

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Appeal No. 19114 of ANC 2B, pursuant to 11 DCMR §§ 3100 and 3101, from a June 18, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1404913, to add a rooftop deck, stairs, and elevator to an existing hotel in the DC/R-5-D zone at premises 1731 New Hampshire Avenue, N.W. (Square 154, Lot 829).

HEARING DATE: November 24, 2015

DECISION DATE: November 24, 2015

DISMISSAL ORDER

Appeal No. 19114 was submitted to the Board of Zoning Adjustment (the “Board”) on August 17, 2015 by the Advisory Neighborhood Commission (“ANC”) 2B (the “Appellant”). The appeal challenges the decision made by the Zoning Administrator (the “ZA”) at the Department of Consumer and Regulatory Affairs (“DCRA”) to issue Building Permit No. B1404913 to CS Bond St. Properties (the “property owner”) allowing, among other things, a rooftop deck at the Carlyle Hotel, located in the DC (Dupont Circle)/R-5-D zone.

On November 20, 2015, the property owner submitted a letter to the Board stating that it had surrendered the building permit to DCRA, and stating that it would be taking no action under that permit. (Ex.26.) The letter also stated that the permit surrender rendered the appeal moot. Attached to the property owner’s letter to the Board was a copy of the letter of surrender to DCRA, and a DCRA form titled “Letter of Cancellation”, which indicated that the property owner was withdrawing its building permit application.

At the hearing before the Board on November 24, 2015, the property owner made an oral motion to dismiss the appeal on the ground that it had been rendered moot. DCRA joined in the motion to dismiss, and the Appellant supported the motion. (Hearing Transcript of November 24, 2015, p.12.) Based upon the surrender of the permit, and the consent of DCRA and the Appellant, the Board voted to grant the property owner’s motion to dismiss. Accordingly, it is **ORDERED** that the appeal is **DISMISSED**.

VOTE: 3-0-2 (Marnique Y. Heath, Marcie I. Cohen, and Frederick L. Hill to DISMISS; Jeffrey L. Hinkle being necessarily absent; one Board seat vacant).

BZA APPEAL NO. 19114
PAGE NO. 2

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: October 11, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.