	11

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

2 9:39 a.m.

3 CHAIRPERSON JORDAN: Good
4 morning. Would this public meeting please
5 come to order?

6 We're in the Jerrily R. Kress
7 Memorial Hearing Room at 441 4th Street.
8 Today is June 26. The time now is 9:39 a.m.,
9 and we're here for a meeting of the Board of
10 Zoning Adjustment of the District of
11 Columbia.

12 My name is Lloyd Jordan,
13 Chairperson. To my left is Nicole Sorg,
14 Vice-Chairperson. To her left is Anthony
15 Hood, the Chairman of the Zoning Commission.

16 To my right is Rashida MacMurray, Board
17 Member. And to her right is Jeffrey Hinkle.

18 Please be advised that this
19 proceeding is being recorded by a court
20 reporter. And it's also being webcast live.

21 Accordingly, we ask that you refrain from
22 any disruptive noises or actions in the

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1 hearing room.

2 Today's agenda is for the Board
3 to render decisions on cases that we've
4 already had hearings on.

5 I don't think there's any
6 preliminary matters that we need to address
7 in the first case.

8 MR. MOY: No, sir.

9 CHAIRPERSON JORDAN: Good. Your
10 case is not the first case. But that's okay.
11 Sit there. Sit there. We'll work on this
12 side. Stay there. We'll work on this side.

13 Mr. Secretary, if you will call
14 the case for our decision meeting today.

15 MR. MOY: Yes. Good morning, Mr.
16 Chairman, Members of the Board.

17 The one case for the Special
18 Public Meeting is Application No. 18348.
19 This is the application of Jubilee Housing,
20 Inc., pursuant to 11 DCMR 3103.2 and 3104.1.

21 This is for a variance from the
22 off street parking requirements under

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1 Subsection 2101.1 and a special exception to
2 allow a child development center, 150
3 children and 21 staff persons under Section
4 205. This is in the R-5-B District at
5 premises 2525 Ontario Road, NW, property
6 located in Square 2565, Lot 805.

7 As the Board will recall, on May
8 22, 2012, the Board concluded public
9 testimony, closed the record and scheduled
10 this decision on June 26, 2012. The Board
11 allowed supplemental information from the
12 parties by June 19, 2012.

13 Mr. Chairman, in your case
14 folders, there should be three documents.
15 First is the post-hearing document from the
16 Applicant which -- well, actually -- yes --
17 from the Applicant Exhibit No. 40. It's a
18 cover letter and description and explanation
19 of the terms of the agreement with the
20 opposition party which is the Beverly Court
21 Cooperative.

22 Also in your case folder is a

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1 copy of the signed agreement under Exhibit
2 41.

3 Finally, there is also a filing
4 from the Beverly Court Cooperative dated June
5 20, 2012. And that's your Exhibit 42.

6 The Board -- this document the
7 merits of the request for the variance
8 relief.

9 And that completes the staff's
10 briefing, Mr. Chairman.

11 CHAIRPERSON JORDAN: Thank you.

12 Would the parties for Case 18348
13 please come to the left side of the witness
14 table to my right?

15 Good morning. Would you please
16 identify yourselves, please?

17 MS. RODDY: My name is Christine
18 Roddy, and I'm with Goldstein Stores
19 representing the Applicant.

20 MS. WRIGHT: I'm Deedee Parker
21 Wright. I'm the Executive Director of
22 Jubilee Jumpstart.

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1 CHAIRPERSON JORDAN: Is anyone
2 here from Beverly Court Cooperative?

3 (No response.)

4 CHAIRPERSON JORDAN: Let me do
5 some housekeeping first.

6 Originally, the Beverly Court
7 Cooperative had requested party status and
8 was in opposition to this application. We
9 have subsequently received on June 21 a
10 letter dated June 20 that the Beverly Court
11 Cooperative is now in support of the
12 application. And so, it's my view that that
13 means that they've withdrawn their opposition
14 to it. And so therefore we have no party to
15 my knowledge that's in opposition to this
16 application.

