

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 14093 of Hugh J. Beins, pursuant to 11 DCMR 3200.2 and 3105.1, from the decision of the Zoning Administrator, dated August 23, 1983, approving the issuance of Building Permit No. B-297556 for the construction of a rear addition, and from the decision made on October 27, 1983, to rescind a stop work order and allow the construction to continue at 3813 Jocelyn Street, N.W., in an R-1-B District (Square 1856, Lot 54).

HEARING DATES: February 8, and 15, 1984; March 13, 1985; September 17, 1986; and September 19, 1990.
DECISION DATES: February 15, 1984 (Bench Decision); May 1, 1985; November 6, 1986; and October 3, 1990.
DISPOSITION: The Board GRANTED the appeal by a vote of 3-0 (Carrie L. Thornhill and Paula L. Jewell to grant the appeal; William L. Ensign to grant the appeal by proxy; Charles R. Norris, not voting, not having heard the case; and William F. McIntosh, abstaining).
FINAL DATE OF ORDER: January 15, 1991

ORDER TO STAY

The Board granted this appeal by its Order dated January 15, 1991. By motion dated February 15, 1991, counsel for the Intervenor, Allan M. and Harriett B. Fox, filed a timely request to stay the effect of the Board's final order and enforcement pending intervenors' application for variance relief. The basis for this motion was that the Intervenor would suffer irreparable harm if the Board's final order was enforced before a variance application could be filed and decided by the Board. In contrast, the Appellants would not be harmed by the granting of the requested stay. A copy of the Intervenor's Motion and Memorandum of Points and Authorities in support thereof, was served on all the parties to this appeal. The Board received no opposition to the Intervenor's motion from the Appellants or any other party.

Upon review of the motion and its final order, the Board concludes that the proposed stay is warranted and will not cause irreparable harm to the Appellants or any other party.

It is therefore ORDERED that Intervenor's motion is hereby GRANTED SUBJECT to following conditions:

1. The Intervenor shall have filed a building permit application no later than Friday, March 15, 1991. Copies

of this submission must be served on the Board and all parties to this appeal.

2. Within two (2) weeks of the Zoning Administrator's denial of the building permit application and the Intervenor's receipt of the memorandum setting forth the required zoning relief, the Intervenor must file an application with the Board.

DECISION DATE: March 6, 1991

VOTE: 3-0 (Paula L. Jewell and Carrie L. Thornhill to grant; William L. Ensign to grant by proxy; Sheri M. Pruitt and Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY: 
EDWARD L. CURRY
Executive Director

MAR 29 1991

FINAL DATE OF ORDER: _____.

UNDER 11 DCMR 3103.1, "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 CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL NO. 14093

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated MAR 29 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

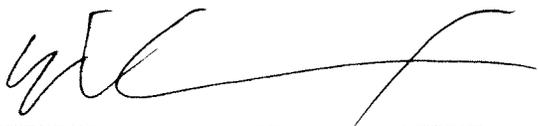
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EDWARD L. CURRY
Executive Director

DATE: MAR 29 1991