

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14504, of the Coalition for the Homeless, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Paragraphs 3102.44, 3102.445 and 3102.446 to establish an emergency shelter for more than four persons, to approve more than one community based facility in a square or within 500 feet and to approve a facility for more than fifteen men in a R-4 District at premises 1318 Park Road, N.W., (Square 2843, Lot 39).

HEARING DATE: November 12, 1986

DECISION DATE: November 12, 1986 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 4-0 (William F. McIntosh, Paula L. Jewell, Charles R. Norris and Carrie L. Thornhill to grant; Maybelle T. Bennett not present, not voting).

FINAL DATE OF ORDER: January 30, 1987

ORDER

The Board granted the application with conditions by its Order dated January 20, 1987. On February 13, 1987, a representative of the Tubman Neighborhood Association, a party in opposition to the case, filed a motion for reconsideration of the Board's decision. The general bases for the motion are summarized as follows:

1. The Board gave insufficient consideration to D.C. Zoning Commission Case No. 78-12;
2. The applicant failed to prove:
 - (1) the facility will meet all applicable code and licensing requirements; and
 - (2) the facility will have no adverse impact on the neighborhood.
3. The Board failed to adequately address all the issues raised by the opposition.

Counsel for the applicant, by letter dated February 20, 1987, opposed the motion for reconsideration as untimely filed. Counsel for the applicant further argued that the motion should be denied because the arguments proffered by

the opposition had already been made or should have been made at the public hearing, no facts or circumstances have changed since the public hearing and no error by the Board has been shown.

Section 503.1 of the Supplemental Rules of Practice and Procedure before the BZA requires that a motion for reconsideration or rehearing be filed within ten days of the filing and service of the written order of the Board. Section 105.3 of the Rules provides that after service of a notice or other paper upon a party by mail, three days shall be added to the prescribed period. The opposition filed its motion fourteen days after the final date and service of the order by certified mail. The Board notes that the motion was not timely filed. At its public meeting of March 4, 1987, the Board determined that it would address the merits of the motion without considering the timeliness of its filing.

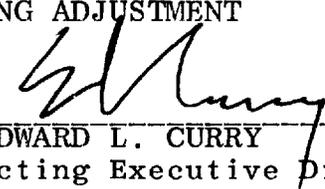
Upon consideration of the motion, response thereto, and its final order, the Board concludes that it has made no error in deciding the application. The Board further concludes that the motion raises no materially different issues nor provides any evidence of a substantive nature that the Board has not previously considered and thoroughly addressed in its final Order. The Board's decision was based on its consideration of all evidence presented by both the applicant and the opposition. Accordingly, it is hereby ORDERED that the motion for reconsideration is DENIED.

DECISION DATE: March 4, 1987

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

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

APR 1 1987

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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