

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13879 of the FCH Co., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibitions against increasing the gross floor area of an existing hotel and increasing the total area within an existing hotel devoted to function rooms (Paragraph 3105.34) to construct a new ground floor addition to be used as meeting rooms in an R-5-D District at the premises 1143 New Hampshire Avenue, N.W., (Square 72, Lot 74).

HEARING DATE: December 15, 1982

DECISION DATE: December 15, 1982 (Bench Decision)

O R D E R

The subject application was scheduled for the public hearing of December 15, 1982. At that public hearing, during the course of the applicant's presentation of the case, and after discussion with the Board, the applicant's representative requested that the case be continued in order to seek further information and retain counsel since he did not have the information necessary to meet the burden of proof, namely, a practical difficulty or an undue hardship inherent in the property.

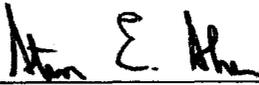
A representative of the Dupont Circle Citizens Association was present at the public hearing and objected to the proposed continuance on the grounds that the applicant's representative and the architect should have been familiar with the requirements of the Zoning Regulations, that the burden of proof had not been met and that the application should more properly be denied.

The Board concludes that the applicant, by his own admission, was not prepared to prove his case. The Board concludes that allowing a continuance would be disruptive of the Board's calendar and would unfairly penalize other applicants waiting to be heard. The Board further concludes that the prohibition against refiling an application for the same relief for a period of one year is unduly restrictive in this case. Accordingly, it is ORDERED that the subject application is DISMISSED WITHOUT PREJUDICE to the refiling of a subsequent application.

VOTE: 5-0 (Lindsley Williams, Carrie Thornhill, William F. McIntosh, Douglas J. Patton and Charles R. Norris to dismiss without prejudice).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JAN 27 1983

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 SUPPLEMENTAI RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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