

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

JANUARY 24, 2024

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Video-Teleconference, pursuant to notice at 9:37 a.m. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA L. JOHN, Vice-Chairperson
CARL BLAKE, Member
CHRISHAUN S. SMITH, NCPC Designee

ZONING COMMISSION MEMBER PRESENT:

ANTHONY J. HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

RON BARRON
SHEPARD BEAMON
MICHAEL JURKOVIC

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OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.
COMETRIA COOPER, ESQ.
CARISSA DEMARE, ESQ.
RYAN NICHOLAS, ESQ.

The transcript constitutes the minutes from
the Regular Public Meeting held on January 24, 2024.

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

9:37 a.m.

BZA CHAIR HILL: Good morning, ladies and gentlemen, the Board of Zoning Adjustment.

Today's date is 1/24/2024 will please come to order.

My name is Fred Hill, Chairman of the District of Columbia Board of Zoning and Adjustment.

Joining the meeting today is Vice Chair Lorna John, Board Members Carl Blake and Chrishaun Smith, and Zoning Commissioner's Chairman Anthony Hood.

Today's meeting and hearing agenda are available on the Office of Zoning's website.

Please be advised that this proceeding is being recorded by a court reporter and is also web cast live via WebEx and YouTube Live.

The video of the web cast will be available on the Office of Zoning's website after today's hearing.

Accordingly, everyone who is listening on WebEx or by telephone will be muted during the hearing.

Also, please be advised that we do not take public testimony at our decision meeting session.

One second, please.

If you're experiencing difficulty accessing WebEx or your telephone call in, then please call the 00Z hotline

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1 at 202-727-5471 to receive WebEx log in and calling
2 instructions.

3 At the conclusion of the decision meeting, subject
4 to consultation with the Office of Zoning to determine
5 whether a full or summary order may be used.

6 A full order is required when the decision
7 contains adverse to a party including the affected ANC.

8 A full order will also be needed if the Board's
9 decision differs from the Office of Planning's
10 recommendation.

11 Although the Board favors to use a summary order
12 whenever possible, an Applicant may not request the Board to
13 issue such an order.

14 In today's hearing session, everyone who's
15 listening on WebEx or by telephone, you will be muted during
16 the hearing.

17 And the only persons who have signed up to
18 participate or testify will be unmuted at the appropriate
19 time.

20 Please state your name and home address before
21 providing oral testimony or your presentation.

22 Oral presentation will be limited to summary and
23 list of main points.

24 When you're finished speaking, please mute your
25 audio so that your microphone is no longer picking up sound

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1 and background noise.

2 Once again, if you're experiencing difficulty
3 accessing the telephone or the website, please call the
4 hotline at 202-727-5471.

5 All persons planning to testify either in favor
6 or in opposition should have signed up in advance.

7 They'll be called by name to testify.

8 If this is an appeal, only parties are allowed to
9 testify.

10 By signing up to testify, all participants
11 completed the oath or affirmation as required by Subtitle Y
12 408.7.

13 Requests to enter evidence and the time in online
14 virtual hearing testimony or additional supporting documents
15 other than live video which may not be presented as part of
16 the testimony may be allowed to be presented pursuant
17 Subtitle Y 103.13, provided that the persons making the
18 request to enter an exhibit explain, A, how the proposed
19 exhibit is relevant, B, that good cause justifies allowing
20 the exhibit into the record, including an explanation of why
21 the requester did not file the exhibit prior to the hearing
22 pursuant to Y 206, and C, how the proposed exhibit would not
23 have reasonably prejudiced any parties.

24 The order of procedures for special acceptance to
25 the variances are in Subtitle Y 409.

1 At the conclusion of each case an individual who
2 is unable to testify because of technical issues may file a
3 request for leave to file a written version of the planned
4 testimony into the record within 24 hours following the
5 conclusion of the public testimony in the hearing.

6 If additional written testimony is accepted, then
7 parties will be allowed a reasonable time to respond as
8 determined by the Board.

9 The Board will then make its decision at its next
10 meeting session, but no earlier than 48 hours after the
11 hearing.

