

# Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 124

NOVEMBER 13, 1975

WHEREAS, The Board of Zoning Adjustment (hereinafter "Board") held a public hearing on February 19, 1975, on Appeal No. 11872, an appeal filed by the Sheridan-Kalorama Neighborhood Council (hereinafter "Council") from a decision of the Zoning Administrator that the Founding Church of Scientology was a "church" under the District of Columbia Zoning Regulations; and

WHEREAS, The sole issue before the Board was whether the appeal was filed within a "timely" manner with the Board, pursuant to Section 2.21 of the Board's Rules of Practice and Procedure; and

WHEREAS, The Board after having met in Executive Session on February 25, 1975, issued an Order effective on April 15, 1975, which concluded that the Council had not "timely filed" the appeal and that the Council "failed to show any good reason why the appeal of the Zoning Administrator's May 6, 1974, ruling should be permitted 8 months later to the substantial detriment of the church" and granted the motion to dismiss said appeal for lack of jurisdiction; and

WHEREAS, The Council filed a Motion for Reconsideration, Rehearing or Reaugment on April 24, 1975; and

WHEREAS, The Board having met on August 6, 1975, vacated its previous Order of April 14, 1974, as aforesaid, and sua sponte Ordered that the said appeal be "reheard"; and

WHEREAS, This Commission pursuant to Subsection 8204.3 of the Zoning Regulations issued Order No. 118 staying the Board's Order of August 6, 1975, for a period of 90 days; and

WHEREAS, The parties have filed with the Commission and served upon each other, memoranda in support and opposition to the Board's Order of August 6, 1976;

NOW THEREFORE, Having considered the BZA record in Appeal No. 11872 and the memoranda filed by the parties to said appeal, the Commission finds that:

1. The Board has misconstrued the intent and meaning of Section 5.44 of the Board's Rules of Practice and Procedure, which permits the Board to sua sponte to reconsider an appeal no later than 10 days following the filing of the final decision.
2. The Board's Order of August 6, 1975, was not made within 10 days after the Order of April 14, 1975, and violates Section 5.44.

NOW THEREFORE, The Commission pursuant to Subsection 8204.5 of the Zoning Regulations, VACATES the Board's

Order of August 6, 1975, INSTRUCTS the Board that its order of April 14, 1975, is in full force and effect, and RESCINDS Zoning Commission Order No. 118 Staying the Rescinded Order of August 6, 1975.

BY DECISION OF THE ZONING COMMISSION

(4-1, Commissioner Theodore F. Mariani dissenting)

ATTEST:



Martin Klauber  
Executive Secretary