

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14109 of E. Smith Foster, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the basement and first floors of the subject premises as a child development center for sixty children, ages two to twelve years, four teachers, four full-time aides and a director in an R-2 District at premises 5028 Ames Street, N.E. (Square 5191, lot 868).

HEARING DATE: March 28, 1984

DECISION DATE: March 28, 1984 (Bench Decision)

ORDER

The subject application was scheduled for the public hearing of March 28, 1984. Ms. E. Smith Foster, representing herself as the applicant, presented the case. During the course of Ms. Foster's testimony, the Board determined that Ms. Foster did not hold title to the subject property. In addition, Ms. Foster did not have the written authorization of the owner of the property to process the application. There was opposition to the application present at the public hearing and of record.

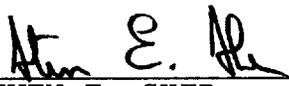
Section 301.1 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment provides that the owner of property for which application is made, or an authorized agent, may file an application before the Board. The section further provides that a letter signed by the owner authorizing the agent to act on his or her behalf must be included with the application.

The Board finds that Ms. Foster is not the owner of the subject property nor does the record contain written authorization from the owner which would permit Ms. Foster to process the case. The applicant therefore is not in compliance with Section 301.1 of the Rules. The Board concludes that the application is not property before the Board and therefore the merits of the case can not be considered. Accordingly it is ORDERED that the application is DISMISSED.

VOTE: 4-0 (Charles R. Norris, Douglas J. Patton, William F. McIntosh, and Carrie L. Thornhill to dismiss; Maybelle T. Bennett not voting, not having been present for the entire case).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

APR 30 1984

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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