

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

TUESDAY

MARCH 24, 2015

+ + + + +

The Regular Public Hearing 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, 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  
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LAWRENCE FERRIS, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN  
MAXINE BROWN-ROBERTS  
KAREN THOMAS  
STEPHEN GYOR

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

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

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9:44 a.m.

CHAIRPERSON JORDAN: We're ready for our hearing cases then.

MR. MOY: The first application before the Board in public hearing is Application Number 18954. This is the application of Crumbs & Whiskers, LLC. This application was publicly noticed for relief for a special exception from the animal boarding requirements under Section 735 at property 3211 O Street, N.W.

CHAIRPERSON JORDAN: Very good. Can the persons for the Applicant -- anyone for 18954 please come forward to the witness table.

Please identify yourselves. Let's make sure your microphone is on and I think I did see you go give your cards. Right? Yes. Okay. You should have a bright glowing green light. No?

MS. SINGH: No.

CHAIRPERSON JORDAN: Try it again. Now, don't press your -- just do a quick tap. Let's try it. Say something. No. One more time. Quick tap. No. Oh, I thought I had you on. Okay. The Chairman's stupid. Try it again.

MS. SINGH: There we go.

CHAIRPERSON JORDAN: Okay. Negative Chairperson. Didn't turn on the --

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1 MS. SINGH: Good morning.

2 CHAIRPERSON JORDAN: Good morning.

3 MS. SINGH: I'm Kanchan founder of Crumbs & Whiskers.

4 MR. ARCHER: And I am Bean Archer and I work for the  
5 Washington Humane Society.

6 CHAIRPERSON JORDAN: Very good. What a unique  
7 situation here. I've never heard of such. It's interesting  
8 as heck.

9 MS. SINGH: Yes.

10 CHAIRPERSON JORDAN: Although I'm not a cat person per  
11 se, but I think this is really innovative to me.

12 Have you seen this in other places?

13 MS. SINGH: Yes, I went to one in Thailand and that's  
14 where the idea came from, but there is one in New York and  
15 there's one in California area.

16 CHAIRPERSON JORDAN: Wow. Need to do dogs. No, any --  
17 anyway, the Board has already read the record here and I believe  
18 there is enough evidence in here to support your request for  
19 relief.

20 I don't know if there's any questions that any of the  
21 Board Members want to ask you or do they need to hear something  
22 from you in this case.

23 Anybody need to hear anything on this one?

24 MEMBER HINKLE: Mr. Chairman, just real quick from the  
25 Applicant. You're looking at an estimate of 20 cats. Would

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1 you be opposed if we were to approve this to put that as a  
2 condition of the approval?

3 MS. SINGH: Yes, that's totally fine.

4 MEMBER HINKLE: Okay. Thank you.

5 MS. SINGH: Thank you.

6 CHAIRPERSON JORDAN: Interesting. So, the way we  
7 normally proceed, the Applicant does a presentation to the  
8 Board. But, we've adopted kind of a new process. We're  
9 letting you know because we've already reviewed every case well  
10 in advance and based upon what you already have in the record,  
11 we believe there is evidence to support what you need to do.

12 So, you have an opportunity to present to the Board or  
13 as most bright people do at this point, they waive any  
14 additional discussion and let us proceed on.

15 MS. SINGH: That sounds good.

16 CHAIRPERSON JORDAN: Okay. And that doesn't stop  
17 anybody else from talking to us if they have any problems or  
18 with it.

19 So, then let's turn to the Office of Planning and hear  
20 if there's anything in addition that needs to be said from the  
21 Office of Planning.

22 MR. MORDFIN: Good morning, Chair, Members of the  
23 Board. I'm Stephen Mordfin with the Office of Planning and  
24 the Office of Planning continues to support this application  
25 and has nothing further to add. Thank you.

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1 CHAIRPERSON JORDAN: Very good. Board any questions  
2 for the Office of Planning?

3 Okay. Applicant, any questions for Office of Planning?

4 MS. SINGH: Nope.

5 CHAIRPERSON JORDAN: So, let's go to Department of  
6 Transportation. I don't think we have anyone here for this  
7 case, but we do have a letter in the record of no objection  
8 to it really from Office of -- from Department of  
9 Transportation.

10 Is there anyone here from ANC-2E? ANC-2E?

11 We do have a letter of recommendation from ANC-2E. What  
12 are the conditions on that? Approval with conditions and I'm  
13 trying to -- I didn't pull the conditions in my -- do you got  
14 any?

