

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

TUESDAY

MAY 13, 2014

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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 9:43 a.m., Lloyd Jordan, Chairperson,
presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

ROBERT MILLER, Member

OFFICE OF ZONING STAFF PRESENT:

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

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

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MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN GYOR
STEPHEN MORDFIN
ARTHUR JACKSON
PAUL GOLDSTEIN

The transcript constitutes the minutes from the Public Meeting held on May 13, 2014.

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

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

9:40 a.m.

CHAIRPERSON JORDAN: Okay. Good morning. Please come to order. We're located in the Jerrily R. Kress Memorial Hearing Room, 441 4th Street, N.W., Washington, D.C. We're here for the Public Meeting and Public Hearing of the Board of Zoning Adjustment in the District of Columbia.

My name is Lloyd Jordan, Chairperson. To my right is Jeffery Hinkle, member of the Board. To my left, Marnique Heath, member of the Board. To her left is Robert Miller, member of the Zoning Commission.

Please be advised that today's proceedings are being recorded two ways; one, by a court reporter who is seated to my right, and also being webcast live. Therefore, I'm going to ask you to refrain from any disruptive noises here in the hearing room today. This is a good time now to silence those devices that will make noise.

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1 The Board's hearing agenda and
2 procedures are contained in a document by the
3 back door to my left so feel free to get that
4 so you can understand how we process cases here
5 at the Board.

6 If you are going to testify today or
7 provide any statement to the Board, I'm going
8 to need you to do two things, the first of which
9 is to complete two witness cards per person and
10 give them to the court reporter prior to
11 testifying or providing your statement.

12 So if you're going to provide a
13 statement or be a witness in any case, I'm going
14 to need you to complete two witness cards per
15 person and give them to the court reporter prior
16 to testifying.

17 The second thing I'm going to ask
18 you to do if you would now stand and take the
19 oath being given by the Board's secretary Mr.
20 Moy. If you are going to provide any statement
21 or testimony, please stand.

22 MR. MOY: Good morning. Do you

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1 solemnly swear or affirm that the testimony
2 you're about to present in this proceeding is
3 the truth, the whole truth, and nothing but the
4 truth? Ladies and gentlemen, you may consider
5 yourselves under oath.

6 CHAIRPERSON JORDAN: Okay. Mr.
7 Moy, let's go to the public meeting. Or should
8 we clean this docket up first? Let's go ahead
9 and clean the docket.

10 MR. MOY: That's fine.

11 CHAIRPERSON JORDAN: So let's do
12 the public meeting.

13 MR. MOY: First, for the record,
14 for the transcript, Mr. Chairman, on the docket
15 Application No. 18749 of 1031 4th Street, LLC
16 has been postponed and rescheduled to July 8th.

17 CHAIRPERSON JORDAN: Okay. So
18 with that, I believe you said you wanted to
19 start with the two decision cases?

20 MR. MOY: No.

21 CHAIRPERSON JORDAN: Let's handle
22 the other preliminary matters.

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1 MR. MOY: Okay. That's fine. All
2 right. There are three cases noted because of
3 document untimeliness. The first is
4 Application No. 18754. The second is
5 Application No. 18751. The third, I believe,
6 is 18742 of NE Holy Trinity Church.

7 CHAIRPERSON JORDAN: Okay. You
8 also have announcement of 18749. Did you
9 announce that already?

10 MR. MOY: Yes, I just did, sir.

11 CHAIRPERSON JORDAN: All right.
12 So 18 -- is anyone here for 18754? Please come
13 forward, please. Make sure the microphone is
14 turned on. No, that's right in front of you.
15 It should be a bright glowing green light. Did
16 you provide your cards to the court reporter?

17
18 MR. LEDDER: Yeah.

19 CHAIRPERSON JORDAN: Okay. Good.
20 Give us your name, please.

21 MR. LEDDER: Brett Ledder.

22 CHAIRPERSON JORDAN: And you're

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1 the applicant?

2 MR. LEDDER: Yes.

3 CHAIRPERSON JORDAN: I understand
4 that there were no plans filed with this case
5 and that you filed them yesterday? Would that
6 be correct?

7 MR. LEDDER: No. There were plans
8 filed. I filed updated plans per Stephen
9 Gyor's comments at the Office of Planning.

10 CHAIRPERSON JORDAN: So you've
11 exchanged -- so the Office of Planning has had
12 your plans?

13 MR. LEDDER: Yes.

14 CHAIRPERSON JORDAN: Okay. So the
15 plans you submitted yesterday were just updated
16 plans?

17 MR. LEDDER: Right. Critiques on
18 some suggestions he made.

19 CHAIRPERSON JORDAN: I got it.
20 Okay. Then we will call your case then in
21 order. Thanks.

22 18751. Anyone here for 18751?

