THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

CHINA DRAGON	)	
	)	**Hearing Date September 29, 1999**
	)	**ANC 2-E**
	)	
Appeal of the Zoning Administrator's Decision to Issue a Building Permit for Improvements to a Restaurant and Carry Out, to Lift a Stop Order Previously Issued and to Deny a Request For Permanent Revocation of the Building Permit	)	**BZA Appeal No. 16483**

'99 SEP 23 P1:12
OFFICE OF ZONING
DISTRICT OF

DISTRICT OF COLUMBIA'S
REQUEST FOR CONTINUANCE OF HEARING

The District of Columbia ("District"), pursuant to Super Ct. Civ. R. 6(b), requests a continuance of the appeal hearing on Georgetown Homeowner's Alliance's (Georgetown) appeal from the administrative decision of the Acting Zoning Administrator to issue a building permit for improvements to a restaurant and carryout, to lift the stop order previously issued and to deny a request for permanent revocation of the building permit. The District's request should be granted for the following reasons:

1. The Office of the Corporation Counsel, Enforcement Division, only learned of the hearing on September 17, 1999, approximately one week before the scheduled hearing. The Enforcement Division is charged with the responsibility of representing District of Columbia agencies when they must appear in administrative proceedings to defend their actions. The Enforcement Division normally enters these cases at the request of the challenged agency or, as in the case of the Board of Appeals and Review, if they are directly notified by an administrative hearing board.

BZA
Case No. 16483
Exhibit No. 13

Board of Zoning Adjustment
District of Columbia
CASE NO.16483
EXHIBIT NO.13

2. In this case, the Enforcement Division received no direct notice from the Board of Zoning Adjustment ("Board"), nor did it receive a request for representation from the Department of Consumer and Regulatory Affairs ("DCRA") until the aforementioned date.

3. Apparently the rules of the Board of Zoning Adjustment ("Board") only require notice to go to the Zoning Administrator and not to the Office of the Corporation Counsel. Due to changes in the Zoning Administrator's Office, and the past practice of the Zoning Administrator appearing at BZA hearings without representation, a request for representation was not made by DCRA upon their receipt of the notice of the hearing date. The Enforcement Division did not become aware of this appeal until September 17, 1999, the date DCRA requested representation.

4. Additionally, the Assistant Corporation to whom this case has been assigned will be unavailable for the hearing because of previously scheduled leave.

For all the above reasons, the District respectfully requests that the Board grant a continuance of the September 29, 1999 hearings.

Respectfully submitted,

ROBERT R. RIGSBY
Interim Corporation Counsel, D.C.

CHARLOTTE W. PARKER
Acting Deputy Corporation Counsel
Enforcement Division

By: Brenda Walls

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CERTIFICATION OF SERVICE

I hereby certify that on the 23rd day of September, 1999 a copy of the foregoing District of Columbia 's Request for Continuance and proposed order was mailed postage prepaid to: Basil Gogos, 3532 Massachusetts Avenue, N.W., Washington, D.C. 20007 and Richard B. Nettle, Esquire, ROBINS, KAPLAN, MILLER & CIRESI, 1801 K Street, N.W., Washington, D.C. 20006

Brenda Walls
Assistant Corporation Counsel

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Improvements to a Restaurant and	)	
Carry Out, to Lift a Stop Order	)	
Previously Issued and to Deny a Request	)	
For Permanent Revocation of the	)	
Building Permit	)	

ORDER

Upon consideration of the District of Columbia's Request for Continuance of the Hearing set for September 29, 1999, any opposition thereto, and finding that there is good cause, the Board of Zoning Adjustment grants the continuance request and sets the appeal for hearing on the _____ day of _____, 1999.

_____
BOARD MEMBER

_____
BOARD MEMBER

_____
BOARD MEMBER

cc:

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