GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal No. 16679 of Spring Valley – Wesley Heights Citizen's Association, pursuant to 11 DCMR §§ 3100 and 3101 from the administrative decision of the Zoning Administrator, Zoning Review Branch, Department of Consumer and Regulatory Affairs, in the issuance of a building permit (No. B430091) that was issued on October 11, 2000, to Charles A. Sisson for the construction of a partial front porch, rear addition, and accessory garage to an existing dwelling in a WHOD/R-1-A District at premises 3020 43rd Street, N.W. (Square 1621, Lot 70).

HEARING DATES: To Be Arranged

DECISION DATES: October 2, 2001; January 2, 2002

ORDER TO CONTINUE PROCEEDINGS

The owner of the property that is the subject of this appeal, Charles A. Sisson, filed a motion with the Board of Zoning Adjustment on August 27, 2001, to dismiss the appeal as moot. The appellant, Spring Valley – Wesley Heights Citizens' Association, opposed the motion, and requested the Board to defer further action on this appeal until after the Board had issued its order in BZA Application No. 16521 and the Court of Appeals had rendered its decision on BZA Appeal No. 16405. At its regularly scheduled October 2, 2001, public meeting, the Board scheduled a decision meeting on the motion to dismiss for January 2, 2002. The Board subsequently issued its decision in BZA Application No. 16521.

On December 15, 2001, in his motion to postpone the hearing on this appeal, the owner again requested the Board to dismiss the appeal as moot, but indicated that if the Board were to deny the motion, the Board should postpone the hearing until after the Court of Appeals has rendered its decision on Appeal No. 16405. In response, the appellant requested the Board to summarily grant the appeal or, alternatively, allow the appellant to file its pre-hearing statement after the motion to postpone had been decided.

The Board took up the motions at its January 2, 2002, decision meeting, and decided, pursuant to 11 DCMR § 3105.11 and for reasons of administrative efficiency, to defer action on the owner's motion to dismiss and to defer the hearing on the appeal, should there be any issues remaining that require hearing, until after the Court of Appeals renders its decision on BZA Appeal No. 16405.

BZA
Case No. 16679
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 16679
EXHIBIT NO. 22

Therefore, it is hereby **ORDERED** that the decision meeting on the owner's Motion to Dismiss Appeal as Moot and the public hearing on the appeal are hereby **CONTINUED**, pending receipt by the Office of Zoning of the mandate of the Court of Appeals with respect to BZA Appeal 16405.

Vote: 4 – 0 – 1 (Geoffrey H. Griffis, Carol J. Mitten, Anne M. Renshaw, and David W. Levy, to defer action on the motion to dismiss; the third mayoral appointee not sitting, not voting).

Vote: 4 – 0 – 1 (Geoffrey H. Griffis, Carol J. Mitten, Anne M. Renshaw, and David W. Levy, to continue the hearing; the third mayoral appointee not sitting, not voting).

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

Each concurring Board member approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: FEB - 8 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

MS/BAB

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPEAL NO. 16679

As Director of the Office of Zoning, I hereby certify and attest that on FEB - 8 2002 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who is listed below:

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Appeal No. 16679
Attestation Sheet

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ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR