

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Appeal of 1231 Morse Street, Inc.

BZA Appeal No. 17657
Hearing Date: October 2, 2007
ANC 5B

**APPELLANT'S NOTICE OF RELATED APPEAL AND MOTION TO AMEND
PENDING APPEAL TO INCORPORATE DIRECTLY RELATED REVOCATION
OF PERMITS BY DCRA**

The Appellant, 1231 Morse Street, Inc., by and through undersigned counsel, respectfully submits this Notice of Related Appeal and Motion to Amend Pending Appeal to Incorporate Directly Related Revocation of Permits by DCRA. In support of this Motion, the Appellant states as follows:

I. BACKGROUND

On April 20, 2007, the Appellant filed this pending Appeal of the Zoning Administrator's March 6, 2007 decision ("Zoning Letter") to deny a building permit application for the revision of Building Permit B477039 [dated September 6, 2005 approving "Addition to SFD/Convert SFD to 11-Unit Apt." ("Original Building Permit")] requesting "To Reconstruct Collapsed Walls of Existing Structure" ("Revised Permit Application"). The Zoning Administrator alleged that the existing structure had been razed and as a result, the building permit application does not comply with the provisions of 11 DCMR § 330.5(c). Exhibit A. The Zoning Administrator's action constituted a challenge to the underlying Original Building Permit and implicitly, if not explicitly, the Emergency Demolition Permit, as well as the application to revise the Original Building Permit.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17657

EXHIBIT NO. 16

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Board of Zoning Adjustment
District of Columbia
CASE NO. 17657
EXHIBIT NO. 16

On July 20, 2007, DCRA served Appellant's undersigned counsel with a Notice To Revoke Building Permit Number B477039 ["Original Building Permit" dated September 5, 2005] and Emergency Demolition Permit Number B478240 ["Emergency Demolition Permit" dated February 14, 2006¹] ("Notice to Revoke Permits"). Exhibit B.

The Notice to Revoke Permits arises out of and is directly related to the Appellant, its property at 1233 Morse Street, N.E., and the subject matter of four (4) separate stop work orders dating back to February 21, 2006,² and the Zoning Letter from the former Zoning Administrator, Bill Crews,³ dated March 6, 2007 which is the subject of the pending Appeal. Each of the stop work orders, the Zoning Letter and the Notice to Revoke Permits arise from the same facts and circumstances and involve the same legal and factual defenses by the Appellant, including equitable estoppel and laches.

II. ARGUMENT

A. Jurisdiction

The Board has jurisdiction to hear this Appeal of the Notice to Revoke Permits. Pursuant to 11 DCMR § 3100.2, the Board is authorized to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal made by any administrative officer or body, including the Mayor, in the administration or enforcement of the Zoning Regulations, Title 11 DCMR." The Notice to Revoke Permits

¹ The Emergency Demolition Permit is dated "12/14/06" [sic], but this is a typographical error. The correct date is "February 14, 2006."

² The first stop work order was ruled "INVALID as a matter of law," by Judge Claudia Barber at the Office of Administrative Hearings. 1231 Morse Street, Inc v. DCRA, OAH Case No. C-06-100032 (March 27, 2007).

³ Mr. Crews was removed as Zoning Administrator by DCRA in June 2007.

specifically relies upon the March 6, 2007 Zoning Letter and cites violations of the Zoning Regulations as the alleged basis for the proposed revocations.

B. Timeliness of Appeal

Under 11 DCMR § 3112.2, the appeal of the Notice to Revoke Permits must be filed within sixty (60) days of that decision. The Notice to Revoke Permits is dated July 19, 2007, but not served on Appellant's counsel until July 20, 2007. This Notice of Related Appeal and Motion to Amend Pending Appeal to Incorporate an Appeal of the Notice to Revoke Permits is being filed less than thirty (30) days after the decision appealed. The Appeal is timely, whether consolidated with the Pending Appeal or, in the unlikely event, the Board decides to docket and hear this directly related matter separately. DCRA and the affected Advisory Neighborhood Commission are fully and directly on notice of this Related Appeal of the Notice to Revoke Permits.

C. Judicial Economy and Fundamental Fairness

It cannot be disputed that it is in the interest of judicial economy and fundamental fairness to Appellant that the pending Appeal and the newly issued Notice to Revoke Permits be litigated at the same time. DCRA will not be prejudiced and should be held accountable for its actions in a single consolidated proceeding. The Appellant will continue to be substantially prejudiced by the delay and burden of pursuing separate Appeals of what is the same matter.

In the twenty-three (23) months since the Original Building Permit was issued and the eighteen (18) months since the Emergency Demolition Permit and first stop work order was issued, DCRA's misconduct, including incompetence and/or total disregard for its own regulations, inexcusable delay, repeated violation of the Appellant's civil rights and due process,

and fundamental unfairness has created a moving target that Appellant has never been able to catch and have its appeals litigated before the Board or the Office of Administrative Hearings.

For the Board's reference and convenience, the following comprehensive chronology of events is well-established and not disputed. This chronology paints a clear picture of DCRA's misconduct in these matters and how Appellant has been repeatedly victimized.