15 COMMISSIONER COHEN: Can I --

16 CHAIRPERSON JORDAN: Oh, sure.

17 COMMISSIONER COHEN: The ANC had a number of  
18 conditions. Do you accept them?

19 MS. SINGH: Yes.

20 CHAIRPERSON JORDAN: I'm trying to find. What were  
21 those conditions?

22 COMMISSIONER COHEN: Oh, it's -- look at Exhibit 28. I  
23 thought they were.

24 CHAIRPERSON JORDAN: Yes, they're not conditions.  
25 Yes, and I meant to make that note when I saw this in the staff

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1 report that it said conditions, but it's not conditions. They  
2 just recited basically the application.

3 COMMISSIONER COHEN: Right. Criteria.

4 CHAIRPERSON JORDAN: And the criteria for -- yes.

5 COMMISSIONER COHEN: All right. Though you do accept  
6 the criteria. Thank you.

7 CHAIRPERSON JORDAN: Yes, and I meant to note that, Mr.  
8 Moy, when -- that the staff report said conditions and okay.

9 Okay. That's why we couldn't find them. Where am I?  
10 I'm just flustered now. But, ANC-2E supports the relief.

11 Is there anyone here wishing to speak in support of the  
12 application? Anyone here wishing to speak to in support?

13 Anyone here wishing to speak in opposition? Anyone in  
14 opposition? Going once. Going twice. Going three times.

15 Then let's close the record on this case based upon the  
16 evidence before the Board.

17 And I would move that we grant the relief requested in  
18 18954 with the cats with the condition that 20-cat maximum.  
19 Right? At any one time.

20 VICE CHAIR HEATH: Second.

21 CHAIRPERSON JORDAN: Okay. Any further discussion?  
22 All of those in favor of the motion aye.

23 (Ayes.)

24 CHAIRPERSON JORDAN: Those opposed nay. The motion  
25 carries. Mr. Moy.

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1 MR. MOY: Staff would record the vote as 4 to 0. This  
2 on the motion of Chairman Jordan to approve the application  
3 with a condition that there's a limit of 20 cats at any one  
4 time on site. Second the motion Vice Chair Heath. Also in  
5 support Ms. Cohen and Mr. Hinkle. No other Board Members.  
6 Motion carries, sir.

7 CHAIRPERSON JORDAN: Yes. Let me ask you a question  
8 that has nothing -- summary order please.

9 MR. MOY: Thank you.

10 CHAIRPERSON JORDAN: Has nothing to do with your case,  
11 but you're charging admission to get in.

12 MS. SINGH: Yes.

13 CHAIRPERSON JORDAN: How much do you charge for that?

14 MS. SINGH: We haven't decided that yet because we're  
15 still working on the exact rent and all of the expenses that  
16 we'll have.

17 CHAIRPERSON JORDAN: And so, what kind of beverages are  
18 you going to serve?

19 MS. SINGH: We're still figuring that out.

20 CHAIRPERSON JORDAN: So, I pay \$20 to play with the cats  
21 and drink. Okay. All right. I'm calmed. Let's make sure  
22 that the drinking and the cats don't -- anyway. Very good.  
23 Appreciate it. Thank you.

24 MS. SINGH: Thank you.

25 VICE CHAIR HEATH: Good luck.

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1 CHAIRPERSON JORDAN: Yes. I think it's interesting.  
2 Really interesting.

3 All right. Mr. Moy, we're just digressing. Eighteen  
4 nine five five.

5 MR. MOY: Yes, sir. Application Number 18955 of Good  
6 Hope Investments, LLC. This application, sir, was advertised  
7 for special exception relief from the fast food restaurant  
8 requirements under 733 to establish a fast food establishment  
9 at premises 1918-B 14th Street, S.E.

10 CHAIRPERSON JORDAN: All right. Please take a seat and  
11 identify yourself for us please. Is there -- let's make sure.  
12 Is the mike on still? No press it. Let's try that. There  
13 you go.

14 MR. DUPONT: There we go. Okay.

15 CHAIRPERSON JORDAN: There.

16 MR. DUPONT: Good morning, Mr. Jordan and Members of the  
17 Board. My name is Stephen duPont. I represent the owner of  
18 Good Hope Enterprises.

