

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

TUESDAY
February 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 9:30 a.m., Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
MARNIQUE HEATH, Vice-Chairperson

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS
MEGAN RAPPOLT
MATT JESICK
ELISE VITALE

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

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

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

(9:30 a.m.)

CHAIRPERSON JORDAN: Good morning, if we can please come to order. We're located at the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W. And we're here for the public meeting and public hearings of the Board of Zoning Adjustment.

My name is Lloyd Jordan, Chairperson. To my left is Vice Chair Marnique Heath. To her left is Peter May, member of the Zoning Commission, sitting in as a member of the Board of Zoning Adjustment this morning.

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 this room. It's a good time now to be sure to silence any devices that may ring or buzz loudly.

The Board's hearing procedures and meeting procedures are contained in the document in the back of the room to my left by the back door. So, feel free to get that if you're not familiar with how we operate here at the Board.

If you're going to testify or address the Board or read a statement in any manner or any way, I'm going to need you to do two things prior to you addressing the Board. One of which I'm going to need you to do, complete two witness cards per person. That's complete two witness cards per person and

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1 give those cards to the court reporter seated to my right.

2 The second thing I'm going to ask you to do is to now
3 rise and take the oath which will be given by Mr. Moy, Secretary
4 to the Board.

5 MR. MOY: Thank you, Mr. Chairman.

6 Good morning.

7 GROUP RESPONSE: Good morning.

8 MR. MOY: Do you solemnly swear or affirm that the
9 testimony you're about to present in this proceeding is the
10 truth, the whole truth and nothing but the truth?

11 GROUP RESPONSE: I do.

12 MR. MOY: Ladies and gentlemen, you may consider
13 yourselves under oath.

14 CHAIRPERSON JORDAN: Mr. Moy, do you have any
15 announcements?

16 MR. MOY: Yes, I do. Thank you, sir.

17 For the record, from the cases on the docket scheduled
18 for today, we have two cases that have been withdrawn by the
19 applicant. Those cases are 18889 of DAZ, D-A-Z, LLC, as well
20 as 18895 of James Walker.

21 Additionally, Application Number 18925 of Hwa Golden
22 was B- the applicant requested a postponement and this
23 application has been rescheduled to a hearing on March 31st.

24 And finally, Application Number 18875 B- or, rather,
25 18877 of Jessica Crane has been rescheduled to a future hearing

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1 date because -- pending availability of an interpreter for that
2 hearing.

3 That completes that segment, Mr. Chairman.

4 CHAIRPERSON JORDAN: Okay. Thank you.

5 So, gone from the docket today is 18877; is that correct?
6 18889 and 18895, as well as 18925; is that right?

7 MR. MOY: That's correct. And 18877.

8 CHAIRPERSON JORDAN: Yeah, I said that. All right.

9 (Comments off record.)

10 CHAIRPERSON JORDAN: Let's go ahead and proceed.
11 Let's call the first B- let's call 18852 and 18853 for a
12 decision, please.

13 MR. MOY: Yes, sir. One of the B-

14 CHAIRPERSON JORDAN: Three?

15 MR. MOY: Yes, one of three cases for decision this
16 morning. The first on the table is Applications Number 18852
17 and 18853 of SB Urban.

18 Both of these applications were handled simultaneously
19 by the Board. 18852 is at premises 90 Blagden Alley, N.W. And
20 18853 is on 91 Blagden Alley with their own respective zoning
21 relief request.

22 If the Board will recall, the Board last heard these two
23 cases on January 27th, 2015, at which at the end the Board
24 closed the record and requested the applicant's proposed
25 findings of fact, conclusions of law, as well as their rebuttal

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1 testimony. And that is in your case folders under Exhibits
2 66 and 64 respectively.

3 The Board is to act on the merits of the requested
4 relief.

5 CHAIRPERSON JORDAN: Right. Thank you.

6 Is the Board ready to deliberate on these two cases
7 that's been consolidated?

8 Good. This is certainly a matter which has given me
9 great pause and concern. I've looked at the -- well, besides
10 going through the hearing, I went back and looked at the whole
11 hearing tape and I guess I read back through the documents
12 several times.

13 Does anyone want to start off, have anything you want
14 to discuss about this case? Any particular feelings?

15 Yes, Mr. May.

16 COMMISSIONER MAY: Okay. I'll kick things off.

17 This is a complicated case. And it's a difficult
18 project, I'm sure, for the developer to, I don't know, to
19 realize the right solution, to come up with the right solution.
20 But in this case, I believe that the case has been made for
21 the relief that's been requested.

22 I think the applicant has been thorough in their
23 investigations and have made the case that the variance test
24 has been met for the relief of the parking, which is the big
25 issue here.

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1 And they have supported the Office of Planning, the ANC
2 and DDOT. And I'm not sure what more I need to say about it.

3 I believe the case has been made. I think that this is
4 B- it's a hard thing, I think, for many people to accept the
5 idea that people would live in a building and not have a car
6 or live anywhere and not have a car, but there are a lot of
7 people who would do that.

8 And, you know, I think you could, you know, one could
9 argue that there's a way to do a building here with some level
10 of parking. And perhaps a level of parking, you know, where
11 a project could be done as a matter of right, but those would
12 tend to be much larger living units. And they would likely
13 wind up with a project which is eligible for residential
14 parking permits and they're probably going to have multiple
15 cars.

16 So, I think in the end, a matter of right or a project
17 B- matter of right project or a project that required more
18 limited relief would actually be more impactful than what's
19 been proposed here.

20 I mean, they've done everything that they can to make
21 sure that the people who would live here are not going to need
22 vehicles.

23 And I believe that there are appropriate protections in
24 the TDM plan and in the restrictions on, you know, the fact
25 the buildings won't be eligible for residential parking

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1 permits, the fact that there will be lease restrictions
2 relating to the ownership of cars, the fact that there is
3 available garage parking within some distance, which is how
4 other very large cities handle this issue.

5 I mean, if you live in Manhattan, chances are you're not
6 going to have a car unless you have a place to park it in the
7 garage. And, you know, there are many, many buildings that
8 don't have garages. So, you know, that's what you do.

9 I think the case has been made. I think it would be
10 consistent with the past practice of the Zoning Commission to
11 approve this case, and with the direction where the zoning
12 regulations are moving in the proposed new regulation.

13 So, I am fully in support of granting the relief in this
14 case.

15 CHAIRPERSON JORDAN: Ms. Heath.

16 VICE CHAIR HEATH: I agree with my colleague, Mr. May.
17 I am satisfied that the applicant has proven that they deserve
18 the variance request.

19 And I'm satisfied with the TDM measures. I agree that
20 this is a difficult issue because of the parking issue
21 associated with this, but I feel that the applicant has done
22 everything that they can in order to prove that -- in order
23 to make parking a nonissue. So, I support this.

24 CHAIRPERSON JORDAN: Well, first, for the record, and
25 I did not make this announcement. I was remiss on it. Board

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1 Member Jeffrey Hinkle is very ill this morning. So, he is
2 taking care of himself, but he also did us a favor so he didn't
3 get us all sick with the flu that he has. We really appreciate
4 it, but we wish him well. And Jeff was also on this case.

5 This case gives me a lot of concerns and here's my issue.
6 I wanted to hear from my colleagues on this, because I'm still
7 kind of straddling on this case.

8 I think it's clear that this property shows exceptional
9 conditions that would allow for the relief for the lot
10 occupancy and the side yard.

11 I mean, there is confluence of factors affecting the
12 M Street property to be what's called "historic," but that's
13 not in this -- our bailiwick. We don't make the determination
14 what's historic, but another agency or department called it
15 historic. So, it is affected by some historic property.

16 And then the lot itself is long and narrow -- and longer
17 and narrower and has more factors affecting it than any other
18 property in that particular area.

19 And then the garage kind of makes it hard or presents
20 an unusual condition for this property. So, I don't have any
21 real concerns about that level of relief. And I think it's
22 a practical difficulty of -- thank you.

