

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13872, of Curtis Hardison, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a dwelling which now exceeds the lot occupancy requirements (Paragraph 7107.21), the lot occupancy requirements (Sub-section 3304.1 and Paragraph 7107.23), the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) and the closed court area and width requirements (Sub-section 3306.1 and Paragraph 7107.22) for a proposed addition (garage) to a row dwelling which is a non-conforming structure in an R-5-A District at the premises 2511 Fairlawn Avenue, S.E., (Square 5555, Lot 34).

HEARING DATES: January 12, and March 9, 1983

DECISION DATES: April 6, May 4, June 1 and July 6, 1983

ORDER

The subject application was originally scheduled for the public hearing of January 12, 1983. The application appeared on the preliminary agenda on that date because no affidavit reflecting proper posting of the property had been filed in the record prior to the public hearing. The applicant's representative testified that the property had not been posted. The public hearing on the subject application was continued to March 9, 1983 due to the applicant's failure to comply with the requirements of Section 302.3 of the Supplemental Rules of Practice and Procedure before the BZA.

At the public hearing of March 9, 1983, after review of the case with the Board, the applicant's representative was advised that he had not presented sufficient information to make it likely that the case would be granted. The representative was instructed to consider submitting modified plans, possibly requiring a lesser degree of variance relief, to the Zoning Administrator for review. In addition, the applicant was requested to submit letters from adjoining property owners setting forth their views on the subject application.

At the public meeting of April 6, 1983, the Board deferred a decision on the subject application because the requested information had not been submitted. The applicant's representative was notified by letter dated April 8, 1983 that the Board would consider the application at its public meeting of May 4, 1983 and that the requested information should be submitted by April 28, 1983.

At the public meeting of May 6, 1983, the Board again deferred a decision on the subject application until its public meeting of June 1, 1983 to allow additional time for submission of the requested information. At the public meeting of June 1, 1983, the Board again deferred a decision on the subject application until its public meeting of July 6, 1983. A letter dated June 1, 1983 was sent to the applicant's representative by certified mail notifying him that failure to submit the requested information could result in the dismissal of the application. That letter was returned to the Office of the Zoning Secretariat marked by the U.S. Postal Service as "unclaimed."

At the public meeting of July 6, 1983, staff advised the Board that telephone conversations with the applicant's representative indicated that the memorandum from the Zoning Administrator evidencing review of the modified plans had not been received by the applicant. No written evidence from the applicant was submitted to the record.

Upon consideration of the foregoing facts, it is ORDERED that the subject application is DISMISSED due to the lack of diligent prosecution.

VOTE: 5-0 (Douglas J. Patton, Maybelle Taylor Bennett, Carrie Thornhill, William F. McIntosh and Charles R. Norris to DISMISS).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JUL 28 1983

BZA APPLICATION NO. 13872

PAGE 3

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."