

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15801 of Dr. Ippolito-Shepherd, pursuant to 11 DCMR 3107.2, for a variance from the location of parking requirements (Subsection 2116.2), and a variance from the size of parking space requirements (Subsection 2115.1) for construction of a parking pad in the front yard of a semi-detached single-family dwelling in an R-2 District at premises 3007 Ordway Street, N.W. (Square 2067, Lot 74).

HEARING DATE: January 27, 1993
DECISION DATE: February 3, 1993

DISPOSITION: The Board DENIED the application by a vote of 4-0 (Maybelle Taylor Bennett, Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to deny; Angel F. Clarens not voting, not having heard the case).

FINAL DATE OF ORDER: November 18, 1993

RECONSIDERATION ORDER

The Board denied the application by its order dated November 18, 1993. By letter dated November 22, 1993, the applicant filed a timely motion for reconsideration of the Board's decision on the application. The general bases for the requested reconsideration are summarized as follows:

- a. The property is affected by an exceptional condition or situation in that it was developed prior to the adoption of the 1958 Zoning Regulations with a semi-detached dwelling and the existing side yard is too narrow to accommodate the location of a parking space within the side yard or provide access to parking in the rear yard.
- b. Although there is alley access to the rear of the site, the existing steep slope would make the provision of a parking space in the rear yard impractical or extremely difficult and, further, the alley location could present a danger to the applicant's personal security and the security of the vehicle.
- c. The applicant would suffer continued stress, physical and mental anguish due to the difficulty of locating on-street parking nearby; damage occurring to the car while

parked on the street; the need to move the car at least every 72 hours; and, chronic back pain due to walking from on-street parking with burdens such as groceries, books and other work materials.

- d. The proposed extensively landscaped, brick-paved parking pad would not have an adverse visual impact on the neighborhood.
- e. There are similar parking pads existing in the immediate area.

By letter dated December 1, 1993, Peter W. Lande, a party in opposition to the application, opposed the request for reconsideration. The opponent was of the opinion that the subject motion generally restates the information already presented to the Board. The opponent reiterated his position that the subject case is not unique and requested that the Board reaffirm its previous decision.

Pursuant to Subsection 3332.8, those Board members who did not participate in the original decision on this application were provided with copies of the transcript and record of the subject case for review prior to consideration of the motion for reconsideration.

Upon consideration of the motion, response thereto, the record in the case, and its final order, the Board concludes that it made no error in deciding the application. The Board concludes that the motion raises no materially different issues and provide no evidence of a substantive nature that the Board has not previously considered and addressed in its final order. The Board's decision was based on consideration of all the evidence presented by both the applicant and the opposition. The fact that the Board and the applicant came to different conclusions does not make the judgment of the Board arbitrary, capricious or unlawful. Accordingly the motion for reconsideration is hereby **DENIED**.

VOTE: 4-0-1 (Maybelle Taylor Bennett, Craig Ellis, Laura Marie Richards and George Evans to deny; Angel F. Clarens abstaining). Craig Ellis, Laura Marie Richards and George Evans read the record to participate in this action.

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

ATTESTED BY:



MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: FEB 1 1994

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."

Ord15801/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15801

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on FEB 1 1994 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:

Dr. Ippolito-Shepherd
3007 Ordway Street, N.W.
Washington, D.C. 20008

Mr. Peter Lande
3002 Ordway Street, N.W.
Washington, D.C. 20008

Patricia Wamsley, Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008


MADELIENE H. ROBINSON
Director

DATE: FEB 1 1994

15801Att/bhs