19 CHAIRPERSON JORDAN: Let me -- before you go any  
20 further, do we have an authorization letter from the owner?

21 MR. DUPONT: Yes.

22 CHAIRPERSON JORDAN: When was that filed?

23 MR. DUPONT: Five weeks ago.

24 CHAIRPERSON JORDAN: We do have it?

25 COMMISSIONER COHEN: Yes.

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1 CHAIRPERSON JORDAN: Ms. Cohen, you're looking at it.

2 COMMISSIONER COHEN: Exhibit 2.

3 CHAIRPERSON JORDAN: Okay. Exhibit 2. Very good.  
4 All right.

5 MR. DUPONT: He apologizes that he cannot be here today.  
6 He's not feeling well.

7 CHAIRPERSON JORDAN: That's okay.

8 MR. DUPONT: I'm the architect for the project.

9 CHAIRPERSON JORDAN: Okay. That's okay. I  
10 appreciate you being here on his behalf.

11 Again, this is another case where I don't have any issues  
12 or questions. Except do you accept the Office of Planning's  
13 condition there's -- no outside seating will be permitted?

14 MR. DUPONT: There's not space for it.

15 CHAIRPERSON JORDAN: Okay. So, yes? The answer's  
16 yes. Okay.

17 MR. DUPONT: And it really wasn't the intention.

18 CHAIRPERSON JORDAN: Any Board Member have anything we  
19 need to drill down on? Conversation with? Questions?

20 VICE CHAIR HEATH: I have a question. You have a letter  
21 in support from the single member district.

22 MR. DUPONT: I do.

23 VICE CHAIR HEATH: Did you present to the full ANC-8A?

24 MR. DUPONT: I did not. The owner did a couple of times  
25 apparently.

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1 VICE CHAIR HEATH: Okay.

2 MR. DUPONT: He has worked with them quite a bit over  
3 the years anyway. So, they know him well.

4 VICE CHAIR HEATH: Okay. And did they have a vote to  
5 approve?

6 MR. DUPONT: I don't know the answer how --

7 VICE CHAIR HEATH: Okay.

8 MR. DUPONT: -- this was done. I wasn't there. I'm  
9 told that he met -- presented twice in general group and then  
10 he got the letter from the chair.

11 VICE CHAIR HEATH: Okay. All right. Thank you.

12 CHAIRPERSON JORDAN: So, okay. We don't have a letter  
13 from the ANC. We have a single member -- single member  
14 district letter from ANC-6A06, but that's -- it doesn't -- yes,  
15 it doesn't --

16 MR. DUPONT: Yes, you're correct.

17 CHAIRPERSON JORDAN: -- it doesn't stop --

18 MR. DUPONT: Mr. Wilson.

19 CHAIRPERSON JORDAN: Board, additional questions?  
20 Any issues?

21 Again, you heard how we proceeded in the first case.  
22 You're in the same posture. The Board believes that there's  
23 enough evidence already in the record to support your requested  
24 relief. You have the opportunity to do a presentation to the  
25 Board if you believe it's necessary or we can proceed on and

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1 just --

2 MR. DUPONT: I only brought materials to answer  
3 questions.

4 CHAIRPERSON JORDAN: Okay. So, then let's turn to the  
5 Office of Planning and see if there's anything in addition that  
6 we have. Good morning.

7 MS. BROWN-ROBERTS: Good morning, Mr. Chairman and  
8 Members of the Board.

9 The Office of Planning remains in support of the  
10 application and has no additional -- anything additional to  
11 add. Thank you.

12 CHAIRPERSON JORDAN: Good. Board, questions of Office  
13 of Planning? Yes, Ms. Cohen.

14 COMMISSIONER COHEN: Do you believe that this use is  
15 going to make the land efficiently utilized?

16 MS. BROWN-ROBERTS: I'm not sure of when you say the use  
17 of the land efficient.

18 COMMISSIONER COHEN: Well, it seems to me that there's  
19 a lot of -- is there a lot of parking around this site?

20 MS. BROWN-ROBERTS: Yes, there is. Yes.

21 COMMISSIONER COHEN: And it seems to me also that it's  
22 not efficiently utilized. In other words, I think that it's  
23 not a -- and this is just my own maybe prejudice, but I often  
24 don't like to see, you know, asphalt surrounding a parcel of  
25 land.

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1 MS. BROWN-ROBERTS: I think I understand where you're  
2 going.

