GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16808 of Abigail Y. Parker, pursuant to 11 DCMR § 3104.1 for a special exception to allow a child development center (40 children ages 6 months to 3 years) with a before and after school program (25 children ages 4 to 12 years) and 12 staff under section 205 in the R-2 District at premises 2907 7th Street, S.E. (Square 5951, Lot 808).

HEARING DATE(S): December 18, 2001, and February 12, 2002
DECISION DATE(S): April 2, 2002, and June 4, 2002

DISMISSAL ORDER

The above-cited application was filed on October 18, 2001. The application was initially scheduled for public hearing on December 18, 2001. This public hearing was continued in order to avail the applicant an opportunity to seek counsel to better prepare her case. The Board rescheduled the public hearing to February 12, 2002. The Office of Zoning sent a letter dated March 13, 2002 (Exhibit 41) to the applicant reiterating the additional information (site plan details, days and hours of operation, final number of children and staff, drop-off and pick-up details, etc.) requested by the Board in order to reach a decision on the application. The Board at its April 2, 2002, decision meeting instructed the applicant on what additional information still was to be required in order to reach a decision on the application. The Office of Zoning staff met with the applicant and spoke by telephone on numerous occasions with the applicant in the interest of clarifying the Board's query in this regard. The applicant submitted a letter (Exhibit 43) in response to the Board's queries on May 29, 2002. The Board found that the applicant's submission did not address the majority of the questions requested by Exhibit 41. The Board found that the Applicant failed to prosecute and prove its application. The Board noted support in the record for the location and expansion of a child development center at this location, and invited the applicant to re-file the application pursuant to subsection 3113.11, once all required information is available.

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

VOTE: 5-0-0 (Anne Mohnkern Renshaw, James H. Hannaham, Geoffrey H. Griffis, David A. Zaidain, and Curtis L. Etherly, Jr. to dismiss the application).

BZA
Case No. 16808
Exhibit No. 44

Board of Zoning Adjustment
District of Columbia
CASE NO.16808
EXHIBIT NO.44

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: JUN - 6 2002

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.
RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16808

As Director of the Office of Zoning, I hereby certify and attest that on JUN - 6 2002 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:

Abigail Y. Parker
657 Lebaum Street, S.E.
Washington, D.C. 20032

Mary Cuthbert, Chairperson and Single Member
Commissioner 8C04
Advisory Neighborhood Commission 8C
3125 Martin Luther King, Jr. Ave.
Washington, D.C. 20032

Sandra Allen, City Councilmember
Ward Eight
1350 Pennsylvania Avenue, N.W.
Suite 408
Washington, D.C. 20004

Denzil Noble, Acting, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

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