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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE
_____, _____, 2001 @ _____ p.m.
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING: Case No. _____
(Text Amendment – Filing Deadline for Appeals to the Board of Zoning Adjustment)

THIS CASE IS OF INTEREST TO ALL ADVISORY NEIGHBORHOOD COMMISSIONS

The Zoning Commission for the District of Columbia hereby gives notice that it will conduct a public hearing at the above-stated date, time, and place, to receive comments concerning text amendments to § 3112.2 of the Zoning Regulations, Title 11 DCMR, pertaining to appeals to the Board of Zoning Adjustment from the decisions of the Zoning Administrator and other administrative officers in the administration and enforcement of the Zoning Regulations. This proposed rulemaking would require that all such appeals be filed within sixty (60) days of the date the person filing the appeal had notice or knew of the decision complained of, or reasonably should have had notice of or known of the decision complained of, whichever is earlier.

The following rulemaking action is proposed. Added text is shown bolded and underlined.

Chapter 31, Board of Zoning Adjustment Rules of Practice and Procedure, § 3112.2, pertaining to pre-hearing procedures for appeals, is amended to read as follows:

3112.2 Any person aggrieved by an order, requirement, decision, determination, or refusal made by an administrative officer or body, including the Mayor of the District of Columbia, in the administration or enforcement of the Zoning Regulations may file a timely appeal with the Board **as follows:**

(a) An appeal shall be filed within sixty (60) days from the date the person appealing the administrative decision had notice or knowledge of the decision complained of, or reasonably should have had notice or known of the decision complained of, whichever is earlier.

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(b) **If the decision complained of involves the erection, construction, reconstruction, conversion, or alteration of a structure or part thereof, no appeal shall be filed later than ten (10) days after the date on which the structure or part thereof in question is under roof. For purposes of this paragraph, the phrase "under roof" means the stage of completion of a structure or part thereof when the main roof of the structure or part thereof, and the roofs of any structures on the main roof, are in place.**

(c) **The Board may extend the sixty (60) day deadline for the filing of an appeal only if the appellant demonstrates that:**

(1) **There are exceptional circumstances that are outside of the appellant's control and that could not have been reasonably anticipated that substantially impaired the appellant's ability to file an appeal to the Board; and**

(2) **The extension of time will not prejudice the parties to the appeal, as identified in § 3199.1.**

All individuals, organizations, and associations wishing to testify in this case should file a statement of their intent to testify in writing with the Secretary of the Zoning Commission, Office of Zoning, by _____, _____, 2002. Written statements, in lieu of a personal appearance or oral presentation, may be submitted for inclusion in the record.

All statements should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001. Please include the case number, whether you are a proponent or opponent of the rule, and your daytime telephone number. FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

NOTE: This case is a rulemaking; accordingly, there is no party status or swearing in of witnesses.

CAROL J. MITTEN, ANTHONY J. HOOD, JAMES H. HANNAHAM, JOHN G. PARSONS, AND PETER G. MAY --------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR OF THE OFFICE OF ZONING, AND ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION