Zoning board blocks GWU's building plan

By ELIZABETH WIENER
Current Staff Writer

The D.C. Board of Zoning Adjustment Tuesday flatly rejected George Washington University's bid to begin building its business school despite its inability to house enough students on campus to satisfy a previous zoning board order.

The 3-1 vote to reject the building request is yet another chapter in the board's longstanding efforts to make George Washington University house more students on campus and stop building and land in the surrounding Foggy Bottom community.

University officials, although disappointed, said they will continue to seek a stay in the D.C. Court of Appeals, which is expected to hear the request in June.

In late 2001, the zoning board ordered the university to house 70 percent of its undergraduate students on campus or outside Foggy

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Carol: As we discussed.

Ellen Becher

My Ken Cox friend told me today there should be no problem getting the KC & Doug Land for a briefing.

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Bottom and West End and to house all freshmen and sophomores on campus by the start of this fall's semester. If the university failed to comply, the city would refuse to issue a building permit for any nonresidential construction, under the order.

Now, although the university has some new housing under construction and recently purchased an apartment building in Arlington County, officials acknowledged they won't meet the fall deadline. At the same time, they are upset because they want to get construction under way for a new business school at 22nd and H streets.

A certificate of occupancy has also been delayed for an arts building for the university, and the expansion of hours at its Health and Wellness Center is being held up as well.

In April, university attorneys asked the zoning board for a stay of the housing requirement. But board members quickly ran down the statutory requirements for a stay and said the university did not meet them.

The first criterion is that the university is likely to succeed in its request in court. But, said member Carol Mitten, "The corporation counsel is vigorously defending our order and believes BZA will be affirmed."

The second requirement for granting a stay is that a denial would cause irreparable harm to the university. But, Mitten said, "Holding up construction is perhaps profoundly inconvenient but not irreparable harm."

The third requirement is balancing community interests. "When you look at the public interest, the viability of the [surrounding] community," said member Curtis Etherly, "the compliance is critical. If you don't comply, there must be clear consequence."

Interestingly, Etherly was the lone member, without explanation, to support the stay requested by the university. Members Mitten, Geoff Griffis and David Zaidain voted against the stay.

The university's senior counsel, Charles Barber, said he was disappointed but will continue to pursue the case in the D.C. Court of Appeals. "The board failed to recognize all the efforts GW has made," said Barber. "We're trying to provide beds, and granting this stay would have done nothing to impede those efforts."

Barber also criticized the zoning board's failure to count dormitory beds off campus — such as the Hall at Virginia Avenue — as counting toward the housing goal.

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