- September 5, 2005:** Appellant was granted a building permit to "Build an addition to (a single family dwelling) SFD/convert SFD to 11-unit apt. (apartment building) as per Plat/Plans" ("Original Building Permit").
- February 2006:** Approximately three months after the date of the Original Building Permit, during which time construction progressed from the rear of the lot to the front where the existing structure sat, it became apparent to the Appellant that the existing structure was structurally unsound and in risk of collapse based on the condition of the foundation. Appellant followed proper procedure and promptly notified DCRA and requested an inspection. Based upon a field determination by DCRA that the structure was unsound, Appellant requested the issuance of the emergency demolition permit as required by DCRA.
- February 14, 2006:** Appellant was granted a permit to demolish the existing single-family dwelling structure on an emergency basis because it was unsafe. ("Emergency Demolition Permit"). The permit contained a typographical error for the date as "12/14/2006," not correctly as "2/14/2006."
- February 21, 2006:** DCRA inspector, G. Davidson issued a Stop Work Order ("First Stop Work Order") to Mr. Taiwo Demuren, President of 1231 Morse Street, Inc. The First Stop Work Order was post-dated to February 28, 2006 to allow Appellant to back fill and brace with earth the approximately five deep (5') walls of the excavated area.
- The Appellant appealed the First Stop Work Order to the Code/Reviewing Official and then the Director of DCRA pursuant to 12 DCMR § 112.1.2.

The Code/Reviewing Official did not timely respond to the Appeal of the First Stop Work Order and the then Director of DCRA, Dr. Patrick Canavan, never responded to the subsequent Appeal.

October 17, 2006:

The Appellant filed a Petition for Hearing and Appeal of the First Stop Work Order with the Office of Administrative Hearings (“OAH”).

March 27, 2007:

Judge Claudia Barber issued a Final Order Entering Judgment in Favor of Appellant finding on a Summary Adjudication that the First Stop Work Order was invalid as a matter of law based on DCRA’s failure to comply with the “clear and unambiguous” language of 12 DCMR § 114.1. (“OAH Decision”).

April 9, 2007:

DCRA issued a second Stop Work Order (“Second Stop Work Order”) to Appellant, based on the same facts and circumstances and alleging substantially the same violations as were at issue in the First Stop Work Order for which OAH entered judgment in favor of the Appellant and against DCRA.

April 12, 2007:

DCRA posted a third stop work order (“Third Stop Work Order”). DCRA provided no notice of any kind of the Third Stop Work Order and Appellant did not learn of this new stop work order until Appellant’s counsel was contacted by DCRA’s counsel on May 8, 2007 in response to the pending OAH appeal of the Second Stop Work Order. At the same time, DCRA informed Appellant’s counsel of the fourth stop work order dated May 8, 2007.

April 23, 2007:

The Appellant filed an Appeal of the Second Stop Work Order with the Code/Reviewing Official, Mr. Nicholas Majett. Mr. Majett never responded to the Appeal.

April 27, 2007:

The Appellant filed the required second stage Appeal with DCRA’s then Interim Director, Ms. Linda K. Argo. Again, Ms. Argo never responded to the Appeal and provided no notice that the Second or Third Stop Work Orders had been removed or rescinded. As a direct result, Appellant was forced to file the pending OAH Appeal of the Second Stop Work Order as well as appeals of the Third and Fourth Stop Work Orders.

- May 8, 2007:** DCRA posted a fourth stop work order (“Fourth Stop Work Order”) at the Property. No notice of the Fourth Stop Work Order was provided to Appellant as required under 12A DCMR § 114.1.
- May 18, 2007:** Appellant filed an appeal of the Third and Fourth Stop Work Orders with the Code/Reviewing Official, Mr. Nicholas Majett.
- May 23, 2007:** Mr. Majett summarily denied Appellant’s appeal of the Fourth Stop Work Order citing, without specificity or explanation, the entire Chapter 1 of the Building Code. Mr. Majett did not respond to the appeal of the Third Stop Work Order.
- May 24, 2007:** Appellant filed an Appeal of the Third and Fourth Stop Work Orders to the then Interim DCRA Director, Ms. Linda K. Argo.
- May 29, 2007:** Ms. Argo summarily denied Appellant’s appeal of the Fourth Stop Work Order citing, without specificity or explanation, the entire Chapter 1 of the Building Code (“Final Decision”). Ms. Argo’s Final Decision did not respond to the appeal of the Third Stop Work Order.
- June 5, 2007:** DCRA filed a Motion to Dismiss of the pending OAH appeal of the Second Stop Work Order as Moot based on the issuance of the Fourth Stop Work Order.
- June 15, 2007:** Appellant filed a Notice of Appeal of Ms. Argo’s final decision regarding the Third and Fourth Stop Work Orders with OAH.
- July 20, 2007:** DCRA served Appellant’s counsel with the Notice to Revoke Permits.
- July 25, 2007:** OAH granted Appellant’s Motion to Consolidate the three (3) pending Stop Work Order Appeals and denied DCRA’s Motion to Dismiss as Moot.

