

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

WEDNESDAY

APRIL, 25, 2018

+ + + + +

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., Carlton Hart, Vice-Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

CARLTON HART, Vice-Chairperson(NCPC)  
LORNA JOHN, Board Member

ZONING COMMISSION MEMBER[S] PRESENT:

ROBERT MILLER, Vice-Chair  
MICHAEL TURNBULL, Board Member

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ  
HILLARY LOVICK, ESQ.

The transcript constitutes the minutes from the Public Meeting held on April 25, 2018.

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C-O-N-T-E-N-T-S

Welcome . . . . . 4

Preliminary Matters . . . . . 6

Application No. 17703b: Sidwell Friends School . . . . . 7

Application No. 19727: Mihai Pserderski . . . . . 10

Adjourn . . . . . 13

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

9:47 a.m.

VICE-CHAIR HART: The hearing will please come to order.

Good morning, ladies and gentlemen. We are located in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, Northwest. This is the April 25th, 2018 public hearing of the Board of Zoning Adjustment of the District of Columbia.

My name is Carlton Hart, Vice-Chairperson. Joining me today is Lorna John and Lesyllee White will be here this afternoon. They're both Board Members. And representing the Zoning Commission is Michael Turnbull, which will be here -- he'll be here for one of the meeting cases, and Rob Miller will sit in for the rest of the hearing.

Copies of today's hearing agenda are available to you and are located in the wall bin near the door to my left.

Please be advised that this proceeding is being recorded by a court reporter and is also web cast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

When presenting information to the Board please turn on and speak into the microphone first stating your name and home address. When you are finished speaking, please turn your microphone off so that your microphone is no longer

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1 picking up sound or background noise.

2 All persons planning to testify either in favor  
3 or in opposition must have raised your hand and been sworn  
4 in by the secretary. Also, each witness must fill out two  
5 witness cards. These cards are located on the table near the  
6 door and on the witness tables. Upon coming forward to speak  
7 to the Board please give both of the cards to the reporter  
8 sitting at the table to my right.

9 If you wish to file written testimony or  
10 additional supporting documents today, please submit one  
11 original and 12 copies to secretary for distribution. If you  
12 do not have the requisite number of copies you can reproduce  
13 copies on an office printer in the Office of Zoning located  
14 across the hall.

15 The order of procedures for special exceptions and  
16 variances pursuant to Subtitle Y § 409 is located on the  
17 table at the door to my left. The order of procedure for  
18 appeal applications pursuant to Subtitle Y § 507 is located  
19 also at the door to my left.

20 The record shall be closed at the conclusion of  
21 each case except for any material that's specifically  
22 requested by the Board. The Board and the staff will specify  
23 at the end of the hearing exactly what is expected and the  
24 date when the persons must submit the evidence to the Office  
25 of Zoning. After the record is closed no other information

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1 shall be accepted by the Board.

2           The District of Columbia Administrative Procedure  
3 Act requires that the public hearing on each case be held in  
4 the open before the public. Pursuant to Subtitles 405(b) and  
5 406 of that Act the Board may, consistent with its rules of  
6 procedures and the Act, enter into a closed meeting on case  
7 for purposes of seeking legal counsel on a case pursuant to  
8 D.C. Official Code Subtitle 2-575(b)(4) and/or deliberating  
9 on a case pursuant to D.C. Official Code Subtitle 2-  
10 575(b)(13), but only after providing the necessary public  
11 notice and in the case of an emergency closed meeting after  
12 taking a roll call vote.

13           The decision of the Board in these contested cases  
14 must be based exclusively on the public record. To avoid any  
15 appearance to the contrary the Board requests that persons  
16 present not engage the members of the Board in conversation.

17           Please turn off all beepers and cell phones at  
18 this time so as not to disrupt these proceedings.

19           Preliminary matters are those which relate to  
20 whether a case will or should be heard today such as requests  
21 for postponement, continuance or withdrawal, or whether  
22 proper and adequate notice of the hearing has been given.  
23 If you are not prepared to go forward with a case today or  
24 if you believe that the Board should not proceed, now is the  
25 time to raise such a matter.

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1           Mr. Secretary, do you have any preliminary  
2 matters?

3           SECRETARY MOY: Good morning, Mr. Vice-Chair,  
4 members of the Board. Very quickly since I have the  
5 microphone I want to announce for today's docket we do have  
6 one case application that has been postponed and rescheduled,  
7 and that is Application No. 19696 of 1001 through 1003 Rhode  
8 Avenue, Northeast, LLC.

9           Other than that there are other preliminary  
10 matters, but I would suggest to the Board that the Board  
11 address those preliminary matters when I call the case.

