

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

TUESDAY

DECEMBER 2, 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 9:30 a.m., Lloyd Jordan, Chairperson, presiding.

The transcript constitutes the minutes from the Public Meeting held on December 2, 2014.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS
STEVEN COCHRAN
MATT JESICK
ELISE VITALE

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

9:45 a.m.

CHAIRPERSON JORDAN: Good morning. Could we please come to order?

Today is December 2, 2014 and we're here for a meeting of the Board of Zoning Adjustment of the District of Columbia.

My name is Lloyd Jordan, Chairperson. To my left is Peter May, member of the Zoning Commission, sitting in as a member of the Board of Zoning Adjustment today. To my right is S. Kathryn Allen, who is the Vice Chair of the Board, and to her right is Jeffrey Hinkle, member of the Board.

We're located at 441 4th Street, Northwest in the Jerrily R. Kress Memorial Hearing Room.

I'm going to ask if -- today's proceedings are being recorded 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.

That's a signal to check your cell phones and other devices, and make sure that they're not going to ring or vibrate loudly.

If you're going to provide testimony to the Board or present a statement or address the Board in any manner, I'm going to need you to do two things today. Let me go back over that.

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1 If you're going to address the Board in any manner by
2 reading statement, reading a letter or providing testimony,
3 I'm going to need you to do two things.

4 The first of which is to complete two witnesses cards
5 per person. That's two witness cards per person and prior to
6 testifying, please give those cards to the Court Reporter.

7 So, that's two witness cards per person, and give them
8 to the Court Reporter prior to testifying.

9 The second thing I'm going to need you to do is to now
10 stand and take the oath, which will be given by Mr. May,
11 Secretary to the Board -- Moy, Mr. Moy. Got an 'O' and an 'A'
12 in the wrong spot.

13 MR. MOY: Good morning. Do you solemnly swear or
14 affirm that the testimony you're about to present in this
15 proceeding is the truth, the whole truth and nothing but the
16 truth?

17 Ladies and gentlemen, you may consider yourselves under
18 oath.

19 CHAIRPERSON JORDAN: Okay, Mr. Moy, any preliminary
20 announcements?

21 MR. MOY: For once, I don't have anything significant
22 to say this morning, Mr. Chairman.

23 CHAIRPERSON JORDAN: It's always significant, Mr. Moy.

24 Let's have a representative on Case NO. 18867. It's
25 Growth Spurts, is it? Is there anyone for that? Is that the

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1 one that was running late?

2 Okay, then let's go to our -- do we have an affidavit
3 of posting in 18889, Mr. Moy?

4 MR. MOY: That would be Application?

5 CHAIRPERSON JORDAN: On the meeting docket.

6 MR. MOY: The meeting docket? Meeting docket? Just a
7 second. Eighteen-eight? I think so.

8 Is that 18899 of Ron Rogers, sir, or do I have the wrong
9 case?

10 CHAIRPERSON JORDAN: Nine-four.

11 MR. MOY: Nine-four, okay, all right.

12 CHAIRPERSON JORDAN: Eight-nine-four.

13 MR. MOY: All right, just a second. I have my notes, sir.

14 CHAIRPERSON JORDAN: My notes indicated they have not
15 filed.

16 MR. MOY: Not to my knowledge, sir. I'll tell you in
17 a second. Let me double-check.

18 CHAIRPERSON JORDAN: Is anyone here on Case No. 18894?
19 Please come to the witness table. I need you to sit please,
20 and turn on the microphone.

21 MR. MOY: Just while there's a pause, it's not in the
22 record.

23 CHAIRPERSON JORDAN: Yes, there should be a bright
24 glowing green light.

25 MR. CROSS: Yes.

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1 CHAIRPERSON JORDAN: State your name, please.

2 MR. CROSS: My name is Mark Cross. I'm with a company
3 called MJCI. This is Judith Brodie, the owner of the property.

4 CHAIRPERSON JORDAN: All right, was an affidavit of
5 posting filed in this matter?

6 MR. CROSS: No, there was some confusion as to --
7 initially, when we dealt with the advisory -- Member Advisory
8 Commission, as to what the requirements were for them, versus
9 this group here, in terms of the notification.

10 We have the letters of approval. There's been adjacent
11 property notification per the requirements here.

12 What we do not have at this point is the affidavit, well,
13 the notice. We did post a sign in front of the property.

14 COMMISSIONER MAY: Okay, then we're going to have to
15 take this off the docket.

16 MR. CROSS: Okay.

17 CHAIRPERSON JORDAN: And you're going to have to post.
18 As required --

19 MR. CROSS: Absolutely.

20 CHAIRPERSON JORDAN: -- and we'll just give you another
21 date sufficient to do that.

22 MR. CROSS: Very good.

23 CHAIRPERSON JORDAN: Yes, Mr. May?

24 COMMISSIONER MAY: There is some unusual aspects of
25 this case that I think need to be clarified, for when they come

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1 back.