23 Okay. I think it's a practical difficulty regarding
24 how to change the ability to use that property as in regards
25 to the lot occupancy, the side yard. And I think they've

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1 adequately made a presentation for special relief -- excuse
2 me -- special exception for the roof relief.

3 Again, going back on the other variance, I think just
4 trying to reduce the footprint makes some inefficiencies and
5 then just how do you do it then re-raises the question, can
6 you put in parking? And parking is where I'm having the most
7 difficult time.

8 And I believe that -- here's the problem. I believe
9 that parking cannot be placed there, because of the exceptional
10 condition and practical difficulty. However, its affect upon
11 the community is where I'm really having problems, which is
12 part of the test. So, you know, that's what I'm toying with.

13 It's an issue where how can you put parking there, but
14 there might be some other ways whether or not their inefficient
15 and how many parking spaces can be put there.

16 We had a transportation study that talked about issues
17 and even with the TDM, that's the other part of my concern,
18 the presentation by the transportation expert which I've read
19 a couple of times, reviewed the tape again, the TDM measures
20 is not exact science. It's not an exact science.

21 And these studies have a lot of subjective language in
22 it and factors that people use to make a determination.

23 Whether or not you look at the mode split as 90 percent
24 mode split or whether -- we just had a case I guess a couple
25 of weeks ago where there was an argument over a three or four

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1 percent difference in how the mode split was being used in the
2 factors versus what DDOT was using versus what the applicant
3 was. And that was a long hearing over those few percentage
4 points.

5 I think this project is a good project in regards to,
6 you know, affordable housing, which is going to be provided.
7 I think that using a 90 percent mode split is, you know, kind
8 of borderline for me.

9 There's a whole bunch of discussion about the walk score
10 and the biking score and etcetera, but all those things are
11 still very subjective. And it does not say that there's going
12 to be no parking. Those are all goals. Those are just simply
13 goals.

14 We have a lot of goals, you know. There used to be a
15 time I thought I was going to be in the MBA. That didn't work
16 out. So, the decisions that we make here today -- and I'm still
17 going through this in my mind. The decisions that we make here
18 today, you know, affect the community.

19 And then I hear about, you know, the developer has done
20 so much or the applicant has done so much to try to come up
21 with a mechanism and plan. But if they fail, to me it's --
22 the consequences of failure falls upon the community. And
23 should the community bear the responsibility for that?

24 All right. So, with that being said, anybody got a
25 coin? I can just kind of flip it. And I am persuaded by here

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1 listening to my colleagues talk about their viewpoint on it.

2 I'm still wrestling with the transportation side. I
3 took a look at the TDM measures, which I didn't believe went
4 far enough. So, let me -- so, if my colleagues can -- I'm going
5 to try to talk about making some changes to the TDM.

6 And if that's acceptable and agreeable with my
7 colleagues, then I could probably get over the hump on the
8 parking issue, because we're talking about almost a hundred
9 spaces of parking in this closed area which is right by the
10 convention center and it's, you know, it's about 60, you know,
11 it's almost a hundred. It's less than -- 60 is closer to a
12 hundred than 50 is. So, that's why I use that.

13 So, in addition to the TDMs which were offered, the first
14 being prior to the issuance of the Certificate of Occupancy
15 for the building, the applicant shall record an easement with
16 the Recorder of Deeds for the property that will preserve the
17 six-foot side yard along the alley for pedestrians and prevent
18 future development in the area.

19 (Comments off the record.)

20 CHAIRPERSON JORDAN: That's the first one. Pay the
21 cost of installing a new Capital Bikeshare station, 27 docks,
22 14 bikes in one year of the operating expenses within one
23 quarter mile of the project site. An exact location will be
24 determined by DDOT.

25 And; C, record a covenant with the Recorder of Deeds for

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1 both properties that prohibit the project and its residents
2 from being eligible for a residential parking permit and for
3 any other temporary parking passes or permits.