3 This was an old existing -- this is not a new building.  
4 This is an old existing building that they're just, you know,  
5 reusing. Just an old supermarket. So, I think that's why  
6 there is that amount of parking.

7 In addition to that, the property is split zoned. So,  
8 a portion of it is in the R-3 zone. So, the commercial use  
9 could not extend over into that portion. So, they're using  
10 that for parking.

11 Hopefully, as the area develops, that the property will  
12 redevelop because it is zoned -- it is also zoned C-2-A, that  
13 it can be more efficiently used, but I think for now this is  
14 -- we're in support of this application for now.

15 COMMISSIONER COHEN: Thank you.

16 MS. BROWN-ROBERTS: You're welcome.

17 MR. DUPONT: If I may, also, the particular use we're  
18 talking about is only 10 percent of the footprint of the  
19 building.

20 COMMISSIONER COHEN: And what --

21 MR. DUPONT: There's a 7-11 and a majority of it is a  
22 dialysis center.

23 CHAIRPERSON JORDAN: Let me go back again. Ms. Cohen,  
24 you said you saw an authorization letter in the file.

25 COMMISSIONER COHEN: My mistake. I may have looked at

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1 the wrong -- that's why I don't like computers.

2 CHAIRPERSON JORDAN: All right. So, staff is correct.  
3 There isn't one.

4 COMMISSIONER COHEN: Yes.

5 CHAIRPERSON JORDAN: We need to have an authorization  
6 letter in the file.

7 COMMISSIONER COHEN: My apologies.

8 CHAIRPERSON JORDAN: We're already into it. So,  
9 before -- if we go ahead and grant this relief, before we do  
10 anything, we need to have an authorization letter in the file.

11 MR. DUPONT: I will get it sent down to you today.

12 CHAIRPERSON JORDAN: All right. So, where were we?  
13 So, we did Office of Planning and so, do you have any questions  
14 of Office of Planning?

15 MR. DUPONT: No, I don't. Thank you, Ms.  
16 Brown-Roberts.

17 CHAIRPERSON JORDAN: Then anyone here from the  
18 Department of Transportation on this case? We do have a letter  
19 of no objection to the relief by Department of Transportation.

20 We don't have an ANC-6A letter. We do have a letter in  
21 support from the single member district chairperson -- single  
22 member district person on the file.

23 Is there anyone here wishing to speak in support of the  
24 application? Anyone in support?

25 Anyone in opposition? Anyone in opposition?

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1           Then we'll close the record based on the evidence before  
2 the Board and I would move that we grant the relief with the  
3 condition that there's no outdoor seating and subject to the  
4 Applicant providing the authorization letter for Mr. duPont.

5           MEMBER HINKLE:    Second.

6           CHAIRPERSON JORDAN:        Motion made and second.  
7 Additional discussion? All those in favor of the motion aye.

8           (Ayes.)

9           CHAIRPERSON JORDAN:        Those opposed nay. The motion  
10 carries. Mr. Moy.

11           MR. MOY: Yes, staff would record the vote as 4 to 0.  
12 This on the motion of Chairman Jordan to approve the  
13 application for the relief requested in addition with the  
14 condition as cited. Second the motion Mr. Hinkle. Also in  
15 support Ms. Cohen and Vice Chair Heath. No other members  
16 present. Motion carries, sir.

17           CHAIRPERSON JORDAN: Summary?

18           MR. MOY: Yes, sir.

19           CHAIRPERSON JORDAN: Is that quick enough?

20           MR. DUPONT: Thank you very much.

21           CHAIRPERSON JORDAN: Thank you. Thank you. Don't  
22 forget the letter please.

23           MR. DUPONT: No, I won't.

24           CHAIRPERSON JORDAN: Next, Mr. Moy.

25           MR. MOY: Yes, sir, the next application before the

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1 Board for public hearing is Application Number 18957. This  
2 is the application of Guggan Datta/Masala Dosa, LLC.

3 Mr. Chairman, this application was advertised for  
4 special exception relief from the HS Overlay requirements  
5 under 1320.4(c) to establish a fast food restaurant in two  
6 existing row dwellings in the HS-H/C-2-A District at 411 H  
7 Street, N.E.

8 CHAIRPERSON JORDAN: Okay. Thank you. Would you  
9 please identify yourself?

10 MS. BROWN: Yes. Good morning, Mr. Chairman and  
11 Members of the Board. I'm Carolyn Brown with the law firm of  
12 Holland and Knight on behalf of the Applicant.

