



1025 CONNECTICUT AVE NW
SUITE 220
WASHINGTON, DC 20036-5405
202.625.0600 MAIN
202.338.6340 FAX
tdamari@ralaw.com

April 20, 2006

VIA HAND DELIVERY

Mr. Neil A. Stanley
Acting Zoning Administrator
Government of the District of Columbia
Department of Consumer and Regulatory Affairs
941 North Capitol Street N.E., Suite 2000
Washington, DC 20002

District of Columbia Board of
Zoning Adjustment
441 4th Street N.W., Suite 210-S
Washington, DC 20001

Karen Perry
3003 Van Ness Street N.W.
Apartment W-118
Washington, D.C. 20008

Re: BZA Appeal Case No. 17444

Dear Sirs/Madam:

Attached please find the non-public record documents referenced in the Appellant/Petitioner's Pre-Hearing Information Report.

Sincerely,

ROETZEL & ANDRESS, LPA

Tamir D. Damari

TDD

1444.1.114572.0003

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17444

EXHIBIT NO. 17

APR 20 2006 PM 4:27

D.C. OFFICE OF ZONING

RECEIVED

Board of Zoning Adjustment
District of Columbia
CASE NO. 17444
EXHIBIT NO. 17



1025 CONNECTICUT AVE NW
SUITE 220
WASHINGTON, DC 20036-5405
202.625.0600 MAIN
202.338.6340 FAX
tdamari@ralaw.com

April 6, 2006

VIA U.S. MAIL

Mr. Neil A. Stanley
Acting Zoning Administrator
Government of the District of Columbia
Department of Consumer and Regulatory Affairs
941 North Capitol Street N.E., Suite 2000
Washington, DC 20002

Re: 4221 Connecticut Avenue NW, Washington, DC

Dear Mr. Stanley:

Please respond to my prior letters of February 7, 2006 and February 23, 2006 with regard to the above-referenced property. Thank you.

Sincerely,

ROETZEL & ADDRESS, LPA

Tamir D. Damari

TDD

1387.1.114572.0003

RECEIVED
DC OFFICE OF ZONING
APR 20 11 4: 27



1025 CONNECTICUT AVE NW
SUITE 220
WASHINGTON, DC 20036-5405
202.625.0600 MAIN
202.338.6340 FAX
sgoldschmidt@ralaw.com

August 10, 2005

VIA HAND DELIVERY

Mr. Neil A. Stanley
Acting Zoning Administrator
District of Columbia Department of
Consumer and Regulatory Affairs
941 North Capitol Street, NE
Suite 2000
Washington, DC 20002

Re: Notice of Revocation of Certificate of Occupancy Number 33951
4221 Connecticut Avenue, NW
Washington, DC

Dear Mr. Stanley:

Please be advised that we represent Kuri Brothers, Inc. ("Kuri") which has asked us to reply to your Notice dated August 4, 2005.

While Kuri fully intends to vigorously appeal the Notice of Revocation to the Board of Zoning Appeals, I am sure that you are aware that an identical case is currently pending before the District of Columbia Court of Appeals (Case No. 03-AA-1032).

Accordingly, the Notice of Revocation should be withdrawn immediately. Furthermore, I would caution you against taking any action against Kuri to interfere with its business operations which would be deemed, among other things, an unlawful usurpation of the powers of the judiciary.

Sincerely,

ROETZEL & ANDRESS, LPA

Stanley H. Goldschmidt

SHG

cc: Mr. Koo Yuen (via telecopy)

RECEIVED
DC DEPT OF ZONING
AUG 10 2005 4:27



1025 CONNECTICUT AVE NW
SUITE 220
WASHINGTON, DC 20036-5405
202.625.0600 MAIN
202.338.6340 FAX
sgoldschmidt@ralaw.com

August 10, 2005

VIA HAND DELIVERY

Mr. Neil A. Stanley
Acting Zoning Administrator
District of Columbia Department of
Consumer and Regulatory Affairs
941 North Capitol Street, NE
Suite 2000
Washington, DC 20002

Re: Notice of Revocation of Certificate of Occupancy Number 33914
4225 Connecticut Avenue, NW
Washington, DC

RECEIVED
DC DEPT. OF ZONING
2005 AUG 23 PM 4:27

Dear Mr. Stanley:

Please be advised that we represent Kuri Brothers, Inc. ("Kuri") which has asked us to reply to your Notice dated August 4, 2005.

While Kuri fully intends to vigorously appeal the Notice of Revocation to the Board of Zoning Appeals, the statements in your Notice are totally inaccurate.

The current use of the Property, which you claim is unlawful, is absolutely permitted and has been so for a number of decades. I would strongly recommend that you review the file and immediately withdraw the Notice.

