GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16407 of Capitol Hill Group pursuant to 11 DCMR § 3108.1 (new 3104.1) for a special exception under Section 359 for opening an additional 32 beds in an existing nursing facility at 700 Constitution Avenue, N.E. (Square 865, Lot 76).

HEARING DATE: January 6, 1999

DECISION DATE: February 3, 1999

DISPOSITION: The Board granted the application for an additional 32 beds with conditions for an existing nursing facility at 700 Constitution Avenue, N.E. (Square 865, Lot 76) by a vote of 3-0 (Betty King, Sheila Cross Reid, and Jerry Gilreath, to grant).

FINAL DATE OF ORDER: October 21, 1999

MODIFICATION ORDER: September 8, 2000

ORDER VACATING MODIFICATION ORDER

This matter came before the Board of Zoning Adjustment on February 13, 2001, for a rehearing of applicant Capitol Hill Group's request for modification of the Board's Decision and Order dated October 21, 1999. The Board had granted the rehearing upon Advisory Neighborhood Commission (ANC) 6A's motion for reconsideration of the Board's September 8, 2000, Order on Request for Modification.

The following persons requested party status for purposes of participating in the rehearing: Stanton Park Neighborhood Association, Capitol Hill Coalition for Sensible Development, Edge Advertising, St. James Parish, Douglas A. Bernard, Andrea Jennetta, Gregory C. Frane, Lisa M. Tate and Ragnar U. Thoresen, Gaylea G. Shultz, Ellen Anderson and Robert Lucchesi, Brandon J. Rees, and Albert A. Getz, Jr. and Sara Nieves-Grafals.

On February 12, 2001, the applicant filed a request to withdraw its request for modification. Since the request for modification had already been granted, the Board treated the applicant's request for withdrawal as a request to vacate the modification order. The Board vacated the modification order and removed the rehearing on the request for modification from its public hearing agenda. The Board's Decision and Order dated October 21, 1999, including the conditions to the order, is therefore in full force and effect.

BZA
Case No. 16407
Exhibit No. 95

Board of Zoning Adjustment
District of Columbia
CASE NO.16407
EXHIBIT NO.95

The Board also determined that it was not necessary to rule on the requests for party status, since the Board's order to vacate the modification order mooted the necessity for the rehearing. Under 11 DCMR § 3105.5, the Board may not consider moot questions.

The Board, by consensus, granted the Applicant's request that the modification order be vacated.

Board Members Participating: Robert N. Sockwell, Sheila Cross Reid, Anne M. Renshaw, Susan M. Hinton and Carol J. Mitten.

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

Each concurring member has approved the issuance of this Order and has authorized the undersigned to execute this Order on his or her behalf.

Attested By: Jerrily R. Kress

Jerrily R. Kress, FAIA
Director

Date of Final Order: MAR 7 2001

PURSUANT TO 11 DCMR § 3125.6, THIS DECISION AND 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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 16407

As Director of the Office of Zoning, I hereby certify and attest that on MAR 7 2001, a copy of the foregoing Order Vacating Modification Order in BZA Application No. 16407 was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, to those persons who requested party status to participate in the public hearing, and to those government officials who are listed below:

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ATTESTED BY:

JERRILY R. KRESS, FAIA
Director