

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

TUESDAY

MARCH 4, 2014

+ + + + +

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 11:47 a.m., Lloyd Jordan,
Chairperson, presiding.

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BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
S. KATHRYN ALLEN, Vice-Chairperson
MARNIQUE HEATH, Member
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

MARCIE COHEN, Vice-Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist
STEPHEN VARGA, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN
MAXINE BROWN-ROBERTS
ARTHUR JACKSON
ELISA VITALE

The transcript constitutes the minutes from the Public Hearing held on March 4, 2014.

A G E N D A

Motion for a Two-Year Time extension
of Order No. 18291 of Mount Olive
Baptist Church 7

18717 Application of Jared S. Pettinato .. 12

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

2 11:37 a.m.

3 CHAIR JORDAN: Let=s come to order,
4 please. We can come to order. Good almost noon,
5 ladies and gentlemen.

6 We=re located at Jerrily R. Kress
7 Memorial Hearing Room at 441 4th Street, N.W.,
8 and we=re here for the Public Meeting and
9 Hearing of the Board of Zoning Adjustment in the
10 District of Columbia.

11 My name is Lloyd Jordan,
12 Chairperson. To my left is Marnique Heath, a
13 member of the Zoning Commission, Board of
14 Zoning, our newest member. I=ve got to get used
15 to you being over there, Board of Zoning
16 Adjustment, and to her left is Marcie Cohen,
17 member of the Zoning Commission. And to my right
18 is Jeffrey Hinkle, a member of the Board of
19 Zoning Adjustment.

20 Please be advised that this
21 proceeding is being webcast live and also being
22 recorded by a court reporter so, therefore, I=m

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1 going to ask you to refrain from any disruptive
2 noises here in the hearing room today. So, it=s
3 a good time now to make the move to grab those
4 cell phones and other things that ring and buzz,
5 and all, just simply turn them off if you would
6 for this period of time.

7 If you=re going to provide a
8 statement and/or testimony in any of the cases
9 on today=s docket, then I=m going to need you
10 to do two things. If you=re going to provide any
11 statement or testimony to the Board today, I=m
12 going to need you to do two things. The first
13 is to complete two witness cards per person.
14 That=s two witness cards per person, and prior
15 to testifying or giving your statement please
16 give those cards to the court reporter sitting
17 to my right. So, two cards per person, give them
18 to the court reporter prior to testifying.

19 And the second thing I=m going to
20 need you to do, I=ll take a second for everyone
21 to get settled. The second thing I=m going to
22 need you to do is to stand and take the oath or

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1 affirmation which will be given by Mr. Moy, the
2 Board Secretary. So, if you're going to provide
3 any statement or testimony please stand and
4 take the oath being given by Mr. Moy, the Board
5 Secretary.

6 MR. MOY: Good morning.

7 (Witnesses sworn.)

8 MR. MOY: Ladies and gentlemen, you
9 may consider yourself under oath.

10 CHAIR JORDAN: Thank you. Please be
11 seated.

12 Let me say, I apologize for starting
13 late but that's due to weather, and that's due
14 to Government being on a two-hour delay, so it's
15 not anything that the Board did but, as you
16 know, Government was on a two-hour delay. And
17 we normally start at 9:30, so the two hours
18 means that we start at 11:30. And in the future,
19 both if you have any other cases before us in
20 the future, and especially this time of the
21 year, and for those who are listening and
22 watching on the webcast to understand that when

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1 D.C. Government has a delay and/or cancellation
2 of B- the Government is closed, then that means
3 it will affect the Board of Zoning Adjustment
4 also. So, again, I apologize on behalf of the
5 Government, but please when you hear it, when
6 you see it, you know it also affects the Boards
7 and Commissions accordingly.

8 Mr. Moy, would you call our first
9 decision case, please?

10 MR. MOY: Yes. Good morning, Mr.
11 Chairman, Members of the Board. Before I do
12 that, I=d like to make a notation for the record
13 on one of the cases that=s scheduled on the
14 docket, or was on the docket. But for the record
15 in terms of paper trail, Appeal number 18716 has
16 been withdrawn. Other than that we can proceed
17 as scheduled with cases, Mr. Chairman.

