GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16597 of Elaine Carrera, pursuant to 11 DCMR § 3103.2, a variance to allow an accessory garage structure in excess of 15 feet and one story in height under section 2500.4, and a use variance to allow the second floor of the accessory structure to be used exclusively as the applicant's living quarters under section 2500.5 in an R-5-A district at premises 623 Mellon Street, S.E. (Square 5984, Lot 37).

HEARING DATE: September 19, 2000, November 13, 2001
DECISION DATE: January 6, 2004

DISMISSAL ORDER

This application was filed with the Office of Zoning (OZ) on May 11, 2000. The application was originally scheduled to be heard by the Board of Zoning Adjustment (Board) on September 19, 2000. The application was found to require additional relief and was amended and rescheduled for hearing on November 13, 2001. This hearing was concluded and the record closed except for specific information requested by the Board from the Office of Planning, parties and the applicant. On November 22, 2001, after consultation with Corporation Counsel, the OZ sent a memorandum to the applicant outlining additional zoning relief needed to fulfill the applicant's development plans and requesting specific information from the applicant. The memorandum also included a recommendation that the applicant consider seeking professional assistance in addressing the aforementioned issues. The OZ contacted the applicant by telephone to ascertain her intentions to proceed with the case. On January 9, 2002, the OZ received a letter from the applicant requesting additional time to provide the information requested by the Board. OZ agreed to give the applicant more time. The OZ has not heard from the applicant since her last correspondence.

Over three years have passed since this application was filed, and over two years since additional information was requested from the applicant. 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.

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At the Board's monthly meeting on January 6, 2004, the Office of Zoning 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: 5-0-0 (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, Anthony J. Hood and David A. Zaidain to dismiss the application).

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: JAN 15 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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BZA APPEAL NO. 16597

As Director of the Office of Zoning, I hereby certify and attest that on JAN 15 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:

Elaine Carrera
623 Mellon Street, S.E.
Washington, D.C. 20032

Chairperson
Advisory Neighborhood Commission 8C
3125 Martin Luther King Jr. Avenue, S.E.
Washington, D.C. 20032

Commissioner 8C01
Advisory Neighborhood Commission 8C
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Alan Bergstein
Office of the Corporation Counsel
441 4th Street, N.W., 7th Floor
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ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning