

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

APRIL 7, 1999

+ + + + +

The Board met in Hearing Room 220 South at 441  
4th Street, N.W., Washington, D.C., at 9:00 a.m.,  
Sheila Cross Reid, Chairperson, presiding.

PRESENT

SHEILA CROSS REID, Chairperson  
JERRY GILREATH, Board Member

STAFF PRESENT

SHERI PRUITT-WILLIAMS, Interim Director, Office of  
Zoning  
PAUL HART, Office of Zoning  
JOHN NYARKU, Office of Zoning  
BEVERLY BAILEY, Office of Zoning

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

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CHAIRPERSON REID: Good morning.

For those of you who are here for the hearing at 9:30, we have a short meeting before that, so please indulge us and then we'll continue with the hearing.

There will be a short meeting prior to the hearing this morning. Can you hear me now in the back?

First thing I said was for those of you are here for the hearing we will have a short meeting first and then we will continue with the hearing. Has everyone heard that? Thank you.

MR. HART: Good morning, Madam Chairperson, members of the Board. We're here this morning for the public meeting of April 7, 1999. First item on the agenda is a consideration of the minutes, first minutes being the Public Meeting of March 3, 1999.

MR. GILREATH: I move that we adopt the minutes of March 3, 1999. Can you hear me now? Is it any better?

(Pause.)

Is this any better?

CHAIRPERSON REID: Speak loudly.

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1 MR. GILREATH: Madam Chair, I move that  
2 we adopt the meeting minutes for March 3, 1999.

3 CHAIRPERSON REID: I second. All in  
4 favor, aye.

5 (AYE.)

6 CHAIRPERSON REID: Opposed.

7 MS. PRUITT-WILLIAMS: Staff would record  
8 the vote as a motion made by Mr. Gilreath, seconded  
9 by Ms. Reid and a proxy from Ms. King.

10 MR. HART: We move to the bench minutes.  
11 The two bench minutes, Madam Chair, I'm requesting  
12 your consideration of them be deferred to our next  
13 public meeting which will be May 5th.

14 CHAIRPERSON REID: Okay.

15 MR. HART: We now move on to cases to be  
16 decided. The first case is Application 16412 of the  
17 Florida Avenue Associates, pursuant to 3108.1, for a  
18 special under Section 2003 to permit a change of  
19 nonconforming use from office use to a restaurant in  
20 a DCOD/R-5-B District at premises 2128 Florida  
21 Avenue, N.W. This is Square 65, Lot 22.

22 CHAIRPERSON REID: In this instance,  
23 Board Members, we were requested that there be an  
24 agreement from the State Department in regard to the  
25 parking arrangement and the attorney for the  
26 Applicant was supposed to provide that and I see it

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1 in my package. Did you, Mr. Gilreath?

2 MR. GILREATH: No. There is simply a  
3 letter saying that there had been a written record  
4 of it.

5 CHAIRPERSON REID: Right, there was a  
6 representation that there was an agreement, however,  
7 the actual agreement itself was not contained  
8 herein. Nor do we have an agreement --  
9 and it also said in this letter that in the  
10 alternative or if there cannot further be parking at  
11 the Embassy, then they would spaces in the Universal  
12 Building, Universal North Building and I did not see  
13 an agreement to that. In fact, I did not see an  
14 agreement to that either contained within my  
15 package.

16 So we need to have an agreement either  
17 with the Embassy, State Department or with the  
18 Universal North Building before I would feel  
19 comfortable actually making a decision on this case.

20 MR. GILREATH: I concur with that. I  
21 don't know what the appropriate action is, but can  
22 we move a deferment on this unless the Applicant  
23 wants to make a statement otherwise?

24 CHAIRPERSON REID: The Applicant is not  
25 allowed to make a statement, nonetheless --

26 MR. GILREATH: It would be hard to make

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1 a decision here.

