District of Columbia Court of Appeals
500 Indiana Avenue, N.W.
Washington, D.C. 20001

GARLAND F. PINKSTON
CLERK OF COURT

Telephone: 879-2700
Area Code 202

September 25, 2003

D.C. BOARD OF ZONING ADJUSTMENT
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NO. 03-AA-1032 Kuri Brothers, Inc. vs. DC Board of Zoning Adjustment

District of Columbia Board of Zoning Adjustment
Jerrily Kress, Director
441 - 4th Street, N.W.
Suite 210S
Washington, D.C. 20001

Dear Sir/Madam:

Pursuant to the rules of this Court I am transmitting, herewith, a copy of the petition for review filed on September 24, 2003 in the above-entitled case.

Yours very truly,

Garland F. Pinkston
Clerk of Court

By: _____
Information Center Supervisor

cc: Edward Schwab, Esq.

BZA
Case No. 16947
Exhibit No. 53

Board of Zoning Adjustment
District of Columbia
CASE NO.16947
EXHIBIT NO.53

IN THE DISTRICT OF COLUMBIA COURT OF APPEALS

KURI BROTHERS, INC.

Appellant

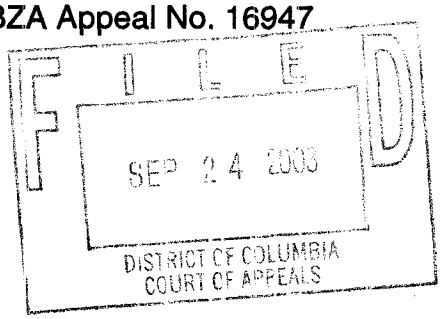
v.

BOARD OF ZONING ADJUSTMENT

Appellee

03AA1032

BZA Appeal No. 16947



PETITION FOR REVIEW

Appellant, Kuri Brothers, Inc. ("Appellant"), by and through Stanley H. Goldschmidt and Tamir Damari, its undersigned counsel, hereby files this Petition for Review pursuant to D.C. App. Ct. R. 15, seeking this Court's review of the final written order dated July 1, 2003 of the Board of Zoning Adjustment ("Appellee"), which affirmed on administrative appeal the revocation by the District of Columbia Department of Consumer and Regulatory Affairs (the "D.C.R.A.") of Appellant's Certificate of Occupancy #B00181657 for an "Automobile Service Center" (the "Certificate of Occupancy"), for Appellant's premises located at 4221 Connecticut Ave. N.W., Washington, D.C. (the "premises").

The reversible errors committed by Appellee, stemming from Appellee's determinations at administrative appellate hearings conducted by Appellee on January 28, 2003, April 8, 2003 and May 13, 2003, and from Appellee's final written order of July 1, 2003, include, but are not limited to, the following:

1. Appellee erred when it determined that Appellant failed to timely request a hearing in response to the D.C.R.A.'s June 27, 2002 Notice of Intent to Revoke Certificate

of Occupancy #B00181657.

2. Appellee erred when it determined that, in adjudicating Appellant's administrative appeal of the D.C.R.A.'s revocation of the Certificate of Occupancy, it was not limited to the record established before the D.C.R.A.'s Office of Adjudication, and that it had the authority to decide this administrative appeal on the basis of a de novo evidentiary hearing;

3. Appellee erred to the extent it determined that, in adjudicating Appellant's administrative appeal on the basis of a de novo hearing, the burden was upon the *Appellant* to demonstrate that the revocation of the Certificate of Occupancy was improper (rather than determining that the burden was upon the *D.C.R.A.* to demonstrate that the revocation of the Certificate of Occupancy was properly supported by the evidence of record);

4. Appellee erred to the extent it determined that Appellant engaged in activities at the premises which were beyond the scope of Appellant's Certificate of Occupancy for an "Automobile Service Center";

5. Appellee erred to the extent it determined that Appellant was operating a "Repair Garage" at the premises; and

6. Appellee erred by rejecting Appellant's argument that the D.C.R.A. was precluded from seeking to revoke the Certificate of Occupancy on the grounds of laches and/or estoppel.

Respectfully submitted,

Stanley H. Goldschmidt
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Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of September, 2003, a copy of the foregoing document was sent via U.S. Mail, postage prepaid to the following:

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