III. REVISED HEARING NOTICE

As amended, the Notice of this Appeal should be revised to read as follows:

Appeal of 1231 Morse Street, Inc. pursuant to 11 DCMR §§ 3100 and 3101 from: (a) the March 6, 2007 decision of the Zoning

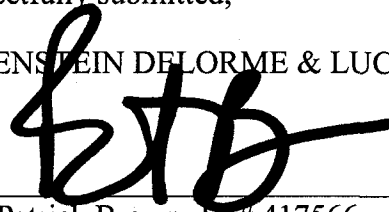
Administrator to deny a building permit application for revisions to an existing building permit allowing for the reconstruction of collapsed walls for a single-family dwelling with addition and a conversion to an 11 unit apartment building in the R-4 District; and (b) the July 20, 2007 Notice from DCRA to Revoke Building Permit No. B477039 and Emergency Demolition Permit No. B478240; at premises 1233 Morse Street, N.E. (Square 4069, Lot 130).

IV. CONCLUSION

For the foregoing reasons, the Appellant's Motion must be GRANTED and the October 2, 2007 hearing should proceed on the Appeal of the March 6, 2007 Zoning Letter and July 20, 2007 Notice to Revoke Permits.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.



John Patrick Brown, Jr, # 417566
Stephanie A. Baldwin, # 463370
1620 L Street, N.W.
Suite 900
Washington, D.C. 20036
(202) 452-1400

Counsel for Appellant – 1231 Morse Street

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Related Appeal and Motion to Amend Pending Appeal to Incorporate Directly Related Revocation of Permits by DCRA was served by first-class mail, this 9th day of August 2007, upon the following:

Jill Stern, Esq.
General Counsel
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E.
Room 9400
Washington, D.C. 20002

Doris Parker-Woolridge, Esq.
Assistant General Counsel
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E.
Room 9400
Washington D.C. 20002

Mr. William Shelton
Chairperson
Advisory Neighborhood Commission 5B01
1437 Montana Ave., N.E.
Washington, DC 20018

Ms. Elise Bernard
Advisory Neighborhood Commission 5B08
1220 Florida Ave., N.E.
Washington, DC 20002



John Patrick Brown, Jr.

EXHIBIT A

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



**VIA PERSONAL SERVICE,
U.S. FIRST CLASS MAIL, and
U.S. FIRST CLASS CERTIFIED MAIL,
RETURN RECEIPT REQUESTED**

Paul Henry, Registered Agent
1625 Morris Road, S.E.
Washington, D.C. 20020

1231 Morse Street, Inc.
1405 H Street, N.E
Washington, DC 20002

1231 Morse Street, Inc.
3203 Shortridge Lane
Bowie, MD 20721-2574

Taiwo Demuren
3203 Shortridge Lane
Mitchellville, MD 20721

Dear Mr. Demuren:

The District of Columbia Department of Consumer and Regulatory Affairs ("District") reviewed your January 19, 2007, building permit application for a revision to Building Permit B477039 for the premises at 1233 Morse Street, N.E. Your revised application was to "reconstruct collapsed walls of an existing structure".

The District's February 27, 2006 inspection revealed that the existing structure had been razed. Once an existing structure has been razed, it can no longer be considered a reconstructed building. Based on the razing of the property, the District determined that your application violates the Zoning Regulations, specifically 11 DCMR 330.5(c)¹. Furthermore, without an existing structure, there can be no conversion to an apartment building in the R-4 (Residential) District pursuant to 11 DCMR 330.5(c)).

¹ 11 DCMR 330.5 provides in part: [T]he following uses shall be permitted as a matter of right in an R-4 District: .. (c) The conversion of a building or other structure existing before May 12, 1958, to an apartment house as limited by 350.4 (c) and 401.3.

In addition, the plans submitted with your application do not reflect the original structure and collapsed walls that are proposed for reconstruction. The plans simply show the new walls of the new structure *shaded* in various tones to give the appearance of reconstructed collapsed walls. Since the plans submitted misrepresent the existing structure, the District cannot approve the zoning section of your application because it violates Title 11, Chapter 3 of the Zoning Regulations of the District of Columbia.

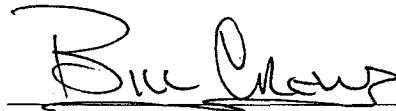
RIGHT TO APPEAL

You have a right to appeal this decision made by the Zoning Administrator within sixty (60) days to the Board of Zoning Adjustment (BZA) pursuant to 11 DCMR 3112.2 (a). The BZA is located at 441-4th Street, N.W., Suite 210S, Washington, D.C. 20001.

If you have any questions, you may contact the Zoning Administrator at (202) 442-4576.