2 CHAIRPERSON REID: Yes, if we're not  
3 comfortable with making it without that agreement,  
4 that is supposed to be part of the agreement with  
5 the ANC. We can defer it until our next meeting  
6 date and at that time they would have had the  
7 opportunity to have submitted to us the necessary  
8 documentation.

9 MS. PRUITT-WILLIAMS: And your necessary  
10 document would be a written agreement signed by both  
11 parties of a parking lease for a substantial period  
12 of time, is that correct?

13 CHAIRPERSON REID: Either or, either  
14 with State Department or with Universal North  
15 Building making provisions for parking.

16 MS. PRUITT-WILLIAMS: Whoever it is, but  
17 it would be a written agreement by both --

18 CHAIRPERSON REID: And a substantial  
19 amount of time in that agreement.

20 MS. PRUITT-WILLIAMS: Okay, so you're  
21 going to defer this until May?

22 CHAIRPERSON REID: Yes.

23 MS. PRUITT-WILLIAMS: Thank you. That  
24 date would be what, Mr. Hart?

25 MR. HART: May 5th

26 CHAIRPERSON REID: May 5th.

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1 MR. HART: The next case, Application  
2 16432, of Sam and R.D. Ansellem, pursuant to 11 DCMR  
3 3107.2, for a variance from Section 2001.3(c) to  
4 allow an addition to an existing nonconforming  
5 structure, a variance from the minimum side yard  
6 requirements, Section 405.9, and a variance from the  
7 minimum width of an open court requirement, Section  
8 406.1, for addition to an existing nonconforming  
9 single family dwelling in an R-1-B District at  
10 premises 3414 Fulton Street, N.W., Square 1941, Lot  
11 18.

12 CHAIRPERSON REID: There was a request  
13 for a postponement in this particular case and they  
14 want to postpone it until what date, to May 5th? I  
15 have no problem with that.

16 MR. GILREATH: Nor do I, because I think  
17 the Applicants need more time to develop a rationale  
18 for the uniqueness of the site and so forth.

19 CHAIRPERSON REID: Right, that's what  
20 they have requested. I have no problem with that to  
21 get them the additional time that they need and I  
22 think we have a proxy vote from Ms. King.

23 MR. GILREATH: Yes.

24 CHAIRPERSON REID: Would you move --

25 MR. GILREATH: I move that we grant the  
26 postponement.

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1 CHAIRPERSON REID: I second. All in  
2 favor.

3 (AYE.)

4 CHAIRPERSON REID: Would you read Ms.  
5 King's response?

6 MS. PRUITT-WILLIAMS: So you're  
7 postponing this until the next May meeting?

8 CHAIRPERSON REID: Yes.

9 MR. HART: Case No. 16436 Application of  
10 New Redeemer Baptist Church, pursuant to 11 DCMR  
11 3108.1, for a special exception under Section 213  
12 for an accessory parking lot, for the church use,  
13 for 26 parking spaces in an R-5-A District at  
14 premises  
15 Rear-5714 Georgia Avenue, N.W., Square 2935, Lot  
16 820.

17 MR. GILREATH: Madam Chair, I read the  
18 material, I looked and I think there's a diagram  
19 whereby they would provide landscaping and the chain  
20 and the fence. It appeared to me that they had  
21 adequately responded to our request.

22 CHAIRPERSON REID: Yes. You want to  
23 make a motion?

24 MR. GILREATH: I make a motion that we  
25 grant the application.

26 CHAIRPERSON REID: The special

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1 exception. They did indeed meet their burden of  
2 proof in regard to they were requesting under  
3 Section 213, there was a request that they provide  
4 landscaping plan and also show how the site would be  
5 fenced which they did. I am satisfied with what  
6 they have provided to us, so therefore I second your  
7 motion.

8 All in favor.

9 (AYES.)

