

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13674, Motion by opposition for Reconsideration filed June 3, 1982, for the application of Janus Consultants, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area requirements (Sub-section 3301.1), the lot occupancy requirements (Sub-section 3303.1), the rear yard requirements (Sub-section 3304.1), from the prohibition against allowing a dwelling without side yards when the proposed building does not show a common division wall with another building (Sub-section 3305.4) and from the prohibition against allowing a required parking space less than nineteen feet in length (Sub-section 7204.1) to construct a single family row dwelling or in the alternative, variances from the prohibition against allowing an addition to a building which does not conform to the lot occupancy requirements (Paragraph 7107.21) and from the prohibition against allowing a required parking spaces less than nineteen feet in length (Sub-section 7204.1) to convert the existing building (garage) into a dwelling and add a second story in an R-3 District at the premises 3500 P Street, N.W., (Square 1247, Lot 835)

HEARING DATE: February 10, 1982  
DECISION DATE: March 3, 1982

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

FINAL DATE OF ORDER: May 24, 1982

ORDER

1. By letter dated June 2, 1982, counsel for the opposition filed a Motion for Reconsideration and STAY of the Order in the subject application. The reasons for the motion include the contention that the relief granted by the Board is not sufficient to permit the structure to be used as a dwelling in the R-3 District, that the conclusion that there will be no substantial impairment to the intent, purpose and integrity of the zone plan is not substantiated; and that the Board gave too little weight to neighborhood opposition.

2. On June 11, 1982, the Board received a Motion from the counsel for the applicant to extend the time permitted for the applicant to respond to the opposition's motion for the applicant to meet with the opposition in an attempt to resolve their differences. The counsel for the opposition concurred with this request. On June 11, 1982, the Chairman agreed to the extension of time.

3. On June 23, 1982, the Board received the applicant's response to the Motion for Reconsideration and Stay of Order. Counsel for the applicant opposed the motion based on the following reasons:(a) There was no change in the facts or law since the application was granted; (b) The Board committed no error and fully complied with District of Columbia law; (c) Use of the building as a dwelling is a matter-of-right use, and (d) The Board gave appropriate consideration to neighborhood concerns.

4. At its Public Meeting of July 7, 1982, the Board considered the Final Order, the subject motion, and the applicant's response thereto. The Board concludes that the opposition raises no materially different issues than those which were previously addressed by the Board. The Board further concludes that the Board committed no error in deciding the subject application. The issues of the movant were thoroughly presented at the public hearing and were addressed in the Order. Accordingly, it is ORDERED that the Motion for Reconsideration is DENIED. The Motion to STAY is therefore MOOT.

DECISION DATE: July 7, 1982

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, Douglas J. Patton and Charles R. Norris to DENY; William F. McIntosh not present, 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: AUG 10 1982

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."