

Before the Board of Zoning Adjustment, D. C.

Application No. 11862, of the Clerics of Saint Viator, prusuant to Section 8207.2 of the Zoning Regulations for a special exception as provided by Section 3101.42 of the regulations to permit teaching and seminar facilities (religious adult education) at the premise 1212 Otis Street, N. E., in the R-1-~~E~~ Zone, known as Lot 819, Square 3926.

HEARING DATE: March 31, 1975

DECIDED FROM THE BENCH: March 31, 1975

FINDINGS OF FACT:

The Board takes judicial notice of the fact that the property subject to this application is also affected by Order No. 11000, dated December 12, 1974, which granted to the owner of the property a use variance to permit a convelescent nursing home use at 1212 Otis Street, N. E. This effective order is valid for a period of six (6) months for the purpose of obtaining a Certificate of Occupancy for the approved use. The Board further ~~Notes~~ that during the proceeding of record in case No. 11000 the applicant-religious order established that it was contract vendor to a land sales contract relating to the subject property. This contract is or was contingent upon the variance granted in case No. 11000.

OPINION :

The Board is of the opinion that the subject application is untimely, where another use has been approved and a legal right has been created for a six (6) months period, that it would be unreasonable to hear and decide this special exception, indeed, the Clerics of Saint Viator have proved to the satisfaction of the Board, that the subject property cannot be used for its zoned purpose because of the unique circumstances which causes a hardship to the owner.

ORDERED : That the above application be dismissed **for** the lack of Jurisdiction.

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VOTE : 5-0

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

ATTESTED BY: James E. Miller

JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: APR 10 1975