

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 15264 of Eugene A. Thompson, pursuant to 11 DCMR 3105.1 and 3200.2, from the decision of Hampton Cross, Administrator, Building and Land Regulation Administration, Department of Consumer and Regulatory Affairs, made on December 21, 1989, to the effect that the Certificate of Occupancy for a "Bed and Breakfast" use should be revoked for the Adams Inn in an R-5-B District at premises 1744-46 Lanier Place, N.W. (Square 2580, Lots 360-824).

HEARING DATE: March 28, 1990
DECISION DATE: May 2, 1990

FINAL DATE OF ORDER: February 22, 1991

DECISION DATE ON MOTION: April 3, 1991

ORDER GRANTING A STAY

This appeal is before the Board on the motion of the appellant for a stay pending consideration by the District of Columbia Court of Appeals of the petition for review of the decision of the Board. By Order dated February 22, 1991, the Board denied the appeal of the proposed revocation of Certificate of Occupancy No. B132960.

The Board has decided that the equities favor the entry of a stay with respect to the rooming house (bed and breakfast) use located on lot 360, in Square 2580, which is the subject of Certificate of Occupancy numbered B132960. The appellant in this proceeding, who is the operator of that rooming house, filed a timely petition for review on March 21, 1991. The petition for review raises questions about the merits of the decision by this Board that are sufficiently serious, substantial, and difficult as to present a fair ground for judicial review, and for the orderly and deliberate consideration that full judicial review will provide. In that light, it is most significant that denial of a stay with respect to continuing use as authorized by Certificate of Occupancy Numbered B132960 would inflict the maximum degree of irreparable injury upon the appellant, in that it would lead to the termination of the authorized use.

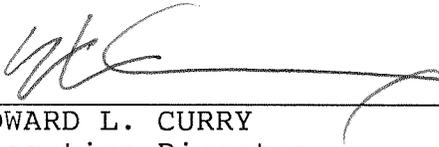
The Board recognizes that the record reflects that bed and breakfast facilities have certain unwelcome and adverse effects on residential neighborhoods in which they are located. None of the testimony or documents in the record evidence the particular impact of the rooming house (bed and breakfast) use conducted at the premises in question.

Even if the Board attributes similar neighborhood impacts to the particular use, the balance of the hardships weighs decisively in favor of a stay. That is, the injury that the appellant would sustain if a stay were to be denied substantially and unequivocally exceeds that which the neighborhood would sustain by entry of a stay.

Based upon the foregoing findings and conclusions, the Board hereby ORDERS that the effect of the Order entered on February 22, 1991, in Appeal Numbered 15264 be STAYED, insofar as it would apply to the revocation of Certificate of Occupancy Numbered B132960.

VOTE: 3-1 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to approve a Stay; John G. Parsons to deny by proxy; Sheri M. Pruitt, not voting, not having heard the case).

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

ATTESTED BY: 
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: APR 19 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.'

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPEAL NO. 15264

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated APR 19 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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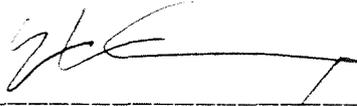
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Edward L. Curry
Executive Director

DATE: APR 19 1991

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