GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

BZA
Case No. 16531
Exhibit No. 86

Application No. 16531 of Father Flanagan's Boys Town of Washington, pursuant to 11 DCMR § 3104.1 for a special exception for the construction of four youth residential care buildings under Section 303, each housing not more than six persons, and an addition to an administrative building; or, in the alternative, the construction of four youth residential care buildings, each housing not more than six persons, and the conversion of the existing residential unit into administrative use in the R-2 District at premises 4801 Sargent Road, N.E. (Square 3977, Lot 811).

HEARING DATES: January 19, 2000; February 23, 2000

DECISION DATES: April 5, 2000; April 12, 2000; October 3, 2000

RULING ON ANC 5A'S REQUEST FOR AN EXTENSION OF TIME
and
NOTICE REGARDING PENDING MOTIONS

ANC 5A's Request for Extension of Time

Following review of the request dated January 11, 2001, by Advisory Neighborhood Commission (ANC) 5A for an extension of time in which to file any motions in response to the Board of Zoning Adjustment's Decision and Order issued December 21, 2000, in the above-captioned case; the supplemental sworn statement of ANC 5A Chairperson Norma M. Broadnax dated January 16, 2001; and the Applicant's opposition to the request dated January 12, 2001; the Board granted the ANC until January 16, 2001 in which to file a motion for reconsideration or rehearing but denied any further extension of time.

The Board met in executive session on January 16, 2001, to consider the ANC's request. The Board determined that there was good cause, as required under 11 DCMR § 3110.4, to extend the period of time to January 16, 2001 in that the ANC did not receive a copy of the Decision and Order until January 4, 2001. Under 11 DCMR § 3126.2, any party may file a motion for reconsideration or rehearing within ten days of the issuance of the Board's final written order. The Board therefore allowed the ANC ten days from January 4th in which to file its motion. Since the tenth day fell on a Sunday and the following Monday was a legal holiday, the ANC's motion was due on January 16th. The Board also found that good cause did not exist to provide a further extension of time in that the ANC had simply indicated that it wished more time to

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consult with the community and hold a meeting in the ordinary course of business to discuss the Decision and Order before determining what, if any, action it might take. The ANC had been aware or should have been aware of the Board's decision since October 3, 2000, when the Board decided the case at a regularly scheduled public meeting. At that time, the Board discussed the ANC's final report on the case and made findings regarding the issues and concerns raised by the ANC. The purpose of a motion for reconsideration is to identify errors in the Board's decision, while the purpose of a motion for rehearing is to identify evidence that could not have reasonably been presented at the original hearing. In light of the ANC's extensive and lengthy involvement in this case, the ANC's desire to hold additional community discussions and meetings to discuss the case, while commendable, does not constitute good cause for an extension of time in which to file a motion for reconsideration or rehearing.

Vote: 3-0 (Sheila Cross Reid, Robert N. Sockwell, and Anne M. Renshaw, to extend the time for filing the ANC's motion for reconsideration or rehearing to January 16, 2001, and to deny any further extension of time; Kwasi Holman and Rodney L. Moulden, not present, not voting).

Notice Regarding Pending Motions

The Concerned Neighbors of North Michigan Park filed a Motion to Obtain Party Status Nunc Pro Tunc with the Board on January 16, 2001. ANC 5A filed a motion for reconsideration or rehearing of the Decision and Order in this case on January 16, 2001.

The Applicant's response, if any, to these motions is due on January 26, 2001.

The Board will review and take action on both motions at its regularly scheduled public meeting on February 6, 2001. Parties and interested persons may attend and observe the public meeting, but may not present evidence or arguments to the Board during the meeting.

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

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

ATTESTED BY: _____
Jerrily R. Kress, FAIA
Director

DATE OF ORDER: JAN 24 2001