

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15729 of Hezekiah J. Efferson, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Subsection 774.1), and a variance from minimum width and area requirements of a closed court (Subsection 406.1) for a garage addition to a structure in a C-2-A District at premises 1346 H Street, N.E. (Square 1026, Lot 174).

HEARING DATE: October 14, 1992  
DECISION DATE: October 14, 1992 (Bench Decision)

DISPOSITION: The Board **DISMISSED** the application by a vote of 3-0 (Carrie L. Thornhill, Maybelle Taylor Bennett and Paula L. Jewell to dismiss; Angel F. Clarens and Sheri M. Pruitt not present, not voting).

FINAL DATE OF ORDER: November 6, 1992

RECONSIDERATION ORDER

The application was scheduled for the public hearing of October 14, 1992. The application appeared on the preliminary agenda of that public hearing because the applicant failed to submit a sworn affidavit attesting that the property had been posted as required by Section 3317 of the Board's Rules. Neither the applicant nor a representative was present during the course of the public hearing. The Board, by its order dated November 6, 1992, dismissed the case, as abandoned.

By letter dated December 3, 1992, the applicant requested the Board to waive its ten-day filing requirement to accept a motion for reconsideration of the Board's decision in the application. The Board waived its ten-day filing requirement at its public meeting of January 6, 1993.

In support of his request for reconsideration, the applicant stated that at the time that he visited the Office of Zoning to obtain the placards necessary for posting the subject site, a member of the Office of Zoning staff directed him to return to the Zoning Administrator's office for clarification of specific details contained in his plans as related to the zoning relief requested. The applicant thereafter requested the Zoning Administrator's office to clarify the necessary relief based on the submitted plans. The applicant was informed by a member of the Zoning Administrator's staff that his plans would be "pulled" and he would have to start over again. The applicant believed that the processing of the application through the Office of Zoning and the Zoning Administrator's office were related such that the public hearing would automatically be cancelled and then rescheduled after

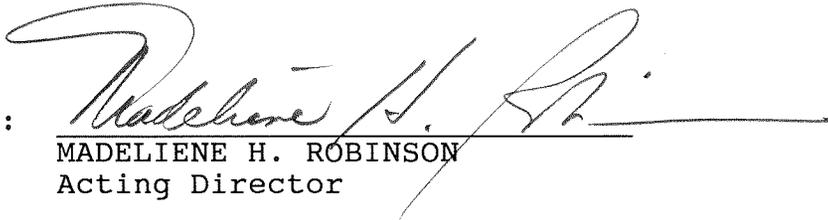
resubmission of his plans to the Zoning Administrator's office. The applicant further indicated that plans have been submitted to the Zoning Administrator's office for review. There was no response to the motion for reconsideration.

Upon consideration of the motion and its final order, the Board concludes that the applicant made an unintentional and reasonable mistake in attempting to interpret the status of his application based on advice of staff members of two separate D.C. Government agencies and, therefore, he should not suffer the severe sanction of dismissal based on that error. The Board further concludes that vacating the order dated November 6, 1992 and rescheduling the application for public hearing with proper and adequate notice will not create a prejudicial impact on any party to the case and will permit full consideration of the merits of the application by the parties and the Board. Accordingly, it is **ORDERED** that the order dated November 6, 1992 is hereby **VACATED** and the subject application shall be rescheduled for public hearing at the convenience of the Board and readvertised in accordance with the provisions of 11 DCMR 3317.

VOTE: 3-0 (Maybelle Taylor Bennett, Paula L. Jewell and Carrie L. Thornhill to grant; Angel F. Clarens and Sheri M. Pruitt not voting, not having heard the case).

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Acting Director

FINAL DATE OF ORDER:

FEB 2 1993

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.

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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 SUPPLEMENMTAL 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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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

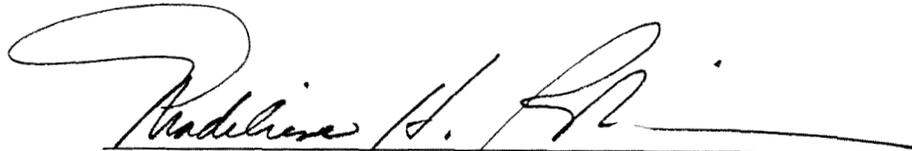


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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on FEB 2 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Mr. Hezekiah J. Efferson  
1344 H Street, N.E.  
Washington, D.C. 20002

Craig Lisk, Chairperson  
Advisory Neighborhood Commission 6-A  
1341 Maryland Avenue, N.E.  
Washington, D.C. 20002

  
MADELIENE H. ROBINSON  
Acting Director

DATE: FEB 2 1993