

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 premise Linnean Avenue, N. W., known as Lots 1, 2, 4, & 5, Square 2231.

HEARING DATE: February 19, 1975  
DECISION DATE: February 25, 1975

FINDINGS OF FACT:

1. The current application relates to the Hungarian element of a planned unit development (lots 1, 2, 4, & 5, of Square 2231).

2. A public hearing was held by the Board of Zoning Adjustment on February 19, 1975.

3. The preliminary application for a planned unit development was filed jointly by the Governments of Hungary, Poland, Indonesia and Czechoslovakia on March 17, 1971. The zoning Commission on October 26, 1973 issued Order N<sup>o</sup> 70 granting preliminary approval with conditions.

4. The final application for a planned unit development was filed separately by each government, but combined for purposes of consideration by the Zoning Commission. A change of zoning from R-1-A to R-5-C was requested by the four governments and construction of a new combination embassy/chancery was requested by Hungary and Poland. The Zoning Commission, on December 30, 1974, issued Order N<sup>o</sup> 106, and approved the requested zone change from R-1-A to R-5-C and approved the construction of the new combination embassy/chancery for Hungary and Poland, subject to conditions and guidelines, all as set forth in Case 74-7/71-5F; Order 106.

5. The applicant has submitted the following documents as required under Paragraph 7501.41 of the Zoning Regulations, and as required by the Zoning Commission, as set forth in its Order N 106.

a. Floor plans and elevations of building (Sheets A-1 thru A-7 dated June 30, 1974).

b. Roof plans and architectural elevations of roof structure (Sheets A-3 thru A-7, dated June 30, 1974).

c. Final grading and drainage plan (Sheet C-3, dated June 30, 1974).

d. Planting and landscaping plan (Sheet C-1, dated June 30, 1974).

e. Site plan (Sheet C-2 dated June 30, 1974).

- f. Basement parking plan (Sheet A-1).
  - g. Structural, heating and ventilation, plumbing, and electrical plans (Sheets A-1 thru A-17, S-1 thru S-13, HV-1, thru HB-9, P-1 thru P-11, E-1 thru E-18, TB-1; all dated June 30, 1974).
6. The filing of this application is within the time limit specified under Paragraph 7501.61 of the Zoning Regulations.

OPINION:

The Board's review of the detailed plans submitted by the Government of Hungary reveals that they are, with the exception of minor changes, substantially identical to the submission approved by the Zoning Commission in its Order N 106, dated December 30, 1974. The development as proposed by the Government of Hungary is in harmony with the conditions and guidelines set out in Order N 106, Case N 74-7/71-5F and Section 7501 of the Zoning Regulations, and is in accordance with the intent of the Zoning Commission for this development. The landscaping, planting, screening, site plan, and drainage plans comply with the spirit and intent of the conditions contained in the Zoning Commission Order, and are therefore found to be satisfactory.

ORDERED: That the above application be GRANTED subject to the following conditions:

1. A schedule for staging and completion of construction be filed with the Board for approval.
2. The Board, under the terms of this Order, shall retain jurisdiction to modify this approval as provided by Paragraph 7501.49 of the Zoning Regulations.
3. Approval of the application by the Board of Zoning Adjustment shall not relieve the applicant of the responsibility of conforming to all other applicable codes and ordinances of the District of Columbia.
4. The change of zoning shall not be effective until the recordation of the covenant required by Subsection 7501.2 and completion of the planned unit development process.

Application No. 11880  
Page 3

VOTE: 5-0

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

ATTESTED BY: James E. Miller  
JAMES E. MILLER,  
Secretary to the Board

FINAL DATE OF ORDER: MAR 05 1975

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS  
UNLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED  
WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS  
AFTER THE EFFECTIVE DATE OF THIS ORDER.

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*