

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13005, of Bakers Local Union, No. 118, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-paragraph 3101.410 to continue accessory parking in an R-1-B District at the premises 2706 Bladensburg Road, N.E., (Square 4345, Lot 7).

HEARING DATE: August 15, 1979

DECISION DATE: November 7, 1979

FINAL DATE OF ORDER: March 17, 1980

DISPOSITION: Application DENIED by a vote of 3-0  
(Charles R. Norris, William F. McIntosh  
and Leonard L. McCants to deny; Chloethiel  
Woodard Smith and Ruby B. McZier not present,  
not voting).

FINDINGS OF FACT:

1. This application was heard on August 15, 1979 and decided November 7, 1979. During the interim period, the Board requested the applicant and the opposition to meet and discuss their differences.

2. There were exchanges of letters between the applicant, the Advisory Neighborhood Commission and the opposition. The applicant agreed to meet the conditions imposed by the ANC and introduced remedial measures. The opposition remained adamant and reiterated all its concerns as expressed at the public hearing.

3. In its Finding of Fact No. 17 of its Final Order, the Board found that since the inception of the subject parking lot on November 16, 1970, the neighbors expressed concerns and the subject applicant did little to ameliorate their concerns and that the Board could not predict that the applicant would be more responsive in the future.

4. On March 28, 1980, the applicant filed a timely motion for reconsideration which was served on all the parties. At the request of the applicant, who stated that he was attempting to meet with the opposition, the Board deferred a determination of this motion until its public meeting of June 5, 1980. On June 3, 1980 the applicant again requested a further postponement of a determination of the motion until the Board's public meeting of July 2, 1980 on the grounds that some of the opposition were not available.

CONCLUSIONS OF LAW:

Based upon the entire record, including the motion and the Final Order of the Board. The Board concludes that the applicant has presented no evidence that was not thoroughly heard and considered at the public hearing and addressed in its Final Order. The Board reaffirms that the relief sought is through a special exception. The use of the lot for accessory parking is not a matter of right and can be granted only upon a determination that the relief will not affect adversely the use of neighboring property. This lot has been used since 1970. Throughout its period of renewals, there has always been basic opposition to its use. The applicant has had constant notice of the objections of the residents and has done little about it. The Board further concludes that it has committed no error in deciding the application. It is therefore ORDERED that the Motion for Reconsideration, Rehearing or in the alternative Reargument is DENIED.

As to the applicant's request for a postponement on the determination of the Motion, the Board notes that this is the second request. A period of over two months has elapsed since the date of the Final Order. The Board concludes that there is nothing to be gained by postponing its determination of the Motion. At some reasonable time there must be finality to the Board's Order and that time has been reached. Accordingly, the request to defer a determination on the Motion is DENIED.

VOTE: 3-0 (Charles R. Norris, Leonard L. McCants and William F. McIntosh to DENY Reconsideration and Postponement; Connie Fortune and John G. Parsons not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 27 JUN 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."