12           VICE-CHAIR HART: Thank you. All individual  
13 wishing to testify today, please raise -- rise to take the  
14 oath.

15           And, Mr. Secretary, would you please administer  
16 the oath?

17           SECRETARY MOY: Thank you, sir.

18           Good morning. Do you solemnly swear or affirm  
19 that the testimony you're about to present in this proceeding  
20 is the truth, whole truth and nothing but the truth?

21           THE WITNESSES: I do.

22           SECRETARY MOY: Ladies and gentlemen, you may  
23 consider yourselves under oath.

24           VICE-CHAIR HART: So, Mr. Secretary, if you could,  
25 please call the first case?

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1           SECRETARY MOY: Okay. I believe the first of two  
2 cases were decision making. This is Case Application No.  
3 17703B, B as in bravo, of Sidwell Friends School. this is  
4 a request for a two-year time extension of BZA Order No.  
5 17703A approving a special exception from the private school  
6 requirements of § 206 to increase the existing education  
7 campus and number of students and staff. This is in the C-2-  
8 A/R-1-B District, premises 3825 Wisconsin Avenue, Northwest,  
9 Square 1825, Lot 818.

10           And as the Board is aware, the Applicant's filing  
11 of this request is in the case records identified under  
12 Exhibit 4.

13           VICE-CHAIR HART: Thank you, Mr. Secretary.

14           Is the Board ready to deliberate?

15           MEMBER JOHN: Yes, Mr. Vice-Chair.

16           VICE-CHAIR HART: Mr. Turnbull, you're sitting so  
17 far away from me. I feel like you're in another land down  
18 there.

19           COMMISSIONER TURNBULL: You want me to move  
20 closer?

21           VICE-CHAIR HART: No, it's fine. No, it's fine.  
22 You can stay down there if you'd like. Whatever is  
23 comfortable to you.

24           So you all are ready to deliberate? Everyone's  
25 ready to deliberate?

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1 MEMBER JOHN: Yes, Mr. Vice-Chair.

2 VICE-CHAIR HART: I can start? I thought this was  
3 a fairly straightforward application. I did not have really  
4 any concerns about granting this two-year time extension.  
5 The Office of Planning is in favor of this. And I didn't  
6 know if you all had any other comments that you'd like to  
7 make on the case.

8 MEMBER JOHN: Mr. Vice-Chair, I have no major  
9 concerns about this application. As you said, it is fairly  
10 straightforward. It is an application for a two-year  
11 extension of the former BZA Order 17703A and the applicant  
12 has met the standard in the regulations by showing that  
13 there's good cause for the extension. In particular, the  
14 economic conditions and the need to relocate the Washington  
15 home. So I am in favor of supporting the application.

16 VICE-CHAIR HART: Okay. Mr. Turnbull?

17 COMMISSIONER TURNBULL: Yes, thank you, Mr. Chair.  
18 No, I sat on the case originally and we have -- in our  
19 exhibits we have at Exhibit 7 the Van Ness Veazey Street  
20 Coalition, and at Exhibit 8 you have the Springland Farms  
21 Community, LLC, and both of those were original parties to  
22 the case and they both have expressed their support for the  
23 extension. And the ANC's resolution was 5-0-0 to support it,  
24 so I have -- now the only question -- what came up when I was  
25 reading -- going through the paperwork, the -- Ms. Lindsey,

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1 Assistant Head of the School, originally had requested -- in  
2 her letter she was talking about three years, but it looks  
3 like in their attorney's application it's only for two. So  
4 if that's what it is, two is fine.

5 VICE-CHAIR HART: Yes, I think that there is a  
6 two-year time limit --

7 COMMISSIONER TURNBULL: Yes.

8 VICE-CHAIR HART: -- in general, so --

9 COMMISSIONER TURNBULL: That's what I --  
10 (Simultaneous speaking.)

11 VICE-CHAIR HART: -- I think that the two years  
12 is fine for us to move forward with. I did note that there  
13 was a discrepancy as well, but --

14 COMMISSIONER TURNBULL: Yes.

15 VICE-CHAIR HART: -- it's -- right now I think  
16 that we should be looking at the two-year time extension.

17 So hearing your comments and agreeing with them,  
18 I think that I would make a motion to approve Application No.  
19 17703B of Sidwell Friends School as read by the secretary.  
20 Do I have a second?

21 COMMISSIONER TURNBULL: Second.

22 VICE-CHAIR HART: All those in favor, say aye?  
23 (Chorus of aye.)

24 VICE-CHAIR HART: Any opposed?

25 (No audible response.)

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1 VICE-CHAIR HART: Motion carries. Mr. Moy?

