# Government of the District of Columbia

OFFICE OF ZONING

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**MEMORANDUM**

TO: Board of Zoning Adjustment

FROM: Richard S. Nero, Jr. RSN
Chief, Support Services

THRU: Jerrily R. Kress, FAIA
Director

DATE: September 11, 2002

RE: BZA Appeal No. 16947 – 4421 Conn. Ave., N.W.

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The above-cited appeal was filed on September 11, 2002. The appeal alleges that an official within the Department of Consumer and Regulatory Affairs (DCRA) erred by revoking the issuance of a certificate of occupancy (C of O) for an "Automobile Service Center" located in a C-3-A District.

For your further information, the Board dealt with the subject automobile repair business in its deliberations in Civil Infraction Appeal No. 00-001 (No. 99-OAD-1821-E)(attached). In brief, the Board's order in this case dated May 22, 2002, reversed the decision of the Administrative Law Judge (ALJ) as it was found that the ALJ did not follow proper revocation procedures before revoking a C of O for the business. The ALJ had agreed with DCRA that an auto repair business was operating on the site. The order decision states that "The Board wishes to stress that DCRA therefore has a remedy in this situation, i.e., it may revoke the Certificate of Occupancy, after giving notice."

Staff advised the appellant's agent (Mr.Tamir Damari, Esq.) by telephone on September 11, 2002, that in order to process the appeal that he must submit a copy of the actual administrative decision being appealed. The appellant faxed a copy of the DCRA letter of final notice of the revocation of the C of O dated August 19, 2002, to the OZ on September 11, 2002.

**BZA**
**Case No. 16947**
**Exhibit No. 5**

Board of Zoning Adjustment
District of Columbia
CASE NO.16947
EXHIBIT NO.5