18 CHAIR JORDAN: Okay.

19 MR. MOY: So, as you said, the first
20 case and the only case for decision is
21 Application Number 18291 of Mount Olive Baptist
22 Church. This is a request for a two-year time

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1 extension pursuant to Section 3130. In your
2 case folders, Mr. Chairman, there is the filing
3 from the Applicant under Exhibit 44, and per the
4 standards there are timely submissions from the
5 Office of Planning under Exhibit 42, and ANC-6A
6 under Exhibit 43, so with that the Board is to
7 act on the request for the validity of Order
8 18291.

9 CHAIR JORDAN: Thank you, Mr. Moy.
10 I'm going to offer to the Board that this is not
11 ready for us to deliberate upon, but certainly
12 this is whatever the Board wishes.

13 I reviewed the record here and it
14 does not B- as the Board has established,
15 especially this particular B- this Board has,
16 we require additional backup and support for a
17 request for extension of time. It's not
18 something that we just take lightly because the
19 Applicant=s have a duty and responsibility to
20 zealously try to move forward with the relief
21 being granted. This file is absent of any
22 affidavit supporting the request or the grounds

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1 thereof. The file does not provide us any
2 financial documentation showing that there is
3 some type of financial hardship, as indicated,
4 or that there=s been an attempt to obtain
5 financing for this project. So, I would think
6 that we need to put this on another decision
7 date and get the Applicant to submit additional
8 documentation for the Board. Any other thoughts
9 on this?

10 ZONING MEMBER COHEN: Yes, I had the
11 same reaction to this request, and would like
12 to see if the Applicant exhausted going to a
13 number of community development financial
14 institutions which often do finance at very
15 favorable interest rates these types of
16 projects, such as Enterprise, and Lisk, and
17 other smaller lenders whose mission is to
18 finance a number of these type of facilities.
19 So, I would like to see more extensive outreach.
20 And if it has been done, I think they would
21 probably provide us with their reasoning and
22 rationale.

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1 CHAIR JORDAN: Thank you. So, I would
2 suggest that the Board put this on for another
3 decision. However, Mr. Moy, make a request to
4 the Applicant that they verify the information
5 that=s submitted in the letter by affidavit,
6 and some supporting documentation that there
7 was a diligent attempt to obtain some type of
8 financing, as is required in other cases
9 similarly requesting two-year extensions. That
10 would be my motion.

11 MEMBER HEATH: I would second that.

12 CHAIR JORDAN: Motion made and
13 second to put this on for a two-week decision
14 if that=s B- well, deferring to the schedule,
15 of course, when Commissioner Cohen will be with
16 us. So, motion made and second. Any discussion?
17 With that, all that in favor signify by saying
18 aye.

19 (Chorus of ayes.)

20 CHAIR JORDAN: Those opposed, nay.
21 The motion carries. Mr. Moy.

22 MR. MOY: Staff will record the vote

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1 as 5-0, this on the motion of Chairman Jordan
2 to delay its decision on this request for a time
3 extension, second the motion by Ms. Heath, also
4 in support are Ms. Cohen, Vice Chairperson
5 Allen, and Mr. Hinkle.

6 If I may, can staff suggest a date
7 of March 18th?

8 CHAIR JORDAN: Yes. But, also, I want
9 to make sure the motion did say that we want the
10 Applicant to provide different additional
11 documentation such as the affidavit to support
12 B-

13 MR. MOY: Yes, sir, absolutely. I
14 have that in my notes.

15 ZONING MEMBER COHEN: Excuse me. On
16 March 18th I will be out of the country, so if
17 we could do it the 25th that would be better.
18 Is that B- or the 24th, whatever.

19 MR. MOY: The Board doesn't have a
20 hearing on the 25th, but we could do it on April
21 1st if you're available.

22 ZONING MEMBER COHEN: I will be. Yes,

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1 I=m going to vote.

2 MR. MOY: Okay. April 1st, Mr.
3 Chairman? April 1st and with filings from the
4 applicant a week, seven days prior?

5 CHAIR JORDAN: Yes, that=s fine.

6 MR. MOY: Which would be March 25th.

7 CHAIR JORDAN: Okay. Thank you.

8 (Whereupon, the proceedings went
9 off the record.)

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