

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 254

December 14, 1978

EMERGENCY ORDER

Whereas, on September 14, 1978, the Zoning Commission adopted Order No. 235 which changed the Regulations concerning the SP District; and

Whereas, Order No. 235 became effective on October 5, 1978, following publication in the Washington Star and D.C. Register and following the issuance of a temporary restraining order by Judge George Revercomb and the denial of a motion for preliminary injunction by Judge William Pryor; and

Whereas, Sub-section 4307.2 of the new SP Regulations provides that "All conforming structures existing on October 5, 1978, in any Special Purpose District shall be considered conforming so long as they remain in any Special Purpose District;" and

Whereas, Sub-section 4307.7 of the new SP Regulations provides in part that "all such structures must be registered with the Zoning Regulations Division of the Department of Housing and Community Development;" and

Whereas, Paragraph 4307.71 of the new SP Regulations provides that "all such structures be registered within 90 days of the effective date of a change in zoning from one Special Purpose District to another Special Purpose District, or of a change in the height, area and bulk requirements of the Special Purpose District;" and

Whereas, the Zoning Commission is in receipt of a letter dated December 14, 1978, from Nicholas Pappas, architect on behalf of the Jefferson Hotel, which letter states that the owner of the hotel only recently became aware of the revised SP District provisions, that plans for the building built in 1922 do not exist, and that it is not possible in the time remaining before the expiration of the ninety day period to measure the building and draw sufficient plans; and

Whereas, the Zoning Commission believes that many persons owning property in the SP District have only recently become aware of the requirements of Section 4307, and that it would either be impossible or create a great hardship for the owner to prepare and register plans for existing buildings by the deadline of January 3, 1979; and

Whereas, the Commission believes that under these circumstances, to not grant some relief from the registration deadline would be contrary to the original intent of the provisions and would create an adverse effect on the general welfare; and

Whereas, Section 1 of the Zoning Act (Act of June 20, 1938, 52 Stat. 797, also cited as Section 5-413 of the D.C. Code) establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia;" and

Whereas, Section 1-1505 of the District of Columbia Code authorizes the Zoning Commission to take emergency action for a period not to exceed 120 days "for the immediate preservation of the public peace, health, safety, welfare or morals,"

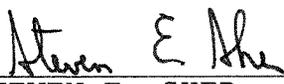
Now Therefore, the Zoning Commission resolves that an emergency exists, and that it is necessary to take immediate action to extend the registration period before the present deadline is reached. It is therefore ordered that Paragraph 4307.71 is hereby amended to read as follows:

4307.71 All such structures must be registered within 120 days from December 14, 1978.

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This amendment shall take effect immediately, and shall remain in effect for 120 days. At the end of that period, Paragraph 4307.71 shall revert to the language as adopted by Order No. 235.

BY ORDER OF THE D.C. ZONING COMMISSION



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on December 14, 1978 by a vote of 4-0 (Theodore F. Mariani, Ruby B. McZier, Walter B. Lewis and John G. Parsons to adopt, George M. White not present, not voting).