

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY

JUNE 11, 2013

+ + + + +

The Regular Public Meeting convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 9:53 a.m., Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson  
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

ANTHONY HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
JOHN NYARKU, Zoning Specialist  
STEPHEN RICE, Zoning Specialist  
STEPHEN VARGA, Zoning Specialist  
PAUL YOUNG, Zoning Data Specialist

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

The transcript constitutes the minutes  
from the Public Meeting held on June 11, 2013.

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

2 9:53 A.M.

3 CHAIRPERSON JORDAN: Good morning.

4 Would this meeting please come to order? We're  
5 located at Jerrily R. Kress Memorial Hearing  
6 Room at 441 4th Street, N.W. Today's date is  
7 June 11, 2013. We're here for the meeting of the  
8 Board of Zoning Adjustment of the District of  
9 Columbia. My name is Lloyd Jordan,  
10 Chairperson. To my left is Anthony Hood,  
11 Chairperson of the Zoning Commission; and to my  
12 right, Jeffrey Hinkle, Board Member.

13 Please be advised that this  
14 proceeding is being recorded by a court reporter  
15 and also being webcast live, so therefore I'm  
16 going to ask you to refrain from any disruptive  
17 noises here in the hearing room.

18 The Board's hearing procedures and  
19 processed are contained in pamphlets to my left  
20 by the back door, so feel free to get those.  
21 Anyone who is going to testify in any case on our  
22 docket today I'm going to need you to do two

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1 things. One, I'm going to need you to complete  
2 two witness cards each and prior to testifying  
3 be sure that the court reporter to my right gets  
4 those cards.

5 And at this time, the second thing  
6 I need you to do is to stand and take an oath or  
7 affirmation from the Board's Secretary, prior to  
8 testifying.

9 (Witnesses sworn.)

10 CHAIRPERSON JORDAN: We've had this  
11 on-going battle. We've been making a lot of  
12 things electronic and one of us is a paper person  
13 so I was having a little difficulty with the  
14 computer. See, that's why it should be paper.

15 Okay, Mr. Moy, let's call our first  
16 case on the meeting.

17 MR. MOY: The first two cases for  
18 the public meeting before the Board is  
19 Application No. 18553 of Hashim Hassan. This  
20 application was heard on May 21, 2013. The  
21 Board completed public testimony, closed the  
22 record and scheduled this decision on June 11th.

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1 The Board requested additional information from  
2 the applicant to supplement the record. That  
3 filing from the applicant, Mr. Chairman, is in  
4 your case folders, identified under Exhibit 39.  
5 There were no other filings except staff would  
6 like to acknowledge that there was a filing from  
7 the opposition party which included a request to  
8 reopen the record, but the staff is returning  
9 that document unless told otherwise.

10 So with that, then the Board is to  
11 act on the merits of the special exception  
12 request, Mr. Chairman.

13 CHAIRPERSON JORDAN: Thank you, Mr.  
14 Moy. This is a matter in which we had -- the  
15 Board has already taken testimony and closed the  
16 record. I believe that was May 21, 2013?

17 MR. MOY: That's correct.

18 CHAIRPERSON JORDAN: So is the  
19 Board ready to deliberate on this matter? This  
20 is a matter which certainly gives us all great  
21 pause unto whether or not to grant the relief or  
22 not, especially one that has generated so much

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1 interest from the community which we appreciate.  
2 I think the Board has looked at this case very  
3 closely and overall there is some pluses and  
4 minuses on both sides.

5 There's been some reduction and  
6 modification to the plan offered by the  
7 applicant.

8 The Office of Planning has  
9 recommended that we adopt or approve the relief  
10 requested in this matter. And I would certainly  
11 give their report deference and great weight in  
12 regards to the applicant's relief.

13 Based upon the evidence that's  
14 already been produced and supplement  
15 information, this is the application in which I  
16 believe that the proposal would be in harmony  
17 with the general purposes and intent of the  
18 Zoning regulations. The development along --  
19 what was probably more convincing for me was how  
20 MacArthur Boulevard had a lot of different type  
21 of units, particularly those being apartment  
22 houses. There were several multi-family

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1 buildings ranging from three to four stories on  
2 that street, as well as dwellings along  
3 MacArthur Boulevard that were three stories  
4 high.

5 The proposed development was  
6 suitable in size to the other properties on that  
7 street and would be appropriate transition  
8 between the three story and the multi-family  
9 story units on the northeast corner of  
10 MacArthur.

11 Going down Q Street though had a  
12 different look which gave some contemplation but  
13 I believe that the reliance on the MacArthur  
14 Street would be one that has me over the top.  
15 The property located across MacArthur Boulevard  
16 and Q Street are currently developed as  
17 multi-family. The only property that is neatly  
18 adjacent to the subject lot is located on the  
19 east property line and is currently developed to  
20 a two-story detached dwelling.

21 The proposed dwelling was going to  
22 provide a nine foot or so, just short of ten feet

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1 setback off the east property line and that there  
2 was going to be maintained by -- property  
3 maintained by vegetation.

4 Some of the other allegations that  
5 came up about this property did not necessarily  
6 find out to be true. There was not going to be  
7 an adjustment or any interference with the bus  
8 stop or any other aspect of that location. I  
9 would, however, support the application based  
10 upon conditions that (1) the applicant be  
11 required to eliminate the curb cut on Q Street;  
12 that the applicant be sure to provide additional  
13 planting and trees and shrubs on the east side  
14 and the rear of the yard to provide enough  
15 screening of this addition, and that the  
16 building actually be lowered from 37.5 feet to  
17 36 feet. So that would be my consideration and  
18 that would be my motion.

19 Any others?

20 MR. HINKLE: Yes, thank you, Mr.  
21 Chair. I tend to agree with your assessment  
22 there. But I also do agree with many of the

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1 neighbors that really were in opposition of the  
2 destruction of the bungalow. I think that was  
3 one of the issues. But the Board is limited in  
4 what we can review. This is a special exception  
5 case, not a variance. And we're strictly  
6 looking at specifics that are outlined within  
7 the zoning code in terms of the special  
8 exception.

9           You stated that a number of the  
10 dwellings along MacArthur are multi-family. I  
11 think this fits in with kind of what's been  
12 occurring along that street. And then as you  
13 noted, you were proposing some conditions upon  
14 this which I think are reflected within the  
15 revised site plan that we did receive from the  
16 applicant. So as long as those conditions are  
17 set, I can certainly approve.

18           CHAIRPERSON JORDAN:       And I  
19 appreciate you mentioning that this is a special  
20 exception and to some extent our role becomes  
21 slightly ministerial in nature as the court  
22 cases are reflected. Because otherwise we

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1 could take a little different posture if it was  
2 asking for other type of relief.

3 So with that, a motion has been made  
4 and a second. Any additional discussion? I  
5 think we have another Board member who is  
6 participating by absentee ballot who was here  
7 for the hearing.

8 So I will call the question. All  
9 those in favor, signify by saying aye.

10 (Chorus of ayes.)

11 Those opposed?

12 Mr. Moy, do we have an absentee?

13 MR. MOY: Yes, Mr. Chairman. We do  
14 have an absentee vote from a participant on this  
15 application and it's from Ms. Marcie Cohen and  
16 her absentee vote is to approve with such  
17 conditions as the Board may impose.

18 So we voted on this, right?

19 CHAIRPERSON JORDAN: Yes. Will  
20 you record the votes?

21 MR. MOY: That will give a final  
22 vote of 3 to 0. This is on the motion of Chairman

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1 Jordan to approve the application with the three  
2 conditions as he has cited; seconding the  
3 motion, Mr. Hinkle. Also in support, Ms. Cohen  
4 and we have one Board member not voting,  
5 participating, but not voting and a Board seat  
6 vacant. So again, the motion carries on a vote  
7 of 3 to 0.

8 CHAIRPERSON JORDAN: Then that will  
9 conclude this matter. Thank you.

10 Whenever you call the next case, I'm  
11 ready.

12 MR. MOY: Yes, the next application  
13 for a decision, Mr. Chairman, this is the  
14 applicant's motion for a modification of  
15 approved plans to Order No. 18453 of 1728 14th  
16 Street LLC. The applicant, Holland & Knight, on  
17 behalf of 1728 14th Street LLC filed the request  
18 to modify  
19 approved plans on May 13, 2013, that document is  
20 identified under Exhibit 41. The only other  
21 filing of the record is a report from the Office  
22 of Planning under Exhibit 42.

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1                   With that, Mr. Chairman, the Board  
2                   is to act on the merits for the request to modify  
3                   approved plans pursuant to Section 3129 of the  
4                   Zoning regulations.

5                   CHAIRPERSON JORDAN:     All right.  
6                   This particular application, I do not believe is  
7                   a minor modification in that in following  
8                   precedence of this Board that it's asking for  
9                   additional relief.  And as such, I would not  
10                  approve this -- or approve this as a minor  
11                  modification, but require this to be an  
12                  application and go back through the process in  
13                  the fact that it's asking for additional relief.  
14                  That's my thought on it.

15                  Any other thoughts on this matter?

16                  Mr. Hinkle?

17                  MR. HINKLE:  Yes, Mr. Chairman.  I  
18                  agree.  It is certainly another reduction in the  
19                  parking in a neighborhood that has significant  
20                  parking issues.  So I tend to agree that this is  
21                  not necessarily a minor modification.

22                  CHAIRPERSON JORDAN:  Procedurally,

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1 what do we need to just --

2 MS. GLAZER: You would need to have  
3 the applicant renotice it.

4 CHAIRPERSON JORDAN: And then so  
5 the order of the Board will be that this be  
6 renoticed and placed on our hearing docket.

7 Okay, then we'll do that and that  
8 will be the order of the Board by consent. Then  
9 let's move on to the matters that we have  
10 additional docket.

11 (Whereupon, at 10:06 a.m., the  
12 public meeting was concluded.)

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