

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12290 of the Grand Duchy of Luxembourg, for a special exception under Sub-section 7104.2 for a change in the non-conforming use of a chancery to a four unit apartment house and law office in the R-3 District at 2210 Massachusetts Avenue, N.W., basement, first, second and third floors.

HEARING DATES: March 16 & June 15, 1977
DECISION DATE: September 7, 1977

ORDER

1. By Final Order BZA No. 12290 dated October 14, 1977 the Board GRANTED this application.
2. By Judgement, dated May 7, 1979, the D.C. Court of Appeals REVERSED the Order of the BZA.
3. By Order dated December 24, 1979 the D.C. Court of Appeals DENIED the petition of the intervenors and the motion of the respondent for reconsideration by the hearing panel and alternatively, for rehearing en banc.
4. At its meeting held on February 5, 1980, the BZA determined to VACATE its Order dated October 14, 1977 and pursuant to the Order of the D.C. Court of Appeals, the Board DENIED the application.
5. The applicant filed a Motion to hold in abeyance the issuance of an order denying the application.
6. At its meeting held on March 5, 1980, the Board determined to deny the applicant's Motion to hold in abeyance the issuance of an Order. The Board also directed the Zoning Secretariat to issue the order. Said order was issued and became final on March 6, 1980. The applicant was notified by letter dated March 11, 1980 of the Board's decision not to withhold issuance of an order.
7. On March 14, 1980 the applicant filed a timely Motion for Reconsideration and/or Rehearing of the BZA Order Vacating Order dated March 6, 1980 and of denial of Motion to hold in abeyance. The Motion alleged that the Board had erred in that the Board misinterpreted the Order of the D.C. Court of Appeals, that the Board did not consider the equities before vacating its Order, that the Board should delay its Order until the Z.C. has taken final action on the applicant's request for amendment of the

subject Sub-section 7104.2 and that the Board's aforementioned letter of March 11, 1980 violated the D.C. Administrative Procedure Act.

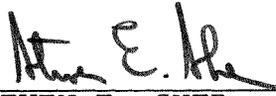
CONCLUSIONS OF LAW:

Based on the entire record, including the Motion with the evidence in support thereof, the Board concludes that it has committed no error in its Order of March 6, 1980 in which it Vacated its Order and DENIED the application and in the Board's Denial of the Motion to hold in abeyance. The Board concludes that the subject Motion of March 14, 1980 presents no evidence that the Board has not already considered. Accordingly, it is ORDERED that the Motion of March 14, 1980 is DENIED in its entirety.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Connie Fortune and Leonard L. McCants to deny)

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

21 APR 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."