2 SECRETARY MOY: Staff would record the vote as 3-  
3 0-2. This is on the motion of Vice-Chair Hart to approve the  
4 application for the request for the two-year time extension.  
5 Seconded the motion, Mr. Michael Turnbull. Also in support  
6 Ms. Lorna John. And we have two -- and we have no other  
7 Board Members participating today, so the final vote is 3-0-  
8 0-2 and the motion carries.

9 VICE-CHAIR HART: We can do a summary order, Mr.  
10 Moy?

11 SECRETARY MOY: Yes, sir.

12 VICE-CHAIR HART: Okay. That's it. Thank you  
13 very much, Mr. Turnbull.

14 COMMISSIONER TURNBULL: As usual it was a pleasure  
15 to be here.

16 VICE-CHAIR HART: I don't know if the Zoning  
17 Commission Members are afraid of me, but they're sitting very  
18 far away from me today.

19 So could you please call the next case, Mr. Moy?

20 SECRETARY MOY: Yes, sir. That would be Case  
21 Application No. 19727 of Mihai -- I suppose it's pronounced  
22 Persderski, P-S-E-R-D-E-R-S-K-I. This is a request for a  
23 special exception under Subtitle D § 5201 from the side yard  
24 requirements of Subtitle D § 307.2. This would construct a  
25 side garage and rear deck addition to an existing principal

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1 dwelling unit in the R-3 Zone at premises 5035 B Street,  
2 Southeast, Square 5325, Lot 10.

3 VICE-CHAIR HART: Thank you, Mr. Moy.

4 Is the Board ready to deliberate?

5 MEMBER JOHN: Yes, Mr. Vice-Chair.

6 VICE-CHAIR HART: I can start. After reviewing  
7 the record, in particular the Office of Planning report,  
8 which recommends approval of this special exception to  
9 Subtitle D § 5201, Subtitle D § 307.2, side yard setback, I  
10 would agree with the Office of Planning's report that they  
11 have met the criteria for granting the special exception for  
12 side yard relief.

13 I didn't have much else to say about it. I didn't  
14 know if my other Board Members had some thoughts on the case  
15 as well.

16 MEMBER JOHN: Mr. Vice-Chair, I am in support of  
17 the application. The Office of Planning has provided a very  
18 good analysis of the basis for granting the exception  
19 consistent with the regulations. And in particular, the  
20 addition would not have any impact, any adverse impact on the  
21 privacy and use and enjoyment of the neighboring properties.  
22 There are no windows on this side, on the east side of the  
23 addition which would impact the house to the east, and most  
24 of the windows -- I believe all of the windows are at the  
25 rear of the addition. And even with the addition the lot

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1 occupancy would be at 36 percent. So based on the record I  
2 would support the application.

3 VICE-CHAIR HART: Thank you. Mr. Miller?

4 VICE-CHAIR MILLER: Thank you, Mr. Vice-Chair.  
5 I concur with my colleagues in moving forward with this. I  
6 just wanted to confirm with I guess the -- with Mr. Moy that  
7 we never received any comments from ANC -- 7E I think was the  
8 affected ANC.

9 But they were notified of this application, is  
10 that correct?

11 SECRETARY MOY: To my knowledge, yes, sir.

12 VICE-CHAIR MILLER: Okay. Thank you.

13 VICE-CHAIR HART: Yes, I was actually looking at  
14 the record to see if the ANC had submitted a letter and there  
15 is -- there are no -- there's no correspondence in the record  
16 from the ANC. And there is a referral that -- to the ANC  
17 itself.

18 So with that I will make a motion to approve  
19 Application No. 19727 of Mihai Pserderski, pursuant to --  
20 sorry, the -- as read by the secretary. Do I have a second  
21 on the motion?

22 MEMBER JOHN: Second.

23 VICE-CHAIR HART: All those in favor, say aye?

24 (Chorus of aye.)

25 VICE-CHAIR HART: Any opposed?

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1 (No audible response.)

2 VICE-CHAIR HART: Motion carries. Mr. Moy?

3 SECRETARY MOY: Staff would record the vote as 3-  
4 0-2. This is on the motion of Vice-Chair Hart to approve the  
5 application for the relief requested. Seconded the motion,  
6 Ms. Lorna John. Also in support Mr. Michael Miller. We have  
7 two Board Members not present or participating. The motion  
8 carries.

9 VICE-CHAIR HART: A summary order, Mr. Moy?

10 SECRETARY MOY: Yes, sir.

11 (Whereupon, the above-entitled matter was  
12 concluded at 10:02 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: 04-25-18

Place: Washington, DC

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



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Court Reporter

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