

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13678, of James P. Smith, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from barber shop, first floor, to investigation office, first floor in an R-4 District at the premises 833 L Street, N.E., (Square 909, Lot 65).

HEARING DATE: February 17, 1982  
DECISION DATE: March 3, 1982

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

FINAL DATE OF ORDER: June 24, 1982

ORDER

The applicant filed a timely Motion for Reconsideration, Rehearing or in the alternative Reargument on July 6, 1982. The basis for the request was that the Board's decision lacked the support of substantial evidence, failed to make definite determinations on disputed issues of fact, and failed to acknowledge the testimony of the D.C. Office of Planning and Development. At its public meeting of August 4, 1982, the Board deferred a decision on the Motion pending the review of the Motion by the Corporation Counsel. By memorandum dated August 27, 1982, the Corporation Counsel submitted its opinion of the Motion and stated that "motions for reconsideration should be granted when the Board has made an apparent error or overlooked duly presented issues or facts. It is not apparent that the instant motion should be granted on this basis. The Board has determined that the applicant did not clearly meet the requirements of the Zoning Regulations and thus, the Board can validly deny the application." The Corporation Counsel concluded that "The Board's conclusion is clearly stated and rationally flows from its findings of fact. ... The Board has made findings of fact on the issues raised at the hearing. It need not hear additional issues or evidence upon consideration of applicant's motion for reconsideration." Counsel advised further that the Board clearly found that the requirements of the Zoning

Regulations were not met in this case and the Board properly denied the application.

Upon consideration of the Motion, the opinion of the Corporation Counsel and the Final Order, the Board finds that the Motion fails to state an acceptable basis of error on the part of the Board to support the Motion. The Board concludes that it committed no error of fact or law in deciding this application.

The Board further concludes that the Motion proffers no new new evidence that could not reasonably have been presented at the hearing. It is therefore ORDERED that the Motion is DENIED in its entirety.

DECISION DATE: September 1, 1982

VOTE: 4-0 (Walter B. Lewis, Connie Fortune and Charles R. Norris to deny; William F. McIntosh to deny by proxy; 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: SEP 24 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."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.