

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

JULY 14, 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 9:30 a.m., Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

PETER MAY, Zoning Commission Member

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:

BRANDICE ELLIOTT
STEPHEN GYOR
MATT JESICK

The transcript constitutes the minutes from the Public Meeting held on July 14, 2015.

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Application No. 18987	
Pierce Investments, LLC	5
Application No. 19010	
Nicole Mitchell	9

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

(9:37 a.m.)

CHAIRPERSON JORDAN: Good morning. Could we please come to order? Today is July 14th, 2015. And we're here for the meeting and hearings of the Board of Zoning Adjustment of the District of Columbia.

My name is Lloyd Jordan, Chairperson. To my right is Jeffrey Hinkle, a member of the Board. To my left is Peter May, a member of the Zoning Commission sitting in as a member of the Board of Zoning Adjustment today.

We're located the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, Northwest. Please be advised that today's proceedings are being webcast live and also being recorded by a court reporter.

So therefore I'm going to ask you to refrain from any disruptive noises here in the hearing room today. That's your signal now to make sure we silence any device that's going to ring or buzz loudly.

If you're going to provide testimony or address the Board in any manner, read a letter, basically take a seat at this table. I'm going to need you to do two things, first of which is to complete two witness cards per person. That's complete two witness cards per person. And prior to taking a seat at this table, please give those cards to the court reporter who's seated to my right.

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1 The second thing I'm going to need you to do is to now
2 stand and take the oath which will be administrated by Mr. Moy,
3 the Board secretary.

4 MR. MOY: Good morning.

5 (All witnesses sworn.)

6 MR. MOY: Ladies and gentlemen, you may consider
7 yourselves under oath.

8 CHAIRPERSON JORDAN: Okay. Preliminary matters
9 please, Mr. Moy.

10 MR. MOY: Yes, sir. Good morning, Mr. Chairman,
11 members of the Board. Thank you. The only announcement that
12 the staff has for the record is that on the docket Application
13 Number 19039 of Chambers has been withdrawn by the applicant.
14 And that's it, Mr. Chairman.

15 CHAIRPERSON JORDAN: Okay. Thank you. Then let's
16 just proceed with our first meeting case, please.

17 MR. MOY: Okay. That would be an application that was
18 where the applicant requested to be on the expedited review
19 calendar, Application Number 19010 of Nicole Mitchell. And
20 just add --

21 CHAIRPERSON JORDAN: The first case?

22 MR. MOY: I'm sorry. Oh, you said for meeting or
23 hearing?

24 CHAIRPERSON JORDAN: Meeting.

25 MR. MOY: Yes. Yes.

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1 CHAIRPERSON JORDAN: But the first case I thought was
2 18987. I'm wrong? Am I wrong?

3 MR. MOY: Oh, I can do that one too. One of the two,
4 it's 50/50 there. Okay. Application, Chair --

5 CHAIRPERSON JORDAN: I'm just going by the print.
6 Okay.

7 MR. MOY: Application Number 18987, this is the
8 application of Pierce Investments. As the Board is aware, the
9 hearing was heard and completed public testimony on June 9th.

10 A decision was set for June 16th, which was rescheduled
11 to July 14th on the action of the Board. And that decision
12 is before the Board.

13 CHAIRPERSON JORDAN: Okay. Is the Board ready to
14 deliberate? I think that's just you and I, Jeff.

15 MEMBER HINKLE: Right.

16 CHAIRPERSON JORDAN: This is a case which we had a
17 previous hearing and there's some subsequent filings on the
18 case. This is one which, I think at the time, it gave the Board
19 some real shock value about the size. And that it was
20 initially set for relief from height act and et cetera.

21 There's been some reduction to the plans by trying to
22 reduce the properties overall impact. The size of the
23 property, reducing it, lower the proposed project height to
24 50 feet, et cetera.

25 And I commend the applicant for trying to make changes

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1 to make this thing a little bit more feasible in the
2 neighborhood and et cetera. I still think that it's huge and
3 among in that block, I just think that it has an impact on that
4 block.

5 It's just in comparison to the other properties on that
6 street. And I think we've just got to be conscious of how these
7 things come into the neighborhood.

8 This is one that I'm not necessarily in support of
9 because of that. I think they did a great step, but I still
10 think it just brings so much impact upon the neighborhood.

11 Even though they made great strides, it's just still way
12 above all the other properties in the aspect of FAR also. Mr.
13 Hinkle, do you want to --

14 MEMBER HINKLE: Yes, thank you, Mr. Chair. I tend to
15 disagree with you. I think the applicant has made a case
16 regarding the relationship between the environmental
17 remediation that's necessary at the site as with the relief
18 requested.

