

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 114

CASE NO. 70-31P

July 15, 1975

- WHEREAS, The application for preliminary approval of the Blair Road Planned Unit Development, Case No. 70-31P, was heard by the Zoning Commission as constituted prior to January 2, 1975, and;
- WHEREAS, Only two members of the present Zoning Commission participated in the public hearing held on March 14, 1973, and April 10, 1973, on said application, and;
- WHEREAS, In view of the requirements of 1973, Sec. 5-415, D. C. Code, as interpreted by the United States Court of Appeals in Allen v. Zoning Commission, 146 U. S. App. D. C. 24, 449 F. 2d 1100 (1971), that a majority of the members of the Zoning Commission deciding a case must have participated in the hearing, and;
- WHEREAS, The present Zoning Commission is of the view that the most appropriate course of action to be taken under these circumstances is to dismiss said application without prejudice to the filing of a new preliminary application for approval of a planned unit development,

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NOW THEREFORE,

The Commission ORDERS that the application for preliminary approval of a planned unit development in Case No. 70-31P BE DISMISSED WITHOUT PREJUDICE.

BY UNANIMOUS DECISION OF THE ZONING COMMISSION

ATTEST:



MARTIN KLAUBER
Executive Secretary