13 To my right is Shawn Baxter from Nando's.

14 CHAIRPERSON JORDAN: Okay. Before we go forward, let  
15 me kind of flip and go to Ms. Thomas, Office of Planning.

16 Because in the Office of Planning's report, you recited,  
17 Ms. Thomas, that there were -- there was conditions placed by  
18 the ANC, but the conditions in your report is different than  
19 the ANC. Can you help me?

20 MS. THOMAS: Let me see. I don't have the ANC's report  
21 right in front of me, but what I did do was refer to some of  
22 the notes the Applicant gave me --

23 CHAIRPERSON JORDAN: Oh. Okay.

24 MS. THOMAS: -- concerning what the ANC had said.  
25 Because at the time, we didn't have the report.

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1 CHAIRPERSON JORDAN: Okay.

2 MS. THOMAS: So, the differences, we were just concur  
3 with whatever the ANC --

4 CHAIRPERSON JORDAN: Okay.

5 MS. THOMAS: Agreement.

6 CHAIRPERSON JORDAN: So, it might have changed from the  
7 time when the Applicant met with them or whatever it very well  
8 may be.

9 MS. THOMAS: That may be correct. Yes. If the  
10 Applicant would like to supplement, that'll be okay.

11 CHAIRPERSON JORDAN: Let me handle it from there.

12 MS. THOMAS: Okay.

13 CHAIRPERSON JORDAN: Just give me one second. One  
14 second. Oh, see I just reversed -- I had reversed the  
15 conditions from OP and the ANC in my notes. So, that's what  
16 I wanted to get straight. Okay. So, we're straight here.

17 I believe from my standpoint, I don't know where the  
18 other Board Members are, that there's substantial evidence in  
19 the record that would provide the basis of the relief subject  
20 to discussing with you the conditions.

21 I don't know if the Board needs to drill down on  
22 anything. Okay. I see heads nodding meaning that they don't  
23 have any questions.

24 So, let's talk briefly the conditions. One, that all  
25 deliveries shall be made using the 4th Street loading zone and

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1 not through the alley. Is that --

2 MS. BROWN: I'm sorry. Which list are you reading from  
3 so I can track it?

4 CHAIRPERSON JORDAN: It should be the ANC -- the ANC  
5 list.

6 MS. BROWN: Okay. Starting on page 2. Okay. Thank  
7 you.

8 CHAIRPERSON JORDAN: Well, I'm not reading from that  
9 list. I make my notes and I --

10 MS. BROWN: Okay.

11 CHAIRPERSON JORDAN: -- so, I don't know. Okay. All  
12 right. Okay. So -- all right. So, you can stay with me then.  
13 Are we good? Okay.

14 MS. BROWN: We're good.

15 CHAIRPERSON JORDAN: The second, that any trash and  
16 recycling and grease collection trucks shall enter from the  
17 alley exit. The alley from -- is that H Street. What's that?  
18 I can't make that -- what street is?

19 MS. BROWN: Fifth Street.

20 CHAIRPERSON JORDAN: Fifth Street. Okay. My note had  
21 something else. All right. Fifth Street.

22 All right. Third, that any exhaust fans shall be  
23 directed away.

24 You're familiar with what the ANC --

25 MS. BROWN: We agree with all of the conditions except

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1 we would want to discuss the last one about the facade treatment  
2 on H Street and just clarify the special exception versus  
3 variance.

4 CHAIRPERSON JORDAN: I don't think we needed a  
5 clarification. We will do --

6 MS. BROWN: Okay.

7 CHAIRPERSON JORDAN: -- so in the record that we're very  
8 clear that the special exception is allowed under both 1300  
9 -- Chapter 1300 and what's allowed under Chapter 700.

10 MS. BROWN: Thank you.

11 CHAIRPERSON JORDAN: The relief requested. We don't  
12 agree with the ANC's position for the mere fact that I think  
13 is provided in 1304 or 1301 or something like that that provides  
14 the special exception which is allowable.

15 MS. BROWN: Correct.

16 CHAIRPERSON JORDAN: So, you don't need to discuss that  
17 with us.

18 MS. BROWN: Thank you.

19 CHAIRPERSON JORDAN: We're clear on that.

20 MS. BROWN: Okay.

21 CHAIRPERSON JORDAN: But, you wanted to talk about  
22 number 7 I believe. Is it?

23 MS. BROWN: Yes.

24 CHAIRPERSON JORDAN: Um-hum.

25 MS. BROWN: The ANC suggested that we might not be

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1 compliance with that requirement of the H Street Overlay and  
2 we believe that we are and they have some photographs that I  
3 can hand out so that it's easier to hear what I'm going to  
4 describe to you.

