

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 14865A of the Residential Action Coalition, pursuant to 11 DCMR 3100.2 and 3105.1, from the decision of the Acting Director of the Department of Consumer and Regulatory Affairs made on July 3, 1986 to issue Certificate of Occupancy No. B-146005 for a 38-room inn in an R-5-C District at premises 1842 - 16th Street, N.W., (Square 177, Lot 126).

Appeal No. 14865-B of the Residential Action Coalition, pursuant to 11 DCMR 3200.2 and 3105.1 from the decision of the Acting Director of the Department of Consumer and Regulatory Affairs made on June 26 and July 16, 1987 to issue Certificate of Occupancy No. B-150464 for a 9-room rooming house in an R-5-C District at premises 1846 - 16th Street, N.W., (Square 177, Lot 2).

HEARING DATE: October 12, 1988
DECISION DATE: November 2 and December 7, 1988

DISPOSITION: The Board DISMISSED the appeal by a vote of 5-0 (Carrie L. Thornhill, Charles R. Norris, Paula L. Jewell, and William F. McIntosh to dismiss the appeal; Lloyd Smith to dismiss the appeal by proxy).

FINAL DATE OF ORDER: June 8, 1990

ORDER

The Board denied the appeal by its ORDER dated June 8, 1990. By letter received June 18, 1990, the Residential Action Coalition (appellants) submitted a request for reconsideration of the Board's Order in the appeal.

At its public meeting of July 11, 1990, the Board considered the request for reconsideration. The request was based on the belief of the Residential Action Coalition (RAC) that it proved its case in the appeal. In dismissing the appeals, the Board concluded it did not have jurisdiction to hear the appeals as they were untimely filed. Lacking jurisdiction to decide the appeals on the merits, the Board did not address the substantive issue of the case in any manner.

Section 3332 of the Zoning Regulations governs requests for reconsideration. Section 3332.6 provides that "no such request shall be considered by the Board unless new evidence is submitted which would not reasonably have been presented at the hearing." The Board finds that the RAC has submitted no new evidence relevant to the issue of timeliness. Therefore, the basis for dismissing

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the appeal - failure to file in a timely manner must stand.

Based on the foregoing the Board concludes that it has made no error in deciding the appeals, nor is there a basis for reconsidering its decision. Accordingly it is ORDERED that the request for RECONSIDERATION is hereby DENIED.

DECISION DATE: July 11, 1990

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

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

ATTESTED BY:



FINAL DATE OF ORDER: _____

JAN 31 1991

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."

14865Order/BHS

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPEAL NO. 14865-A & 14865-B

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated JAN 31 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

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EDWARD L. CURRY
Executive Director

DATE: JAN 31 1991

ATTESTAT/BHS