4 I added a D, maintain in every lease -- because although
5 we're talking about this, there is nothing talking about the
6 lease provision in the TDM.

7 Maintain in every lease the resident is -- that the
8 resident is prohibited from having a car. The violation of
9 this lease provision shall be termination of the lease if not
10 cured.

11 But there was -- I went through the --

12 COMMISSIONER MAY: I'm sorry. Can I ask a question?

13 Prohibited from having a car, or, I mean, what if they
14 have a car and they park it in a parking garage?

15 CHAIRPERSON JORDAN: Well, let me go through this.

16 COMMISSIONER MAY: Okay.

17 CHAIRPERSON JORDAN: And then we can go back and have
18 that discussion and maybe we make some, you know, make some
19 changes.

20 Okay. And I think that's a good point unless a lease
21 is shown, a parking lease or parking something. We need to
22 work with this. I'm telling you I'm having concerns with this
23 parking issue.

24 All marketing material for the tenants must contain a
25 disclosure that the building is auto prohibited in print the

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1 same size used in any other documents which is used in marketing
2 materials for this building.

3 There was nothing talking about that was going out in
4 the marketing materials that before someone got there, that
5 this is not a building that you couldn't have a car.

6 Then we will go on to Number 2. The applicant shall
7 implement a transportation demand plan that includes the
8 following: Designated member of the property management team
9 to be the TDM coordinator, et cetera.

10 B, I put implement measures to ensure that no resident
11 shall have a car. And I need to come back with that one.

12 Notify the residents that they are not eligible for RPP
13 and to include a provision in all leases that the residents
14 are not eligible for RPP. And that they are prohibited from
15 applying for or showing any short-term, temporary measure.

16 I could probably take the first one that I added, take
17 that one out. My number D. And what that would be is that
18 if they applied and obtained, if they applied and obtained an
19 RPP.

20 MR. MOY: Then it should be a lease violation.

21 CHAIRPERSON JORDAN: C, provide information and/or
22 links to the most -- and I changed this because provide links
23 to the following -- well, we don't know what's going to happen
24 years out whether or not Capital Bikeshare is going to be the
25 thing or whether or not RideScout is going to be the thing or

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1 any of these things. So, I just said that they need to use
2 the most current transportation programs and websites which
3 shall include or be similar to the following that they listed.
4 Those things might change. Something else might even come
5 about that's even better in the future.

6 Provide two electronic displays, and we kept that in
7 place. E through J, kept that in place that they provide --
8 offer covered, convenient, secure bike parking on the
9 facilities inside the project. At least 42 bicycles.
10 Provide a bicycle repair facility. For the life of the
11 project, provide all new residents with Capital Bikeshare
12 memberships. Provide at least 10 shared bicycle helmets for
13 use by residents. For the life of the project, provide all
14 new resident car share memberships for the terms of their
15 initial lease. Host an annual bicycle training event
16 conducted by the Washington Area Bicycle Association.

17 Then I added this, because I said we just have some very
18 -- some lofty goals here. After two years of opening, the
19 applicant shall submit to DDOT, the zoning administrator and
20 ANC, an independent transportation study on the effects of the
21 applicant's TDM measures on the community.

22 If the study concludes that the TDM is not effective to
23 meet the results contained in its transportation analysis, and
24 that should be presented to the Board, then the applicant must
25 take measures to become in compliance with the present

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1 protections and conduct of another -- and conduct another study
2 within two years from the new measures.

3 So, I thought maybe we've had a break in here that after
4 this building is really up and running, after they've gone past
5 us and it's too late, that they have to conduct a study that
6 will verify that which they put in place actually works.

7 And if it doesn't, just take some remedial measures to
8 be sure that it does work. And then repeat that test in two
9 years.

10 Then I left in whole Number 3 and Number 4 of the measures
11 about the loading. Left that intact. Number 4 about the
12 trash pickup. And Number 5 in flexibility regarding the
13 building design as long as it meets within -- for HBRB purposes
14 and that they didn't need any major relief -- modifications
15 necessary for relief.