5 CHAIRPERSON JORDAN: So, let me ask you something.

6 MS. BROWN: Sure.

7 CHAIRPERSON JORDAN: Your position is that if 7 was in  
8 place you're already in compliance. Would that be a  
9 statement?

10 MS. BROWN: Yes, that -- there are two things I want to  
11 point out. Number 1, the current owner of the property has  
12 building permits and is under construction with renovating the  
13 property. What Nando's is doing is simply getting a use for  
14 the interior space. The one thing that they will be doing to  
15 the facade is inserting their glass show window, but otherwise,  
16 all the other changes to the facade are permitted already. So  
17 --

18 CHAIRPERSON JORDAN: So, there's going -- these things,  
19 they're going to be restored back to where they were?

20 MS. BROWN: Everything except for the show window area.  
21 So, in the photograph I just handed out, one of the issues that  
22 the ANC raised is that these -- there are three buildings that  
23 were constructed at one time. So, they have similar  
24 architectural details.

25 So, under the permit that the landlord has obtained, the

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1 top cornice will be retained. The three windows with the  
2 central arch will be retained as you see in the photographs.  
3 The heavy middle cornice that you see that separates the first  
4 and second floor, that will be maintained and then on the  
5 Nando's parcel which is on the right in the photograph, you'll  
6 see that it's just covered with wood -- plywood right now.

7 CHAIRPERSON JORDAN: Um-hum. Um-hum.

8 MS. BROWN: There is no original window there. So,  
9 that is where they will putting in their new contemporary show  
10 window that will be similar to others along the street and in  
11 the H Street Overlay.

12 So, for all intents and purposes, it fits in really  
13 nicely with the streetscape and maintains some of the original  
14 architectural details.

15 CHAIRPERSON JORDAN: So, it's consistent with number 7?

16 MS. BROWN: We believe it is.

17 CHAIRPERSON JORDAN: That's what I was trying to get at

18 --

19 MS. BROWN: I'm sorry.

20 CHAIRPERSON JORDAN: -- awhile ago. Okay. Got ya.

21 I'm with you. All right. Thank you.

22 MS. BROWN: I didn't mean to waste your time.

23 CHAIRPERSON JORDAN: No. No. No. Not a waste of time,  
24 but no. All right. So, we're -- as long as we're on the same  
25 page, we're okay and I appreciate you making sure we are on

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1 the same page.

2 COMMISSIONER COHEN: Mr. Chairman.

3 CHAIRPERSON JORDAN: Yes.

4 COMMISSIONER COHEN: I'm a bit confused. If it's going  
5 to meet what the ANC requires, what's the misunderstanding?

6 CHAIRPERSON JORDAN: I think what you have here is that  
7 it's boarded up now. It's covered and the ANC just wants to  
8 make sure that it's not going to remain that way. Is that  
9 right?

10 MS. BROWN: No, they wanted to replicate the projecting  
11 show windows that are on the two properties to the --

12 COMMISSIONER COHEN: Left. Yes.

13 MS. BROWN: -- left in the photograph and that is not  
14 what was already permitted from the building department.

15 COMMISSIONER COHEN: But. how difficult is it to modify  
16 that?

17 MS. BROWN: Why don't I let Mr. Baxter respond to that.

18 MR. BAXTER: The challenge that we found is that when  
19 the ANC was speaking to us about it, they said between 4th and  
20 5th Street you can see many examples of what these shop windows  
21 are and we want a shop window in your design.

22 When we went back to our designers -- because we wanted  
23 to sort of honor the wishes or consider the wishes of the ANC,  
24 we went to the designers and we said this is what they're asking  
25 for and the challenge was a lack of specificity and design

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1 criteria and sort of a subjective element. That our designers  
2 came back and said if you take pictures of everything that  
3 exists along this street, there's an enormous challenge to  
4 actually be able to determine what it is that's going to be  
5 acceptable, what it is that they're actually looking for  
6 because there isn't a consistent level of design along the  
7 street.