10 CHAIRPERSON REID: Ms. King's proxy.  
11 Ms. King said aye, okay.

12 MS. PRUITT-WILLIAMS: I'm sorry, could  
13 you repeat that?

14 CHAIRPERSON REID: The motion --

15 MS. PRUITT-WILLIAMS: Who was the maker  
16 of the motion?

17 MR. GILREATH: I moved that we approve  
18 the application.

19 MS. PRUITT-WILLIAMS: And Ms. Reid, you  
20 seconded it?

21 CHAIRPERSON REID: Yes.

22 MS. PRUITT-WILLIAMS: Staff would record  
23 the vote as 3 to 0 to approve motion made by Mr.  
24 Gilreath, seconded by Ms. Reid.

25 MR. HART: Application 16437 of F.B.  
26 Partnership pursuant to 3108.1, for special

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1 exception from Section 512 to permit a hotel in an  
2 SP District with a reduction in the required off-  
3 street parking in an SP-2 District that premises  
4 1225 13th Street, N.W., Square 281, Lot 832.

5 CHAIRPERSON REID: Okay.

6 MR. GILREATH: I have in my notes there  
7 was a question about postponement. Can you clarify  
8 for us, Ms. Pruitt?

9 MS. PRUITT-WILLIAMS: The Applicant is  
10 requesting that this be postponed so they can do  
11 some work and they're requesting instead of taking  
12 it up at your next May meeting, that you take it up  
13 as a special public meeting on the 14th which is  
14 next week.

15 We have the National Cathedral School as  
16 a hearing and they're requesting that you just deal  
17 with this one case prior to that and that will give  
18 them time. They had to deal with OP and do some  
19 more work and it was just not enough time --

20 MR. GILREATH: This is about the sign --

21 MS. PRUITT-WILLIAMS: Correct, and they  
22 have met with OP. They met with them Monday, in  
23 fact, so they have not had the opportunity to  
24 incorporate OP's comments. They'll get that into us  
25 some time.

26 CHAIRPERSON REID: I have no problem

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1 with that. Perhaps not a clock on that date. We  
2 could make the consideration and make the  
3 determination in regard to this case in that we did  
4 ask that they confer with OP in regard to that  
5 particular sign to be placed on the building.

6 MR. GILREATH: I concur with that. I  
7 don't think that -- when the sign requirements are  
8 met, we can deal with that expeditiously. I move  
9 that we defer, postpone.

10 Madam Chair, I move that we postpone  
11 this to a meeting, the May meeting.

12 CHAIRPERSON REID: I second. All in  
13 favor.

14 (AYE.)

15 MS. PRUITT-WILLIAMS: Staff would record  
16 a vote 3 to 0 to postpone. Motion was made by Mr.  
17 Gilreath, seconded by Ms. Reid.

18 MR. HART: Application 16439 of 3101  
19 Rhode Island Avenue LLC, pursuant to 11 DCMR 3108.  
20 1, for a special exception from Sections 726 and  
21 Chapter 2302 to establish a gasoline service station  
22 and establish a food store in a C-2-A District at  
23 premises 3101-3103 Rhode Island Avenue, N.W., Square  
24 4308, Lot 45.

25 CHAIRPERSON REID: I would move that we  
26 approve this application with the -- predicated on

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1 the agreement that they have made with the ANC.

2 MR. GILREATH: Madam Chair, I would  
3 suggest, however, that we need to focus somewhat on  
4 the time. I think the ANC, what was it, two years -  
5 - that period of time and that would jeopardize  
6 funding --

7 CHAIRPERSON REID: I had a problem with  
8 that, Mr. Gilreath, also because there was an  
9 agreement that had already been signed and dated  
10 between the ANC and the Applicant and the Applicant  
11 seemed to be extremely cooperative in meeting all of  
12 the requests that they made and all of the demands  
13 or the concessions, I guess is a better word that  
14 they had put forth and then subsequent to that  
15 agreement, there came another agreement, I'm sorry,  
16 another letter that requested that it be for a two  
17 year term and I was not -- that did not set well  
18 with me.

19 I didn't think that -- I thought that  
20 if, in fact, they wanted it to be honestly  
21 acknowledged as a part of their agreement, it should  
22 have been in the first document. And the second  
23 document also did not have a quorum. It was an  
24 individual letter.

