

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING--April 14, 1965

Appeal #8105 J. J. Bierbower, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on April 14, 1965:

ORDERED:

That the appeal for a variance from the use provisions of the R-4 District to establish a non-profit organization known as National Rural Eledtrification Association on first floor of premises 41 D Street, S.E., lot 822, square 694, be dismissed for lack of prosecution for the following reasons:

(1) This appeal was advertised for public hearing on March 17, 1965. Notification was forwarded to interested property owners in the area. Appellant under date of March 16, 1965 requested a postponement until the April hearing. Opposition developed at the hearing and this oppositi on agreed to the postponment of the appeal until the April hearing.

(2) Under date of March 25, 1965 the Board notified the appellant to appear at the April 14, 1965 public hearing. Notices were again forwarded to interested property owners and considerable opposition was registered at the public hearing. Appellant did not appear at this hearing having telephoned and stating that he desired to have the appeal again deferred.

In view of the fact that this appeal was not prosecuted at either of the hearings, and further, that considerable opposition developed, the Board denies the appeal for lack of prosecution, being of the opinion that someone should have been present to prosecute the appeal as the Board felt that it would be extremely unfair to request the opposition to come back three times to present their opposition.