

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY
MARCH 17, 2015

+ + + + +

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 10:07 a.m., Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
MARNIQUE HEATH, Vice-Chairperson
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

ROBERT MILLER, Commissioner

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:

STEVE COCHRAN
BRANDICE ELLIOTT
MEGAN RAPPOLT

The transcript constitutes the minutes from the Public Hearing held on March 17, 2015.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

Call to Order	4
<u>APPLICATION NO. 18949</u>	
Rescheduled for 4/14/15	4
<u>APPLICATION NO. 18900</u>	
Rescheduled for 4/7/15	5
<u>APPLICATION NO. 18948</u>	
Withdrawn	5
<u>APPLICATION NO. 18947</u>	
Vote: Four, zero to approve	7

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

10:03 a.m.

VICE CHAIR HEATH: Good morning. We again apologize for the delay. We were having some technical difficulties but I think we've resolved them.

So I'd like to call the meeting to order.

We are located in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W.

Today's date is March 17, 2015, and we're here for the public meeting and hearings of the Board of Zoning Adjustment of the District of Columbia.

My name is Marnique Heath, Vice Chairperson. I'm filling in today as my first day as substitute chair.

To my left is Chairperson Lloyd Jordan. To my left, Board Member Jeff Hinkle. To my far left, Robert Miller who's a member of the Zoning Commission sitting as a Member of the Board today.

Please be advised that this proceeding is being recorded by a court reporter and is also webcast live. Accordingly, we must ask that you refrain from any disruptive noises or actions in the hearing room. Please turn off anything that will buzz or ring at this time.

The Board's hearing procedures and how we will process applications can be found at the table by the back door to my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

left.

All individuals who are wishing to testify today will need to do two things. Prior to testifying, each person who wants to address the Board must complete two witness cards per person and give those cards to the court reporter to my right.

Also you will need to now stand and take the oath which will be administered by Secretary of the Board Mr. Moy.

(Whereupon, the witnesses were sworn.)

VICE CHAIR HEATH: All right. So we'll begin with any announcements, if you have any, Mr. Moy.

MR. MOY: Yes, I do. Thank you, Vice Chair Heath, Members of the Board. Good morning.

For the record, several announcements. I guess first and foremost, if anyone has any written testimony that will also be submitted this morning, if you do not have a sufficient number of copies, we have a tremendous Xerox machine across the hall and you can coordinate that with our receptionist.

All right. On our docket announcements, Application No. 18949 of Bright Future, that has been postponed and rescheduled to April the 14th.

Also Application No. 18900, Academy of Ideal Education has been postponed and rescheduled to April 7th.

And finally, Appeal No. 18948 of Marie Birnbaum, that appeal has been withdrawn by the Appellant.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

That's it, Madam Vice Chair.

VICE CHAIR HEATH: Okay. Thank you.

Before we start with our meeting case, I'm going to call the parties for Case 18952. We have a party status request if the participants, the Applicants, and those who have filed the party status request could come to the front table.

If he's here, he can come up. Sure.

We're not going to hear the case at this time, but we just wanted to handle some preliminary matters.

Could you introduce yourselves? Turn on your mic.

MR. HOLSAGER: My name is Richard Holsager. I live at 7106 Piney Branch Road which is -- well, I'm within the 200-foot limit.

VICE CHAIR HEATH: Okay.

MS. GREEN: I'm Sara Green. I also live at 7106 Piney Branch Road on the property with my husband. And I'm also the owner with my husband of a vacant lot that is also within the 200 feet at the corner -- within the square -- at the corner of Piney Branch and Dahlia.

MS. NEUMANN: Good morning. I'm Loretta Neumann. I live at 7124 Piney Branch Road, N.W., right at the corner of Piney Branch and Blair Road. This property is -- the Applicant's property is at 7100 Blair. We can see the side and the back of the property from our front porch. We are that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

close to it.

VICE CHAIR HEATH: Okay.

MR. SMITH: I'm Daniel Smith, husband of Loretta Neumann. And I repeat what she said. So there's no change.

VICE CHAIR HEATH: Okay.

MR. CARLEY: I'm Andre Carley. I am an ANC 4B-01 Commissioner, and I represent ANC 4B.

VICE CHAIR HEATH: Okay. So are all four of you a part of the party status request?

MS. GREEN: Correct.

VICE CHAIR HEATH: Where's the Applicant?

MR. HOLSAGER: Good question.

VICE CHAIR HEATH: Interesting. Okay.

Well, I had one question for the Applicant regarding evidence of posting. But also, we were going to encourage conversation between you all and the Applicant, which I guess won't happen since they're not here.

Mr. Moy, have you heard anything from them?

MR. MOY: No, I have not. I'll ask the staff to follow up and call him.

VICE CHAIR HEATH: Okay.

MS. NEUMANN: Can I comment? We have had numerous meetings with the Applicant -- public meetings --

VICE CHAIR HEATH: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

MS. NEUMANN: -- where the community about -- at the last one like 30 people showed up. So --

VICE CHAIR HEATH: Okay.

MS. NEUMANN: -- this is not something that's --

VICE CHAIR HEATH: Sure, sure. We always encourage additional conversation once parties are here. We found that encouraging conversation goes a long way towards helping to reach some sort of agreement because if we decide, somebody's certainly going to be unhappy. So we like to encourage that you talk at least one more time before we bring you back and proceed with the hearing and we make a decision with regards to direction on a case.

But in this case, that won't happen today. So we'll see if they show up.

We'll call this case last. We don't have a large docket today, so it won't be that long from now.

MS. NEUMANN: Okay.

VICE CHAIR HEATH: All right. Thank you.

MR. HOLSAGER: Thank you.

VICE CHAIR HEATH: All right. So then we're going to proceed with our meeting case. That's Case number 18947.

Next case?

MR. MOY: 18947. Yes. Oh, yes. Okay.

Okay. The first application is Application No. 18947,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Henry and Katherine Van Dyck.

This is an application that was previously scheduled back on February 24 and rescheduled to today's hearing because of lack of posting.

VICE CHAIR HEATH: All right. So this application is an expedited review. And it's pretty straightforward now that they've submitted their affidavit of posting. So I don't have any issues with this.

Does anybody from the Board have any?

ZC COMMISSIONER MILLER: Is the Applicant here?
It's not required. Okay.

VICE CHAIR HEATH: Did you have a question for them?

ZC COMMISSIONER MILLER: No.

VICE CHAIR HEATH: Oh, okay.

ZC COMMISSIONER MILLER: That was my only question.

VICE CHAIR HEATH: Okay. All right. Perfect.

Then I would move that we approve this special exception request under expedited review.

MEMBER HINKLE: Second.

VICE CHAIR HEATH: He missed his chance.

All right. So the motion has been made and seconded.
Any further discussion?

(No audible response.)

VICE CHAIR HEATH: Okay. All right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Well, then if we're fine to proceed, then all those in favor, signify by saying aye.

(A CHORUS OF AYES.)

CHAIR JORDAN: Opposed?

VICE CHAIR HEATH: Opposed? Nay.

(No audible response.)

VICE CHAIR HEATH: No nays. All right.

Mr. Moy?

MR. MOY: Yes. Staff would record the vote as four to zero, those on the motion of Vice Chair Heath; seconded by Mr. Hinkle; also in support Mr. Rob Miller and Chairman Jordan, and we have a Board seat vacant. Motion carries four to zero.

VICE CHAIR HEATH: Okay. Can you give us a summary order?

MR. MOY: Yes. Thank you.

(Whereupon, the proceedings went off the record at 10:20 a.m.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com