GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17251-A of Paul and Frances O'Reilly, pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of a two-story rear addition to a single-family semi-detached dwelling under § 223 of the Zoning Regulations, not meeting the rear yard requirements (§ 404), side yard requirements (§ 405), and the non-conforming structure provisions (§ 2001.3) in the R-1-B District at premises 3715 Albemarle Street, N.W. (Square 1888, Lot 48)

HEARING DATE: December 14, 2004
DECISION DATE: January 4, 2005
DECISION DATE ON MOTION FOR RECONSIDERATION: August 2, 2005

DISMISSAL ORDER

On July 12, 2005, the Board of Zoning Adjustment (Board) received a written motion (Exhibit No. 37) from Emilia Psillos seeking reconsideration of the Board's decision in its final decision order dated June 29, 2005, to approve Application No. 17251. Emilis Psillos was granted party status and participated in the original application.

On August 2, 2005, the Board, at its regularly scheduled and duly noticed public meeting considered the motion for reconsideration.

Subsection 3126.2 of the Zoning Regulations states that "Any party may file a motion for reconsideration or rehearing of any decision of the Board, provided that the motion is filed with the Director within ten (10) days from the date of issuance of a final written order of the Board."

The Board found that the motion was not filed in a timely manner, as the motion was received by the Director of the Office of Zoning more than 10 (ten) days after the date of issuance of the final written order of the Board. Therefore, for the reasons stated above, the **MOTION** for **RECONSIDERATION** is hereby **DISMISSED**.

VOTE: **3-0-2** (Geoffrey H. Griffis, Ruthanne G. Miller, and John A. Mann. II in favor of the motion to dismiss, Curtis L. Etherly, Jr. necessarily absent and the Zoning Commission member not present not voting)

Note: Although Mr. Etherly submitted an absentee ballot to deny the request for reconsideration, he did not vote on the motion to dismiss due to the request being untimely filed.

Vote taken on August 2, 2005

B.Z.A.
CASE No. 17251-A
EXHIBIT No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO. 17251
EXHIBIT NO. 39

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this Decision and Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: AUG 0 3 2005

UNDER 11 DCMR 3125.9, "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 FOR THE BOARD OF ZONING ADJUSTMENT. rsn

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17251-A Dismissal Order

As Director of the Office of Zoning, I hereby certify and attest that on AUG 0 3 2005, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Francis W. O'Reilly
3715 Albemarle Street, N.W.
Washington, D.C. 20016

Emilia Psillos
3713 Albemarle Street, N.W.
Washington, D.C. 20016

Chairperson
Advisory Neighborhood Commission 3F
4401-A Connecticut Avenue, N.W. #244
Washington, D.C. 20008

Commissioner
ANC 3F-06
3810 Albemarle Street, N.W.
Washington, D.C. 20016

Kathleen Patterson
City Councilmember, Ward 3
1350 Pennsylvania Avenue, N.W.
Suite 107
Washington, D.C. 20004

Alan Bergstein, Esq.
Office of Attorney General
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

Ellen McCarthy, Interim Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning