

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15412 of the D.C. Department of Administrative Services, pursuant to 11 DCMR 3108.1, for a special exception under Section 305.1 and 305.8 to allow an emergency shelter for 138 women in the basement through the second floor and trailers in an R-4 District at premises 651 10th Street, N.E., (Square 960, Lot 852).

HEARING DATE: December 19, 1990  
DECISION DATE: February 6 and March 6, 1991

DISPOSITION: The Board GRANTED the application, IN PART, by a vote of 4-0 (Sheri M. Pruitt, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; Tersh Boasberg not present, not voting).

FINAL DATE OF ORDER: November 27, 1991

RECONSIDERATION ORDER

By its order dated November 27, 1991, the Board granted the application, in part, subject to three conditions. By letter dated December 10, 1991, counsel for the applicant filed a timely motion for rehearing, in part, and for a stay of the effectiveness of Board's order pending the Board's final decision on the matter. In support of the motion for rehearing, counsel for the applicant argued as follows:

- a. The applicant wishes to introduce new evidence which was not available at the time of the public hearing with respect to the closure of the Pierce Street Shelter as it relates to the cumulative effect of the proliferation of similar facilities on the area.
- b. The applicant wishes to provide evidence of the changes in Mayoral policy on homelessness which had not yet been clearly articulated by the new administration at the time of the Board's hearing and decision on the subject case.

By letter dated December 15, 1991, Jay Gourley, a party in opposition to the application, opposed the motion for rehearing. At its public meeting of January 8, 1992, the Board waived the requirements of 11 DCMR 3332.5 to accept the response of the Tollgate Association of Capital Hill in opposition to the motion for rehearing. The opposition to the motion for rehearing was generally based on the irrelevance of the proffered new evidence to the critical elements of the case. The opposition further opposed the motion to stay the effectiveness of the Board's order based on the amount of time which has elapsed since the Board decided the

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case and the lack of evidence that the applicant has attempted to bring the facility into compliance with the conditions of the Board's order.

Upon consideration of the motion and responses thereto, the record in the application, and its final order, the Board concludes the new evidence proffered on behalf of the applicant has no significant relevance to the findings of fact and conclusions of law contained in the Board's order, dated November 27, 1991. The applicant has not indicated any change in the previous use of both the structures and the trailers on the site. As noted in the Board's final order, no application has been filed with the Board to allow it to consider the variance issues relative to the location of trailers on the site, and the motion offers no evidence that such relief would not be required at this time. Accordingly, it is hereby **ORDERED** that the motion for rehearing, in part, is **DENIED**. The motion for stay of the effectiveness of the Board's order is therefore moot. The order of the Board dated November 27, 1991 shall remain in full force and effect.

DECISION DATE: January 8, 1992

VOTE: 4-0 (Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to deny; Charles R. Norris to deny by proxy).

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Acting Director

FINAL DATE OF ORDER: \_\_\_\_\_

JAN 30 1992

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."

15412Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JAN 30 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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