

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Appeal No. 19092 of Patricia Schaub, pursuant to 11 DCMR §§ 3100 and 3101, from a May 20, 2015¹ decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. G1500009, to allow the construction of a new garage with roof deck in the R-4 District at premises 1120 Park Street N.E. (Square 987, Lot 8).

HEARING DATES: November 10, 2015; December 15, 2015; February 2, 2016; and April 12, 2016²

DECISION DATE: April 12, 2016

DISMISSAL ORDER

This appeal was submitted to the Board of Zoning Adjustment (“Board” or “BZA”) on July 20, 2015 by Patricia Schaub (the “Appellant”). The Appellant challenged the decision by the Zoning Administrator to issue Garage Permit No. G1500009, arguing that the plans approved as part of the permit application differ from the plans approved by the Board in Application No. 18514 of Andrew Daly and Patty Jordan (the “Property Owners”), in which the Property Owners were granted variance and special exception relief to construct the detached garage addition. The hearing was postponed several times, as the parties engaged in efforts to settle the dispute related to the garage construction.

On February 11, 2016, the Appellant submitted a letter by which it requested that the Board dismiss Appeal No. 19092 with prejudice. (Exhibit 47.) The letter indicated that, in accordance with the terms of the February 2, 2016 Settlement Agreement between the parties, the Property Owners have surrendered and voided Garage Permit No. G1500009 to DCRA and that DCRA has formally acknowledged surrender and voiding of the Garage Permit.

Based on the surrender of the permit, the Appellant acknowledged that the appeal is moot and requested that the Board dismiss the appeal with prejudice. At its public hearing on April 12, 2016, the Board voted to grant the Appellant’s motion.³

¹ The caption for this appeal incorrectly noted October 8, 2013 as the date of the Zoning Administrator’s decision instead of May 20, 2015, when the building permit was issued. The caption has been revised accordingly.

² The hearing for this appeal was postponed from November 20, 2015 and December 15, 2015. At the public hearing of February 2, 2016, the hearing was continued to April 12, 2016 at the request of all parties.

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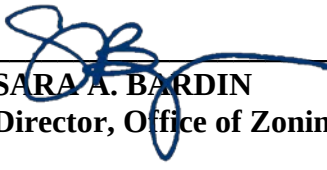
Accordingly, it is **ORDERED** that the appeal is **DISMISSED** with **PREJUDICE**.

VOTE: 5-0-0 (Marnique Y. Heath, Frederick L. Hill, Anita Butani D'Souza, Jeffrey L. Hinkle and Michael G. Turnbull, to DISMISS.)

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

A majority of the Board members approved the issuance of this order.

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: April 26, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

³ In a separate but related action, the Board also granted the Property Owners' motion for minor modification of the plans approved by the Board in Application No. 18514. An order granting that motion is being separately issued.