16 So, that's kind of where I was thinking with this thing.
17 And I can B- just comments and I can go back and take a look
18 at some B-

19 COMMISSIONER MAY: So, were you suggesting that you
20 would scratch out your new D under 1 and just add a provision
21 that if someone applies and obtains RPP, that it would be a
22 lease violation and B-

23 CHAIRPERSON JORDAN: Yes. Uh-huh.

24 COMMISSIONER MAY: Okay. And then the other one was,
25 what do you mean by implementing measures to ensure that no

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1 residents have a car?

2 CHAIRPERSON JORDAN: Yeah, I think that in hearing
3 that, I think that becomes problematic. Yeah, let's take
4 that, because we also catch it if we do the study that they
5 meet the goals that we have. We can scratch that.

6 COMMISSIONER MAY: Right. And the idea of including
7 some sort of monitoring to make sure that the TDM is working
8 has been done before. And I think it's appropriate in this
9 case given the concerns that you have. So, I don't have any
10 problem with that. Making sure the website is current with
11 all of current, available services makes sense to me.

12 The, you know, I don't, you know, based on what we've
13 heard from DDOT, I don't believe it will be possible for anyone
14 to obtain an RPP sticker. But if by some reason somebody
15 manages to do it, yeah, I think, you know, if the applicant
16 is willing to include that as a lease violation, that would
17 make sense.

18 And then the marketing materials contain the
19 disclosure. I mean, I think the last thing that the applicant
20 would want to do is to rent these units to people and then have
21 them find out that they can't have their car. So, I would think
22 that it's a sensible measure for them to include.

23 Now, so I would say that based on all these, I don't have
24 any problem with it. If the applicant is willing to go along
25 with all of them, then more the better. That's fine.

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1 VICE CHAIR HEATH: One question about the study just to
2 clarify. This says that after two years, they would complete
3 the study. And should they find that the TDM measures are
4 working, then no further study is required.

5 CHAIRPERSON JORDAN: No further study, right.

6 VICE CHAIR HEATH: Okay.

7 CHAIRPERSON JORDAN: Yeah, see, I've been toying with
8 these things. So, if that's agreeable to the Board, the Board
9 can accept it as we've changed it terminating that 1D, then
10 I can go with you in regards to supporting.

11 COMMISSIONER MAY: So, do we need some sort of
12 affirmative from the applicant? I'm seeing some nods. I'm
13 seeing a lot of nods in the back and a hand. So, it sounds
14 like they're agreeable.

15 CHAIRPERSON JORDAN: So we just get that on the record,
16 can we have a representative of the applicant come forward?

17 MR. KADLECEK: Good morning. Cary Kadlecek from
18 Goulston & Storrs. On behalf of the applicant we find those
19 TDM measures and conditions agreeable.

20 CHAIRPERSON JORDAN: Good. Thank you.

21 So, then someone want to make a motion?

22 COMMISSIONER MAY: Yeah, I make a motion that we approve
23 -- sorry. I lost my numbers. We approve Zoning Commission
24 Case 18852 and 18853 for the relief requested regarding parking
25 courts, side yards and roof structures with the TDM measures

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1 as modified today. I think that's about it.

2 VICE CHAIR HEATH: Second.

3 CHAIRPERSON JORDAN: Motion made and second,
4 additional comments?

5 All those in favor of the motion, aye.

6 GROUP RESPONSE: Aye.

7 CHAIRPERSON JORDAN: All those opposed, nay.

8 (No nay votes.)

9 CHAIRPERSON JORDAN: Mr. Moy.

10 MR. MOY: Staff would record the vote as three to zero.
11 This is on the motion of Peter May to approve the request for
12 zoning relief for the respective zoning cases 18852 and 18853,
13 along with the TDM measures as modified.

14 Second the motion, Ms. Heath. Also in support, Mr.
15 Jordan. We have a board member not present, not voting, board
16 seat vacant.