Date

03.06.07



Bill Crews
Zoning Administrator

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
N.C.P.C. No:	O.G. No:	R-4	102954	By:	
H.P.A. No:	S.L. No:	Ward No:	Receipt No:	Date:	Receipt No:



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION PERMIT SERVICE CENTER
 Tel 202-442-4589 Fax 202-442-4862

BLRA-33
(Rev. 2/04)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY
 (PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

CLEARANCE TO FILE By _____ Date _____ ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1 Address of Proposed Work: 1233 MORSE ST. NE		Suite No.	2 Lot 130	3 Square 4069	4. Application Date
5 Owner of Building or Property 1231 MORSE STREET, INC		6 Address (include Zip Code) 3203 SHORTRIDGE LANE MITCHELLVILLE, MD 20721		7 Phone 240 832-4315	
8 Agent for Owner: (if applicable)		9. Address (include Zip Code)		10. Phone	
11. Type of Proposed Work (check all applicable boxes)					
<input type="checkbox"/> New Building <input type="checkbox"/> Retaining Wall <input type="checkbox"/> Garage <input type="checkbox"/> Addition <input type="checkbox"/> Fence <input type="checkbox"/> Sign <input type="checkbox"/> Alteration and Repair <input type="checkbox"/> Shed <input type="checkbox"/> Projection <input type="checkbox"/> Raze Building <input type="checkbox"/> Awning <input checked="" type="checkbox"/> Other (Specify) REVISION. Permits					
12. Description of Proposed Work REVISION TO PERMIT # B477034 - 9/6/05 RECONSTRUCT COLLAPSED WALLS OF EXISTING STRUCTURE, PER PLANS. NO OTHER CHANGE TO PREVIOUSLY APPROVED PLANS B477034 - 9/6/05 - Bldg Permit Addition & Conversion from SFD to 11 Unit					
13 Existing Use(s) of Building or Property SINGLE FAMILY DWELLING		14 Ex. No of Stories of Bldg 2 + Basement	15 Ex No of Dwelling Units 1	Official Use Only Miscellaneous FEE \$ _____ By: _____ Date: _____	
16 Proposed Use(s) of Building or Property APARTMENT HOUSE - 11 Units		17 Prop No of Stories of Bldg 3 + CELLAR	18 Prop. No of Dwelling Units 11		
19 Starting Date ASAP	20 Completion Date of work T.O.B.D.	21 Method of Removing Construction Debris <input type="checkbox"/> Pick-up Truck <input checked="" type="checkbox"/> Dumpster <input type="checkbox"/> Other (specify)		22 Does the proposed work involve disturbing the earth or razing a building? <input type="checkbox"/> Yes, answer q. 23 <input checked="" type="checkbox"/> No. SKIP q. 23-27	
23. Is the area of disturbed earth more than 50 sq. ft? <input type="checkbox"/> Yes, answer q. 24-25 <input type="checkbox"/> No, SKIP q. 24-25	24. Soil Erosion Control Methods		25. Area of Offsite Drainage sq. ft	26. No of Footings or Columns	27 Size of Footings or Columns

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I)

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
 Complete Section C if the proposed work is razing a building. (Page 2)
 Complete Section D if the proposed work is a retaining wall. (Page 2)
 Complete Section E if the proposed work is a fence. (Page 3)
 Complete Section F if the proposed work is a shed/garage. (Page 3)
 Complete Section G if the proposed work is an awning. (Page 3)
 Complete Section H if the proposed work is a sign. (Page 3)

OFFICIAL USE ONLY					
	P	H	A		
M					
P					
E				W	Yes <input type="checkbox"/> No <input type="checkbox"/>
F				PLANS	
S				<input type="checkbox"/> No <input type="checkbox"/> Sm <input type="checkbox"/> Lg	

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

28. Architect's Name:		29. D.C. Lic. No.:		30. Architect's Address: (include Zip Code)		31. Phone:	
32. Engineer's Name:		33. D.C. Lic. No.:		34. Engineer's Address: (include Zip Code)		35. Phone:	
36. Building Contractor's Name:		36A. D.C. Lic. No.		37. Contractor's Address		38. Phone:	
39. Type of Construction <input type="checkbox"/> Masonry <input type="checkbox"/> Steel <input type="checkbox"/> Wood <input type="checkbox"/> Other <input type="checkbox"/> Concrete		40. Fire Suppression: <input type="checkbox"/> Fully Sprinklered <input type="checkbox"/> Standpipe System <input type="checkbox"/> Partially Sprinklered <input type="checkbox"/> None <input type="checkbox"/> Other _____		41. Booster Pump <input type="checkbox"/> New <input type="checkbox"/> Existing <input type="checkbox"/> None		42. Total Lot Area sq. ft.	
						43. Breakdown of Lot Area (= 100 %)	
						a. building	
						b. paved area	
						c. greenery	
44. Present Gross Floor Area of Bldg. sq. ft.		45. Proposed Gross Floor Area of Bldg. sq. ft.		46. Floors involved in this permit <input type="checkbox"/> All <input type="checkbox"/> Floors _____		47. Projection beyond building line? <input type="checkbox"/> Yes, Answer q. 48-52 <input type="checkbox"/> No. SKIP q. 48-52	
48. Number and type of projection:		49. Distance of projection:		50. Width of projection:		51. Width of building frontage ft.	
						52. Signature of Owner (projection only):	
53. Water or Sewer Excavation? <input type="checkbox"/> Yes <input type="checkbox"/> No		54. Driveway Construction? <input type="checkbox"/> Yes <input type="checkbox"/> No		55. Sheeting/Shoring Necessary? <input type="checkbox"/> Yes <input type="checkbox"/> No		56. Elevators Involved? <input type="checkbox"/> Yes, answer q. 57 <input type="checkbox"/> No	
						57. No and type of elevator	
						58. Plans Certified by Engineer? <input type="checkbox"/> Yes, cert. attached <input type="checkbox"/> No	
59. Estimated Cost of Work		OFFICIAL USE ONLY					
(a) New/Add.: \$ _____		Alter/Repair FEE		New Const. FEE		Filing Fee	
(b) Alt/ Repair \$ _____						TOTAL PERMIT FEE	
Total \$ _____		\$ 230.00				\$ 230.00	
60. Volume of New Bldg. or Addition cubic ft.		By: _____ Date: 1/19/07		By: _____ Date: _____		By: _____ Date: 1/19/07	

