

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17447 of 2142 O Street LLC, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under subsection 402.4, and a variance from the nonconforming structure provisions under subsection 2001.3, to allow the enlargement of an existing vacant former apartment building from 10 units to 8-9 condominium units in the DC/R-5-B District at premises 2142 O Street, N.W. (Square 69, Lot 218).

HEARING DATE: March 21, 2006, July 25, 2006
DECISION DATE: July 25, 2006

SUMMARY DISMISSAL ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B and to owners of property within 200 feet of the site.

This application was filed with the Office of Zoning (OZ) on October 6, 2006. The application was originally scheduled to be heard by the Board of Zoning Adjustment (Board) on March 21, 2006. On March 21, 2006, the Applicant requested that the Board grant a postponement of the case to allow more time to meet with a neighbor. The Applicant proffered that the meeting would be to address some outstanding issues with regards to shadow studies and impacts from the application on the neighbor's property. The Board granted the Applicant's request and rescheduled the hearing to July 25, 2006, morning session beginning at 9:30 a.m. The Board publicly announced the new date and time of the postponement hearing to all those present in the audience, including the Applicant and other interested persons. On July 25, 2006, the Applicant did not appear for the scheduled public hearing when their case was called. The Board instructed the OZ staff to try and contact the Applicant by telephone to ascertain their reason for not appearing. The Board adjusted the order of cases to be heard to allow the Applicant more time to appear before the morning cases were concluded. Despite repeated tries, the OZ

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was unable to contact the Applicant by telephone and the Applicant did not show up for the hearing. As such, consistent with 11 DCMR § 3113.11, the Board on its own motion, voted to dismiss the application for failure of the Applicant to comply with the Board's procedural requirements.

In light of the foregoing and pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **DISMISSED**.

VOTE: 4-0-1 (Ruthanne G. Miller, Curtis L. Etherly, Jr., Gregory N. Jeffries and John A. Mann III to dismiss the application; Geoffrey H. Griffis not present, not voting).

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

Each concurring member has approved the issuance of this Order.

ATTESTED BY: 

JERRILY R. KRESS, FAIA

Director, Office of Zoning 

JUL 27 2006

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL. rsn

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As Director of the Office of Zoning, I hereby certify and attest that on JULY 27, 2006 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:

Sean Shahparast, Managing Partner
2142 O Street LLC
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Bethesda, Maryland 20824-1006

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Advisory Neighborhood Commission 2B
9 Dupont Circle, N.W.
Washington, D.C. 200036

Commissioner 2B06
Advisory Neighborhood Commission 2B
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Jack Evans, City Councilmember
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Suite 106
Washington, D.C. 20004

Bill Crews, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E., Room 2000
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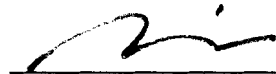
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rsn

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning 