

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13995, of Gary Schuman, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 3104.3) to use the first floor of the subject premises as a "drop facility for written and telephone communications - office space" in an R-4 District at premises 621 C Street, N.E., (Square 865, Lot 824).

HEARING DATE: July 20, 1983
DECISION DATE: July 20, 1983 (Bench Decision)

ORDER

By letter dated June 15, 1983, the applicant requested that the public hearing on the subject application, scheduled for July 20, 1983, be postponed because he was scheduled to teach an out-of-town seminar from July 18 thru July 21, 1983. A representative of the applicant was present at the public hearing to request a continuance. The applicant's representative testified that the premises were presently occupied without a valid certificate of occupancy for approximately two years. The applicant's representative testified further that the applicant was seeking commercial office space in which to relocate the facility and that the operation was expected to relocate to such commercial space some time between September of 1983 and January of 1984. The applicant's representative stated that she was not prepared to present evidence in support of the requested variance relief.

A representative of Advisory Neighborhood Commission 6A and a representative of the Capital Hill Restoration Society were present at the public hearing in opposition to the application. Neither objected to the requested continuance.

Upon consideration of the foregoing, the Board concludes that the applicant was aware of the conflict in scheduling well in advance of the public hearing and further that a re-scheduling of the seminar or the designation of a representative prepared to present evidence in support of the requested variance would have been a more prudent action on the part of the applicant than the request for continuance.

In addition, the Board notes that the applicant is presently operating an illegal use and concludes that the granting of the requested postponement could result in the

illegal use continuing for an additional period of time. Accordingly, it is ORDERED that the application is DISMISSED for lack of diligent prosecution.

VOTE: 5-0 (Carrie Thornhill, Lindsley Williams, William F. McIntosh, Douglas J. Patton 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: AUG 15 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 SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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