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:			62. Contractor's Address: <i>(include Zip Code)</i>			63. Phone:								
64. Insurance Company			65. Policy or Cert. Number		66. Expiration Date		67. Raze Method							
68. Building Material	69. Raze Entire Building? <input type="checkbox"/> Yes <input type="checkbox"/> No	70. Building Condemned? <input type="checkbox"/> Yes <input type="checkbox"/> No	70A. Building Vacant? <input type="checkbox"/> Yes <input type="checkbox"/> No	71. Public Space Vault? <input type="checkbox"/> Yes <input type="checkbox"/> No	72. Disconnect Water and/or Sewer? <input type="checkbox"/> Yes <input type="checkbox"/> No	73. Size of Water Connection in.								
74. Plumber's Name:		75. D.C. Lic. No.	76. Length ft.	77. Width ft.	78. Height ft.	79. Volume ft.	80. Party Wall? <input type="checkbox"/> Yes <input type="checkbox"/> No							
81. Asbestos in the Building? <input type="checkbox"/> No <input type="checkbox"/> Yes, location _____		82. Raze Contractor Signature				OFFICIAL USE ONLY <table border="1"> <tr> <td>FEE</td> <td>By:</td> <td>Date:</td> </tr> <tr> <td>\$</td> <td></td> <td></td> </tr> </table>			FEE	By:	Date:	\$		
FEE	By:	Date:												
\$														
		83. Owner's Signature												

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93) The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations

84. Cost of Work \$	85. Material:	86. Height	87. Color	88. Location: <input type="checkbox"/> Entirely on Owner's Land <input type="checkbox"/> Party Line with Adjacent Neighboring Land *
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* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application

89. Signature of Adjoining Owner:	90. Phone: Home Work		OFFICIAL USE ONLY		
91. Address of Adjoining Owner:	92. Lot:	93. Square:	\$ FEE	By:	Date:

CONTRACT AGREEMENT

Name of Contractor/Owner 1231 MORSE STREET INC Contractor's License No. _____Address of Contractor/ Owner 3203 SHORTRIDGE LN, MITCHELLVILLE, MD ²⁰⁷²¹ Date: 01/16/07

ADDRESS OF PROPOSED WORK <u>1233 MORSE ST, NEA</u>	LOT:
OWNER OF BUILDING OR BUSINESS: <u>1231 MORSE STREET, INC</u>	SQUARE:
	PHONE No:

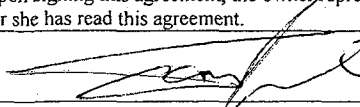
DESCRIPTION OF PROPOSED WORK: REVISION TO PERMIT # _____ TO RECONSTRUCT COLLAPSED WALLS OF EXISTING STRUCTURE, PER PLANS. NO OTHER CHANGES TO PREVIOUSLY APPROVED PLANS.

COST ESTIMATE

CONSTRUCTION e.g drywall, ceilings, framing, carpentry etc	\$ <u>10,000</u>	
ELECTRICAL	\$	
MECHANICAL	\$	
PLUMBING	\$	
FIRE PROTECTION e.g sprinkler system, fire alarm system, generator etc.	\$	
DEMOLITION	\$	
MISC/OTHER (please specify)	\$	
TOTAL	\$ <u>10,000</u>	

The labor and material costs of counter tops, kitchen cabinets, floor coverings, tile work, caulking, patching and plaster repair, painting other than fire retardant paint, gutters and downspouts, not more than 160 square feet of gypsum board shall not be included in the cost estimate for permitting purposes. The entire list can be seen in the 1999 D.C Building Supplement Chapter 1 Section 107.3.

The foregoing terms, specifications and conditions are satisfactory and hereby agreed to. You are authorized to work as specified and payment will be made in the amount as outlined. Upon signing this agreement, the owner represents and warrants that he or she is the owner or the authorized agent of the owner of the aforesaid premises and that he or she has read this agreement.

