

DATE OF KNOWLEDGE OF DECISION. I learned of the improper issuance of CO1500286 on November 19, 2014. The C of O was issued on October 29, 2014 and the time for filing an appeal is up to 60 days after issuance of the C of O. I am filing this appeal within the allotted time.

CIRCUMSTANCES UNDER WHICH I LEARNED OF DECISION. Using the Internet, I was examining DCRA records relative to 1023 East Capitol Street and saw that a new C of O had been issued as well as a new business license.

MY STANDING TO BRING APPEAL. I own 1015 East Capitol Street SE which is in the same block as 1023 East Capitol Street. Properties in the block are subject to R-4 Zoning.

MANNER IN WHICH I AM AGGRIEVED.

IMPERMISSIBLE NEW, NON-CONFORMING USE. The C of O was issued in violation of zoning regulations limiting non-conforming uses to those in existence prior to May 12, 1958. (See General Provisions 2000.4) A grocery store has been at the bottom level of 1023 East Capitol Street since before that date, and that is the only non-conforming use permissible at 1023 East Capitol Street.

The new C of O is for Park Concepts LLC trading as Surroundings Flowers to occupy 850 square feet for use as retail or wholesale store using "Retail Establishment" as the zoning code. The C of O pertains to the "first floor." It is unclear whether this means "ground level" with entry down a few steps (the location of the allowable grocery) or whether it means "first floor" as in first floor above ground level. Neither a change in the business at the ground level nor new business use of the first floor above ground is impermissible under zoning regulations. Meanwhile, the PVIS (Property Verification Information System) states that the use will be "grocery store/flower shop." This is an improper expansion of a non-conforming use.

NON-RESPONSIVE DC AGENCIES. For over a year, I have unsuccessfully sought zoning inspection and enforcement, business licensing and enforcement, and public space enforcement for 1023 East Capitol Street where "Surroundings" has been doing business for a number of years without a Certificate of Occupancy and a business license, making extraordinary use of public space without permits, including construction on public space and enclosure of public space contrary to the Public Realm Design Manual.

NATURE OF BUSINESS GIVEN THE C OF O. Surroundings combines the following businesses: florist, event staging, landscaping, construction and hardscaping. Surroundings also does seasonal business selling Christmas trees and fireplace wood. Most of Surroundings' business is conducted using public space extending space use well beyond the 850 square feet that the grocery has occupied.

DCRA EFFORT TO PREVENT APPEAL TO BZA. My effort to secure the application and approval documents for the recently issued C of O has been frustrated in various ways. First, the documents are allegedly not available due to the time lag between approval and availability after scanning. Thus I have been unable to determine whether the information used in the application was truthful; whether the permit coordinator and zoning reviewer used correct information and whether a zoning inspection was conducted. Second, on a visit to DCRA, two different employees were instructed to tell me that I could not appeal to the BZA, but rather that I must appeal to the Zoning Administrator. This is plainly an effort to prevent me from appealing to the BZA.