

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15119 of Ho Chae, pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 for modification of Condition C, hours of operation, of the Board's Order dated May 7, 1990, and to re-establish the Board's previous approval which expired May 23, 1986 in Application No. 13942 of Young Goon and Young Ja Park, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a nonconforming use from grocery store, first floor and basement for storage, to a delicatessen and grocery store, first floor and basement for storage, in an R-4 District at premises 301 P Street, N.W., (Square 521, Lot 1).

HEARING DATES: September 22 and October 25, 1989 and November 28, 1990

DECISION DATES: October 4 and November 11, 1989, October 3 and November 28, 1990

ORDER

The Board granted the application with conditions by its Order dated May 7, 1990. By letter dated August 27, 1990, the applicant requested the Board to reconsider Condition C of the Order which restricted the hours of operation of the facility to 8:00 A.M. to 9:00 P.M., Monday through Sunday. At its public meeting of October 3, 1990, the Board reopened the record in the case and scheduled the application for further hearing on November 28, 1990, limited to the issue of the hours of operation.

The application appeared on the preliminary agenda of the public hearing of November 28, 1990 because no affidavit of posting evidencing compliance with the notice requirements of 11 DCMR 3317.4 had been submitted by the applicant. There was no response to the preliminary matter from the applicant or any other person representing the applicant.

The application was called several times during the course of the public hearing of November 28, 1990. There was no response from the applicant or any other parties to the application. The Board received no communication from the applicant indicating that he would not appear at the public hearing.

Upon consideration of the foregoing facts, it is ORDERED that the application is DISMISSED for failure of prosecution. The Order of the Board dated May 7, 1990 remains in full force and effect.

VOTE: 5-0 (Charles R. Norris, Sheri M. Pruitt, Paula L.

Jewell, Maybelle Taylor Bennett 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:

DEC 26 1990

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."

15119Order/BHS

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 15119

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mailed to all parties, dated DEC 26 1990 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Ho Chae
6560 Tartan Drive
Alexandria, Virginia 22312

Kee Chae
5345 Ashleigh Road
Fairfax, Virginia 22030

James D. Berry, Jr.
140 Bates Street, N.W.
Washington, D.C. 20001

Florence H. Pendleton, Chairperson
Advisory Neighborhood Commission 5C
1723 - 3rd Street, N.E.
Washington, D.C. 20002

A handwritten signature in black ink, appearing to read "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: DEC 26 1990