

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15434 of the President and Directors of Georgetown College, pursuant to 11 DCMR 3108.1, for a special exception under Section 211 for further processing under an approved Campus Plan to allow an addition to a power plant in an R-3 District at premises 37th and O Streets, N.W. (Square 1321, Lot 817).

Hearing Dates: March 13 and 14, 1991

Decision Dates: April 3 and 24, 1991; October 7, 1992; October 28, 1992; March 2, 1994 and April 6, 1994

ORDER ON REMAND

Acting pursuant to the D.C. Court of Appeals Order of February 8, 1994 remanding this case to the Board with directions to dismiss Georgetown University's application for a special exception as moot, the Board voted to vacate and dismiss its original decision in this application. However, the D.C. Court of Appeals issued a Clarification Order, filed March 30, 1994, indicating that its reference in the February 8, 1994 order was to the Modification Order only, and not to the original order granting special exception relief.

Therefore, in compliance with the D.C. Court of Appeals Order filed March 30, 1994 in its Case No. 92-AA-1389, it is **ORDERED** that the Board's decision to vacate its original decision granting a special exception and to dismiss the original application be **RESCINDED**.

Vote: 3-0 (Angel F. Clarens, Craig Ellis, and George Evans to rescind; Laura M. Richards not voting, having recused herself).

Additionally, under the direction of the Court in its Clarification Order regarding this case, the Board voted to vacate its decision in the modification request of Application No. 15434 and to dismiss the modification application as moot.

Accordingly, it is **ORDERED** that the decision in the modification request in BZA Application No. 15434 be **VACATED** and the modification request **DISMISSED** as moot.

VOTE: 3-0 (Angel F. Clarens, Craig Ellis, and George Evans to vacate and dismiss; Laura M. Richards not voting, having recused herself).

EXCEPTIONS PROCESS:

This order was issued as a proposed order pursuant to the provisions of D.C. Code Section 1-1509(d). The proposed order was sent to all parties on December 15, 1997. The filing deadline for exceptions and arguments was January 9, 1997, however, it was determined that the mail facility did not send out the exceptions correspondence until December 31, 1997. Therefore, the filing deadline

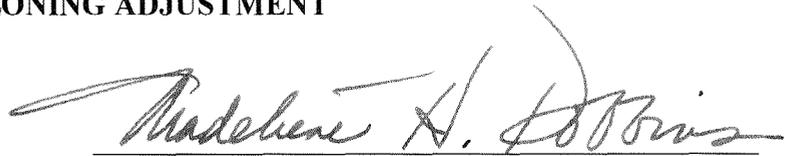
was extended until January 20, 1998. The Board received two items of correspondence by the filing deadline. One item was non-responsive to the exceptions process and the other raised a procedural issue about whether the proposed order, when issued, would authorize the University to proceed with the initial approval of the co-generator facility.

This procedural matter was presented to the Board at its public meeting on March 4, 1998. The Board authorized the Office of Zoning to include language in this order indicating that this Order on Remand shall not reinstate the initial approval in this application and shall in no way authorize the University to acquire a building permit for the co-generator facility.

Accordingly, it is **ORDERED** that the University may not acquire a building permit based on the issuance of this Order on Remand and this order is **ADOPTED** by the Board of Zoning Adjustment as its final order in this case.

VOTE: 3-0 (Betty King, Susan Morgan Hinton and Sheila Cross Reid to deny authorization for a building permit based on the issuance of this order, and to adopt the order).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT


MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: MAR 6 1998

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."

Ord15434/AZ

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15434

As Director of the Board of Zoning Adjustment, I certify and attest that on MAR 6 1998 a copy of the order entered on that date in this matter was mailed first class, 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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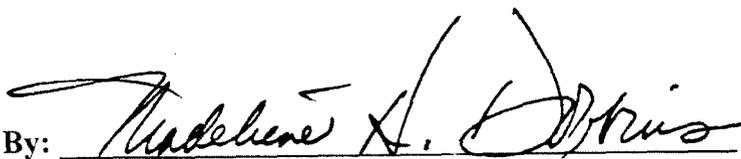
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Attested By:



MADELIENE H. DOBBINS

Director

Date: _____

MAR 6 1998