GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Administrator

August 20, 2004

RECEIVED
D.C. OFFICE OF ZONING
2004 DEC -7 PM 3:10

Hope Gardepe
6820-B Commercial Drive
Springfield VA 22151

Ref: Stop Work Order
3103 Rhode Island Avenue NE
(the "Property")

Dear Ms. Gardepe:

Pursuant to District of Columbia Municipal Regulations (DCMR) Title 12, Section 102.2, a Stop Work Order (SWO) was issued on August 19, 2004 for construction of an addition at the referenced Property. The construction was authorized under Building Permit # B458792, issued February 3, 2004.

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 order to proceed with the scope of work that was proposed under Building Permit # B458792 you must seek approval for a Special Exception from the Board of Zoning Adjustment. In addition, you must also secure the approval of the Gas Station Advisory Board, which can be reached by calling Ralph McMillan at the DC Energy Office at 673-6700. The SWO will remain in place until you have received the approval of the Board of Zoning Adjustment and the Gas Station Advisory Board.

Pursuant to 12 DCMR, Section 112.1, you have the right to appeal this SWO Order. That Section provides:

BZA
Case No. 17282
Exhibit No. 3

Board of Zoning Adjustment
District of Columbia
CASE NO. 17282
EXHIBIT NO. 3

"APPEALS WITHIN THE DEPARTMENT: The owner of a building or structure or any other person may initiate an appeal within the Department from official order, interpretations, refusals to grant approval or modifications, and other official actions or decisions, including appeals related to the D.C. Fire Prevention Code. Claimants shall appeal using a form provided by the code official, on which they shall state the grounds for the appeal, which shall be based on a claim that the true intent of the Construction Codes or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of the Construction Codes do not fully apply, or that an equally good or better form of construction can be used, The appeal shall be filed within 15 days from the date of the written letter.

In order to exercise this right you must request an appeal on the enclosed Appeal Request Form, mailed within three calendar days of service of this notice on you. The Appeal Request Form should be mailed first class postage pre-paid to the Reviewing Official:

Denzil L. Noble
Acting Zoning Administrator/BLRA
Department of Consumer & Regulatory Affairs
941 North Capitol Street, NE – Room 2000
Washington, DC 20002

Alternatively, you may hand-deliver the Appeal Request Form to the Reviewing Official at the same address, within three calendar days of service of this notice on you. A copy of your Appeal Request Form and of any other pleading or other relevant communication in this case should also be delivered or sent to Julie Lee, General Counsel, Department of Consumer and Regulatory Affairs, 941 North Capitol Street NE, Suite 9400, Washington DC 20002.

Within three working days of the Department's receipt of your appeal, the reviewing official shall affirm, modify, or reverse the Department's previous action or decision. If the reviewing official affirms or modifies the previous action or decision, the claimant may request a review of the matter by the Director. Further, if the reviewing official does not act upon the appeal within three working days, the decision will be deemed approved and the claimant may proceed to request the review by the Director. The appeal may be submitted by mail or in person, in the manner described above for the initial appeal, to the Director, Department of Consumer and Regulatory Affairs, 941 North Capitol Street NE, Suite 9100, Washington DC 20002. The Director will act on the appeal within three working days after receipt. The decision of the Director shall be the final decision of the Department.

If the Director does not act within the three working day period, or denies the appeal, you may further appeal the matter to the District of Columbia Board of Appeals and Review by filing an appeal by mail or in person, in the manner described above for the initial appeal, addressed to the Board of Appeals and Review, 441 Fourth Street NW, Suite 540 South, Washington DC 20001, within three working days of the Director's decision.

Sincerely,

Sydney Lester, Acting Chief
Building Inspections Division

Cc: John T. Drann
Denzil L. Noble
Faye Ogunneye
Julie Lee, Esquire
Ralph McMillan