

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13890 of Raymond L. Poston, Jr., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7105.2 to extend the existing non-conforming use of law offices, first floor and basement, to include the second and third floors of the subject premises in an R-5-B District at premises 1762 Church Street, N.W., (Square 156, Lot 299).

HEARING DATE: March 9, 1983  
DECISION DATE: April 6, 1983

DISPOSITION: The application was DENIED by a vote of 4-0 (Douglas J. Patton, William F. McIntosh, Maybelle T. Bennett and Charles R. Norris to deny; Carrie L. Thornhill abstaining).

FINAL DATE OF ORDER: September 27, 1983

ORDER

The original order of the Board denying the application was filed in the record in September 27, 1983 and the order bears that date. A certification sheet further indicates that the order was mailed to the parties on that date. However, there are no certified receipts attached to that sheet, and no return receipt cards were received. Consequently it is doubtful that service to the parties was made on that date. Therefore, copies of the order were served on November 14, 1983.

The applicant filed a motion for reconsideration of rehearing on November 25, 1983. The basis for the request for reconsideration was that the Board was in error in determining that the proposed use would create a parking problem and that the use did not come within the definition of a neighborhood facility or that such use would be objectionable to the neighborhood. The basis for the request for rehearing was that the Board did not waive its rules to accept a petition of thirty-four signatures in support of the application at the public hearing. The applicant now offers the petition as new evidence to support his contention that the proposed use will not be objectionable to the neighborhood.

Upon consideration of the motion and its final order, the Board concludes that the motion fails to provide evidence of a substantive nature that the Board has not previously

considered and that the Board committed no error in deciding the subject application. There is no substantive evidence that the undated petition offered by the applicant at the public hearing and as part of the subject motion could not have been submitted fourteen days prior to the public hearing as required by the rules.

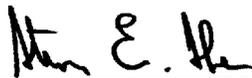
The issues raised by the applicant were thoroughly presented at the public hearing and were addressed in the Board's order. The Board's decision was based on all of the evidence presented by both the applicant and the opposition. The fact that the judgment of the Board differs from that of the applicant does not make the decision of the Board arbitrary, capricious or unlawful. Accordingly the motion for reconsideration or rehearing is hereby DENIED.

Decision Date: December 7, 1983

VOTE: 4-0 (Maybelle T. Bennett, William F. McIntosh, Carrie L. Thornhill, and Douglas J. Patton to deny; Charles R. Norris not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

JAN 18 1984

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."

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