CONTRACTOR  TAINO D. FERNANDEZ Date: 01/16/07

OWNER OF BUILDING/BUSINESS _____ Date: _____

Upon signing this document, the owner and contractor declare that the cost of construction as specified above for the referenced project is true and correct to the best of their knowledge

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., *July 11, 2005* *Robert D. Smith*
DECEMBER 18, 2004

Plat for Building Permit of: SQUARE 4069 SITE PER SUB

Scale: 1 inch = 20 feet

Receipt No. 15007 21108

Furnished to: TAIWO DEMUREN

Robert D. Smith
Surveyor, D.C.

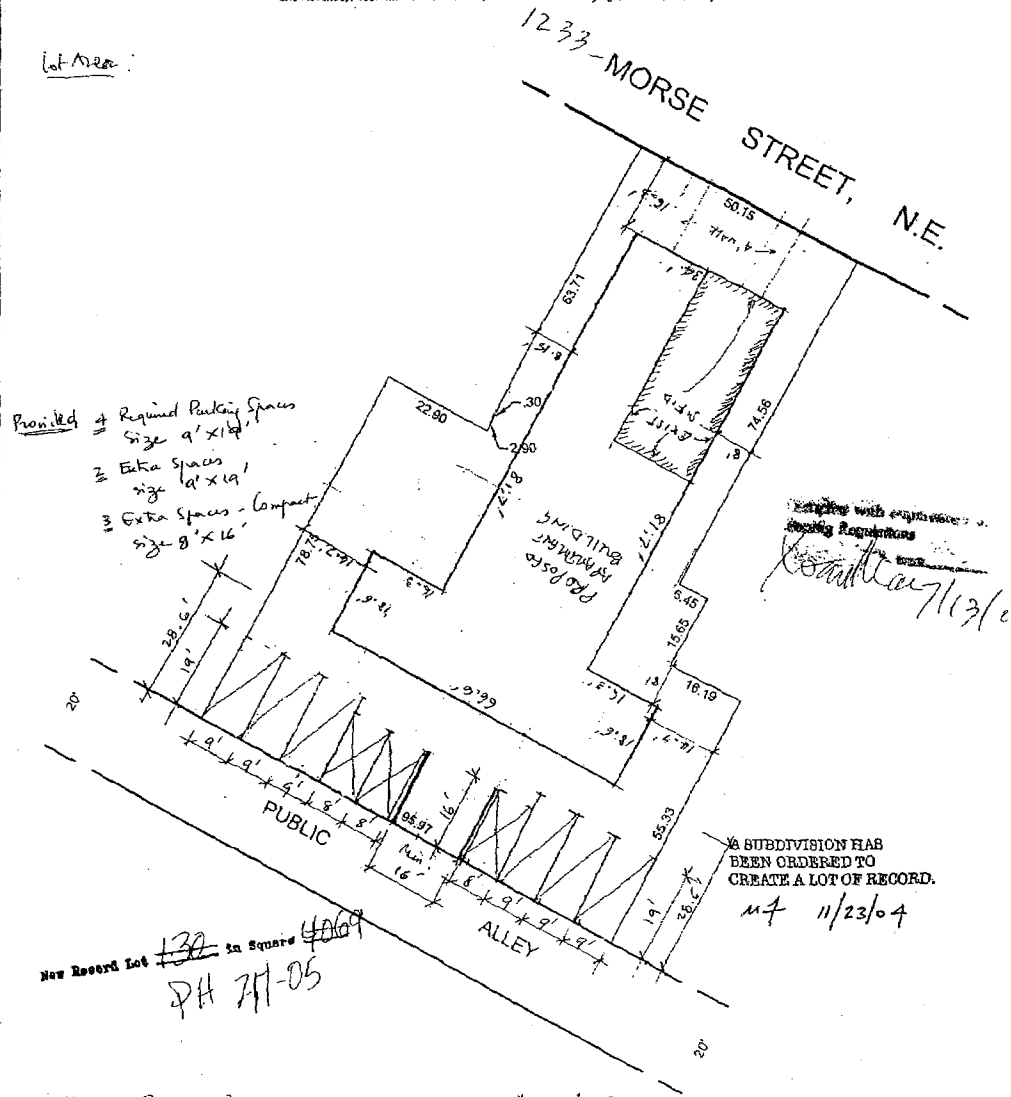
By: B.D.M. *[Signature]*

Date: 3/20/05

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

Lot Area:



**DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS
Building and Land Regulation Administration**

ENVIRONMENTAL INTAKE FORM

Project Name:	Project Address: Lot: Square:
	1233 MORSE ST, NE
Filed Job Application # (if applicable):	Project Description: <u>REVISION TO PERMIT # 240</u> <u>TO RECONSTRUCT COLLAPSED WALLS OF EXISTING</u> <u>STRUCTURE, PER PLANS, NO OTHER CHANGE TO</u> <u>PREVIOUSLY APPROVED PLANS</u>
Owner: <u>1231 MORSE STREET INC.</u> Date: <u>01/16/07</u>	
Owner's address and phone #: <u>3203 SHORTRIDGE LN, MITCHELLVILLE, MD 20724</u> <u>240-832-4315</u>	

