

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



August 29, 2008

BY PERSONAL SERVICE
CERTIFIED MAIL, RETURN RECEIPT REQUESTED;
U.S. FIRST CLASS MAIL

Mikyung Yoon
d/b/a Oasis Liquors
1179 3rd Street, NE
Washington, D.C. 20002

Joseph Park
7208 Morrison Drive
Greenbelt, MD 20770

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17902
EXHIBIT NO. 25

NOTICE TO REVOKE CERTIFICATE OF OCCUPANCY No. 167331

This is official notice ("Notice") from the Department of Consumer and Regulatory Affairs ("DCRA") that Certificate of Occupancy No. 167331 is revoked effective 10 business days (excluding Saturdays, Sundays, and legal holidays) from the date this Notice is received. This action is taken pursuant to Title 11 and Title 12A of the District of Columbia Municipal Regulations (DCMR), which authorize the Director to revoke any certificate of occupancy previously issued or issued pursuant to Section 110 (12A DCMR), after notice, if it is found to have been issued in error. 12A DCMR §§ 110.5.3. *See also* 11 DCMR § 3203.

The basis for this revocation is that DCRA erred when it issued you (Mikyung Yoon) Certificate of Occupancy No. 167331 ("C/O" or "C/O 167331") because 1179 3rd Street, NE, Washington D.C. 20002 ("premises" or "building") has not been used as a retail beverage store (i.e., liquor store) since 2003 and thus the use has been discontinued.

As background, DCRA issued Certificate of Occupancy B146037 ("C/O B146037") to Joseph Park – the owner of the building – on July 9, 1986, in order to use the premises as a retail beverages store known as Oasis Liquor. In 1986, a retail beverages store was a permitted use in a C-M-1 industrial zone, where the building was located. However, on August 4, 1997, the District of Columbia Zoning Commission re-zoned the C-M-1 zone to a residential (R-4) zone. When this rezoning occurred, Oasis Liquor became a nonconforming use because a retail beverages store is not permitted in an R-4 zone. *See* Zoning Commission Order No. 821. *See also* 11 DCMR §§ 330-332.

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After issuing C/O B146037, DCRA also issued a basic business license ("BBL") to Joseph Park to operate Oasis Liquor at the premises. The BBL was valid from August 1, 2001 to July 31, 2003. Mr. Park did not renew his BBL after the July 31, 2003 expiration date; thereby evidencing that Oasis Liquor would no longer operate from the premises. On November 9, 2005, the District of Columbia Alcohol Beverage Control Board ("ABC Board") sent a letter to Mr. Park which stated in pertinent part, "the agency's records indicate that the licensed establishment is not operating..." Additionally, the District of Columbia Water and Sewer Authority ("WASA") records show that from April, 2005 to May, 2008, water service for the premises had been disconnected.

Based on the foregoing, the premises have not been used as a liquor store or a retail beverages store since 2003. Pursuant to 11 DCMR § 2005.1, "discontinuance for any reason of ... a structure or of land, ... for a period of more than three (3) years, shall be construed as prima facie evidence of no intention to resume active operation as a nonconforming use." DCRA issued C/O 167331 without further inspection or investigation because you stated on your application, dated May 30, 2008, that a "change in ownership" was the basis for the certificate of occupancy and where there is no change in use or increase in occupancy load, DCRA must issue a certificate of occupancy to a new owner. *See* 12A DCMR § 110.1.2.¹

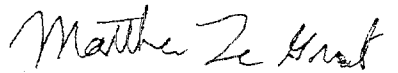
DCRA erred by issuing C/O 167331 because an applicant must apply for a new use of the premises once the prior use has been discontinued. Accordingly, DCRA is revoking C/O 167331, effective 10 business days from the date this Notice is received.

RIGHT TO APPEAL

You have the right to appeal the revocation of your Certificate of Occupancy. To appeal, you must file the appeal with the Board of Zoning Adjustment within 60 calendar days of this notice. Complete filing instructions may be found at 11 DCMR § 3112. Filing an appeal of this revocation does not automatically stay the execution of the revocation.

Any questions about this Notice and Order may be directed to the Office of the Zoning Administrator at (202) 442-4576.

Date: 8/29/09


Matthew LeGrant
Zoning Administrator

¹ 12A DCMR § 110.1.2 states "for changes in ownership of structures, land, or parts with an existing valid Certificate of Occupancy, a new Certificate of Occupancy shall be issued in the name of the new owner, (without reinspection), provided there is no proposed change in use or increase in occupancy load."