17 Motion carries three to zero.

18 CHAIRPERSON JORDAN: And let's make sure the record is
19 clear. It's BZA case, not a Zoning Commission case.

20 MR. MOY: Yes. Did I say that?

21 CHAIRPERSON JORDAN: No, no. Mr. May did.

22 COMMISSIONER MAY: Oh, I'm sorry.

23 CHAIRPERSON JORDAN: That's okay. That's natural,
24 because that's where you're normally sitting.

25 (Comments off the record.)

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1 CHAIRPERSON JORDAN: All right. So, that would be the
2 order.

3 COMMISSIONER MAY: Thank you, sir.

4 CHAIRPERSON JORDAN: Okay.

5 (Pause.)

6 CHAIRPERSON JORDAN: Joining us for the rest of today's
7 meeting of Board of Zoning Adjustment is Anthony Hood, Chairman
8 of the Zoning Commission, which we're always honored to have
9 him.

10 And you just realize the Zoning Commission as you heard
11 Mr. May say, they just left here ten o'clock last night after
12 going through another set of cases.

13 So, they had to get ready and read all these cases in
14 whatever period they do in between the Zoning Commission cases
15 and these cases, which takes at least another 10, 12 hours.

16 So, welcome and thank you.

17 ZC CHAIR HOOD: Sounds to me like you need me today, Mr.
18 Chairman. I make the quorum.

19 CHAIRPERSON JORDAN: Now, he said the same thing ten
20 times back there. So, I guess publicly I'll say it again.
21 Yes, Mr. Hood, we always need you. Just don't say anything,
22 you know.

23 So, Mr. Moy, we have -- in our public meeting, we have
24 -- is it 18947, the first one?

25 MR. MOY: That's correct, sir.

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1 CHAIRPERSON JORDAN: Okay. This case, it's my
2 understanding going through the record, that -- is anyone here
3 on 18947?

4 MS. HARDWICK: Yes.

5 CHAIRPERSON JORDAN: Please come forward, please.

6 (Pause.)

7 CHAIRPERSON JORDAN: Make sure your mic is on and then
8 identify yourself. Push the mic. It's got to be a bright,
9 glowing, green light.

10 MS. HARDWICK: There we go. Gay Hardwick, architect
11 for the project.

12 CHAIRPERSON JORDAN: And do we have your authorization
13 letter on this?

14 MS. HARDWICK: Yes.

15 CHAIRPERSON JORDAN: Okay. This case didn't have any
16 posting.

17 MS. HARDWICK: Correct.

18 CHAIRPERSON JORDAN: There's no posting. I know
19 there's a request to waive that, which the Board is B- I'm not
20 inclined to accept a waiver in regards to no posting especially
21 when we expedite matters.

22 MS. HARDWICK: Uh-huh.

23 CHAIRPERSON JORDAN: So, unless the Board has an issue
24 B-

25 MS. HARDWICK: Can I say something in the defense of it?

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1 I actually came in to pick up the signs, because my
2 understanding was there needed to be a posting. And made the
3 trip in, came up and was told that I did not need to post because
4 it was being -- the request was under 223 and an expedited
5 review.

6 And so, I left empty-handed. I made the effort. I
7 actually thought it was required, and was told it wasn't.

8 CHAIRPERSON JORDAN: This office told you that you
9 didn't -- well, anyway.

10 MS. HARDWICK: I picked up two other projects at the
11 same time. And --

12 CHAIRPERSON JORDAN: Okay. Well, then we would
13 apologize if the Office of Zoning told you that. And Mr. Moy
14 is going to track down whoever did that and pull their
15 fingernails out, because we've never had -- we have not allowed
16 any projects to go forward without at least some form of
17 posting.

18 And especially in expedited matters, it's important
19 that the citizens of the community know what's going on even
20 if it's just a slight change. So --

21 MS. HARDWICK: There also was a posting for historic
22 review.

23 CHAIRPERSON JORDAN: Whole different day, whole
24 different ball game. I understand that. It was part of your
25 request saying historic preservation -- there was a posting

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1 for historic preservation. It has nothing to do with zoning
2 relief.

3 So, with that, we're going to move this. Have the signs
4 been placed?

5 MS. HARDWICK: I don't have them. I B- they haven't
6 been created because B-

7 CHAIRPERSON JORDAN: Okay.

8 MS. HARDWICK: -- I was told they weren't -B I called
9 ahead, two weeks ahead B- or a week ahead of time to come pick
10 them up.

11 CHAIRPERSON JORDAN: Oh.

12 MS. HARDWICK: And was -- and when I came to pick them
13 up, they B- I was told that they weren't made, because they
14 were not needed.

15 CHAIRPERSON JORDAN: Okay. Well, thank you. And as I
16 said, sorry that that may have occurred.

17 Mr. Moy, let me have a date that would include time for
18 the proper posting.

19 MR. MOY: Yes.

20 CHAIRPERSON JORDAN: And the filing of the affidavit
21 timely.

22 MR. MOY: Yes. Given those time requirements, the
23 earliest then to meet that requirement would be March the 17th,
24 sir. And we can take that up also on the calendar, on the
25 expedited calendar for March 17th.

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1 CHAIRPERSON JORDAN: Great. And the date that's
2 required to submit the Affidavit of Posting?

3 MR. MOY: Five days prior. So, that would be March the
4 12th.

5 CHAIRPERSON JORDAN: Okay. So, that would be the
6 order.

7 MS. HARDWICK: Okay.

8 ZC CHAIR HOOD: Sir.

9 CHAIRPERSON JORDAN: Yes.

10 ZC CHAIR HOOD: Can we make sure that you go across the
11 hall and get what you need today? You might need to see Ms.
12 Bardin, the director, and get what you need today so you can
13 start -- yes, okay.

14 (Pause.)

15 CHAIRPERSON JORDAN: Yes, just so we know, anybody
16 listening in as Mr. Hood indicated to me just now that when
17 we have expedited matters, there's probably more requirements
18 that posting is made. So, just so that we -- in the future
19 so people understand that regardless, as someone said, to the
20 contrary.

21 Case Number 18941, please.

22 MR. MOY: Yes. This is the second and last case for
23 decision. This is also on the expedited calendar.
24 Application Number 18941 of Thomas and Patty Johnson. Special
25 exception under Section 223, not meeting side yard,

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1 nonconforming structure requirements.

2 CHAIRPERSON JORDAN: Okay. This is a case that needs
3 waiver of some notice. There had been notice, but it was
4 expedited and brought up faster.

5 There was notices given, both mailed notices and public
6 notices, and it was just a few days short. It didn't make the
7 notice regarding ANC, the additional ANC requirements. So,
8 this is completely different and I would grant the waiver of
9 notice on this because there was notice, but not all the Is
10 and Ts crossed.

11 And this is a matter which the ANC has already weighed
12 in. So, they are the ones who are the most affected by the
13 additional time for waiver.

14 And the ANC voted five to zero in support, as well as
15 letters from five neighbors in support and a petition signed
16 by another 11 neighbors in support. And the Office of Planning
17 is in support.

18 So, with that, I would move that we grant the relief
19 requested in 18941.

20 VICE CHAIR HEATH: Second.

21 CHAIRPERSON JORDAN: Motion made and second.

22 A discussion?

23 (No discussion.)

24 CHAIRPERSON JORDAN: All those in favor, aye?

25 GROUP RESPONSE: Aye.

1 CHAIRPERSON JORDAN: Those opposed, nay.

2 (No nay votes.)

3 CHAIRPERSON JORDAN: Mr. Moy.

4 MR. MOY: Staff would record the vote of three to zero.

5 This is on the motion of Chairman Jordan to approve the relief
6 requested. Also, second the motion, Vice Chair Heath. Also
7 in support, Mr. Hood. No other members present. Motion
8 carries, sir.

9 CHAIRPERSON JORDAN: Summary, please.

10 MR. MOY: Thank you.

11 (Whereupon, at 10:16 a.m. the public meeting of the
12 Board of Zoning Adjustment was adjourned.)

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