

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15356 of the Federal Center Limited Partnership, pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Sub-section 350.4) to allow a commercial parking lot in an R-5-B District at premises 300 M Street, S.E. (Square 800, Lot 822).

HEARING DATE: October 24, 1990
DECISION DATE: October 24, 1990 (Bench Decision)

FINDINGS OF FACT:

The application appeared on the preliminary calendar of the public hearing of October 24, 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.

By letter dated October 15, 1990, the applicant requested modification of the application and rescheduling of the hearing date. The letter indicated that the applicant wished to modify the application to request special exception relief rather than a use variance.

Notwithstanding receipt of this letter, no one representing the applicant appeared at the public hearing to explain the failure to post the property or to make the requests for modification and postponement.

During a recess taken by the Board, the staff contacted the applicant and requested that a representative be made available to address the Board on the matters at issue.

The case was called again when the Board reconvened. No one having arrived to represent the applicant, the Board deferred action on the case until the afternoon session. The case was called as a preliminary matter in the afternoon. Still, no one was present to represent the applicant.

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

VOTE: 4-0 (Maybelle Taylor Bennett, Paula L. Jewell, Sheri M. Pruitt and Charles R. Norris to dismiss; Carrie L. Thornhill not present, not voting).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: NOV 19 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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.

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.

15356order/LJP65

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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APPLICATION/APPEAL No. 15356

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated 10/19/90 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Michael K. Gewirz
1730 K Street, N.W., Suite 1204
Wash, D.C. 20006

Lavonna Johnson, Chairperson
Advisory Neighborhood Commission 2D
400 Eye Street, S.W.
Washington, D. C. 20024

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

EDWARD L. CURRY
Executive Director

DATE: 10/19/90