

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 14402, of Hans Larsen, Chairman ANC 4A, pursuant to Sections 8102 and 8206 of the Zoning Regulations, from the administrative decision of James J. Fahey, Zoning Administrator, dated November 19, 1985 and December 12, 1985, determining that only 23 off-street parking spaces were required for the proposed church-manse Section 7202 (DCMR 2101.1) and that the church's parking configuration is in compliance with Sub-sections 7205.2, 7205.3, 7206.6 and Paragraph 7206.73 (DCMR 2116.2b, 2116.4, 2117.7 and 2117.8c) in an R-2 District at premises 1400 Nicholson Street, N.W., (Square 2723, Parcels 87/436, 87/437, 87/439, 87/441 and 87/444).

HEARING DATE: March 12, 1986
DECISION DATES: March 19, April 2 and June 4, 1986

DISPOSITION: The Board DENIED the appeal by a vote of 5-0 (William F. McIntosh, John G. Parsons, Paula L. Jewell, Charles R. Norris and Carrie L. Thornhill to deny).

FINAL DATE OF ORDER: August 29, 1986

ORDER

On September 10, 1986, the appellant filed a timely motion for reconsideration of the Board's decision in the subject case. The appellant argued that the decision of the Board was in error in the following respects:

- a. The Board found that the address of the subject property was 1400 Nicholson Street and thus erroneously concluded that the proposed parking was located in the rear and side yards of the Nicholson Street address;
- b. The Board erred in accepting the opinion of the Zoning Administrator that there was not sufficient surplus square footage to permit an increase in the seating capacity of the proposed church;
- c. The Board erred in arbitrarily denying appellant's (ANC and Citizens for the Preservation of Neighborhoods) June 2, 1986, request to reopen the record and hold a

further hearing based upon new information pertaining to the use of public space misrepresentations made by the architect at the hearing in this matter;

- d. The Board erred in not considering and addressing the use of public space for the subject property;
- e. The Board erred in not fully considering and addressing the impact of the proposed project on the community and the Comprehensive Plan of the District of Columbia; and
- f. The Board erred in not addressing the use of the manse as an apparent church, pending the actual completion of the church.

There was no response to the motion.

Upon consideration of the motion and its final order, the Board concludes that it made no error in deciding the appeal. The Board concludes that the motion raises no materially different zoning related issues nor provides any evidence of a substantive nature that the Board has not previously considered and thoroughly addressed in its final order. The Board's decision was based upon the consideration of all the evidence presented by the appellant, the Zoning Administrator and the representative of the property owner. The fact that the Board and the appellant came to different conclusions does not make the judgement of the Board arbitrary, capricious or unlawful. Accordingly, the motion is hereby DENIED.

DECISION DATE: October 1, 1986

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to deny; John G. Parsons to deny by proxy).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

OCT 28 1986

FINAL DATE OF ORDER: _____

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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