

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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SPECIAL PUBLIC MEETING

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TUESDAY

APRIL 10, 2007

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The Special Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:57 a.m., Ruthanne G. Miller, Vice-Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

MICHAEL TURNBULL	Commissioner (AOC)
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OFFICE OF ZONING STAFF PRESENT:

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

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LORI MONROE, ESQ.

The transcript constitutes the minutes from the Special Public Meeting held on April 10, 2007.

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

2 9:57 a.m.

3 VICE-CHAIRPERSON MILLER: Good
4 morning. This is the April 10th public
5 meeting of the Board of Zoning Adjustment of
6 the District of Columbia. My name is Ruthanne
7 Miller. I am the Vice-Chair of the Board of
8 Zoning Adjustment. With me today to my far
9 right is Mr. Turnbull representing the Zoning
10 Commission. Next to Mr. Turnbull and me is
11 Mr. Curtis Etherly, a BZA mayoral appointee.

12 I am very pleased to introduce to
13 my left our newest BZA mayoral appointment,
14 Mr. Marc Loud. Welcome, Mr. Loud. To his
15 left is Mr. John Mann representing NCPC, Mr.
16 Clifford Moy from the Office of Zoning, Lori
17 Monroe and Esther Bushman from OAG, and
18 Beverley Bailey from the Office of Zoning.

19 Copies of today's meeting agenda
20 are available to you and are located to my
21 left in the wall bin near the door. We do not
22 take any public testimony at our meeting

1 unless the Board asks someone to come forward.

2 Please be advised that this
3 proceeding is being recorded by a court
4 reporter and is also webcast live.
5 Accordingly, we must ask you to refrain from
6 any disruptive noises or actions in the
7 hearing room. Please turn off all beepers and
8 cell phones.

9 Does the staff have any
10 preliminary matters?

11 MR. MOY: Yes. Good morning,
12 Madam Vice-Chair and members of the Board.
13 The special public meeting agenda we do have
14 one case for decision making which is
15 Application No. 17574 of Nineteenth Street
16 Baptist Church.

17 Staff would note for the record,
18 Madam Vice-Chair, that we do not have a
19 quorum, the necessary quorum, to make a
20 decision on this case. Staff would suggest
21 that the Board discuss the possibility of
22 rescheduling its decision on this case.

1 VICE-CHAIRPERSON MILLER: Thank
2 you, Mr. Moy. I understand that it is a
3 possibility that we could reschedule this
4 public meeting on that one case to next
5 Tuesday. I would propose that we do that
6 unless there are any other objections.

7 MR. MOY: No, that's fine Madam
8 Vice-Chair.

9 VICE-CHAIRPERSON MILLER: Okay.
10 By consensus Application No. 17574 of
11 Nineteenth Street Baptist Church is
12 rescheduled for decision making to next
13 Tuesday, April 17th, first thing in the
14 morning.

15 MR. MOY: That's correct. Thank
16 you.

17 VICE-CHAIRPERSON MILLER: Okay.
18 Thank you very much.

19 That's all the cases on the
20 schedule for the public meeting. However, I
21 think we ought to use this opportunity since
22 we are in public meeting and we have our new

1 full Board assembled to have our elections
2 again for Chair and Vice-Chair.

3 Pursuant to 3101.3 the Board
4 elects its Chairperson and Vice-Chairperson at
5 its first meeting held in January of each
6 calendar year. We did do that this year and
7 our Chair was Mr. Griffis and I am the Vice-
8 Chair. Mr. Griffis' term expired March 30th
9 so he is no longer here to hold that position.

10 I just want to say a few words. I
11 wasn't here for Mr. Griffis' last day but I
12 just would like to thank on the public record
13 Mr. Griffis for his dedicated service over six
14 years on the Zoning Board. He was a wonderful
15 chair to work under. He has a mastery of the
16 regulations and an understanding of the
17 community that was affected. I know that our
18 Board will miss his wit and sensitivity and
19 comradiery.

20 In any event, it's a new chapter
21 in the Zoning Board and I would like to give
22 a little better welcome to Mr. Marc Loud who

1 is sitting next to me and just say a few
2 words. We are very happy to have him join us
3 on the Board.

4 He is also an attorney and he has
5 experience working actually in the D.C.
6 Government in the Office of the Mayor under
7 Sharon Pratt Kelly. He has been very active
8 in his community particularly with respect to
9 the Gateway Georgia Avenue Revitalization
10 Corp. I think that he will have a lot to add.
11 I know he will have a lot to add to this
12 Board. Welcome.

13 At this point I think it is
14 appropriate to move on to electing perhaps the
15 Chair first and then the Vice-Chair. Does
16 anybody have any words to say at this time?

17 MR. ETHERLY: Madam Vice-Chair, if
18 I may I would love to open up our discussion.
19 As you indicated, it is traditionally the
20 Board's action to move on election of officers
21 at the beginning of each year in January.

22 For very appropriate and correct

1 reasons the Board has postponed that action
2 until now, in part just because of the way in
3 which the past Chair's term ended in terms of
4 timing on the calendar, but also, of course,
5 to allow an opportunity for our newest
6 colleague, Mr. Loud, to join us. I, too,
7 would like to join in your welcoming of Mr.
8 Loud to the Board. He brings a wealth of
9 experience and knowledge.

10 As you indicated, very importantly
11 familiarity with the community in all senses
12 of that word. As you discussed his work with
13 Gateway Georgia Avenue will serve him very
14 well in terms of the wide range of issues,
15 complex and otherwise, that we deal with here
16 on a weekly basis here at the Board of Zoning
17 Adjustment.