8 And from that perspective, we think that we're doing a  
9 -- sort of a better, more honoring job to the history and the  
10 character of this street than sort of what you will, to be  
11 frank, not see consistently along that block.

12 COMMISSIONER COHEN: Thank you for your explanation.

13 MR. BAXTER: You're welcome.

14 CHAIRPERSON JORDAN: So, you will -- the windows are  
15 going to be consistent with the windows on H Street and the  
16 other buildings that are there?

17 MS. BROWN: Along the entirety of the H Street block,  
18 the 300 block, yes and then what's across the street as well.

19 CHAIRPERSON JORDAN: Okay. All right. Any  
20 additional questions? All right.

21 As you know, Ms. Brown, we believe there's enough  
22 information in the record to support the relief.

23 You have the opportunity to do further presentation or  
24 we can proceed on.

25 MS. BROWN: We'll rest on the record. Thank you.

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1 CHAIRPERSON JORDAN: Then we'll go back to Ms. Thomas  
2 and I didn't have her introduce herself before because I just  
3 jumped all over her and beat her up and everything. No,  
4 please.

5 MS. THOMAS: Good morning, Mr. Chairman, Members of the  
6 Board. Karen Thomas for the Office of Planning.

7 We remain in support of this application and rest in the  
8 record of our report. Thank you.

9 CHAIRPERSON JORDAN: Thank you. Board, any questions?  
10 Applicant, any questions of the Office of Planning?

11 MS. BROWN: No questions.

12 CHAIRPERSON JORDAN: Is there anyone here from the  
13 Department of Transportation on this case? Department of  
14 Transportation has no objection to the relief.

15 Is anyone here from ANC-6C? Anyone from ANC-6C? We  
16 just went through the various requirements 1 through 7 and so,  
17 on the condition -- and I would just modify 7 to say that the  
18 windows need to be consistent with those in the H Street Overlay  
19 Area. Okay.

20 Any other -- what do we do? Oh, anybody here to speak  
21 in support? Anyone in support?

22 Anyone in opposition? Anyone in opposition?

23 Then let's close the hearing based upon the what we've  
24 already received in the record and I would move that we grant  
25 -- oh, excuse me. Is there any discussion, Board?

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1 I would move that we grant the relief in 18957 with the  
2 conditions as we defined them and slightly modified number 7.

3 COMMISSIONER COHEN: I'll second.

4 CHAIRPERSON JORDAN: Motion made and second. All in  
5 favor aye.

6 (Ayes.)

7 CHAIRPERSON JORDAN: Those opposed nay. The motion  
8 carries. Mr. Moy.

9 MR. MOY: Yes, sir, staff would record the vote as 4 to  
10 0. It is on the motion of Chairman Jordan to approve the  
11 application for the relief requested with the conditions as  
12 listed in -- the ANC conditions with modifying the language  
13 in condition number 7 as cited by the Chairman. Also in  
14 support of the motion Ms. Marcie Cohen or rather seconding the  
15 motion. Also in support Vice Chair Heath and Mr. Hinkle.  
16 Motion carries 4 to 0, Mr. Chairman.

17 CHAIRPERSON JORDAN: Summary please.

18 MR. MOY: Thank you.

19 CHAIRPERSON JORDAN: Thank you.

20 MS. BROWN: Thank you very much.

21 CHAIRPERSON JORDAN: Fifty-nine please.

22 MR. MOY: Yes, the next application to be heard is  
23 Application Number 18959 of David and Elizabeth Field. Mr.  
24 Chairman, this was advertised for requesting relief for a  
25 special exception under 223, not meeting lot occupancy, side

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1 yard and rear yard requirements at 3629 Everett Street, N.W.

2 CHAIRPERSON JORDAN: Okay. Please identify  
3 yourselves. Make sure your microphone is on please.

4 MS. FIELD: I'm Elizabeth Field. I'm the owner of 3629  
5 Everett Street with my husband David.

6 MR. MUSE: I'm Stephen Muse, the architect.

7 CHAIRPERSON JORDAN: Okay. Did you give witness cards  
8 to the court reporter?

9 MR. MUSE: I did. Did you?

10 MS. FIELD: No, I did not.

11 CHAIRPERSON JORDAN: See you failed test one. We got  
12 to go.

13 MS. FIELD: Hold on. I can do that.

14 CHAIRPERSON JORDAN: Let's switch your -- you know,  
15 let's -- do you have their names? And then we can give them  
16 to you.