17 Is there anyone that's in this
18 audience that's in opposition to the
19 application 18348?

20 (No response.)

21 CHAIRPERSON JORDAN: We allowed
22 our record to be open for the sake of having

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1 the discussion and negotiation that went on
2 between the parties. And we really
3 appreciate that. Having those types of
4 discussions before hand when working through
5 these things in a serious way helps everybody
6 all around, and I'm glad that both parties
7 were able to come together on this and come
8 up with a resolution.

9 We have also filed in our record
10 as Mr. Moy has said an agreement that's been
11 executed between the parties on about how the
12 day care center will operate -- the child
13 center would operate -- and making some
14 accommodations on both sides in regards to
15 noise and disruption to reduce that to the
16 best you can and to work together
17 cooperatively ongoing. And we're glad to see
18 that.

19 With that, I'm going to open the
20 floor up to any Board Members that would like
21 to have any conversation about this matter in
22 deliberation.

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1 Yes, Ms. MacMurray?

2 MEMBER MacMURRAY: Mr. Chairman,
3 I'd like to concur with your comments. I
4 know the last time that the parties were
5 before here that it didn't seem like there
6 was going to be resolution. So I do applaud
7 that you were able to work out that
8 arrangement without the BZA being involved
9 because you're both neighbors. So that's my
10 only point.

11 CHAIRPERSON JORDAN: Ms. Sorg?

12 VICE-CHAIRPERSON SORG: Thank
13 you, Mr. Chairman.

14 I will reiterate comments from
15 the last hearing. I think that the
16 organization demonstrated a lot of history of
17 good works in this community and in others
18 and made a strong case.

19 In addition, I would also echo
20 your comments and Ms. MacMurray's comments
21 with regard to working with the neighbors.

22 And with regard to potential

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1 conditions to a decision, I would be in favor
2 of incorporating those conditions as
3 suggested by the Applicant in our Exhibit No.
4 40.

5 Thank you.

6 CHAIRPERSON JORDAN: Anyone else?

7 (No response.)

8 CHAIRPERSON JORDAN: Do any Board
9 Members want to make a motion regarding this
10 particular application? Anyone?

11 VICE-CHAIRPERSON SORG: Sure.

12 I will make a motion to approve
13 Case No. 18348 as advertised and
14 incorporating conditions A through H and
15 their Subsections, as noted in Exhibit No.
16 40.

17 ZC CHAIRMAN HOOD: And I'll
18 second.

19 CHAIRPERSON JORDAN: Motion made
20 and seconded that we approve the application
21 with the incorporation of the matters as
22 we've cited in the motion.

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1 Any other evidence -- anything we
2 have not discussed already?

3 (No response.)

4 CHAIRPERSON JORDAN: All those in
5 favor of the motion signify by saying aye.

6 (Chorus of ayes.)

7 CHAIRPERSON JORDAN: Those
8 opposed nay.

9 (No response.)

10 CHAIRPERSON JORDAN: The motion
11 carries.

12 Mr. Moy?

13 MR. MOY: Yes, sir. Staff would
14 record the vote as five to zero to zero, this
15 on the motion by Vice-Chairperson Sorg,
16 seconding the motion, Mr. Hood. And this is
17 approval with conditions A through H which is
18 listed in Exhibit No. 40 -- the Applicant's
19 Exhibit No. 40. Also in support of the
20 motion are Chairman Jordan, Ms. MacMurray and
21 Mr. Hinkle.

22 Again, the final vote is five to

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1 zero to zero. The motion carries, Mr.
2 Chairman.

3 CHAIRPERSON JORDAN: And since
4 there's no opposition in this and this
5 decision is in favor of the Applicant, we
6 would make this prime for a summary order,
7 Mr. Moy.

8 MR. MOY: Thank you, sir.

9 CHAIRPERSON JORDAN: We will
10 conclude the public meeting of the Board of
11 Zoning Adjustment and move into public
12 hearing.

13 (Whereupon, at 9:50 a.m., the
14 hearing was adjourned.)

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