

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13297, of Clivedale Investment, Inc., and Paceda Investment, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the 900 square feet minimum lot area requirements (Sub-section 3301.1) to use the basement, first, second and third floors of each of the subject premises as an apartment house consisting of four units each in an R-4 District at the premises 1219, 1221 and 1223 - 10th Street, N.W., (Square 368, Lots 821, 822 and 823).

HEARING DATES: July 23 and September 10, 1980  
DECISION DATE: October 1, 1980

DISPOSITION: Application DENIED by a vote of 5-0, (Charles R. Norris, Connie Fortune, Theodore F. Mariani, William F. McIntosh and Leonard L. McCants to DENY).

FINAL DATE OF ORDER: December 22, 1980

ORDER

The applicant filed on January 8, 1981, a MOTION for Reconsideration of the Board's DENIAL of the application. Section 5.41 of the Supplemental Rules of Practice and Procedure before the BZA states that a Motion for Reconsideration of a final decision may be filed by a party within ten days. Section 1.62 of the said Rules states that in computing any period of time specified in Part V of these rules, the day of the act, event, or default after which the designated period of time begins to run is not included and also that where service has been effected by mail, two days shall be added to the prescribed period. The date of the Final Order was December 22, 1980. Pursuant to the aforementioned sections of the Rules, the Motion for Reconsideration should have been filed at the office of the Zoning Secretariat on January 3, 1981, which was a Saturday. The motion could therefore have been timely filed if received on or before Monday, January 5, 1981. The Motion was filed on January 8, 1981 at 3:02 p.m.

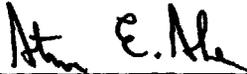
Upon consideration of these facts, the Board concludes that the Motion for Reconsideration was untimely filed. Accordingly, it is ORDERED that the Motion for Reconsideration is DENIED.

VOTE: 4-0 (Connie Fortune, Charles R. Norris, Douglas J. Patton and William F. McIntosh to DENY).

DECISION DATE: February 4, 1981

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 17 FEB 1981

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."