

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 285  
JUNE 21, 1979

EMERGENCY ORDER

Whereas, pursuant to authority set forth in the Zoning Act (D.C. Code Section 5-420), the Zoning Regulations and the Administrative Procedures Act (D.C. Code Section 1-1503), the Board of Zoning Adjustment adopted and the Zoning Commission approved Supplemental Rules of Practice and Procedure which became effective on June 29, 1972 and which are contained in Title 22 of the D.C. Rules and Regulations which was published as a special edition of the D.C. Register on July 6, 1972; and,

Whereas, the D.C. Court of Appeals, by order and opinion dated June 20, 1979 in Case No. 12473 before the Court, has cited the insufficiency of the Board's procedures for giving notice to occupants of property within 200 feet as the basis for reversing the Board's decision to approve a special exception to construct an office building at 1920 N Street, N.W. in BZA Case No. 12226; and,

Whereas, the Board of Zoning Adjustment, by order dated June 20, 1979 found that an emergency existed because of the potential legal jeopardy of future applications to be heard and decided by the Board if the present Rules are continued; and,

Whereas, the Zoning Commission concurs with the Board of Zoning Adjustment as to its findings supporting emergency action; and,

Whereas, Section 8 of the Zoning Act (Act of June 20, 1938, 52 STAT. 797, also cited as Section 5-420 of the D.C. Code) authorizes the Board to adopt supplemental rules of procedure which shall be subject to the approval of the Zoning Commission after public hearing; and,

Whereas, Section 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 approve the amendments to the Supplemental Rules of Practice and Procedure which have been adopted by the Board. It is therefore ordered that the amendments adopted by the Board as contained in the order dated June 20, 1979 are approved.

The approval of the changes in the Rules shall take effect immediately and shall remain in effect for 120 days.

BY ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

This order was adopted by the Zoning Commission at its public hearing held on June 21, 1979 by a vote of 4-0 (Theodore F. Mariani, Walter B. Lewis, Ruby B. McZier and John G. Parsons to adopt, George M. White not present, not voting).