Sincerely,

ROETZEL & ADDRESS, LPA

Stanley H. Goldschmidt

SHG

cc: Mr. Koo Yuen (via telecopy)



1025 CONNECTICUT AVE NW
SUITE 220
WASHINGTON, DC 20036-5405
202.625.0600 MAIN
202.338.6340 FAX
tdainari@ralaw.com

February 23, 2006

VIA HAND DELIVERY

Mr. Neil A. Stanley
Acting Zoning Administrator
Government of the District of Columbia
Department of Consumer and Regulatory Affairs
941 North Capitol Street N.E., Suite 2000
Washington, DC 20002

Re: 4221 Connecticut Avenue NW, Washington, DC

Dear Mr. Stanley:

Our law firm represents Kuri Brothers, Inc. ("Kuri") in connection with its occupancy of 4221 Connecticut Avenue NW, Washington, D.C. (the "Premises"). Kuri is presently in possession of a Certificate of Occupancy (#33951) to occupy the Premises as an "Automobile Service Center". However, pursuant to a letter dated August 4, 2005, your office purported to revoke Certificate of Occupancy #33951. This determination was timely appealed by Kuri to the District of Columbia Board of Zoning Adjustment (the "BZA") and is scheduled to be heard by the BZA on April 26, 2006.

On February 7, 2006, I transmitted a letter to you requesting a detailed determination in writing as to precisely which repair activities are permitted under a certificate of occupancy for an Automobile Service Center, so that my client can be in compliance therewith. I have yet to hear back from you. Please contact me as soon as possible to address the request made in my February 7 letter.

My thanks in advance for your prompt attention to this matter.

Sincerely,

ROETZEL & ADDRESS, LPA


Tamir D. Damari

TDD



1025 CONNECTICUT AVE NW
SUITE 220
WASHINGTON, DC 20036-5405
202.625.0600 MAIN
202.338.6340 FAX
tda.nari@ralaw.com

February 7, 2006

VIA HAND DELIVERY

Mr. Neil A. Stanley
Acting Zoning Administrator
Government of the District of Columbia
Department of Consumer and Regulatory Affairs
941 North Capitol Street N.E., Suite 2000
Washington, DC 20002

Re: 4221 Connecticut Avenue NW, Washington, DC

Dear Mr. Stanley:

Our law firm represents Kuri Brothers, Inc. ("Kuri") in connection with its occupancy of 4221 Connecticut Avenue NW, Washington, DC (the "Premises"). As you know, on or about May 15, 2002, the District of Columbia Department of Consumer and Regulatory Affairs (the "DCRA") issued a Certificate of Occupancy to Kuri (Certificate of Occupancy #33951) to occupy the Premises as an "Automobile Service Center". However, by letter dated August 4, 2005, your office purported to revoke Certificate of Occupancy #33951, on the grounds that "an automobile service center [is] not an appropriate use in a C-3-A zone." On or about September 29, 2005, Kuri timely appealed this revocation by your office, and this appeal is scheduled to be heard by the District of Columbia Board of Zoning Adjustment (the "BZA") on April 26, 2006.

During the interim period, however, the District of Columbia Court of Appeals issued an opinion pertinent to this matter, wherein it affirmed a July 1, 2003 decision by the BZA to revoke a Certificate of Occupancy (Certificate of Occupancy #B00181657) which had previously been issued in 1998 for the Premises to be operated as an "Automobile Service Center". A copy of this decision is attached hereto for your convenience. While we do not agree with the opinion of the Court of Appeals, we respect it as the legal pronouncement of the highest adjudicative body in the District of Columbia.

The recent decision by the Court of Appeals in connection with Certificate of Occupancy #B00181657 is directly relevant to the disposition of Certificate of Occupancy #33951. In the course of reaching its decision, the Court of Appeals acknowledged that the designation of the Premises' use under Certificate of Occupancy #B00181657, "Automobile Service Center", while not defined under the D.C. Code or

February 7, 2006

Page 2

under the District of Columbia Code of Municipal Regulations, is a lawful use in a C-3-A zone (the zone classification for the Premises). This conclusion (which is consonant with prior determinations by the BZA and by the DCRA itself) undermines the very basis upon which your office purports to revoke Certificate of Occupancy #33951; i.e., that an Automobile Service Center is not permitted in a C-3-A zone.

Neither the DCRA, the BZA nor the District of Columbia Court of Appeals has ever precisely defined which types of repair activities are permitted in an Automobile Service Center. The only matter that is abundantly clear is that the permissible range of repair activities lies somewhere between the range of activities permitted under a certificate of occupancy for "Automobile Accessory Sales Including Installation" (which, under the Code of Municipal Regulations, is permitted in a C-3-A zone as a matter of right) and the range of activities permitted under a certificate of occupancy for a "Repair Garage" (which all parties acknowledge is not permitted in a C-3-A zone). Otherwise, certificates of occupancy for "Automobile Service Centers" (which have been issued not only to Kuri but to other businesses in the District of Columbia) would be completely superfluous.

I am therefore writing your office to request a detailed determination in writing as to precisely which repair activities are permitted under a certificate of occupancy for an Automobile Service Center, so that my client can be in compliance therewith. Your prompt response will be greatly appreciated.

Sincerely,

ROETZEL & ANDRESS, LPA

Tamir D. Damari

TDD

Enclosure

1039.1.114572.0003

DC OFFICE OF ZONING
FEB 20 PM 4:28



2006 APR 20 PM 4: 28

D.C. OFFICE OF ZONING

RECEIVED



RECEIVED
D.C. OFFICE OF ZONING
2006 APR 20 PM 4: 28



2006 APR 20 PM 4: 29

D.C. OFFICE OF ZONING

RECEIVED



RECEIVED
D.C. OFFICE OF ZONING
2006 APR 20 PM 4: 29