

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16209 of Cesar F. Armendariz, Jr., pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure [Paragraph 2001.3(a),(b) and (c)], a variance from the allowable lot occupancy requirements (Subsection 403.2), a variance from the floor area ratio requirements (Subsection 402.4), and a variance from the setback requirements from the centerline of an alley [Paragraph 2300.2(b)] for the construction of a carport/deck in an R-5-B District at premises 2211 13th Street, N.W. (Square 271, Lot 82).

HEARING DATES: February 19 and July 16, 1997  
DECISION DATE: July 16, 1997 (Bench Decision)

DISMISSAL ORDER

The application was originally scheduled to be heard on February 19, 1997. At the hearing, the Office of Planning stated that the owner of the property was now deceased and indicated that another resident at the site might be interested in pursuing the application. OP requested that the Board postpone the hearing to allow for staff to communicate with the current resident.

Three neighbors in opposition to the application appeared at the hearing and opposed the postponement. They stated that the issues are serious and need to be addressed without waiting until another applicant comes forward.

The Board determined that because no one representing the applicant was present, the application could not be heard. The Board then postponed the hearing until July 16, 1997.

On July 11, 1997, the Board received a letter from a Michale Satchell, signed on behalf of the applicant. In his letter Mr. Satchell, who apparently resides at the site, stated that he learned of the July 16, 1997 hearing on July 10th and would be unprepared for a hearing on that date. He requested that the Board postpone the hearing to a later date.

At the public hearing of July 16, 1997, no one appeared on behalf of the applicant. Staff stated that Mr. Satchell was asked to submit a document as evidence that he has authority over the subject property. Staff further indicated that Mr. Satchell did not submit such a document, therefore, the hearing could not proceed even if he had appeared. Staff informed the Board that the issue of ownership of the subject premises is a matter that Mr. Satchell will need to address with the deceased applicant's family before his authority can be established. This process may take a long time.

Finally, staff informed the Board that the property had not been posted with notice.

The three opposing neighbors who attended the February 19, 1997 hearing also appeared on July 16th in opposition to the postponement. Again, they reiterated the need to address the impact of the deck, which they noted had already been built. The neighbors maintained that the lack of posting should not preclude the hearing from taking place as scheduled because actual notice had been given.

No other persons appeared in relation to the application.

CONCLUSIONS OF LAW AND OPINION:

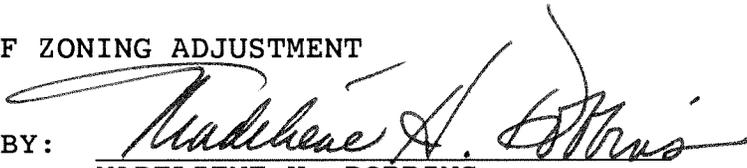
Upon consideration of the postponement request, the responses thereto and the information from staff, the Board concludes that there is no evidence in the record indicating who has authority over the subject property. The gentleman who expressed an interest in the case has not presented such evidence, nor has he made an appearance before the Board. Because it will take an indefinite period of time to resolve the ownership issue, the Board determines that it is best to dismiss the application until ownership is certain, allowing for a new application to be filed in one year.

Therefore, the Board hereby **ORDERS** that the application is **DISMISSED** with **PREJUDICE**.

VOTE: 5-0 (Laura M. Richards, Susan Morgan Hinton, Betty King, Sheila Cross Reid and Maybelle Taylor Bennett to dismiss with prejudice).

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

ATTESTED BY:

  
MADELIENE H. DOBBINS  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

AUG 19 1997

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."

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16209

As Director of the Board of Zoning Adjustment, I hereby certify and attest that on AUG 19 1997 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

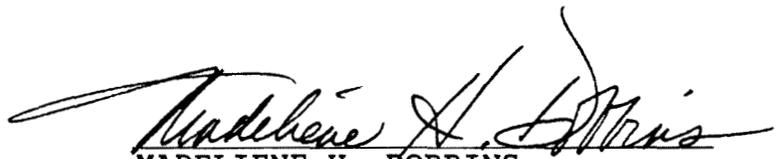
Cesar Armendariz, Jr.  
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Lawrence Guyot, Chairperson  
Advisory Neighborhood Commission 1B  
P.O. Box 73710  
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MADELIENE H. DOBBINS  
Director

DATE: AUG 19 1997