

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14640 of the American University, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 211 for review and approval of a revised campus plan in the R-1-B, R-5-A and R-5-B Districts; in the area generally bounded by Van Ness Street on the north; Glenbrook Road, Rockwood Parkway and Newark Street on the south; University Avenue and 46th Street on the west; and Nebraska and Massachusetts Avenues east of Ward Circle, N.W. on the east; and in the area bounded by Yuma Street on the north; Warren Street on the south; 42nd Street on the west; and Nebraska Avenue and Tenley Circle, N.W., on the east (Square 1560, Lot 807; Square 1599, Lots 805 and 812; Square 1600, Lots 1, 800, 801, 810 and 814; Square 1601, Lot 3; and Square 1728, Lot 1); and

Application No. 15109 of the American University, pursuant to 11 DCMR 3108.1, for a special exception under Section 211 for further processing of the Washington College of Law, temporary trailers, an addition to the Mary Graydon Center, and an addition to the Butler Pavilion Shops, in conjunction with a proposed revised campus plan (BZA Application No. 14640) in an R-1-B and R-5-A District at premises 4400 Massachusetts Avenue, N.W., (Square 1599, Lot 805 and Square 1600, Lot 1).

HEARING DATES: October 28 and November 12, 1987;
 January 6 and 30, 1988; July 12, October
 20, and 21, and November 1, 1989.

DECISION DATES: March 2, and April 6, 1988; December 6,
 1989; and May 2, 1990.

FINAL DATE OF ORDER: February 21, 1990.

DATE OF DECISION ON MOTION FOR A STAY: May 16, 1990.

ORDER DENYING STAY PENDING
APPEAL

These applications are before the Board on the motion of the Fort Gaines Citizens Association and the American University Park Citizens Association for a stay of the effective date of the Board's order, entered on February 21, 1990, which granted these applications. The moving parties

seek to halt any action by American University that would advance construction of the law school that the Board approved in its order dated February 21, 1990.

The University opposes the stay.

The Board concludes that a stay should be denied, because, as is more fully set forth below, the moving parties have failed to show that any of the applicable standards would support a stay.

The moving parties are not likely to prevail on the merits of the appeal. The Board finds that it accorded all parties full, fair, and comprehensive consideration, and applied the standards established by the Zoning Regulations.

The moving parties will not suffer any irreparable injury if a stay is denied. If the law school is constructed, and thereafter the ultimate decision with respect to the location of the law school is to disapprove the site that the Board approved, both the administrative and judicial process would then be available to determine the remedial action that would be required.

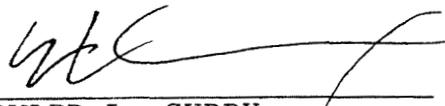
The University would be harmed if a stay is granted. The University has demonstrated sound, persuasive, and tangible reasons why it needs to proceed with timely construction of the law school as approved.

The public interest would be served by denial of a stay. The sound conduct of public and private business requires that public officers allow lawful private action to proceed. In the normal course, the public interest is harmed by a halt to private action that has been reasonably considered and found to be consistent with applicable law. So it is here. The public interest would be harmed if the University were barred from constructing the approved law school.

Accordingly, it is hereby ORDERED that the Motion for a Stay be DENIED.

VOTE: 4-0 (Carrie L. Thornhill, Charles R. Norris, William F. McIntosh, and Paula L. Jewell in favor of the motion to deny the stay; and William L. Ensign, not present, not voting).

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

ATTESTED BY: 
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 31 1990

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."

14640&15109 B JW43

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14640 and 15109

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that copies of orders dated MAY 31 1990 denying reconsideration and denying a stay have been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

1. Wayne S. Quin, Esquire
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W.
Suite 1100
Washington, D.C. 20006
2. Joseph D. Murphy, Chairperson
Advisory Neighborhood Commission 3-D
P.O. Box 40846, Palisades Station
Washington, D.C. 20016
3. Paul Strauss, Chairperson
Advisory Neighborhood Commission 3-E
P.O. Box 9953, Friendship Station
Washington, D.C. 20016
4. Robert E. Herzstein
Neighbors for a Livable Community
4710 Woodway Lane, N.W.
Washington, D.C. 20016
5. Alan M. Pollock
4428 Sedgwick Street, N.W.
Washington, D.C. 20016
6. Frederick Allen, President
Spring Valley Wesley Heights Citizens Assn.
3880 University Avenue, N.W.
Washington, D.C. 20016
7. John P. Brown
Embassy Park Condominium
4230 Embass Park Drive, N.W.
Washington, D.C. 20016

8. Stanely Baum
4443 Springdale Street, N.W.
Washington, D.C. 20016
9. Barbara T. Yeomans
3909 - 48th Street, N.W.
Washington, D.C. 20016
10. Charles Schulze
4119 - 45th Street, N.W.
Washington, D.C. 20016
11. Carolyn Carr
Westover Place Community Assn.
4376 Westover Place, N.W.
Washington, D.C. 20016
12. Glenbrook Road Association
c/o Richard B. Nettler, Esquire
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
1800 K Street, N.W.
Suite 600
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13. John E. Montel, President
Ft. Gaines Citizens Assn.
4447 Springdale Street, N.W.
Washington, D.C. 20016
14. Dr. Cyril Ponnampereuma
4452 Sedgwick Street, N.W.
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15. Michael Wolf
Citizens for Preservation of Residential Neighborhoods
4532 - 43th Street, N.W.
Washington, D.C. 20016
16. Edward Flattau
4532 Van Ness Street, N.W.
Washington, D.C. 20016
17. Betty Sheffield
4412 Springdale Street, N.W.
Washington, D.C. 20016
18. Mary Jo Boya
4437 Sedgwick Street, N.W.
Washington, D.C. 20016
19. Dr. M.S. Esfandiary
4401 Sedgwick Street, N.W.
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20. Michael Geglia
American University Park Citizens Assn.
4712 Elliot Street, N.W.
Washington, D.C. 20016
21. James & Eugenia Langley
4404 Springdale Street, N.W.
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22. Rosa L. Sumpter
4416 Sedgwick Street, N.W.
Washington, D.C. 20016
23. Faith Burton
Ft. Gaines Citizens Assn.
4441 Sedgwick Street, N.W.
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24. Jill Abeshouse Stern
4840 Glenbrock Road, N.W.
Washington, D.C. 20016



EDWARD L. CURRY
Executive Director

DATE: MAY 31 1990