GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16486 of Tosha Walker, pursuant to 11 DCMR § 3103.2, for a variance from the lot area requirements under section 401, a variance from the rear yard requirements under section 404, and a variance from the nonconforming structure provisions under subsection 2001.3, for an addition and conversion of an existing private garage to a single-family dwelling in the R-4 District at premises 439 15th Street, S.E. (Square 1062, Lot 804).

HEARING DATE: September 29, 1999
DECISION DATE: March 2, 2004

DISMISSAL ORDER

This application was filed with the Office of Zoning (OZ) on May 21, 1999. The public hearing on the application was held on September 29, 1999. The Board of Zoning Adjustment (Board) members who heard the case are no longer sitting. The application was opposed at the hearing. During the course of the hearing, the Board determined that the applicant, who resides in North Carolina, needed more time to prepare to address the burden of proof for the relief being requested. The Board continued the hearing to an unspecified date and asked the OZ to provide the applicant with a list of items that are needed before the case can be re-scheduled for a hearing. The OZ provided the applicant with this information. Not hearing back from the applicant for a considerable time, the OZ by letter dated January 14, 2000, advised the applicant that it would recommend that the case be dismissed unless she responded by January 31, 2000. The OZ sent another letter to the applicant on April 8, 2002, inquiring of her intentions to proceed with the application. The OZ received a letter on April 29, 2002, from the applicant stating her intentions to proceed with the application, noting that she is looking for representation to act on her behalf. Not hearing back from the applicant for six months the OZ sent a letter dated October 25, 2002 to the applicant advising that if the outstanding information is not received by December 1, 2002, that OZ will recommend that the Board dismiss the application. No follow-up correspondence has been received from the applicant in over a year relevant to the foregoing. Given the substantial time that has passed, and the applicant's failure to provide the additional information requested after due notice and expiration of a reasonable time, the OZ recommended that the Board dismiss this application for failure to comply with the provisions of the Zoning Regulations under subsection 3100.6.

BOARD OF ZONING ADJUSTMENT
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CASE NO. 16486
EX. 40

Board of Zoning Adjustment
District of Columbia
CASE NO.16486
EXHIBIT NO.40

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 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 0 5 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. 16486

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:

LaNita Walker
c/o Tosha Walker
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Washington, D.C. 20003

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rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning