

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14643 of Chi Mo Yang, pursuant to Section 3108.1 of the Zoning Regulations, for a special exception to change a nonconforming use from restaurant, seating six persons, to a deli/carry-out, no seating, in the R-4 District at premises 132 U Street, N.E., (Square 3535, Lot 74).

HEARING DATE: July 22, September 23, and November 18, 1987
DECISION DATE: November 18, 1987 (Bench Decision)

ORDER

The application was originally scheduled for the public hearing of July 22, 1987. The application appeared on the preliminary calendar on that date due to the applicant's failure to comply with the requirements of 11 DCMR 3317.4. The applicant failed to post the property fifteen days prior to the public hearing. The case was re-scheduled for the public hearing of September 23, 1987.

At the public hearing of September 23, 1987, only three Board members were present. The application was continued until November 18, 1987 to allow the case to be heard by a full, five member Board.

At the public hearing of November 18, 1987, the application was called several times. There was no response from the applicant or any other person representing the applicant. The Board received no communication from the applicant that he would not appear at the public hearing. Several persons in opposition appeared at the public hearing.

Upon consideration of the foregoing facts, it is ORDERED that the application is DISMISSED for failure of prosecution.

VOTE: 5-0 (Patricia N. Mathews, Paula L. Jewell, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to dismiss).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

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FINAL DATE OF ORDER: _____

UNDER 11 DCMP 3103.1, "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."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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