12 Moreover, the Board may request additional
13 specific information to complete the record.

14 The Board and the staff will specify at the end
15 of the hearing exactly what is expected and the date the
16 person must submit the evidence to the Office of Zoning.

17 No other information shall be accepted by the
18 Board.

19 Finally, the District of Columbia Administrative
20 Procedures Act requires that the public hearing on each case
21 be held in the open and before the public.

22 However, pursuant to Section 405(b) and 406 of
23 that Act, the Board may, consistent with its Rules of
24 Procedures and the Act, enter into closed meeting on a case
25 for purposes of seeking legal counsel on a case pursuant to

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1 DC Official Code Section 2-575(b)(4), and/or deliberate in
2 our case pursuant to DC Official Code Section 2-575(b)(13),
3 but only after providing the necessary public notice.

4 In the case of emergency closed meeting after
5 taking a roll call vote.

6 Mr. Secretary, do we have any preliminary matters?

7 (NO AUDIBLE RESPONSE)

8 BZA CHAIR HILL: You are on mute, Mr. Moy.

9 I'm getting a weird crackling on my system here.

10 While Mr. Moy tries to log in, I'm going to log
11 off and log back in. Okay?

12 MEMBER SMITH: Mr. Moy, I think you're either on
13 mute or I can't hear you.

14 ZC CHAIR HOOD: I had the same problem. I had to
15 log off and come back on.

16 Can you all hear me now?

17 MEMBER SMITH: Yes, I can hear you.

18 ZC CHAIR HOOD: Okay, thanks.

19 MEMBER SMITH: No.

20 Mr. Moy, you may have to log off and come back in,
21 too.

22 MR. MOY: Okay, I'll log off and come back in.

23 MEMBER SMITH: I can year you. We can hear you.

24 MR. MOY: Am I good? Really?

25 BZA CHAIR HILL: Can you hear me?

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1 ZC CHAIR HOOD: Can everybody hear?

2 MR. MOY: Okay, how does this sound, Mr. Chairman?

3 BZA CHAIR HILL: Yes, can you all hear me?

4 MR. MOY: Yes, I can.

5 BZA CHAIR HILL: All right, okay, all right.

6 All right, then, go ahead, Mr. Moy.

7 Do we have any preliminary matters, Mr. Moy?

8 MR. MOY: Yes, sorry for that blip. Blip? Is
9 that a good English word? A blip?

10 BZA CHAIR HILL: Sure, why not? Why not?

11 MR. MOY: Let me turn my volume up a little bit.

12 Okay, here we go, all right, let's try this again.

13 Okay, I have just a very quick announcement in
14 reference to today's docket.

15 We have two case applications that have been
16 motions with requests for continuance. And they've been
17 granted.

18 Case Application Number 20953 of Jackson Place,
19 LLC is postponed, rescheduled to April 3, 2024.

20 And Appeal Number 21008 of Gale H. Arnold
21 Revocable Trust in the Lydia Denney or Denney, D-E-N-N-E-Y,
22 Palmer DC, LLC, rescheduled, postponed to June 5, 2024.

23 Other than that, Mr. Chairman, we have two cases
24 on today's docket where the Applicant filed a motion to
25 postpone and continue.

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1 And as the Board is aware, those cases are 20768
2 and 20769 of District Properties dot com, and that's all I
3 have for you, Mr. Chairman.

4 BZA CHAIR HILL: Okay, great, thanks, Mr. Moy.

5 You may go ahead and call our first item for
6 business today.

7 MR. MOY: In the one case for -- in the Board's
8 public meeting session is an expedited review calendar case.
9 And this is Application Number 21043 of Sarah and Edward
10 Spector.

11 This is a self-certified application pursuant to
12 Subtitle X, Section 901.2, special exception under Subtitle
13 D, Section 5201.1 from the rear yard requirements of Subtitle
14 D, Section 5004.1.

15 The property is located in the R-1B Zone at 3702
16 Livingston Street, Northwest, Square 1869, Lot 32.

17 And I believe that's all I have for you.

18 Thank you, sir.

19 BZA CHAIR HILL: Thank you.

20 I'm sorry, Mr. Moy, did you say 21043?

21 MR. MOY: You mean the case number?

22 BZA CHAIR HILL: Yes.

23 MR. MOY: 21043.

24 BZA CHAIR HILL: Okay, great, thank you.

25 All right, so, this isn't here for expedited

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1 review.

