EXHIBIT A. SUMMARY AND BACKGROUND & DCRA REFERRAL LETTER.

Pursuant to 11 DCMR § 3104.1, DAG Real Estate Holding Company LLC ("Applicant") submits this application for a Special Exception under §726.1 to enlarge a gasoline service station ("service station") at 3101-3103 Rhode Island Avenue NE by adding a 2,325-sf adjoining structure, and for a Special Exception under §733.1 to use the adjoining structure as a fast food restaurant. The property is in ANC Single Member District 5A-11/Ward 5, and is zoned C-2-A.

DAG Real Estate Holding Company LLC is a District of Columbia corporation whose managing member is Eyob (Joe) Mamo, who resides at 4124 Fessenden Street NW, Washington, DC 20016. Mr. Mamo's company acquired the property in February 2004 from 3101 Rhode Island Avenue LLC. He was the lessee at the time the service station was approved by the Board of Zoning Adjustment ("BZA") by Summary Order on April 7, 1999 (Application No. 16439).

On December 9, 2003, Applicant submitted plans for the service station addition and an application for a building permit to the Building and Land Regulation Administration of the DC Department of Consumer and Regulatory Affairs ("DCRA"), where they were reviewed and approved by all necessary officials including the Zoning Administrator. The Zoning Administrator's approval is shown on the attached plans, by the notation "Complies with requirement of Zoning Regulations", initialed and dated "12/9/03". ***See*** Exhibit G.

Building Permit No. B458792 for the "one-story addition to existing commercial bldg. as per plans" was issued on February 3, 2004. ***See*** Attachment 1 to this Exhibit. With a valid building permit in hand, Applicant began construction of the proposed service station addition.

On August 19, 2004, as the work was near completion, DCRA's Building Inspections Division issued a Stop Work Order (SWO). In a letter to the Applicant, dated August 20, 2004, Sydney Lester, Acting Chief of the DCRA Building Inspections Division, wrote: "The SWO was issued because the scope of proposed work as stated on your permit application is not allowed as a matter of right in a C-2 zone, pursuant to DCMR 11, Section 726.1. Consequently, the referenced permit was improperly issued." In addition, the letter directed the Applicant to "seek approval for a Special Exception from the Board of Zoning Adjustment." ***See*** Attachment 2 to this Exhibit. Applicant immediately stopped work and initiated preparation of this application.

In compliance with the requirement to provide documentation of DCRA referral to the BZA, the Applicant submits the DCRA letter signed by the Acting Chief of the Building Inspections Division, with its specific direction to the Applicant to seek BZA approval pursuant to 11 DCMR 726.1. The DCRA letter, although not signed by the Zoning Administrator, was cc'ed to him, thus was sent with his approval.

Exhibit A-Attachments:

1. Building Permit No. B458792.
2. DCRA Letter directing the Applicant to the BZA

BZA
Case No. 17282
Exhibit No. 9

Board of Zoning Adjustment
District of Columbia
CASE NO. 17282
EXHIBIT NO. 9