17 COURT REPORTER: If Ms. Field could just fill out one  
18 of the --

19 CHAIRPERSON JORDAN: Okay. Yes. Just go ahead.  
20 Okay. I believe the application is sufficient except for one  
21 issue. As the Office of Planning has recommended, I think you  
22 might need relief from 2001.3.

23 Have you take a look at that. Is that an issue for you?

24 MR. MUSE: I'm sorry. What's the issue?

25 CHAIRPERSON JORDAN: That you also require relief from

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1 a nonconforming use.

2 MR. MUSE: Yes.

3 CHAIRPERSON JORDAN: All right. So, then we'll just  
4 make sure you file an amendment to your application consistent  
5 with that.

6 Board, any questions on this matter from anyone?

7 I believe again this has been a really good day that  
8 there's no controversy. Everybody in the neighborhood, the  
9 community and the Board and Office of Planning and ANC are all  
10 on the same page with all these cases today. We need to mark  
11 that down for history.

12 So, we believe there's sufficient information to  
13 support your requested relief at this point.

14 You have the right to do further presentation if you  
15 believe it's necessary or we can proceed on it.

16 MR. MUSE: I think based on what you just said, we'd have  
17 to move forward.

18 CHAIRPERSON JORDAN: Okay. Then let's turn to the  
19 Office of Planning please.

20 MR. GYOR: Good morning, Mr. Chairman and Members of the  
21 Board. Stephen Gyor with the Office of Planning.

22 We support the application and rest on the record.  
23 Thank you.

24 CHAIRPERSON JORDAN: Board, questions of Planning?  
25 Okay. Applicant, any questions of Planning?

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1 MR. MUSE: No.

2 CHAIRPERSON JORDAN: Is there anyone here from the  
3 Department of Transportation? We have a letter of no  
4 objection to the relief from the Department of Transportation.

5 Anyone here from ANC-3F? 3F? No. Yes, ANC-3F? We  
6 have a letter of approval from ANC-3F. Right? Yes.

7 And then we have an abundance of letters from neighbors  
8 which we really appreciate. Letters and emails from neighbors  
9 which we really, really appreciate having that are in support  
10 of your application.

11 Is there anyone here wishing to speak in support?  
12 Anyone wishing to speak in support?

13 Anyone wishing to speak in opposition? Anyone wishing  
14 to speak in opposition?

15 Then let's close the record on this case and I would move  
16 that we grant the relief in 18959 as amended. You second?

17 VICE CHAIR HEATH: Second.

18 CHAIRPERSON JORDAN: Okay. Motion made and second.  
19 Additional discussion? All those in favor aye.

20 (Ayes.)

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

22 MR. MOY: Staff would record the vote as 4 to 0. This  
23 is on the motion of Chairman Jordan to approve the application  
24 for the relief requested and as amended adding nonconforming  
25 relief under 2001.3. Also in support or rather seconding the

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1 motion, Vice Chair Heath. Also in support Ms. Cohen and Mr.  
2 Hinkle. The motion carries 4 to 0, sir.

3 CHAIRPERSON JORDAN: Summary please.

4 MR. MOY: Thank you.

5 CHAIRPERSON JORDAN: And when you file the amendment,  
6 it might require an additional fee. I'm not certain. But,  
7 that's the Office of Zoning.

8 MR. MUSE: I'm sorry. Just to clarify, what's the  
9 amendment?

10 CHAIRPERSON JORDAN: Relief from 2001.3, enlargement  
11 of a nonconforming structure.

12 MR. MUSE: Okay. That's right.

13 CHAIRPERSON JORDAN: All right. So, that's it. Thank  
14 you. Appreciate.

15 MR. MUSE: Thank you very much.

16 CHAIRPERSON JORDAN: Any other business, Board? Mr.  
17 Moy, is that yes, we do? Yes, we don't?

18 MR. MOY: Yes, we have one more application.

19 CHAIRPERSON JORDAN: Oh, excuse me. Excuse me a  
20 second. Excuse me. Yes. Still thank you.

21 Mr. Moy.

22 MR. MOY: Just a second, sir. Let me double check.

23 CHAIRPERSON JORDAN: That's right. We're -- oh, yes,  
24 that's where we were. All right. Since there's no other  
25 business before the Board, then we will be adjourned. Thank

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1 you. Thanks, everybody.

2 (Whereupon, the above-entitled matter went off the  
3 record at 10:19 a.m.)

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