

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13487, of Jeffrey E. Gilbert, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use all floors of the subject premises as office uses in an SP-1 District at the premises 2005 Massachusetts Avenue, N.W., (Square 94, Lot 14).

HEARING DATE: May 13, 1981  
DECISION DATE: June 3, 1981

DISPOSITION: The Board GRANTED the application by a vote of 3-1 (Walter B. Lewis, and Connie Fortune to grant; Charles R. Norris to grant by proxy; Douglas J. Patton opposed; William F. McIntosh not voting, not having heard the case).

FINAL DATE OF ORDER: August 31, 1981

ORDER

On September 14, 1981, the opposition, Dupont Circle Advisory Neighborhood Commission - 2B, pursuant to Section 5.41 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment, filed a motion for Reconsideration and Rehearing. The grounds for the motion were that the Board had erred in fact and law in concluding that the subject lessee is a non-profit organization "organized and operated exclusively for literary purposes" under Section 1201 of the Zoning Regulations. The Board considered the Final Order, the subject motion and the reply of the applicant thereto. Section 5.45 of the Supplemental Rules provides that "Any motion to reconsider an application or appeal made pursuant to 5.41 or 5.44 must be approved by at least four (4) affirmative votes." A motion to Stay the effect of the Order, reopen the record and rehear on the sole issue as to whether a trade association is a non-profit organization as contemplated by the Zoning Regulations was supported by only three affirmative votes. The Chairman therefore ruled that the motion failed for a lack of four affirmative votes. Accordingly, it is ORDERED that the Motion for Reconsideration and Rehearing is DENIED.

VOTE: 3-2 (Walter B. Lewis, William F. McIntosh and Douglas J. Patton in FAVOR; Charles R. Norris and Connie Fortune OPPOSED).

