

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13404, Motion by opposition, dated May 14, 1981, for Reconsideration in the application of M and Potomac Streets Associates Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-sections 3304.1 and 7615.2), the lot area requirements (Sub-section 3301.1 and 7615.2) and the side yard requirements (Sub-section 3305.4) to permit the construction of a row dwelling which does not share a common division wall with another building on a theoretical lot in an R-3 District at the premises 3276 Prospect Street, N.W., (Square 1206, Part of Lot 40).

HEARING DATE: January 21, 1981
DECISION DATE: February 4, 1981

STATUS: The Board GRANTED the application by a vote of 3-0 (William F. McIntosh, Connie Fortune and Charles R. Norris to GRANT; Douglas J. Patton ABSTAINED).

FINAL DATE OF ORDER: May 4, 1981

ORDER

The opposition, Dorothea J. Capello, filed a timely Motion for Reconsideration. The motion alleges that the BZA did not exercise an independent, expert opinion in its Findings of Fact in that the Board almost verbatim incorporated the proposed Findings submitted by the applicant. The Motion also alleged that there were errors in the Board's Findings to the degree that much broader uses of the land were allowed than those uses which were requested at the public hearing of January 21, 1981. Upon consideration of the Order, the motion for Reconsideration and the reply of the applicant thereto, the Board concludes that it committed no error in deciding the application, even assuming the Board incorporated the applicant's findings for which the Board has full justification to do so. The Board concludes that the issue of the pedestrian passageway was thoroughly heard at the public hearing and the opposition is offering no evidence not previously considered by the Board. Accordingly, it is ORDERED that Motion for Reconsideration is DENIED.

VOTE: 3-0 (William F. McIntosh, Connie Fortune and Douglas J. Patton to DENY; Charles R. Norris not present, not voting).

