

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15299 of James L. Artis, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Sections 357 and 358 to establish an adult rehabilitation home of 30 residents and 11 staff, and a variance to establish a facility of more than 20 residents (Sub-section 357.9) on the first through third floors in an R-5-A District at premises 1502 Eaton Road, S.E., (Square 5867, Lot 216).

HEARING DATE: May 16, 1990
DECISION DATE: May 16, 1990 (Bench Decision)

ORDER

The application appeared on the preliminary calendar of the public hearing of May 16, 1990 due to the applicant's failure to comply with Section 3317 of the Board's Rules. The applicant failed to submit a sworn affidavit demonstrating that the property had been posted with notice of the public hearing as required by the Board's Rules.

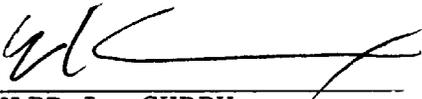
At the public hearing of May 16, 1990, the application was called as a preliminary matter. There was no response from the applicant or any other person representing the applicant. The staff informed the Board that a representative of the applicant had indicated to staff by telephone that the applicant did not intend to pursue the matter. The staff directed the applicant's representative to submit a request for withdrawal in writing to the Board. No letter formally requesting withdrawal of the application was received prior to the public hearing. There were several persons in opposition to the application present at the public hearing. At least two residents of the immediate area testified that the subject property was not properly posted prior to the public hearing as required by the Board's Rules.

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

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell 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: MAY 25 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."

15299order/BHS20

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15299

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated MAY 25 1990, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

James L. Artis
P.O. Box 10031
Washington, D.C. 20018

Helen M. Suber
2657 Birney Place, S.E., #202
Washington, D.C. 20020

Della Booker-Tanner
2636 Wade Road, S.E., #23
Washington, D.C. 20020

Alfonso L. Freeman
2672 Martin Luther King Avenue, S.E.
Washington, D.C. 20020

Albert A. Pearsall, Chairperson
Advisory Neighborhood Commission 8-A
2912 Martin Luther King, Jr. Ave., S.E.
Washington, D. C. 20032

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

EDWARD L. CURRY
Executive Director

DATE: MAY 25 1990