Authorized agent: _____

Address and Phone # of authorized agent: _____

Scope of the Project	Yes	No	Instructions
1. Is this a solid waste facility?		<input checked="" type="checkbox"/>	If yes, see EIS Coordinator
2. Does the owner of this site own adjacent or abutting property?		<input checked="" type="checkbox"/>	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
3. Does the owner of this site plan to acquire property that is adjacent to or abutting this site within the next three years?		<input checked="" type="checkbox"/>	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
4. Is additional activity planned by the applicant for this site or any site within the same square during the next three years that requires a permit?		<input checked="" type="checkbox"/>	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
5. Is this a residential project within the R-1 through R-5-A zoning districts?	<input checked="" type="checkbox"/>		If yes, skip to signature line.
6. Is this project a single-family residence that is not in conjunction with the building of two or more units?			If yes, skip to signature line.
7. Is this project an accessory structure such as a garage, patio, swimming pool or fence?			If yes, skip to signature line.
8. Is the project solely an interior renovation with no change in the use or capacity of the structure being renovated?			If yes, skip to signature line.
9. Is the project located in an Economic Development Zone, as defined in DC Code 5-1401 et seq (DC Law 7-177)?			If yes, skip to signature line.
10. Is the project located within the Central Employment Area as defined in DC Zoning Regulations? (Title 11DCMR)			If yes, skip to signature line.
11. Does the project involve only the operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features and involve negligible or no expansion of use beyond that previously existing?			If yes, skip to signature line.
12. Has an Environmental Impact Statement (EIS) been prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), or a determination made that no EIS is needed, or has the functional equivalent of an EIS been prepared?			If yes, submit documentation to EIS Coordinator, DCRA.

-OVER-

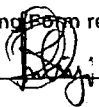
Scope of the Project	Yes	No	Instructions
13. Is an exemption claimed from the requirement to submit an Environmental Impact Screening Form pursuant to Title 20, Sec. 7202 that is not referred to in this form? If yes, describe the exemption and cite the relevant section of the regulations on an attachment.			If yes, describe on an attachment and submit to EIS Coordinator, DCRA.
14. Does the total cost of the project exceed \$1.51 million, including site preparation and construction?			If yes, and no exemption claimed, Environmental Impact Screening Form (EISF) required.
15. Is the cost of this project \$1.51 million or less? If yes, please answer all of the following questions:			If yes, complete A through G.
A. Does the project site contain any species of plant or animal that is identified as threatened or endangered?			If yes, EISF required.
B. Are any streams, lakes, ponds, springs or wetlands within 100 feet of the project site?			If yes, EISF required.
C. Will the project result in an emission of odorous or other air pollutants from any source, including VOCs?			If yes, EISF required.
D. Will this action involve the use, production or disposal of hazardous substances as defined in 20 DCMR 7299?			If yes, EISF required.
E. Will construction be on land where the depth to the water table is less than 3 feet?			If yes, EISF required.
F. Will blasting occur as part of the project?			If yes, EISF required.
G. Will the project generate medical, infectious, radioactive or hazardous waste?			If yes, EISF required.

I certify that all of the statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable laws and regulations of the District of Columbia. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)

Signature of Owner/Authorized Agent

Date

01/16/07

OFFICIAL USE ONLY	
Environmental Impact Screening Form required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referred to EIS Coordinator <input type="checkbox"/>
DCRA Reviewer 	Date 1/19/07
<p>If yes, submit to EIS Coordinator Department of Consumer and Regulatory Affairs Building and Land Regulation Administration</p>	
Comments _____	

NOTE: APPROVAL OF A BUILDING PERMIT IS NOT SYNONYMOUS WITH APPROVAL OF AN ACTION OR ENTIRE PROJECT UNDER THE ENVIRONMENTAL POLICY ACT OF 1989. IF THE APPLICANT BUILDS ON THE SAME, ADJACENT OR ABUTTING PROPERTY OR EXPANDS UPON THE WORK DESCRIBED IN THE INSTANT APPLICATION OR PLANS AND SPECIFICATIONS WITHIN THREE YEARS, AN ENVIRONMENTAL IMPACT SCREENING FORM MAY BE REQUIRED FOR THE ENTIRE PROJECT, INCLUDING THE PORTION ENCOMPASSED BY THIS APPLICATION AND PERMIT APPROVAL. FURTHER, IF THE ACTION IS IN VIOLATION OF ANY FEDERAL OR DISTRICT LAWS PERTAINING TO THE ENVIRONMENT, AN EISF CAN BE REQUIRED.

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL, CALL THE INSPECTOR GENERAL ON 1- 800- 521-1639

9/2004

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*** GOVERNMENT
OF THE DISTRICT
OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B477039

Date 9/6/05 (Type) ADDITION
Address of work 1233 MORSE ST. NE.
Permission is hereby granted to

~~TATWO DEMUREN~~

who is authorized to perform the work described herein at the
address shown above in strict accordance with the conditions
stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

(Owner)
NO.

