

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17603-A of Johnson Kunlpe, pursuant to 11 DCMR § 3104.1, for a special exception under section 353 to allow the development of four four-unit apartment buildings in the R-5-A district at premises 5206 and 5208 F Street, S.E. and 5210 and 5212 F Street, S.E. (Square 5316, Lots 25, 26, 805, and 807).

HEARING DATE: May 8, 2007
DECISION DATE: June 5, 2007
RECONSIDERATION DATE: February 5, 2008

ORDER DENYING RECONSIDERATION

By order dated December 11, 2007, the Board approved an application submitted December 28, 2006 by Johnson Kunlpe ("Applicant") for a special exception under § 353 of the Zoning Regulations to allow development of four new apartment buildings, each with four apartment units, in the R-5-A district at 5206, 5208, 5210, and 5212 F Street, S.E. (Square 5316, Lots 25, 26, 805, and 807). Parties in the proceeding were the Applicant, Advisory Neighborhood Commission 7E, and Rosa Green, a party in opposition to the application, who owned and lived in property abutting the subject property.

On December 26, 2007, the party in opposition submitted a motion for reconsideration of the order. The motion reiterated the party's opposition to approval of the special exception requested by the Applicant and asked the Board "to consider population density, the safety of the residents, ... investments as homeowners, hydrological issues, parking, recreation, and privacy." As "reasons for reconsideration," the motion cited Zoning Case No. 07-30, a proposal by the Office of Planning to rezone certain squares, including the location of the subject property, from R-5-A to R-2 or R-3; the low density of the surrounding neighborhood; hydrological problems; the "integrity" of the Applicant; and the knowledge of the ANC. The motion included several photographs of a four-unit apartment building, which the party in opposition asserted was designed by the Applicant's architect and illustrated how the planned apartment buildings on the

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

subject property would adversely affect air, light, and the low-density character of the neighborhood.

The Board did not receive responses to the motion from the other parties.

CONCLUSIONS OF LAW

The party in opposition submitted a timely request for reconsideration of the Board's order in this proceeding.¹ A motion for reconsideration must state specifically all respects in which the final decision is claimed to be erroneous, the grounds of the motion, and the relief sought. 11 DCMR § 3126.4.

The Board was not persuaded that the motion by the party in opposition alleged any grounds to reconsider its decision to grant the special exception requested by the Applicant. The motion did not state any respect in which the Board's decision was claimed to be erroneous, and the "reasons for reconsideration" listed in the motion did not present any new argument relevant to the Board's deliberations in this case. Rather, the party in opposition cited factors already considered by the Board, such as the character of the surrounding neighborhood, hydrological concerns, the effects on light and air to abutting properties, parking, and the issues and concerns of the affected ANC. The party in opposition's allegations concerning the "integrity" of the Applicant were not germane to the Board's decision and thus are not grounds for reconsideration.

As noted in the motion, in Case No. 07-30, the Zoning Commission has decided to consider a proposed map amendment that would, if approved, alter the zoning applied to the subject property. However, as the Commission has not yet taken final action on the proposed rezoning, Case No. 07-30 has no bearing on the Board's action on this application, which was decided consistent with the zoning currently in place on the subject property.

Accordingly, it is therefore **ORDERED** that the motion for reconsideration is **DENIED**.

VOTE: 3-0-2 (Ruthanne G. Miller, Marc D. Loud, and Curtis L. Etherly, Jr. voting

¹ The order was issued on December 11, 2007 and the motion was received on December 26, 2007. Generally, a motion for reconsideration of a decision of the Board must be filed within 10 days from the date of issuance of a final written order. 11 DCMR § 3126.2. In this case, three days were added to the prescribed 10-day period pursuant to 11 DCMR § 3110.3, and two additional days were also added, pursuant to 11 DCMR § 3110.2, because the Office of Zoning was closed for holidays on December 24 and 25, 2007.

BZA APPLICATION NO. 17603-A
PAGE NO. 3

to deny; Mary Oates Walker and Shane L. Dettman not participating, not voting).

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

Each concurring Board member approved the issuance of this order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: FEB 22 2008

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17603-A

As Director of the Office of Zoning, I hereby certify and attest that on FEB 22 2008, 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:

Johnson Kunlpe
P.O. Box 442346
Fort Washington, Maryland 20749

Ike Agbim
1300 Mercantile Lane, #122
Largo, Maryland 20774

Rose M. Green
5201 E Street, S.E.
Washington, D.C. 20019

Chairperson
Advisory Neighborhood Commission 7E
5001 Hanna Place, S.E.
Washington, D.C. 20019

Single Member District Commissioner 7E01
Advisory Neighborhood Commission 7E
5001 Hanna Place, S.E.
Washington, D.C. 20019

Matthew LeGrant, Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20002

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

BZA APPLICATION NO. 17603-A
PAGE NO. 2

Yvette M. Alexander, City Councilmember
Ward Seven
1350 Pennsylvania Avenue, N.W., Suite 400
Washington, D.C. 20004

Harriet Tregoning, Director
Office of Planning
801 North Capitol Street, N.E., 4th Floor
Washington, D.C. 20002

Jill Stern, Esquire
General Counsel
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 9400
Washington, D.C. 20002

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director, Office of Zoning

TWR