

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13572, of Bradford Brothers Construction Corp., Trustees for M&S Associates Joint Venture, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an addition to a non-conforming structure which now exceeds the allowable percentage of lot occupancy (Paragraph 7107.21) for a proposed addition to an eighteen unit apartment house which is a non-conforming structure in an R-5-C District at the premises 1901 - 16th Street, N.W., (Square 190, Lot 127).

HEARING DATE: September 30, 1981  
DECISION DATE: September 30, 1981 (Bench Decision)

ORDER

1. The subject application was scheduled for public hearing on September 30, 1981. By letter dated September 29, 1981, counsel for the applicant requested a postponement on the grounds that the two principal witnesses for the applicant were unable to appear on September 30, 1981 because of their observance of a religious holiday. At the public hearing, counsel for the applicant further stated that both witnesses, the architect and the structural engineer, were out of town. He further stated that he had been retained by the applicant only two days before the hearing, and he had been unable to consult with the witnesses prior to that day.

2. One of the principals of M and S Associates testified that she had been advised by her architect that he would not be available only ten days before the hearing. She testified that she had sought to retain a consulting architect to appear on her behalf but she was unable to do so.

3. There was opposition present at the hearing, including the owner of adjacent property and representatives of the Dupont Circle Citizens Association and the 1500 T Street Block Council. The persons in opposition objected to the request for postponement, on the grounds that they were present and prepared to go forward, and that the applicant had had sufficient time to be prepared to present her case.

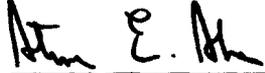
The Board finds that the applicant and her representatives were not diligent in prosecuting the case before the Board. The architect and the applicant were notified by letter from the Board on August 28, 1981 that the case was scheduled for September 30, 1981. The date of the religious observance was fixed a long time before. The applicant and architect should have taken steps to avoid the conflict before the day of the hearing. The applicant retained counsel only two days before the hearing. The net results of these actions and the postponement, if it was granted, would be to seriously inconvenience the opposition and disrupt the orderly consideration of applications by the Board.

It is therefore ORDERED that the request for postponement is DENIED, and the application is DISMISSED for failure of the applicant to diligently prosecute the application before the Board.

VOTE: 5-0 (Walter B. Lewis, Charles R. Norris, Connie Fortune, William F. McIntosh and Douglas J. Patton to DISMISS).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 14 OCT 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "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 BEFORE THE BOARD OF ZONING ADJUSTMENT."