

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

TUESDAY

FEBRUARY 3, 2015

+ + + + +

The Regular Public Meeting convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 9:44 a.m., Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

MARCIE COHEN, Zoning Commission Vice-Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LAWRENCE FERRIS, ESQ.  
MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

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STEPHEN GYOR  
STEPHEN MORDFIN  
MEGAN RAPPOLT  
KAREN THOMAS

DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

RYAN WESTROM

The transcript constitutes the minutes from the  
Public Meeting held on February 3, 2014.

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

(9:37 a.m.)

1  
2  
3 CHAIRPERSON JORDAN: Good morning. Could we please  
4 come to order? We're here this morning for the Board  
5 Adjustment meeting and hearing. We're located at Jerrily R.  
6 Kress Memorial Hearing Room, at 441 Fourth Street Northwest.

7 Today's date is February 3, 2015. Already, right? My  
8 name is Lloyd Jordan, Chairperson. To my left is Vice-Chair  
9 Marnique Heath. To her left is Marcie Cohen, Member of the  
10 Zoning Commission, sitting in as a Member of the Board of Zoning  
11 Adjustment today.

12 To my right is S. Kathryn Allen, Member of the Board.  
13 To her right is Jeffrey Hinkle, Member of The Board.

14 Please be advised that today's proceedings are being  
15 webcast live, and also being recorded by a court reporter. So,  
16 therefore, I'm going to ask you to refrain from any disruptive  
17 noises here in the hearing room today.

18 Again, just a signal to make sure you've turned off  
19 anything that's going to ring or buzz.

20 I don't know if we -- we normally have the Board's  
21 hearing procedures and the Zoning Commission's hearing  
22 procedures in a pamphlet at the door to the left. I don't know  
23 if they're there. We did put some in. So, there's some more.

24 When I came in this morning, they were out. So, Mr. Moy,  
25 being quick and efficient, made sure that they were replaced

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1 there. So, if you want to familiarize yourself with how we  
2 operate here at the Board, please feel free to get those  
3 documents.

4 If you're going to provide testimony or make a statement  
5 to the Board in any manner, I'm going to need you to do two  
6 things prior to providing the statement or testimony.

7 So, if you're going to provide any statement, read a  
8 letter to the Board, or testify in any manner, we're going to  
9 need you to do two things. The first of which is I'm going  
10 to need you to complete two witness cards per person.

11 That is two witness cards per person, and then prior to  
12 testifying or addressing the Board, please give those two  
13 witness cards per person to the court reporter, who is seated  
14 to my right.

15 The second thing I'm going to need you to do is to stand  
16 and take the oath, which will be given by Mr. Moy, the Secretary  
17 to the Board. MR. MOY: Good morning. Do you solemnly  
18 swear or affirm that the testimony you're about to present in  
19 this proceeding is the truth, the whole truth and nothing but  
20 the truth? Ladies and gentlemen, you may consider yourselves  
21 under oath.

22 CHAIRPERSON JORDAN: Okay, great. Mr. Moy, do we have  
23 any announcements or preliminary matters we need to discuss?

24 MR. MOY: Yes, we do, Mr. Chairman. For the record, the  
25 transcript, a number of announcements as to status of cases

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1 that were docketed, scheduled for today.

2 First is Application 18911 of Pepco. That has been  
3 rescheduled -- postponed and rescheduled to March 10, 2015.  
4 We have two cases that have been withdrawn by the applicant,  
5 Applications 18910 of Matt Cohen and Browning, and 18844 of  
6 Alexander Pitt.

7 Finally, as to cases that were on the meeting schedule  
8 -- session rather, the first is Application 18928. That has  
9 been withdrawn from the expedited calendar and rescheduled to  
10 March 3.

11 Application 18862 is being withdrawn and rescheduled  
12 for further review as attended to processing. Finally,  
13 Application 18938 has been rescheduled to April 21, 2015. That  
14 completes the staff's announcements, Mr. Chairman.

15 CHAIRPERSON JORDAN: All right, thank you. So, let's  
16 call our first decision case for today, please, Mr. Moy. Our  
17 first and only decision case.

18 MR. MOY: Yes, that would be application number 18939  
19 of Amy and Ari Nazarov. As the Board will recall this is a  
20 request for special exception under Section 223.

21 CHAIRPERSON JORDAN: All right, on this case, is the  
22 Board ready to -- well, let me go back. There's a request for  
23 waiver of notice, which I would be inclined to grant the notice  
24 requirement. They met the ANC requirement, but not the 14-day  
25 BZA requirement.

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1           However, the ANC requirement has already submitted its  
2 recommendation in this case.    So, unless there's some  
3 objection by the Board, then I would grant the waiver request.  
4 So, is the Board ready to deliberate on 18939?

5           I think this is pretty straightforward.   I don't see --  
6 unless the Board has any -- does anyone have any issue with  
7 this matter?   Then I would move that we grant the relief  
8 requested 18939.

9           ZC VICE-CHAIR COHEN:   I'll second.

10          CHAIRPERSON JORDAN:   Motion made and seconded.   Any  
11 further radiation?   All those in favor say aye.

12          (Chorus of ayes.)

13          Those opposed nay.   The motion carries.   Mr. Moy?

14          MR. MOY:   Staff would record the vote 5 to 0.   This is  
15 on the motion of Chairman Jordan to approve the application  
16 for the relief requested.   Second the motion, Ms. Cohen.   Also  
17 support Vice-Chair Heath, Ms. Allen and Mr. Hinkle.   Motion  
18 carries, Mr. Chairman.

19          CHAIRPERSON JORDAN:   A summary order, please.   Give me  
20 a second to catch up, please.

21          (Whereupon, the above-entitled matter went off the  
22 record at 9:43 a.m.)

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