

Before the Board of Zoning Adjustment, D. C.

Application No. 11880 of the Government of Hungary, pursuant to Section 8207.2 of the Zoning Regulations, for further processing of a Planned Unit Development as provided by Section 7501.4 of the regulations in the R-5-C zone at the premises of Linnean Avenue, N.W., known as Lots 1, 2, 4, and 5, Square 2231.

HEARING DATE: December 17, 1975

DECISION DATE: December 17, 1975 (From the Bench),

O R D E R
O N M O T I O N

1. The opposing citizen has made motion to the Board to reconsider its final decision dated March 5, 1975, granting the above application for further processing of a Planned Unit Development.
2. The motion also included a request to the Board to hold a further hearing on this matter in the alternative,
3. The Chairman of the Board raised the issue of whether or not the motions in question were timely filed.
4. The date of filing of the motion is November 5, 1975.
5. The Board's rules, Section 5.41, require that the motion in question be filed with the Board within ten (10) days after receipt of a final decision.
6. The movant contends that his motion is timely and that the Board's original order granting this case, dated March 5, 1975, is not a final decision.
7. Section 5.211 of the Board's Rules of Practice and Procedures states; "that a decision or order of the Board is final upon filing and service."
8. The moving citizen received notice of the original hearing in this matter, did not testify, therefore did not receive a final order.
9. The applicant received notice of the Board's decision and has obtained building permits for the construction approved in BZA Order No. 11880.
10. The Board's order representing a decision in this matter was filed on March 5, 1975,
11. The moving party's motions in the alternative for further hearing is untimely filed, having been filed after the Board's final decision in this matter.

12. Section 5.3 of the Board's Rules of Practice and Procedure allow for a person to avail himself of a motion for further hearing, "prior to the filing of a final decision."

CONCLUSION OF LAW:

Based upon the record before the Board, we conclude that the moving party has not complied with the procedures of the Board regarding post hearing appeals at Part V of the Board's rules of Practice and Procedure, dated July 6, 1972, Supplement No. 3; Volume 18, No. 26, D.C.R. Accordingly, it is hereby ORDERED: that the Motion for Reconsideration and or further hearing be DENIED.

VOTE: 4-0 (Lilla Burt Cummings Esq. not voting, not having heard the case)

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

ATTESTED: 
JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER: Dec 23, 1975