

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13317, of First Baptist Church of Washington, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the open court requirements (Sub-section 4305.1) for a proposed addition to the church in an SP-1 and SP-2 District at the premises 1326 - 16th Street, N.W., (Square 181, Lots 28-30, 855-858, 861 and 852).

HEARING DATE: July 30, 1980

DECISION DATES: September 3 and October 1, 1980

DISPOSITION: The application was GRANTED as a special exception under Sub-section 4305.3 of the Zoning Regulations by a vote of 4-0 (William F. McIntosh, Charles R. Norris, Connie Fortune and Leonard L. McCants to GRANT; Theodore F. Mariani not voting, not having heard the case).

FINAL DATE OF ORDER: December 1, 1980

ORDER

The opposition filed a timely motion for Reconsideration and STAY of the Board's Order of December 1, 1980 granting the subject application. The basis for the motion for reconsideration was that the Board erred in granting the special exception since by so doing, the Board in effect rewarded the applicant for violating the Board's Orders Nos. 13012 and 13096. Those Orders denied applications by the same applicant to continue operations of parking lots on the very same lot which is the subject of this application and a lot within one block of the site. The opposition argued that approval of this application would not be in harmony with the statutory purpose of the Zoning Regulations. The opposition further requested the Board to enter an interim STAY on the effectiveness of the Board's Order until the motion for Reconsideration is considered by the Board to prevent the applicant from applying for and receiving permits while the motion was being considered. Upon consideration of the movant's motions and the applicant's response thereto, the Board concludes that the opposition raises no new issues which the Board had not previously addressed and that the Board committed no error in deciding the subject application.

The issues of the movant were presented thoroughly at the public hearing. No materially different evidence has been submitted in support of movant's motions that the Board had not considered previously. The issues were addressed in the Order. Accordingly, it is ORDERED that the MOTION for RECONSIDERATION is DENIED. The MOTION to STAY is therefore MOOT.

VOTE: (3-0 (William F. McIntosh, Charles R. Norris and Connie Fortune to DENY; Theodore F. Mariani and Douglas J. Patton 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: 23 JAN 1981

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."