

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

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TUESDAY

MARCH 24, 2015

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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 9:37 am., Lloyd Jordan, Chairman, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

MARCIE COHEN, Vice Chair of Zoning
Commission

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
BEVERLEY BAILEY, Sr. Zoning
Specialist
TRACEY W. ROSE, Sr. Zoning Specialist
ESTHER BUSHMAN, General Counsel
JOHN NYARKU, Zoning Specialist
STEPHEN RICE, Zoning Specialist
STEPHEN VARGA, Zoning Specialist
PAUL YOUNG, Zoning Data Specialist

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.
LAWRENCE FERRIS, ESQ.

The transcript constitutes the minutes from the
Public Meeting held on March 24, 2015.

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

<u>Application No. 18956 - 4725 Massachusetts Avenue, LLC</u>	5
<u>Application No. 18897</u>	6
<u>Application No. 18924 - David Gullick</u>	6
<u>Vote to Deny Application No. 18924</u>	7

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

9:37 a.m.

CHAIRPERSON JORDAN: Okay. Good morning. Could we please come to order. Today is March 24, 2015 and we're here for the public meeting and public hearings of the Board of Zoning Adjustment of the District of Columbia. We're located at the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W.

My name is Lloyd Jordan, Chairperson. To my right is Jeffrey Hinkle, Member of the Board. To my left is Vice Chair Marnique Heath. To her left is Marcie Cohen, Member of the Zoning Commission sitting in as a Member of the Zoning Adjustment today.

Please be advised that today's proceedings are being webcast live and also being recorded by a court reporter.

Therefore, I'm going to ask you to refrain from any disruptive noises here in the hearing room. It's a good time -- that's a signal to make sure you've turned off anything that's going to buzz or ring during these proceedings.

The procedures of how we operate here at the Board is contained in a document to the back door to my left if you're not familiar and you wanted to get documents just to apprise yourself of how we operate here at the Board.

If you're going to testify, read a statement or address the Board in any manner, I'm going to need you to do two things.

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1 I'm going to need you, first, to complete two witness
2 cards per person. That's complete two witness cards per
3 person and prior to addressing the Board, give those cards to
4 the court reporter seated to my right. So, that's complete
5 two witness cards per person and give them to the court reporter
6 to my right prior to coming to the table.

7 The second thing I'm going to need you to do is to now
8 stand and take the oath which will be administered by the
9 Secretary to the Board Mr. Moy.

10 So, if you're going to testify, address the Board in any
11 manner, please now stand and take the oath.

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

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

18 CHAIRPERSON JORDAN: Mr. Moy, announcements.

19 MR. MOY: Yes, I do for the record, Mr. Chairman. Good
20 morning, to Members of the Board.

21 Just very quickly just one announcement. Application
22 Number 18956 of 4725 Massachusetts Avenue, LLC previously
23 scheduled for today's docket has been withdrawn by the
24 Applicant.

25 And that complete's the staff's briefing, Mr. Chairman.

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1 CHAIRPERSON JORDAN: Which one was that? Nine five
2 six?

3 MR. MOY: Yes, 18956.

4 CHAIRPERSON JORDAN: Okay.

5 MR. MOY: That's been withdrawn.

6 CHAIRPERSON JORDAN: And what about 18897? That's --
7 didn't we do something with 18897?

8 MR. MOY: Yes, thank you, sir. That's been postponed
9 to May the 5th, 2015.

10 CHAIRPERSON JORDAN: Okay. Well, I just wanted to
11 know. All right. So, let's call our first meeting case
12 please.

13 MR. MOY: Okay. That would be Application Number 18924
14 of David Gullick. As the Board will recall, this was heard
15 on February 24th and then the record closed and scheduled for
16 a decision today, March 24th. No additional supplemental
17 information was requested by the Board.

18 Participating on the decision is the Chairman, the Vice
19 Chair and Mr. Anthony Hood.

20 CHAIRPERSON JORDAN: Okay. All right. On 18924, and
21 we do have an absentee ballot, do we? Did Mr. Hood send one?

22 MR. MOY: Yes, I do, sir.

23 CHAIRPERSON JORDAN: Okay. Application Number 18924
24 is one in which I would deny the relief requested. I have an
25 issue with the -- based upon the credibility of the Applicant

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1 in addressing questions by the Board. I'm particularly
2 concerned about the issue of the substantial impact on the
3 community. We went around and around trying to ascertain
4 about the parking that was going to be at the location and the
5 make up of the tenants' use of vehicles and that was a dance.

6 We even did a dance initially very early on regarding
7 the -- even the set up in the operation of the building and
8 to get a clear picture of what was going on.

9 So, my recommendation is to deny it and it's based upon
10 the credibility of the weight of the evidence.

11 And also during the presentation, there was not a strong
12 presentation in regards to how it met the other test. However,
13 if we accept the Office of Planning and the ANC's statement
14 provided that basis, but for me, it falls down in regards to
15 substantial detriment to the community and I'm just not
16 comfortable that we actually got the real story on it.

17 Any thought?

18 VICE CHAIR HEATH: Sure. I am inclined to agree with
19 the Chairman. This is a case where I was partially on board
20 with hit just on the basis of reading the record initially,
21 but throughout the course of the proceedings of the hearing,
22 I became a bit more confused with a number of different answers
23 to questions. Questions being answered in a number of
24 different ways and there was confusion around parking, around
25 the existing condition of the property, around issues related

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1 to the number of people living in the home and just through
2 the course of the proceedings, I agree. I became more confused
3 about the impact on the community of the relief being
4 requested.

5 So, I am also inclined to deny this application.

6 CHAIRPERSON JORDAN: Well, I would move based upon the
7 reasons just given to deny the requested relief in 18924.

8 VICE CHAIR HEATH: Second.

9 CHAIRPERSON JORDAN: Motion made and second. All
10 those in favor of the motion.

11 (Ayes.)

12 CHAIRPERSON JORDAN: Those opposed nay. Mr. Moy.

13 MR. MOY: Yes, sir, before I read back the vote count,
14 as I said earlier, I do have in my possession an absentee ballot
15 vote from Mr. Anthony Hood and his absentee ballot vote is to
16 deny the request for zoning relief.

17 So, that would give a vote of 3 to 0. This on the motion
18 of Chairman Jordan to deny the application. Seconded by Vice
19 Chair Heath and, of course, also in support, Mr. Hood. No
20 other Board Members participating. So, the motion carries,
21 sir.

22 CHAIRPERSON JORDAN: All right. So --

23 MR. GULLICK: May I make a statement?

24 CHAIRPERSON JORDAN: I'm sorry. You cannot. So, I
25 think let's do a full order on that.

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1 MR. MOY: Yes, thank you.

2 CHAIRPERSON JORDAN: All right.

3 (Whereupon, the above-entitled matter went off the
4 record at 9:44 a.m.)

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