2 CHAIRPERSON JORDAN: Okay.

3 COMMISSIONER MAY: So, it would be worth while --

4 CHAIRPERSON JORDAN: Please.

5 COMMISSIONER MAY: -- looking into this a little bit
6 more carefully.

7 You know, I'm not -- I haven't come to any conclusion
8 on this, but there -- and it seems that you're proposing an
9 accessory building that's 16 feet tall.

10 MR. CROSS: Approximately, yes.

11 COMMISSIONER MAY: Okay, so, at 16 feet you would need
12 a variance, which means that you couldn't be on the expedited
13 review calendar. But if it's 15 feet, you can be on the
14 expedited review calendar, right? I mean, do I have that
15 correct?

16 So, you need to either adjust your plans or resubmit and
17 request the variance, and I don't believe it's a very easy
18 variance to get. So, that really leaves you just one good
19 option for it.

20 There is a question about what relief you need for side
21 yard and rear yard, but that can get sorted out once -- you
22 know, once we actually take up the matter, okay?

23 MR. CROSS: Okay.

24 COMMISSIONER MAY: All right, so that was the one thing
25 I would suggest you look into.

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1 CHAIRPERSON JORDAN: Great, as well as, did you say
2 about the additional relief that's possibly necessary?

3 COMMISSIONER MAY: I mean, the additional relief that
4 I saw was the roof.

5 CHAIRPERSON JORDAN: Right.

6 COMMISSIONER MAY: The height of the building.

7 CHAIRPERSON JORDAN: You talked about the side yard.

8 COMMISSIONER MAY: You know, side yard, I believe they
9 requested, but may not be necessary. In my view, rear yard
10 the requested, which may not be necessary. In OIG's view --
11 anyway, it's --

12 CHAIRPERSON JORDAN: All right.

13 COMMISSIONER MAY: I'm not sure. Actually, I believe
14 side and rear yard relief is required, but they did request
15 that.

16 CHAIRPERSON JORDAN: Yes, and we're providing you some
17 suggestions, some things to look at, although we're not
18 required and we're not suppose to be providing that kind of
19 direction.

20 But so, just take that for -- really, what Mr. May is
21 saying, you need to take at what you're doing.

22 MR. CROSS: Sure.

23 CHAIRPERSON JORDAN: Mr. Moy, can we have a date?

24 MR. MOY: Yes.

25 CHAIRPERSON JORDAN: I'm going to suspect this is going

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1 to -- I don't know about the expedite docket.

2 MR. MOY: If it's true that there is going to be
3 additional relief for the variance -- is that what --

4 MR. CROSS: We will not be looking for additional
5 relief. We've modified that -- the proposed height of the
6 building.

7 MR. MOY: All right, posting?

8 CHAIRPERSON JORDAN: So, let's just give a date on the
9 public meeting docket then.

10 MR. MOY: All right, let's -- Mr. Chairman, I think --
11 as early as December 16th.

12 CHAIRPERSON JORDAN: Is that time enough to post? Mr.
13 Moy, let's give another date, please.

14 MR. MOY: Give another date, okay.

15 MR. CROSS: We need 15 days to post.

16 MR. MOY: All right, then my math is off. So, let's go
17 into -- we're going to have to go into January, because that
18 was the last hearing date for December.

19 So, January 13th would be good for the Board on the
20 docket. January 13th.

21 CHAIRPERSON JORDAN: January 13th?

22 MR. MOY: January 13th.

23 CHAIRPERSON JORDAN: Would be the date that this matter
24 will be placed on the docket.

25 MR. CROSS: Okay.

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1 CHAIRPERSON JORDAN: All right, thank you. Next case,
2 Mr. Moy, on the public meeting?

3 MR. MOY: All right, Mr. Chairman, that would be the
4 Applicant's request for a two-year time extension to Order No.
5 18413 of Marcus Watkins.

6 This is property located at 247 Warren Street Northeast.

7 CHAIRPERSON JORDAN: Thank you. Is the Board ready to
8 deliberate on this case?

9 This is the request for the extension, and the reason,
10 with the supporting letters, is that his job relocated him out
11 the area for an extended period of time.

12 Additionally, there is some serious medical issues that
13 the Applicant has, which is substantiated again, by the
14 documents in the record.

15 I would move to support this, in fact, I would move that
16 we grant the requested relief for the extension.

17 COMMISSIONER MAY: Second.

18 CHAIRPERSON JORDAN: Motion made and seconded. Any
19 other discussion?

20 All those in favor of the motion, aye.

21 (Chorus of ayes)

22 CHAIRPERSON JORDAN: Those opposed, nay. The motion
23 carries. Mr. Moy?

24 MR. MOY: Staff would record the vote as 4-0. This on
25 the motion of Chairman Jordan to approve the request for a

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1 two-year time extension. Second the motion, Mr. Peter May.
2 Also in support Vice Chair Allen and Mr. Hinkle. The motion
3 carries 4-0.

4 CHAIRPERSON JORDAN: All right, thank you, and then
5 let's call the top case, the first case in the hearing.

6 (Whereupon, the above-entitled matter went off the
7 record at 9:56 a.m.)

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