

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 15264 of Eugene A. Thompson, pursuant to 11 DCMR 3105.1 and 3200.1, from the decision of Hampton Cross, Administrator, Building and Land Regulation Administration of the 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 DATES: May 2, 1990, April 3, 1991 and July 10, 1991

DISPOSITION: The Board DENIED the appeal by a vote of 3-1 (Charles R. Norris, John G. Parsons, Paula L. Jewell and William F. McIntosh to deny; Carrie L. Thornhill opposed to the motion). On April 3, 1991, the Board GRANTED A STAY of the effectiveness of its order by a vote of 3-1 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant a stay; John G. Parsons opposed to the motion by proxy; Sheri M. Pruitt not voting, not having heard the case). On July 10, 1991, the Board REVERSED its May 2, 1990 decision and GRANTED the appeal by a vote of 3-0 (Charles R. Norris, Carrie L. Thornhill and John G. Parsons to grant; Paula L. Jewell not present, not voting; Sheri M. Pruitt not voting, not having heard the case).

FINAL DATE OF ORDERS: February 22 and April 19, 1991 and
February 27, 1992

AMENDMENT TO FINAL ORDER

The Board granted the appeal by its order dated February 27, 1992. On March 9, 1992, counsel for the appellant filed a motion to correct a portion of the second sentence in Finding of Fact No. 6 of the Board's final order dated February 27, 1992. The second sentence of Finding of Fact No. 6 reads as follows:

"No Certificate of Occupancy was applied for or received for lots 359 or 824."

Counsel for the appellant argues that the portion of the sentence which reads "applied for or" is incorrect. Counsel attached copies of an application for a certificate of occupancy for Lot 359, dated December 16, 1987, and for Lot 824, dated May 6, 1987. Counsel requests that the sentence be amended to read as follows:

"No certificate of occupancy was received for lots 359 or 824."

Counsel noted that, in an ongoing proceeding before Administrative Law Judge Coles Ruff, NOI Nos. 11527 and 11528, the appellant asserted that application for certificate of occupancy were made for lots 359 and 824 and, without following the proper procedures and/or without sufficient cause, were not issued. Counsel argued that failure to amend the sentence is requested could prejudice the appellant's position in other proceedings brought by the D.C. Government relative to the two lots.

On March 23, 1992, the office of the Corporation counsel, on behalf of the appellee, offered no opposition to the appellant's motion to correct the Board's order dated February 27, 1992.

Upon review of the appellant's motion, responses thereto, the record in the application its final order, the Board concludes that Finding of Fact No. 6 does not accurately reflect the evidence of record with regard to the filing of applications for certificate of occupancy for lots 359 and 824 contained in the record in the instant case. The Board has determined that the error is generally clerical in nature and, therefore, is within the inherent authority of the Board to correct. Accordingly, the Board hereby **ORDERS** that its order, dated February 27, 1992, be corrected, nunc pro tunc, by amending the second sentence of Finding of Fact No. 6 to read as follows:

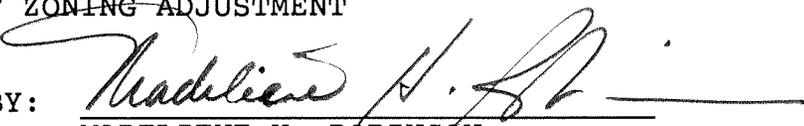
"No certificate of occupancy was received for lots 359 and 824."

DECISION DATE: May 6, 1992

VOTE: 3-0 (Carrie L. Thornhill and Paula L. Jewell to approve; John G. Parsons to approve by proxy; Angel F. Clarens and Sheri M. Pruitt not voting, not having heard the case).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

MAY 22 1992

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15264

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 22 1992 a copy of the order entered on that date in this matter was 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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MADELIENE H. ROBINSON
Acting Director

DATE: MAY 22 1992