

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17478 of Felicia B. Heiskell, pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of a four (4) unit apartment building under 11 DCMR §§ 353 and 410, in the R-5-A District at premises 5302–5304 C Street, S.E. (Square 5303, Lot 17).

Hearing Date May 23, 2006
Decision Date: May 23, 2006

DISMISSAL ORDER

On January 9, 2006, Felicia B. Heiskell (“Applicant”) filed Application No. 17478 seeking a special exception pursuant to 11 DCMR §§ 353 and 410 to permit a multi-unit apartment building in an R-5-A Zone District. The Application was accompanied by a self-certification form indicating the relief was required.

Pursuant to 11 DCMR § 3113.3, notice of the May 23, 2006 hearing was sent to the Applicant, all owners of property within 200 feet of the site, Advisory Neighborhood Commission 7E, and the District of Columbia Office of Planning.

The Applicant did not submit an affidavit to the Board demonstrating that it posted placards on the property regarding the application as required by 11 DCMR §§ 3113.15 and 3113.19.

The Application did not address the specific requirements of 11 DCMR §§ 353 and 410. In a memorandum dated May 16, 2006, the Office of Planning stated that it had requested that the Applicant file a statement addressing the requirements in accordance with 11 DCMR § 3113.8, which requires the Applicant to file statements, information, and any other information the Applicant may wish to offer into evidence at the hearing at least fourteen (14) days in advance of the hearing. The Applicant never provided such a statement. When the Office of Planning telephoned the Applicant to inquire about the statement, the Applicant informed the Office of Planning that she was withdrawing her application.

The Applicant did not request a postponement of the hearing, and did not appear at the hearing.

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At the hearing, the Board dismissed the application for failure to prosecute the Application.

Pursuant to 11 DCMR § 3101.6, the Board waives the requirement of 11 DCMR § 3125.3 that the order be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **DISMISSED**.

Board's Motion to Dismiss the Application:

VOTE: **5-0-0** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Anthony J. Hood, Ruthanne G. Miller and John A. Mann II to approve the motion).

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

Each concurring Board member approved the issuance of this order.

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director, Office of Zoning 

FINAL DATE OF ORDER: **JAN 16** 2007

UNDER 11 DCMR 3125.9, "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 FOR THE BOARD OF ZONING ADJUSTMENT."

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As Director of the Office of Zoning, I hereby certify and attest that on **JANUARY 16, 2007**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Felicia B. Heiskell
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5001 Hanna Place, SE
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ATTESTED BY:



JERRILY R. KRESS, FAIA
Director, Office of Zoning 

TWR