

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 12940 of Sheridan-Kalorama Neighborhood Council, pursuant to Sections 8102 and 8206 of the Zoning Regulations, from a decision of the Chief, Permit Branch, Department of Licenses, Investigations and Inspections to issue Certifications of Occupancy Nos. B106926 and B106927, authorizing the use of the subject premises as a four unit apartment house and law office in an R-3 District at the premises 2210 Massachusetts Avenue, N.W., (Square 2511, Lot 35).

FINDINGS OF FACT:

1. By Final Order BZA No. 12290, dated 10/14/77, the Board GRANTED the application 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, (Square 2511, Lot 35).
2. The Sheridan-Kalorama Neighborhood Council et al. filed a petition for review of the Order in the D.C. Court of Appeals.
3. On January 4, 1979 the Permit Branch, Department of Licenses, Investigations and Inspections, issued Certificate of Occupancy No. B106926 to use part of the first, second and third floors of the subject property as apartments, four units. On January 5, 1979 the said Permit Branch issued Certificate of Occupancy No. B106927 to use part of the first, second, and third floors of the subject property as law offices, front of building.
4. On March 23, 1979 the Sheridan-Kalorama Neighborhood Council filed the subject Appeal before the BZA from the issuance of the aforesaid Certificates of Occupancy.
5. By letter of April 23, 1979 the appellant requested the Board to defer consideration of the subject appeal which had been scheduled for the Public Hearing of May 23, 1979 until after the D.C. Court of Appeal rendered its decision. By letter dated May 4, 1979, the Board granted the appellant's request.

6. By Judgement, dated May 7, 1979, the D.C. Court of Appeals REVERSED the Order of the BZA.

7. 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.

8. 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 application No. 12290. An Order to that effect was issued on March 6, 1980.

9. The Board subsequently Denied two motions of the applicant to STAY its Order of March 6, 1980.

10. By letter of April 28, 1980 the Zoning Secretariat requested the counsel of record for the appellant to advise the Board of the present status of the Appeal which was pending before the Board since March 23, 1979. As of the public meeting of July 2, 1980, no response from the appellant was received.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the appellant was given a reasonable opportunity to respond to the request of the Board for information on the status of the appeal. Consequently, the Board concludes that the appellant expressed no interest in having the case set for hearing. It is therefore ordered that the appeal be dismissed for lack of prosecution by the appellant.

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

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 JUL 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."