

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 16059 of Dudley Cannada, pursuant to 11 DCMR 3105.1 and 3200.2 from the administrative decision of Joseph F. Bottner, Jr., Zoning Administrator, made on October 28, 1994, to the effect that the building exceeds lot coverage by only 424.07 square feet for a single-family detached dwelling in an R-1-B District at premises 2525 Belmont Road, N.W. (Square 2501, Lot 30).

HEARING DATES: July 26, September 20, and November 15, 1995, January 10, February 28, and April 3, 1996

DECISION DATE: April 17, 1996

DISPOSITION: The Board DISMISSED the APPEAL for lack of standing by a vote of 4-0 (Susan Morgan Hinton, Maybelle Taylor Bennett, Sheila Cross Reid and Angel F. Clarens to grant the motion and dismiss the appeal; Laura M. Richards not present, not voting).

ORDER UPON RECONSIDERATION

By its Order dated November 25, 1997, the Board dismissed the appeal in this case. On December 22, 1997, the appellant, Mr. Cannada, movant herein, filed a motion for reconsideration of the Board's decision to dismiss the appeal pursuant to Section 3332 of the Board's Rules. The motion was considered timely due to the failure of the final order to be postmarked until December 10, 1997.

Subsection 3332.4 provides that a motion for reconsideration "shall state specifically the respects in which the final decision is claimed to be erroneous, the grounds of the motion and the relief sought." In his motion, the appellant requested that the Board reconsider the facts in the case and reverse its decision that, as the appellant, he did not have standing because he had not been aggrieved.

The movant set forth the background in the case and then set forth his arguments in support of the motion. First, he stated that he is a registered architect in the District of Columbia and all records and historical archives of the work at 2525 Belmont Road N.W. credit him as the architect for the project. He maintained that history will assign a major portion of the blame for this illegal work to him as the architect. He noted that the Building and Land Regulation Administration (BLRA) awaits a decision from the Board before it plans to enforce the law.

The movant's second argument was that he is a longtime resident of the District of Columbia and firmly feels that all citizens are aggrieved when the important work of public servants contains gross inaccuracies that lead to the law not being enforced. He stated that in this case, the Zoning Administrator recalculated the building footprint and erroneously stated that the building exceeded lot occupancy by only 424.07 square feet, an overage of about 6.4 percent instead of 44 percent. He argued that the difference between the Zoning Administrator's calculation of 6.4 percent versus the actual 44 percent over the permitted lot coverage (which was actually constructed), has affected how the zoning laws of the District of Columbia are being enforced at this site. He maintained that a decision in this appeal can help enforce of the law.

The movant maintained that he is aggrieved by the incorrect decision of the Zoning Administrator for the reasons stated above and he requested that the Board reverse its decision concerning the issue of standing and adopt its earlier position that he is a valid appellant. He then requested that the Board reach a decision on the merits of this case.

No responses were received from the other parties to the appeal.

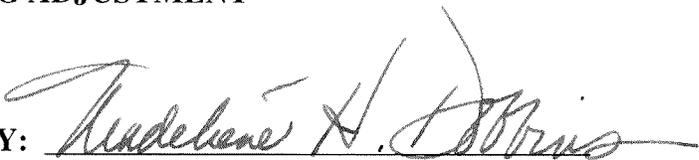
Upon consideration of the motion, the Board's Rules and the applicable law, the Board is of the view that the movant has failed to demonstrate a basis for the Board to reconsider its decision. The Board believes that in the original appeal, the movant failed to meet the legal test for standing and that the Board's decision to dismiss the appeal for lack of standing was correct. The Board notes that movant was not the architect of record at the time of the appeal. Further, the Board notes that while the movant is a longtime resident of the District of Columbia, he claims no specific interest in the subject property which would not be applicable to other residents in general.

Therefore the Board remains of the opinion that Mr. Cannada did not have standing to bring the appeal. The Board concludes that it did not err in making this determination and hereby **ORDERS** that the **MOTION for RECONSIDERATION** be **DENIED**.

DECISION DATE: **January 7, 1998**

VOTE: **3 - 0** (Sheila Cross Reid and Susan Morgan Hinton to deny;
Maybelle Taylor Bennett to deny by absentee vote; Betty King not voting, not having heard the case).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
MADELIENE H. DOBBINS
Director

Final Date of Order: FEB 20 1998

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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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPEAL NO. 16059

As Director of the Board of Zoning Adjustment, I hereby certify and attest that on FEB 20 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:

Frederick D. Cooke, Jr., Esquire
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Dudley Cannada
2453 P Street, N.W.
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Gladys Hicks
Acting Zoning Administrator
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614 H Street, N.W., Room 333
Washington, D.C. 20001

James and Ann Free
2525 Belmont Road, N.W.
Washington, D.C. 20008

David A. Catania, Chairperson
Advisory Neighborhood Commission 1D
2127 California Street, N.W., #102
Washington, D.C. 20008

A handwritten signature in black ink, reading "Madeliene H. Dobbins".

MADELIENE H. DOBBINS
Director

DATE: FEB 20 1998