2 And overall, I don't really particularly have any
3 issues with it. I mean, I'm looking at the Office of
4 Planning's report once again. I reviewed the file.

5 And, you know, I would agree with them about this
6 not necessarily, you know, causing any additional light and
7 air issues.

8 I mean, it's a screened in porch.

9 I guess my only, you know, in -- well, I guess,
10 that's number one.

11 Number two, it is nice to see that the neighbor
12 across the back from the alley is not concerned about the
13 project.

14 And in terms of the statement of community
15 outreach, I mean, basically, and we see this applicant --
16 this firm before us a lot.

17 And I know that they've kind of, in the past, put
18 the statement of community outreach which it basically it
19 says that they've reached out to the chair or the ANC.

20 And then, it says, they plan to present it, but
21 we don't have anything additional to that.

22 Like, what would be helpful for me, and I'm going
23 to vote to approve this, but for me, in the future, and I
24 can't say that I would hold this to every -- I mean, this is
25 the problem, like you know, this particular firm does a lot

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1 of work with us, so it's easy to kind of ask them to help
2 clarify what the community outreach is.

3 And then, the next person that comes in that
4 doesn't do any work with us, well, won't know necessarily.

5 Or maybe the staff actually, Mr. Moy, when we have
6 our training again, we can talk about expedited reviews and
7 community outreach in just a little bit more detail since we
8 don't have them with us, in front of us, kind of what
9 community outreach they did do.

10 And since I know we're kind of having a short day
11 today, I'm taking a minute to just talk about this.

12 But in general, I think they're meeting the
13 criteria for me to feel comfortable to grant this particular
14 relief. And I'm going to be voting in favor of the
15 application.

16 As mentioned again, that the Office of Planning,
17 we have the support of the Office of Planning as well as
18 people in support from across the alley.

19 Mr. Smith, do you have anything you'd like to add?

20 MEMBER SMITH: I don't have anything to add.

21 And I agree with your assessment of this case and
22 will support the application as well.

23 BZA CHAIR HILL: Great, thank you.

24 Mr. Blake?

25 MEMBER BLAKE: I'll be support of the application

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1 as well.

2 I have no additional comments.

3 BZA CHAIR HILL: Chairman Hood?

4 ZC CHAIR HOOD: I would agree with my colleagues.

5 Mr. Chairman, I have no additional comments as
6 well.

7 BZA CHAIR HILL: Thank you.

8 All right, then, I'm going to make a motion to
9 approve Application Number 21043 as captioned read by the
10 Secretary and ask for a second, Mr. Blake?

11 MEMBER BLAKE: Second.

12 BZA CHAIR HILL: Motion made and seconded.

13 Mr. Moy, can you take a roll call?

14 MR. MOY: Yes, thank you, sir.

15 When I call your name, if you will please respond
16 to the motion made by Chairman Hill to approve the
17 application for the relief requested.

18 This motion was seconded by Mr. Blake.

19 Zoning Commission Chair Anthony Hood?

20 ZC CHAIR HOOD: Yes.

21 MR. MOY: Mr. Smith?

22 MEMBER SMITH: Yes.

23 MR. MOY: Mr. Blake?

24 MEMBER BLAKE: Yes.

25 MR. MOY: Chairman Hill?

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1 BZA CHAIR HILL: Yes.

2 MR. MOY: The staff will record the vote as 4 to
3 0 to 1. And this is on the motion made by Chairman Hill to
4 approve.

5 The motion to approve was seconded by Mr. Blake.
6 Mr. Blake also voted to approve the application, as well as
7 approval from Zoning Commission Chair Anthony Hood, Mr.
8 Smith, of course, Mr. Blake, Chairman Hill.

9 We have no other Board Member participating today.

10 The motion carries on a vote of 4 to 0 to 1.

11 BZA CHAIR HILL: Okay, great, thank you.

12 All right, Mr. Moy, you may call our next one.

13 (Whereupon, the above-entitled matter went off the
14 record at 9:50 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC BZA

Date: 01-24-24

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

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