19 And I'm glad to see that they worked with the
20 neighborhood quite a bit and reduced the size, especially the
21 requested FAR. I think that helps. I think the redesign that
22 they did in the building and pulled the top floor back away
23 from the street, I think that helps reduce its bulk, it's
24 appearance from the street.

25 And I understand your concern about it towering over

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1 some of the neighboring properties, but if you look at the
2 zoning map, actually, there's C-2A property up and down that
3 street. And I think we'll see a lot of, as we have seen, some
4 redevelopment in that area with some larger buildings that are
5 similar in size to what we see here.

6 So I'm supportive of this application. I'm actually a
7 little bit disappointed at the drop in and request of relief
8 for the height. I think, you know, there's an issue of whether
9 this could or should support commercial space, which was a
10 request by the neighborhood.

11 I think with the drop in height, it's going to be
12 difficult to lease any space to a commercial establishment,
13 but then again, then we'll have a residential unit in that
14 space. So those are my thoughts.

15 CHAIRPERSON JORDAN: So why don't you move it and so we
16 can at least have a vote on this and just --

17 MEMBER HINKLE: Well, I'll make a motion to approve the
18 request based on the revised application.

19 CHAIRPERSON JORDAN: And I will second only in the sense
20 that we can go ahead and move this for a vote. Otherwise we
21 wouldn't be able to do that.

22 MEMBER HINKLE: Sure.

23 CHAIRPERSON JORDAN: There are two other members who
24 are participating by absentee ballot. All those in favor of
25 the motion, aye.

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1 MEMBER HINKLE: Aye.

2 CHAIRPERSON JORDAN: Opposed nay. Nay. Mr. Moy,
3 absentees please.

4 MR. MOY: Yes, sir. Before the staff reads back the
5 vote, as you said, I do have in my possession two absentee
6 ballots from two participating members, from Vice Chair Heath
7 and Mr. Robert Miller. And in both cases they have approved
8 the application. So, yes. So that's the two votes on the
9 absentee ballots.

10 CHAIRPERSON JORDAN: Okay. So that's three. Go
11 ahead. Why don't you --

12 MR. MOY: Oh, okay. So that will give final vote of
13 three to one, this on the motion of Mr. Hinkle to approve the
14 application for the relief requested.

15 And seconded the motion, Chairman Jordan. Vice
16 Chairperson Heath and Mr. Miller approving the application,
17 opposed Chairman Jordan. We have a seat vacant on this
18 particular application, so the motion carries.

19 CHAIRPERSON JORDAN: Very good. And it's summary
20 please.

21 MR. MOY: Yes.

22 CHAIRPERSON JORDAN: You want to call the next meeting
23 case?

24 MR. MOY: Okay. That takes me back to the expedited
25 review calendar case, which is Application Number 19010 of

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1 Nicole Mitchell. The applicant had, for the record, revised
2 or amended the relief to add 2001.3 relief as well.

3 CHAIRPERSON JORDAN: Okay. Is the Board ready to
4 deliberate on this case? All right. Is anyone going to go?
5 You want to start? Anybody have any opinions about this? Mr.
6 May?

7 MEMBER MAY: You know, I think this is fairly straight
8 forward. It's already been through the HBRB process to, you
9 know, to get approval on the proposed addition. I mean, all
10 things considered, it's fairly modest. I don't have any
11 difficulty approving it.

12 CHAIRPERSON JORDAN: Any other discussion? Do you
13 want to move it, Mr. May?

14 MEMBER MAY: Yes, I'll move approval of Application
15 Number 19010 of Nicole Mitchell for a special exception relief
16 under Section 223, not meeting lot occupancy under 403 to allow
17 a three story rear addition to an existing one family dwelling
18 in R-4 district at 440 Ridge Street, Northwest.

19 CHAIRPERSON JORDAN: I'll second it. Motion made and
20 seconded to approve 19010. Any further discussion? All
21 those in favor signify by saying aye.

22 (Chorus of ayes)

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

25 MR. MOY: Staff would record the vote as three to zero.

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1 This on the motion of Mr. Peter May to approve the application
2 for the relief requested as seconded the motion, Chairman
3 Jordan.

4 Also in support Mr. Hinkle and we have a member not
5 present, not voting and we'll leave it at that, so the motion
6 is three to zero. Motion carries.

7 CHAIRPERSON JORDAN: Now let's have a summary recorder,
8 please.

9 MR. MOY: Thank you.

10 (Whereupon, the above-entitled matter went off the
11 record at 9:48 a.m.)
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