

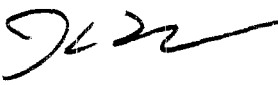
GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



OCT 22 2009

MEMORANDUM

TO: Marc D. Loud, Chairman
Board of Zoning Adjustment

FROM: Jamison L. Weinbaum 
Director

SUBJECT: BZA Appeal No. 17980 (4904 and 4908 Quarles Street, N.E. - William J. Reaves) Recommendation for Dismissal of Appeal

DATE:

Recommendation: The Office of Zoning recommends that the above-cited appeal be dismissed for failure to comply with the Board's procedural requirements.

The above-cited appeal was filed with the Office of Zoning ("OZ") on June 12, 2009. The BZA Appeal Form 125 was filed without any supporting documentation. OZ has confirmed that the side yard construction issues raised in the appeal have been resolved following negotiations between the Appellant, the adjacent property owner/developer, and the D.C. Office of the Zoning Administrator ("ZA"). The then proposed semi-detached dwelling which was the subject of the appeal has been properly permitted and built. Richard Nero contacted the Appellant by phone, at which time the Appellant acknowledged that the appeal was moot given the aforementioned resolution of the issues. The Appellant verbally requested a refund of the hearing fee. OZ has determined that a refund of the filing fee is not justified under 11 DCMR § 3181. The OZ wrote the Appellant a letter dated September 18, 2009 (attached), and two follow-up e-mails (dated 9/17/09, and 10/2/09) informing him that the appeal has been taken out of the pending public hearing queue. The correspondence also requested that the Appellant withdraw the appeal based on the foregoing. OZ's correspondence has gone unanswered as of this writing.

As such, consistent with 11 DCMR § 3113.11, the OZ recommends that the Board dismiss the application for failure of the Appellant to comply with the Board's procedural requirements.

cc: William J. Reaves, Appellant
Matthew LeGrant, DCRA
Bennett Rushkoff, Esq, DCRA

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17980

EXHIBIT NO. 11