

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14843, of V.J. McPhatter and Roe Kass, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Sub-section 2116.5 to allow open parking spaces accessory to any building or structure to be located elsewhere than on the lot upon which the building or structure is located, or in the alternative, a variance from the use provisions (Sub-section 350.4), and a variance from the five percent minimum landscaping requirement for an accessory parking lot which contains more than ten parking spaces (Sub-section 2117.11) to establish a temporary parking lot of 14 spaces to be used by residents of an apartment house which is located on another lot in an R-5-B District at premises 2301 Good Hope Road, S.E., (Square 5763, Parcel 219/138).

HEARING DATE: September 21, 1988  
DECISION DATE: September 21, 1988 (Bench Decision)

ORDER

The application was scheduled for the public hearing of September 21, 1988. Proper notice of the public hearing was given on August 11, 1988 as required by 11 DCMR 3317. The property was properly posted by the applicant in advance of the public hearing.

At the public hearing of September 21, 1988, the Board called the application in the order that it appeared on the agenda. No representative of the applicant responded. The Board recessed for a brief period to try to determine if the applicant had contacted staff regarding the hearing of the case. The application was called again after the recess. No representative of the applicant was present. The staff of the Zoning Secretariat had not been contacted by the applicant. The record contains no correspondence from the applicant requesting continuance or withdrawal of the application.

Based on the foregoing, the Board concludes that the applicant was properly notified of the scheduled public hearing date and that the applicant complied with the pre-hearing posting requirements of the Board. The Board further concludes that the continuance of the public hearing on the application to another hearing date based solely on the failure of the applicant to appear physically would be disruptive of the procedures of the Board, would impact adversely on the Board's adherence to its published agendas,

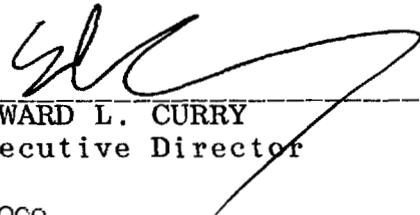
and would be a disservice to other applicants desirous of having their cases heard in a timely manner.

Accordingly, it is ORDERED that the application is DISMISSED for failure of prosecution.

VOTE: 5-0 (William F. McIntosh, Paula L. Jewell,  
John G. Parsons, 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

FINAL DATE OF ORDER: \_\_\_\_\_

OCT 18 1988

UNDER 11 DCMR 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."

14843order/BJW32