

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15342 of Mount Clare Properties, pursuant to 11 DCMR 3108.1, for a special exception under Section 2207 to allow a reduction in the required number of parking spaces due to a direct connection between the proposed construction of two mixed-use office/retail buildings and an operating Metrorail station in a C-M-3 District at premises 600 and 700 - 2nd Street, N.E., (Square 720, Lots 174, 175).

HEARING DATE: September 12, 1990  
DECISION DATE: October 3, 1990

**DISPOSITION:** The Board **GRANTED** the application, with **CONDITIONS**, by a vote of 3-0 (Charles R. Norris, Paula L. Jewell, and William F. McIntosh to grant; Carrie L. Thornhill not voting, not having heard the case).

**FINAL DATE OF ORDER:** May 17, 1991

ORDER

The Board granted the application, subject to five conditions, by its Order dated May 17, 1991. Counsel for the applicant filed a timely motion for reconsideration on May 23, 1991. The motion for reconsideration does not argue that the Board erred in deciding the application, but rather that the provisions of Condition No. 5 of the Order are inappropriate and that the order should be modified to delete that condition. There was no response to the motion for reconsideration.

At its public meeting of June 5, 1991, the Board was unable to consider the motion because a majority of the Board members had not participated in the case. The Board **DEFERRED** consideration of the motion until its public meeting of July 10, 1991 to afford Board members Thornhill and Pruitt an opportunity to read the record and participate in the decision.

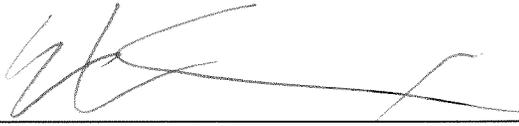
Upon consideration of the motion, the record in the case, and its final order, the Board concludes that it has made no error in approving the requested special exception. However, the Board is persuaded that Condition No. 5 is inappropriate and unnecessary to its approval of the application. Accordingly it is hereby **ORDERED** that the motion for **RECONSIDERATION** is granted. It is further **ORDERED** that the Board's original decision to **GRANT** the application is **REAFFIRMED** with the **CONDITION** that Condition No. 5 of the Order dated May 17, 1991 shall be deleted. In all other respects, the Order dated May 17, 1991 shall remain in full force and effect.

DECISION DATE: June 5 and July 10, 1991

VOTE: 4-0 (Charles R. Norrils, Carrie L. Thornhill and Paula L. Jewell to grant reconsideration and reaffirm the original decision; Sheri M. Pruitt to grant reconsideration and reaffirm the original decision by proxy).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: AUG 2 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15342

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 2 1991 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:

Phil Feola, Esquire  
Linowes and Blocher  
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107 - 8th Street, N.E.  
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901 East Cary Street  
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Clifford W. Waddy, Chairperson  
Advisory Neighborhood Commission 2C  
1200 S Street, N.W., #201  
Washington, D.C. 20009

A handwritten signature in black ink, appearing to read "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY  
Executive Director

DATE:                     AUG 2 1991                    

15342Att/bhs