

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13927, of 1515 Limited Partnership, as amended, pursuant to Sub-section 8207.2 of the Zoning Regulations, of the subject premises for SP office use other than medical or dental offices in an SP-1 District at premises 1531-37 P Street and 1501 16th Street, N.W., (Square 194, Lot 813).

HEARING DATES: March 9, April 6, and June 8, 1983  
DECISION DATE: July 6, 1983

DISPOSITION: The Board GRANTED the application by a vote of 3-2 (Carrie Thornhill, William F. McIntosh and Charles R. Norris to grant; Douglas J. Patton and Maybelle T. Bennett opposed to the motion).

FINAL DATE OF ORDER: September 27, 1983

ORDER

The Midway Civic Association, a party in opposition, filed a timely motion for Reconsideration and Reversal of the Board's Order of September 27, 1983, granting the subject application. The bases for the motion for reconsideration were as follows:

1. The application requires variance relief, rather than a special exception.
2. The certificate of occupancy issued for the prior use of the subject premises as a rooming and boarding house was erroneously issued and the decision of the Zoning Administrator approving the issuance of that certificate of occupancy should be reversed.
3. The amount of office space which would require parking, regardless of the variance question, was erroneously calculated, because the parking credit was calculated including the basement, and the square footage of office space used in the calculation of square footage eliminates the basement space. The Board did not prohibit the use of the basement level as office space.
4. The adequacy of existing parking facilities in the immediate area to satisfy the needs of the

occupants of the subject premises and existing problems with parking congestion in the area were not addressed in the Board's Order.

5. It is inappropriate for the Board to consider the applicant's alleged desire to comply with the requirements for Certified Historic Structures in that no such application was presented at the public hearing and it is not required by the Board's Order.

Counsel for the applicant filed a response to the subject motion on October 14, 1983. Counsel for the applicant opposed the motion based on the following:

1. The public hearing on the subject application was continued at the request of the opposition on the identical issue of whether a variance was required.
2. All of the issues raised in the Motion were presented by the opposition at the public hearings and are specifically and adequately addressed in the Board's Order.

Upon consideration of the Motion, the applicant's response thereto, and the final Order of the Board, the Board concludes that the opposition raises no new issues which were not previously considered by the Board and that the Board committed no error in deciding the subject application. The issues of the movant were presented thoroughly at the public hearing. The movant was advised that an appeal of the decisions of the Zoning Administrator could be pursued under the separate procedure as set forth in Sections 8102 and 8206 of the Zoning Regulations. No materially different relevant evidence has been submitted in support of the motion that was not considered previously by the Board. The issues were addressed in the Order.

Accordingly, it is ORDERED that the Motion for RECONSIDERATION is DENIED. The Motion to Reverse the Order of the Board is therefore MOOT.

VOTE: 5-0 (Carrie Thornhill, Maybelle T. Bennett, William F. McIntosh, Douglas J. Patton and Charles R. Norris to deny the Motion for Reconsideration).

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

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

FINAL DATE OF ORDER: DEC 23 1983

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 SUPPLEMENTAI RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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