

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13321, of Jonathan Woodner, Co., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under Sub-section 3307.2 to allow a group of flats with division walls from the ground up to be deemed a single building and under Sub-paragraph 3101.410 to permit portion of an underground garage to be used for accessory parking to serve the Woodner apartments at 3636 - 16th Street, N.W., and for a variance to permit parking where the underground garage is partially above the level of the adjacent finished grade (Sub-paragraph 3101.4101) for a proposed new residential development comprising forty-two flats with common division walls from the ground up to be considered three buildings in an R-4 District at the premises 1601-1681 Oakwood Mews, N.W., (Square 2621, Lots 351, 354, 358, 839 and 840).

HEARING DATE: October 29, 1980
DECISION DATES: November 5 and December 3, 1980

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Walter B. Lewis, Charles R. Norris, Connie Fortune, William F. McIntosh and Douglas J. Patton to GRANT).

FINAL DATE OF ORDER: March 5, 1981
DATE OF MOTION FOR RECONSIDERATION AND STAY: March 16, 1981

ORDER

The opposition filed a timely MOTION for Reconsideration and STAY of the Board's ORDER GRANTING the application. The basis for the Motion is that the Board erred in Finding of Fact Nos. 7 and 11; the Board's conclusions as to traffic impact are not supported by substantial evidence; the Board in accepting the findings of the Department of Transportation report failed to condition its approval of the application with the DOT recommendations and, lastly, that the Advisory Neighborhood Commission had acted improperly in its consideration of the subject application. Upon consideration of the Motion, the applicants response thereto, and the Final Order, the Board concludes that the opposition parties failed to establish that the Board had committed any substantial error in deciding the application.

The Board concludes that there is no basis to support the Motion for Reconsideration . Accordingly, it is ORDERED that the Motion for Reconsideration is DENIED. The Motion for STAY pending consideration of the Board of the Motion for Reconsideration is accordingly MOOT. As to the request for STAY pending Judicial Review, the Board concludes that it has committed no error, and that there is no basis for such a STAY. Accordingly, it is HEREBY ORDERED that the Request for STAY is DENIED.

VOTE: 4-0 (Charles R. Norris, Walter B. Lewis, William F. McIntosh and Connie Fortune to DENY the MOTION, Douglas J. Patton not present, not voting).

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

DATE OF DECISION: April 1, 1981

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

FINAL DATE OF ORDER: 23 APR 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."