25 So I felt that we did not -- I did not  
26 feel comfortable in including that within our order

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1 and instead to just allow them to move forward,  
2 approve the application with the conditions as set  
3 forth in the agreement with the ANC.

4 MR. GILREATH: I agree with that.

5 CHAIRPERSON REID: Do you second that?

6 MR. GILREATH: I second the motion.

7 CHAIRPERSON REID: All in favor?

8 MR. GILREATH: Aye.

9 CHAIRPERSON REID: Opposed?

10 MS. PRUITT-WILLIAMS: Sorry, excuse me,  
11 Madam Chair, so you're going to -- for how many  
12 years?

13 CHAIRPERSON REID: I didn't set a term?

14 MS. PRUITT-WILLIAMS: So it's in  
15 perpetuity?

16 CHAIRPERSON REID: Right.

17 MS. PRUITT-WILLIAMS: I wanted to be  
18 sure.

19 CHAIRPERSON REID: I felt comfortable  
20 enough with all of the concessions that had been  
21 made in regard to the safety, in regard to the  
22 safety and the parking and the noise, security, I  
23 felt that they had more than adequately taken care  
24 of the concerns in regard to possible adverse  
25 impact.

26 MS. PRUITT-WILLIAMS: Now Ms. King on

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1 this particular case has proxy to approve of the  
2 incorporation of the ANC vote agreement.

3 CHAIRPERSON REID: The ANC vote is the  
4 one that is in the agreement. The request for the  
5 two years, subsequent to that --

6 MS. PRUITT-WILLIAMS: Lack of a quorum -  
7 -

8 CHAIRPERSON REID: Why?

9 MS. PRUITT-WILLIAMS: You need three in  
10 the affirmative.

11 CHAIRPERSON REID: Ms. King's -- if I'm  
12 not mistaken, her proxy says --

13 MS. PRUITT-WILLIAMS: "With the  
14 cooperation of the ANC agreement."

15 CHAIRPERSON REID: We're doing that.  
16 The two year request came subsequent to that  
17 agreement. That's what I was saying. That was my  
18 whole point. It was a different letter.

19 MS. PRUITT-WILLIAMS: Staff will record  
20 the vote as maker, Ms. Reid; seconded by Mr.  
21 Gilreath and Ms. King in favor.

22 CHAIRPERSON REID: Thank you.

23 MS. PRUITT-WILLIAMS: Last item.

24 MR. HART: The next one is Petition  
25 16144 regarding Staff Requests for Dismissal for  
26 Failure to Pay Balance of Fee in the Application of

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1 the Trust for Public Land which is the Parkside --

2 MS. PRUITT-WILLIAMS: This has been  
3 before the Board many times. They are asking for  
4 another extension for six months.

5 CHAIRPERSON REID: We can, by consensus,  
6 extend it again. Each time it's come before us it  
7 has been a matter of them not being able to complete  
8 the finances that they need in order to get their  
9 project off the ground.

10 It is an extremely worthwhile project to  
11 do. There's considerable redevelopment and  
12 revitalization to that area and I therefore would  
13 move or agree with a consensus to grant them another  
14 postponement.

15 MR. GILREATH: I agree or second your  
16 motion.

17 CHAIRPERSON REID: We'll just do it by  
18 consensus.

19 MS. PRUITT-WILLIAMS: And staff will  
20 record that Ms. King also agrees. She also states  
21 that this should also be the last postponement.

22 CHAIRPERSON REID: I don't agree with  
23 that.

24 MS. PRUITT-WILLIAMS: That's what she  
25 says.

26 CHAIRPERSON REID: I don't agree with

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1 that. I feel that it's no trouble for us for them  
2 to postpone it and obviously they're doing all they  
3 can in order to be to come up with the financing  
4 that they need for that project.

5 Thank you. That concludes the --

6 (Whereupon, at 9:47 a.m., the public  
7 meeting was concluded.)

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