

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14169 of 1735 Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3105) to use the second and third floors of the subject premises as law offices in an R-5-B District at premises 1735 20th Street, N.W., (Square 110, Lot 23).

HEARING DATES: September 12 and November 28, 1984
DECISION DATES: January 9 and February 6, 1985

DISPOSITION: The Board GRANTED the application with conditions by a vote of 5-0 (Charles R. Norris, William F. McIntosh, and Douglas J. Patton to grant; Lindsley Williams and Carrie L. Thornhill to grant by proxy).

FINAL DATE OF THE ORDER: April 23, 1985

ORDER

The Board granted the application subject to six conditions by order dated April 23, 1985. By letter filed on May 8, 1985, Mrs. Harriett B. Hubbard requested a reconsideration of the Board's decision on behalf of the Residential Action Coalition.

Counsel for the applicant filed a letter in opposition to the proposed reconsideration on May 15, 1985. Counsel was of the opinion that the Board should not consider the motion based on the following:

1. Neither the Residential Action Coalition nor Mrs. Hubbard were admitted as a party in the subject case.
2. The motion for reconsideration was not timely filed.

Section 503.1 of the Supplemental Rules of Practice and Procedure before the BZA provides that a motion for reconsideration or rehearing of a final decision may be filed by a party within ten days of the filing and service of the written order of the Board.

Upon review of the motion, the response of the applicant's counsel, the transcript of the proceedings and the

final order, the Board concludes that the motion is not properly before the Board. At the public hearing of November 28, 1984, Mrs. Hubbard was unable to furnish the Board with a letter from the Residential Action Coalition authorizing her to participate on the Coalition's behalf in the subject case. Mrs. Hubbard further indicated that she did not have any specific property interest of her own at issue. The Board therefore determined that no specific right or interest which would be affected by action on the subject application was demonstrated. Based on the foregoing, the Board concludes that neither the Residential Action Coalition nor Mrs. Hubbard was accorded status as a "party" in the subject case. Therefore, neither has standing to file a motion for reconsideration.

The Board further concludes that the motion was not filed in a timely manner. Section 503.1 of the Supplemental Rules provides that a motion may be filed "within ten days of the filing and service of the written order of the Board." Section 105.3 of the Supplemental Rules provides that when service is made by mail, "three days shall be added to the prescribed period." Any motions for reconsideration of an order dated April 23, 1985, should have been filed by May 6, 1985. The subject motion was not filed until May 8, 1985.

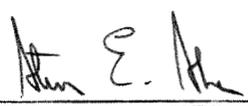
Accordingly it is ORDERED that the motion for reconsideration is DENIED as not properly before the Board.

DECISION DATE: June 5, 1985

VOTE: 4-0 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to deny; Lindsley Williams to deny by proxy; Douglas J. Patton not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

5 JUL 1985

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."

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