

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15913 of Christian Kelleher, pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Subsection 330.5) to allow a commercial wood-working shop on part of the first floor in an R-4 District at the Rear of 729 Fairmont Street, N.W. (Square 2885, Lot 59).

HEARING DATES: March 9 and June 8, 1994
DECISION DATE: June 8, 1994 (Bench Decision)

ORDER

This application appeared on the preliminary agenda of the public hearing of June 8, 1994 because the applicant failed to comply with Section 3317 of the Board's Rules. The applicant did not 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 June 8, 1994, 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 attempts were made to contact the applicant by telephone on three occasions during the three-day period prior to the hearing. Staff left a message for the applicant indicating that his presence at the hearing would be necessary. Alternatively, staff requested that the applicant submit a letter notifying the Board of his intentions with regard to the application. No letter formally requesting withdrawal or postponement of the application was received prior to the public hearing. Neither the applicant nor a representative returned staff's telephone calls or appeared at any time during the hearing.

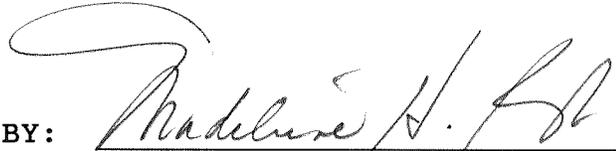
Upon consideration of the above facts, it is hereby **ORDERED** that the application is **DISMISSED** without prejudice for want of prosecution.

VOTE: 3-0 (Angel F. Clarens, Maybelle Taylor Bennett and Craig Ellis to dismiss; Laura Marie Richards and George Evans not present, not voting).

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

ATTESTED BY:



MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: JUN 29 1994

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."

15913Order/TWR/bhs

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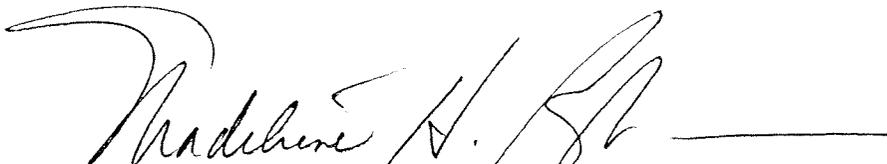


BZA APPLICATION NO. 15913

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUN 29 1994 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:

Christian Kelleher
1841 Columbia Road, N.W., #506
Washington, D.C. 20009

Mary Treadwell, Chairperson
Advisory Neighborhood Commission 1B
P.O. Box 73710
Washington, D.C. 20056


MADELIENE H. ROBINSON
Director

DATE: JUN 29 1994

15913Att/bhs