GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16144 of Trust for Public Land, pursuant to 11 DCMR § 3103.2 and 3104.1, for special exceptions under section 335 to allow a new residential development, a special exception under section 410 to allow a group of one-family dwellings to be erected and deemed a single building and under section 209 to establish a community center building, and a variance from subsection 410.8, a variance from the floor area ratio requirements under section 402, a variance from the rear yard requirements under section 404, a variance from the off-street parking requirements under subsection 2101.1, for the subdivision and construction of 88 row dwellings, 44 semi-detached dwellings and a community center building in an R-5-A District in the area of Anacostia Avenue, Foote Street, Hayes Street, Kenilworth Avenue, Barnes Street, and Parkside Place, N.E. (Square 5041, Lots 806-808, 811, 814, 815, 817, 818, 820, 821 and 823, and in Square 5056, Lots 806, 808-816, 818, 820, 821and 823).

HEARING DATE: June 5, 1996
DECISION DATE: July 10, 1996, March 2, 2004

DISMISSAL ORDER

On July 10, 1996, the Board of Zoning Adjustment (Board) approved special exceptions for the development of Phase II of the above-referenced application. At that time, the applicant requested a deferment payment of the $52,800 filing fee. Over the last seven years, this office has contacted the applicant on numerous occasions concerning the status of the filing fee. In a letter to the Board dated March 28, 2000, the applicant requested an additional extension of time to pay the fee, due to pending litigation involving the property. The Board at its April 5, 2000, public hearing granted the request for an additional extension. On February 22, 2001, OZ office wrote the applicant a letter requesting an update on the court's determination within 90 days. OZ never received a reply. On August 6, 2002, the OZ again wrote the applicant, this time noting that the OZ intends to recommend to the Board that this application be dismissed for failure to comply with the procedural requirements of Title 11 DCMR Zoning Regulations. No follow-up correspondence has been received from the applicant in over a year relevant to the foregoing. Given the foregoing, including the considerable time period that has transpired and the fact that the Board members who heard the case are no longer sitting, the OZ recommended that the Board dismiss the above-cited application.

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Board of Zoning Adjustment
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At the Board's monthly meeting on March 2, 2004, the OZ reported the aforementioned status of the application and recommended that the Board dismiss the application for failure of the Applicant to comply with the procedural requirements of Chapter 31 of the Zoning Regulations.

In light of the foregoing, the Board hereby **ORDERS** that the application be **DISMISSED**.

VOTE: **4-0-1** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr. and David A. Zaidain to dismiss the application, the Zoning Commission member 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

FINAL DATE OF ORDER: MAR 05 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT. rsn

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16144

As Director of the Office of Zoning, I hereby certify and attest that on MAR 0 5 2004 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:

Jack Robertson, Director of Housing
Telesi Corporation
1101 30th Street, N.W., 4th Floor
Washington, D.C. 20007

Chairperson
Advisory Neighborhood Commission 7D
4555 Dix Street, S.E.
Washington, D.C. 20019

Single Member District Commissioner 7D07
Advisory Neighborhood Commission 7D
4555 Dix Street, S.E.
Washington, D.C. 20019

Kevin Chavous, City Councilmember
Ward Seven
1350 Pennsylvania Avenue, N.W.
Suite 402
Washington, D.C. 20004

Denzil Noble, Acting Zoning Administrator
Building and Land Regulation Administration
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Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning