

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Appeal of Stephanie Wallace

BZA Appeal no. 17747

ANC 3E

Public Hearing April 29, 2008

**DISTRICT OF COLUMBIA'S RESPONSE TO INTERVENORS'
MOTION TO DISMISS**

Appellee, the District of Columbia Department of Consumer and Regulatory Affairs ("District" or "DCRA"), by and through Undersigned Counsel, files its Response to Intervenor's Motion to Dismiss. The District supports the Intervenor's position that the determination of the Zoning Administrator should be upheld as a matter of law. However, as 11 DCMR § 3100.2¹ provides that this Board is the forum for the appellant to seek relief from a determination of the Zoning Administrator and as 11 DCMR § 3100.4² provides this Board with the authority to "reverse or affirm, wholly or partly; or may modify the order, requirement, decision, determination or refusal", the District does not assert that this appeal should be dismissed for failure to set forth a claim upon which relief can be granted.

Respectfully submitted,

JILL STERN
General Counsel
Department of Consumer and
Regulatory Affairs

¹ 11 DCMR § 3100.2 states: "The Board, pursuant to the Zoning Act, shall also hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal by any administrative officer or body, including the Mayor, in the administration or enforcement of the Zoning Regulations, Title 11, DCMR."

² 11 DCMR § 3100.4 states "In an appeal, the Board may in conformity with the Zoning Act, D.C. Official Code § 6-641.07(g)(4) reverse or affirm, wholly or partly; or may modify the order, requirement, decision, determination, or refusal appealed from; or may make any order that may be necessary to carry out its decision or authorization, and to that end shall have all the powers of the officer or body from whom the appeal is taken."

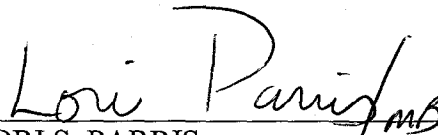
BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17747

EXHIBIT NO. 33

Board of Zoning Adjustment
District of Columbia
CASE NO.17747
EXHIBIT NO.33

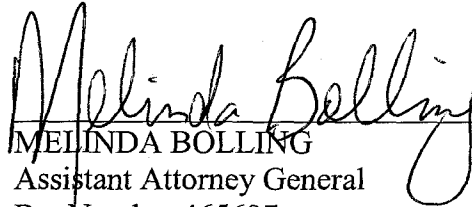
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LORI S. PARRIS
Deputy General Counsel
Bar Number 467455



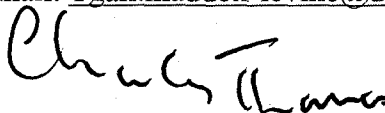
MATTHEW J. GREEN
Assistant Attorney General
Bar Number 316257
941 North Capitol Street, NE
Washington, DC 20002
(202) 442-8402
(202) 442-9447 (fax)
E-mail: matthew.green@dc.gov



MELINDA BOLLING
Assistant Attorney General
Bar Number 465697
Suite 9400
941 North Capitol Street, NE
Washington, DC 20002
(202) 442-8460
(202) 442-9447 (fax)
E-mail: melinda.bolling@dc.gov



T. GAIL MADDOX-LEVINE
Assistant Attorney General
Bar Number 475827
Suite 9400
941 N. Capitol Street, NE
Washington, DC 20002
(202) 442-8401
(202) 442-9447 (fax)
E-mail: Tgail.maddox-levine@dc.gov



CHARLES THOMAS
Assistant Attorney General

Bar Number 459609
Suite 9400
941 N. Capitol Street, NE
Washington, DC 20002
(202) 442-8409
(202) 442-9447 (fax)
E-mail: charles.thomas@dc.gov

CERTIFICATE OF SERVICE

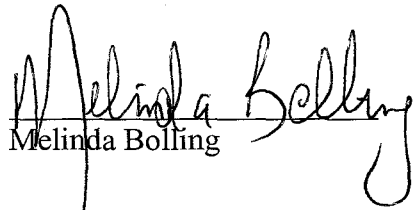
I hereby certify that a copy of the foregoing District of Columbia's Response to Intervenor's Motion To Dismiss was served via first-class postage prepaid mail this 9th day of May 2008, to the following:

J. Patrick Brown, Esq.
Greenstein DeLorme and Luchs, P.C.
1620 L Street, N.W.
Suite 900
Washington, D.C. 20036

John Lemoine
5011 Belt Road, NW
Washington, DC 20016

Jack Simmons
Mary Grumbine
3952 Garrison St., NW
Washington, DC 20016

Lucy Eldridge
Advisory Neighborhood Commission
4104 Legation St., N.W.
Washington, DC 200150


Melinda Bolling