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1 That's where we didn't have any posting on that
2 case.

3 Mr. Moy, what was your conversation
4 with 18751?

5 MR. MOY: My understanding from
6 staff, Mr. Chairman, is that our staff had
7 engaged the applicant about the -- about the
8 missing document, the affidavit of posting, so
9 the applicant was aware of it. We still
10 haven't received anything in the record.

11 CHAIRPERSON JORDAN: Okay. And
12 they're not here so we'll do this. Let's do
13 this. What we normally do is put it under show
14 cause for not being here when we call the case.
15 We did have a conversation and know that they
16 have to do posting. Let's go ahead and reset
17 this for a hearing date.

18 MR. MOY: Staff would suggest -- it
19 would have to be in June because the docket is
20 very full for the remainder of the month.

21 CHAIRPERSON JORDAN: We're not
22 trying to --

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1 MR. MOY: Oh.

2 CHAIRPERSON JORDAN: Whatever is
3 comfortable for the Board.

4 MR. MOY: Right, right, right.
5 Just a second.

6 CHAIRPERSON JORDAN: Comfortable
7 for the Board. Not like we have one of those
8 days where we've got 15 cases.

9 MR. MOY: Okay. Let's go June
10 17th. That would be very comfortable.

11 CHAIRPERSON JORDAN: Okay. Let's
12 be sure we give notice to the --

13 MR. MOY: Staff will take care of
14 that, sir.

15 CHAIRPERSON JORDAN: Okay.

16 Let's call 18742.

17 Good morning.

18 MR. MOBLEY: Good morning.

19 CHAIRPERSON JORDAN: Would you
20 please give your name?

21 MR. MOBLEY: Clarence Mobley.

22 CHAIRPERSON JORDAN: Mr. Mobley,

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1 we have -- I wanted to call you up as we've been
2 trying to clean up the docket where there are
3 some procedural issues or these cases are not,
4 in our estimation, ready for a hearing today.
5 Your case happens to be one of them.

6 There's several things missing and
7 we really don't know what's going on with this
8 case. Did we get a letter of authorization? I
9 think we did not. You have one now. Just be
10 seated because you'll be going back if you have
11 all these things.

12 MR. MOY: The letter of
13 authorization arrived yesterday, Monday, Mr.
14 Chairman.

15 CHAIRPERSON JORDAN: And the
16 evidence of posting?

17 MR. MOY: We still have not
18 received that.

19 CHAIRPERSON JORDAN: Evidence of
20 posting?

21 MR. MOBLEY: No, I haven't.

22 CHAIRPERSON JORDAN: Was this

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1 posted?

2 MR. MOBLEY: I don't --

3 CHAIRPERSON JORDAN: I didn't
4 think -- yeah. Okay. We're not going to move
5 forward unless we have proof that this has been
6 posted. More importantly, this thing started
7 off with a ZA referral for a variance.

8 Then we got two different letters from
9 you, one saying, "Okay, we're going to do a
10 variance." Then I got another letter from you
11 in the file that says, "Well, we want to go with
12 a special exception under 202."

13 Then we go back and then we have
14 nothing supporting the requested relief on
15 either one of these. I'm going to suggest that
16 we just give you some time to clean this all up,
17 that we roll this, that you decide how you're
18 proceeding, whether or not it's going to be a
19 special exception under 202, or whether or not
20 it's going to be more than likely a use variance
21 from 320.

22 This has to be cleaned up, and you

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1 have to post. You got to post the sign.
2 You've got to file it. You've got to take the
3 pictures. You've got to file the affidavit.
4 All these things have to be in minimally 14 days
5 before the hearing. You need to decide which
6 way you're going; left, right, or in between for
7 the relief because we can't help you with that.

8 I went back through and I tried to
9 sum up the best I could where you were and it
10 just eludes me. I'm not going to ask at this
11 point for you to tell us whether or not you want
12 a use variance or a special exception.

13 With that we need a new date, a
14 comfortable date. A real comfortable date. A
15 very, very comfortable date.

16 MR. MOY: What I was going to do,
17 Mr. Chairman, staff would suggest the last date
18 in June, June 24th, because the next date after
19 June 24th would be July 8th and I thought
20 perhaps July 8th might be exceptionally too
21 long but I'll leave that up to the Board.

22 CHAIRPERSON JORDAN: So you have

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1 time, at least, until the 1st of June to get
2 everything in but you need to work it. Okay?

3 MR. MOBLEY: Yes.

4 CHAIRPERSON JORDAN: This is being
5 reset to June 24th.

6 MR. MOY: Yes, sir.

7 MR. MOBLEY: June 24th.

8 CHAIRPERSON JORDAN: Before you go
9 today, you might want to stop on the other side
10 of the hall and ask and find out what you need
11 to get and if you have not picked up the posting
12 signs and all that stuff.

13 MR. MOBLEY: Yes, sir.

14 CHAIRPERSON JORDAN: Okay. Thank
15 you.

16 Is there anything else, Mr. Moy,
17 that needs to come to our attention?

18 MR. MOY: I believe that covers it,
19 yes.

20 CHAIRPERSON JORDAN: Great.
21 Thank you.

22 Let's call our first meeting case.

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1 MR. MOY: Good morning, Mr.
2 Chairman, members of the Board. The first of
3 two decisions is a application on the Expedited
4 Review Calendar. This is Application No.
5 18755 of Frank and Liz Craddock, special
6 exception for an addition under Section 223,
7 not meeting the lot occupancy requirements.

8 In your case folder, Mr. Chairman,
9 there are two -- three filings. The first is
10 from the applicant requesting the expedited
11 review under Exhibits 1, 2, and 3. The Office
12 of Planning responded with its report under
13 Exhibit 30. There is an ANC-6 letter in
14 support under Exhibit 25 as well as two letters
15 of support. That completes the staff's
16 briefing, Mr. Chairman.

17 CHAIRPERSON JORDAN: Thank you,
18 Mr. Moy.

19 The file is complete. I think it
20 clearly shows the relief necessary in the
21 supporting documentation so I would move that
22 we grant the relief requested in 18755.

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1 MEMBER HINKLE: Second.

2 CHAIRPERSON JORDAN: Motion made
3 and seconded. Any discussion? All those in
4 favor of the motion signify by saying aye.

5 BOARD MEMBERS: Aye.

6 CHAIRPERSON JORDAN: Those opposed
7 nay. The motion carries.

8 Mr. Moy.

9 MR. MOY: Staff would record the
10 vote as four to zero. This is on the motion to
11 approve the request for a special exception
12 under Section 223 by Chairman Jordan.
13 Seconding the motion, Mr. Hinkle. Also in
14 support Mr. Miller and Ms. Heath. We have no
15 other Board members present today. Motion
16 carries.

17 CHAIRPERSON JORDAN: Summary,
18 please.

19 MR. MOY: Yes, sir.

20 CHAIRPERSON JORDAN: Next one.

21 MR. MOY: The second item before
22 the Board is a request for a minor modification

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1 of approved plans. This is to Application No.
2 18621 of the Laborers' International Union of
3 North American.

4 The applicant filed on April 30th
5 under Exhibit 40 in the case folder. The only
6 other filing in the record is a -- well,
7 actually, yes, there's a report from the Office
8 of Planning under Exhibit 31.
9 ANC-2B, there's no filing from them. That
10 completes the record, Mr. Chairman.

11 CHAIRPERSON JORDAN: This is one
12 that we just recently had and we understand the
13 changes are made. I don't see any major
14 changes to this. I don't see any problem with
15 granting this relief.

16 Does anyone on the Board have any
17 issues with this?

18 MEMBER HINKLE: I don't have any
19 issues with this, Mr. Chair. I think I need to
20 state that I didn't participate in the initial
21 application but I read the record.

22 CHAIRPERSON JORDAN: Okay.

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1 Mr. Miller.

2 MEMBER MILLER: That may be the
3 case for me as well, but I did review the record.

4 CHAIRPERSON JORDAN: Okay. I know
5 I participated. Everybody here read the
6 record and reviewed the documents. I would
7 move that we grant the relief requested for
8 18621 for the minor modification.

9 MEMBER MILLER: Second.

10 CHAIRPERSON JORDAN: Motion made
11 and seconded by Mr. Miller. All those in favor
12 of the motion signify by saying aye.

13 MEMBERS: Aye.

14 CHAIRPERSON JORDAN: Those opposed
15 nay. The motion carries.

16 Mr. Moy.

17 MR. MOY: Staff would record the
18 vote as four to zero. This is on the motion of
19 Chairman Jordan to approve the request for a
20 minor modification. Seconding the motion Mr.
21 Miller. Also in support Ms. Heath and Mr.
22 Hinkle. No other Board members. Motion

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1 carries.

2 (Whereupon, at 9:55 a.m. the
3 meeting was adjourned.)

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