

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 17054-B of Henry P. Sailer, et. al., pursuant to 11 DCMR § § 3100 and 3101, from the administrative decisions of the Department of Consumer and Regulatory Affairs (DCRA) in the issuance of Building Permit No. B448548 dated January 29, 2003, Building Permit No. B451476 dated May 20, 2003, and Building Permit No. B452193 dated June 13, 2003, for the construction of a new single-family detached dwelling and pool, allegedly in violation of lot occupancy, rear yard, ground coverage, and tree removal requirements of the Zoning Regulations in the Chain Bridge Road/University Terrace Overlay (CBUT)/R-1-A zone, at premises 3101 Chain Bridge Road, N.W. (Square 1427, Lot 870)

HEARING DATES: October 21, 2003, January 27, 2004, February 3, 2004

DECISION DATE: November 4, 2003, November 18, 2003, November 25, 2003, March 2, 2004

DATE OF DECISION OF RECONSIDERATION: October 5, 2004

ORDER DENYING RECONSIDERATION

On or about September 2, 2004, DCRA moved for reconsideration and clarification of the Board's Decision and Order of August 23, 2004. Specifically, DCRA requested the Board to reconsider and clarify that part of the Decision which granted the appeal with respect to Revised Permit B452193.

The Board concludes that DCRA fails to make a persuasive argument for reconsideration of the Board's decision. A motion for reconsideration must specifically state in what way the Board's decision is erroneous, the grounds for reconsideration, and the relief sought. 11 DCMR § 3126.4. DCRA alleges no specific errors and the Board finds no such errors that would require reconsideration.

DCRA also maintains that specific portions of the Board's Order should be revised for purposes of clarification. While the Board does not agree with each of these contentions, the separately issued Corrected Decision and Order should address DCRA's concerns.

For these reasons, it is hereby **ORDERED** that the Motion for Reconsideration is **DENIED**.

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VOTE: 5-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr.,
David A. Zaidain and John G. Parson to deny the motion)

Vote taken on October 5, 2004

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

Each concurring member has approved the issuance of this Decision and Order.

ATTESTED BY:


JERRILY R. KRESS, FAIA

Director, Office of Zoning

FINAL DATE OF ORDER: OCT 15 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL. SG

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As Director of the Office of Zoning, I hereby certify and attest that on OCT 15 2004 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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