18 I would be remiss if I didn't say
19 it is always exciting to have yet another
20 lawyer added to the panel. That means our
21 domination is now complete and we control this
22 august body.

1 For those of you in the audience,
2 I think that brings our total of attorneys on
3 the Board to approximately three which gives
4 us a majority so here here. All joking aside,
5 welcome to Mr. Loud and I look forward to his
6 participation as well.

7 On the issue of election, Madam
8 Vice-Chair, I would like to whole heartedly
9 nominate you to serve as Chair of our body
10 going forward for this year.

11 I think throughout your tenure on
12 the Board you have managed to bring a level of
13 focus, diligence, attention to detail with
14 respect to the wide range of issues that we
15 deal with both with respect to the
16 interpretation of precedence, prior holdings
17 of this Board, but also with attention to
18 detail around a lot of the other competing
19 considerations and issues that we have to
20 balance in interpreting the regulations that
21 are set before us.

22 I think your leadership has been

1 exceptional. I look forward to continuing to
2 serve with you and I would like to make a
3 motion that our Chair for the upcoming year be
4 our colleagues Ruthanne Miller. I would like
5 to invite a second.

6 MR. MANN: It would be my pleasure
7 and an honor to second that.

8 MR. ETHERLY: Thank you very much,
9 Mr. Mann.

10 VICE-CHAIRPERSON MILLER: I just
11 want to say thank you for your kind words and
12 confidence. If so voted I certainly would
13 pledge to continue to conduct these
14 proceedings with most fairness and
15 transparency and diligence and friendliness.
16 Is there more discussion on this motion?

17 MR. ETHERLY: Perhaps I'll just
18 augment our discussion because I think you hit
19 upon two very important words here.
20 Oftentimes the work of many of the Boards and
21 commissions here in the District of Columbia
22 goes unheralded. That unheralded nature

1 probably goes double for Chairpersons.

2 It is not an insignificant fact
3 that you are willing to stand forward and
4 accept this responsibility. Perhaps as we are
5 seeing in other facets of the District of
6 Columbia today, chairmen and chairwoman
7 oftentimes are the recipients of unfair
8 criticism and scrutiny at times that defies
9 imagination, if you will.

10 I think, as you indicated, it is
11 very important that you will, indeed, bring a
12 level of transparency, a level of fairness and
13 a continuation of integrity to this role.
14 That is very important and it is a far that
15 has been very well set by our past Chair Mr.
16 Griffis. I am more than certain that you are
17 up to the task in every way. Again, I am very
18 pleased to move this motion.

19 VICE-CHAIRPERSON MILLER: Thank
20 you. I think I did have a great teacher. If
21 there aren't anymore comments on this motion,
22 I think it is appropriate to take a vote. All

1 those in favor say aye.

2 ALL: Aye.

3 VICE-CHAIRPERSON MILLER: All
4 those opposed? Those abstaining?

5 Would you call the vote, please?

6 MR. MOY: Yes, I would, gladly.

7 The resulting vote is unanimous five to zero
8 to zero on the motion of Mr. Etherly to
9 nominate Ms. Miller as the new Chairperson of
10 the Board of Zoning Adjustment, seconded by
11 Mr. Mann. Also in support of the motion Mr.
12 Turnbull and Mr. Loud.

13 VICE-CHAIRPERSON MILLER: Thank
14 you. At this point I would like to make a
15 motion to nominate Mr. Curtis Etherly as our
16 Vice-Chair for the Zoning Board.

17 I think Mr. Etherly just really
18 demonstrated today, and as he often does, that
19 he not only has a great understanding of the
20 regulations from his long-term service on the
21 Board and his activity in the community but he
22 really does have great grassroots in the city

1 and he has a great sensitivity to how the
2 regulations impact the community.

3 He has a gift of being able to
4 communicate it quite eloquently. I could say
5 a lot but I know that there is a public
6 waiting to proceed with the hearing but I do
7 want to nominate Mr. Etherly. He would be
8 great to work with as he has been as a Board
9 member throughout all these years.

10 Is there a second?

11 MR. MANN: Again, it would be my
12 pleasure to second that motion.

13 VICE-CHAIRPERSON MILLER: Mr.
14 Etherly, would you like to say anything?

15 MR. ETHERLY: I appreciate the
16 confidence in my colleagues and I look forward
17 to continuing service on behalf of the
18 residence of the District of Columbia. Thank
19 you.

20 VICE-CHAIRPERSON MILLER: If there
21 are no other comments, then I would like to
22 call the vote on the nomination of Mr. Etherly

1 as Vice-Chair. All those in favor say aye.

2 ALL: Aye.

3 VICE-CHAIRPERSON MILLER: All
4 those opposed? All those abstaining?

5 Would you call the vote, please?

6 MR. MOY: Yes, Madam Chair.

7 Again, it is my pleasure to call the vote
8 unanimous five to zero to zero on the motion
9 of Ms. Miller to nominate Mr. Etherly as the
10 new Vice-Chair person, seconded by Mr. Mann.
11 Also in support of the motion Mr. Turnbull,
12 Mr. Loud, and, of course, I'm assuming Mr.
13 Etherly as well.

14 VICE-CHAIRPERSON MILLER: Great.
15 Thank you very much.

16 Mr. Moy, is there anything else on
17 the agenda for the public meeting this
18 morning?

19 MR. MOY: No, ma'am. That
20 completes the session.

21 VICE-CHAIRPERSON MILLER: Okay.
22 The meeting is adjourned.

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(Whereupon, at 10:09 a.m. the
special public meeting was adjourned.)