

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY,

OCTOBER 17, 2006

+ + + + +

The Special Public Meeting convened in Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 9:00 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS Chairperson  
RUTHANNE G. MILLER Vice-Chairperson  
CURTIS ETHERLY, JR. Board Member  
JOHN A. MANN, II Board Member(NCPC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY Secretary  
BEVERLY BAILEY Sr. Zoning Specialist  
JOHN NYARKU Zoning Specialist  
ESTHER BUSHMAN General Counsel

D.C. OFFICE OF THE ATTORNEY GENERAL:

SHERRY GLAZER, ESQ.

The transcript constitutes the minutes from the Special Public Meeting held on October 17, 2006.

<u>AGENDA ITEM</u>	<u>PAGE</u>
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<u>KRISTER AND CAROL HOLLADAY</u> <u>APPLICATION NO. 17125:</u> . . . . .	5
Motion to Approve Minor Modification with Six-Month Extension: . . . . .	9
Vote to Approve Motion: . . . . .	10
<u>ADJOURN:</u> Geoffrey Griffis . . . . .	11

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

9:50 a.m.

CHAIRPERSON GRIFFIS: Good

morning, ladies and gentlemen. Let me call to order our Special Public Meeting of the Board of Zoning Adjustment of the District of Columbia on the 17<sup>th</sup> of October 2006. I'm going to commence right with our schedule for the Special Public Meeting and not have opening remarks regarding our Public Meeting, as I will get to that in our Public Hearing when we call that to order, hopefully very quickly.

With that though, let me just say a very good morning to Ms. Bailey, who is with the Office of Zoning, also Mr. Moy with the Office of Zoning. They will assist us in calling our first case for the Special Public Meeting, which is a minor modification.

MR. MOY: Good morning, Mr. Chairman and Members of the Board. The first case and only case for Special Public Meeting

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1 is a modification of approved plans and a  
2 waiver of the six month time requirement to  
3 Application No. 17125 of Krister and Carol  
4 Holladay, LLC, pursuant to section 3129 of the  
5 Zoning Regulations.

6 This modification is to the  
7 originally approved Application No. 17125 of  
8 Krister and Carol Holladay, which was pursuant  
9 to 11 DCMR 3103.2, for a variance from the lot  
10 occupancy requirements under section 403 to  
11 allow the construction of a one-story rear  
12 addition to a single-family row dwelling in  
13 the CAP/R-4 District at premises 507  
14 Independence Avenue, S.E., that's in Square  
15 843, Lot 20.

16 On September 28, 2006, the  
17 applicant filed a request for modification of  
18 approved plans and the waiver of the six month  
19 time requirement for filing. This is  
20 identified in your case folder as Exhibit 32.  
21 The document is dated September 27, 2006. I  
22 think staff will also add that there are no

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1 other filings in response in the record file  
2 and the Board is to act on the merits of the  
3 request for both the modification of approved  
4 plans and the waiver of the six month time  
5 requirement, pursuant to section 3129, and  
6 staff will conclude.

7 CHAIRPERSON GRIFFIS: Excellent.  
8 Thank you very much, Mr. Moy. There are four  
9 critical elements that we need to get into  
10 with this. The first two we need to decide  
11 immediately or rather address. The first is,  
12 of course, I am Geoff Griffis, Chairman of the  
13 Board. The Vice Chair is Ms. Miller and also  
14 Mr. Etherly is our other Board Member.  
15 Representing the Zoning Commission on this  
16 minor modification is Ms. Mitten. She is  
17 participating.

18 And I bring this up to note under  
19 the calling of this application, because it is  
20 of some significance that Mr. Mann,  
21 representing the National Capital Planning  
22 Commission, with us participating this was, in

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1 fact, his very first case with us. That being  
2 said, we also have before us now a request to  
3 waive 3129.3, which is the timeliness of  
4 filings for the minor modification and I would  
5 hear brief discussions on that or any  
6 opposition to waiving our rules in 3129.3.

