

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13729, as amended, of Grant Park Nursing Home Limited Partnership, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.48 for a proposed health care facility and a variance from the side yard requirements (Section 3305) in an R-5-B District at the premises 5051 Hayes Street, N.E., (Square 5179, Lots 1-6, 809, 810, and the western half of Lot 811 and Square 5197, Lots 37-41, 55-58, 801 and the eastern half of Lot 811).

HEARING DATE: April 21, 1982  
DECISION DATE: April 21, 1982 (Bench Decision)

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

FINAL DATE OF ORDER: April 23, 1982

ORDER

1. By letter dated May 2, 1982, the opposition filed a Motion for Reconsideration of Condition No. 5 of the Board's Final Order in the subject application, which states:

5. The driveway from Hayes Street leading to the parking area shall be deleted and shall be replaced with grass and a six inch concrete curb.

2. The basis for the Motion for Reconsideration was that according to records from the D.C. Surveyor's Office the driveway referenced in Condition No. 5 is located on property which was formerly known as 50th Place, N.E., that 50th Place, N.E., was closed in 1969, that the property reverted in ownership to each abutting property owner and, therefore, one-half of the property on which the driveway referred to in Condition No. 5 is situated, does not belong to the applicant, but to the opposition

3. On May 10, 1982, the applicant submitted a statement in opposition to the requested Reconsideration and exhibited by a true copy of a deed dated September 17, 1968, that the applicant purchased the interest to that portion of 50th Place, N.E. which reverted to the owners of lots 9 and 10 in Square 5179 pursuant to the request for street closing, S.O. 67-160, dated August 8, 1967, and approved by the City Council on May 13, 1969.

4. At the Public Meeting of June 2, 1982, the Board considered the submissions of both opposition and the applicant. The Board concludes that the opposition has not offered any conclusive evidence in rebuttal to establish that the applicant is not the owners of the property in question. Accordingly, it is ORDERED that the request for Reconsideration is DENIED.

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

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

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

FINAL DATE OF ORDER: JUL - 6 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."