

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 14558, of the Capitol Hill Restoration Society, Inc. ("Applicant"), pursuant to 11 DCMR 3105.1, from the decision of the Zoning Administrator, dated November 10, 1986, to grant a certificate of occupancy to use the premises for professional offices, including lawyers' and doctors' offices, of the American Cancer Society in a CAP/R-4 District at premises 224 East Capitol Street, N.E., (Square 759, Lot 804).

HEARING DATE: February 18, 1987
DECISION DATE: April 8, 1987

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

FINAL DATE OF ORDER: July 27, 1987

ORDER

By motion received on August 7, 1987, the American Cancer Society and F. Fulton Brylawski, the Intervenor, filed a timely request for reconsideration of the Board's Order of July 27, 1987 granting the subject appeal. In summary the motion alleges that the Board erred in its Finding of Fact concerning: 1) its characterization of professionals occupying the site; 2) its conclusions, and; 3) its interpretation of the Board's Order No. 4629, dated November 29, 1956 with respect to the meaning of the term "professional offices".

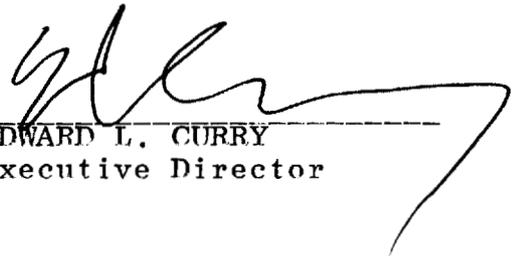
Upon consideration of the motion, the record in the subject case and its final order, the Board concludes that it has committed no error in deciding the appeal. The Board concludes that the motion raises no materially different issues nor provides any evidence of a substantive nature that the Board has not previously considered. The Board decision was based on consideration of all evidence presented by both the appellant and the intervenor. The fact that the Board and intervenors came to different conclusions does not make the judgement of the Board arbitrary, capricious or unlawful. Accordingly, the motion for consideration is hereby DENIED.

VOTE: 4-0 (Lindsley Williams, William F. McIntosh Paula L. Jewell and Carrie L. Thornhill to deny; Charles R. Norris not voting, not having heard the case.

DECISION DATE: September 2, 1987

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

DEC 31 1987

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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