7 If there is no opposition to that,  
8 I would take that as a consensus of the Board  
9 then to move forward having those two elements  
10 attached or rather addressed at this point.  
11 The third and the fourth element is to run  
12 through this, the modification and the  
13 elements and to have deliberation on that. We  
14 will also need to waive 3130.1, which is the  
15 expiration of our order.

16 As my calculations show, and I  
17 think references of the staff's review of  
18 this, the order will expire shortly, this  
19 month. We will need to then set a time, if  
20 this was approved, so that it could continue,  
21 thereby not having the underlying order  
22 expire, which would render moot this minor

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1 modification. I'll open it up to everybody  
2 then on those two last elements for any  
3 comments.

4           If there are no initial comments,  
5 let me just put this into perspective. Of  
6 course, we had approved this application  
7 previously for the addition to the first  
8 level. The second level was not in the same  
9 footprint. What I'm finding as is proposed in  
10 this modification is that the second level is  
11 going to fall into the footprint of the first.  
12 It shows and I think it falls under the minor  
13 modifications in this realm.

14           First of all, it does not go to  
15 anything that would be beyond that which was  
16 already approved. Also, I'm not sure what  
17 zoning impact it would have if this was just  
18 taken independently. Of course, we're not  
19 looking at it that way. However, as we put it  
20 into the second level, it's actually curing a  
21 nonconforming court that would be created on  
22 that second level.

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1           The impact, of course, is well-  
2           documented in the original application, but  
3           also in the recent submissions, and the fact  
4           that the adjacent property has no fenestration  
5           on the property line wall, this would attach  
6           to it. It seems to actually make a lot more  
7           symmetrical sense also in the rear elevation.  
8           Not necessarily a deciding factor in our  
9           deliberation. But all in all, I find that I  
10          would support this minor modification with a  
11          six month extension of 3130.1. I'll ask for  
12          others, any comments on that?

13                 Very well. If there is no further  
14          comments on it, I would move approval of the  
15          minor modification in 17125 with the note of  
16          the six month extension to 3130.1 waiver of  
17          the allowable time for the order to be  
18          effectuated.

19                         BOARD MEMBER MANN:    Second.

20                         CHAIRPERSON GRIFFIS:    Excellent.  
21          Thank you very much, Mr. Mann.    Further  
22          discussion, deliberation on the motion?    Very

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1 well.

2 We do have a motion before us and  
3 it has been seconded. I would ask for all  
4 those in favor to signify by saying aye.

5 ALL: Aye.

6 CHAIRPERSON GRIFFIS: And opposed?  
7 Abstaining? Very well. Mr. Moy, would you  
8 record the vote, please?

9 MR. MOY: Yes, sir. The staff  
10 would record the vote as 4-0-0. This is on  
11 the motion of the Chairman to approve the  
12 request for minor modification with a six  
13 month extension per section 3130.1. Seconding  
14 the motion was Mr. Mann. Also in support of  
15 the motion Ms. Miller and Mr. Etherly.

16 Mr. Chairman, we also have an  
17 absentee ballot from Carol Mitten, who  
18 participated on the case, and her absentee  
19 vote is to deny the request for modification,  
20 which would give a resulting vote of 4-1-0.  
21 Staff would also add that her absentee vote  
22 also included denial of the waiver of the six

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1 month time period.

2 CHAIRPERSON GRIFFIS: Excellent.  
3 Are there other comments with her absentee  
4 ballot?

5 MR. MOY: Only that -- her comment  
6 that she on the original application had voted  
7 to deny the application and so to be  
8 consistent, she is denying or not supporting  
9 the proposed modification and waiver.

10 CHAIRPERSON GRIFFIS: Excellent.  
11 Very well. So the final vote would be 4-1-0.  
12 Is that correct?

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

14 CHAIRPERSON GRIFFIS: Excellent.  
15 Is there any other business for the Board in  
16 the Special Public Meeting this morning?

17 MR. MOY: No, that completes the  
18 Special Public Meeting.

19 CHAIRPERSON GRIFFIS: Very well.  
20 Anything, any questions from the Board? Not  
21 noting any questions, then let's adjourn the  
22 Special Public Meeting.

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(Whereupon, the Special Public Meeting was concluded at 9:58 a.m.)