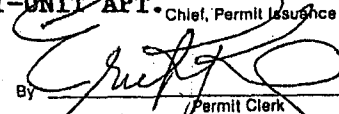
Lot 130 Square 4069
TOTAL PERMIT FEE \$
FILING FEE \$
DATE
FEE PAYABLE \$ 4305.00

FOR INSPECTIONS CALL 727-7582

BUILD ADDITION TO SFD / CONVERT TO SFD TO 11-UNIT APT. AS PER PLAT/PLANS.
SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATION PERMITS ARE REQUIRED.

Builder—
Width of Bldgs. Length
Zone R-4
Height of terrace above grade
Address of owner
Deposit No. Amount \$
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Value \$ No. of Bldgs.
No. of Stories 3 & CELLAR
To be occupied as 11-UNIT APT.
Projections: Chief, Permit Issuance Branch

By  Permit Clerk

~~PATRICK CANAVAN~~
DIRECTOR

E. KING

Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration

941 North Capitol Street N.E. Room 2100

Washington D.C. 20002

Tel:(202) 442-4470

Fax:(202) 442-4862

B

Building Permit

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

PERMIT NO. B478240

DATE: 12/14/06

ADDRESS OF PROJECT: 1233 MORSE ST. NE.		SSL: SQ: 4069 WARD: 5	SX: LOT: 130 ZONE R4
DESCRIPTION OF WORK: EMERGENCY DEMO.			
PERMIT TYPE: A/R	PLANS (Y/N):	EXISTING USE: SFD	PROPOSED USE:
PERMISSION IS HEREBY GRANTED TO OWNER: 1233 MORSE ST. NE. INC.		PERMIT FEE: \$890.00	
AGENT NAME:			
CONDITIONS / RESTRICTIONS:			
TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639:			

DIRECTOR:
Dr. Patrick Canavan, Psy. D.

PERMIT CLERK:

EXPIRATION DATE:
12/14/07

CONDITIONS: As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all the work authorized by this permit and to require any change in construction which may be necessary to insure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one (1) year of the date appearing on this permit or this permit is automatically void. If work is not started, any application for partial refund must be made within six months of the date appearing on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT ADDRESS OF WORK UNTIL WORK IS COMPLETED.

NOTIFY THE BUILDING INSPECTOR THE DAY THE WORK STARTS. PHONE: (202) 442-4641 941 NORTH CAPITOL ST NE WASHINGTON DC 20002

A separate permit is required for all Plumbing, Refrigeration, Gas Fitting, and Electrical Work.

(E) FENCE (COMPLETE ITEMS 94 THRU 102) The fence will not obstruct any accessible parking required by D.C. Zoning Regulations.

94. Material and type:	95. Height ft.	96. Color:	97. Location: <input type="checkbox"/> Entirely on Owner's Land <input type="checkbox"/> Party Line with Adjacent Neighboring Land *
------------------------	-------------------	------------	-----------------------------------------------------------------------------------------------------------------------------------------

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application

98. Signature of Adjoining Owner:	99. Phone: Work Home	OFFICIAL USE ONLY	
	101. Lot	102. Square	FEE
100. Address of Adjoining Owner:		\$	By: _____ Date: _____

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number	104. Length: ft.	105. Width ft.	106. Area: sq.ft	107. Height ft.	108. Volume cu.ft	109. Est. Cost of Work \$	OFFICIAL USE ONLY
							FEE
110. Material of Roof	111. Material of Sides	112. Wall Thickness: <input type="checkbox"/> External () inches <input type="checkbox"/> Party () inches				113. Color	\$
							By: _____ Date: _____

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color	116. Type: <input type="checkbox"/> Folding <input type="checkbox"/> Fixed	117. Projections: Beyond bldg. line _____ in. Beyond pt of attachm _____ in	118. Height of Lowest Part of awning	OFFICIAL USE ONLY
					FEE
119. Material of Frame	120. Material of Covering	121. Lettering on awning? <input type="checkbox"/> Yes <input type="checkbox"/> No	122. Fixed Posts? <input type="checkbox"/> Yes <input type="checkbox"/> No	123. Over Side- walk café? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$
					By: _____ Date: _____

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number	125. Electric Signs? <input type="checkbox"/> Yes, answer q. 126-132 <input type="checkbox"/> No. SKIP q. 126-132	126. Type: <input type="checkbox"/> Incandes. <input type="checkbox"/> Fluoresc. <input type="checkbox"/> Neon	127. Power _____ VA	128. Electrical Contractor License Number: _____
129. Address of Electrical Contractor (include Zip)		130. Signature of Licensed Electrician		131. Phone No.
132. License No.				
133. Height relative to building and ground (a) _____ ft _____ in above sidewalk (b) _____ ft _____ in above roof (c) _____ ft _____ in is building height (d) _____ ft _____ in above projection of window (e) _____ ft _____ in from roof to sign's bottom		134. Material of Sign		135. Type of Sign
		136. Color		
		137. Width ft.	138. Length ft.	139. Area of Sign sq. ft
		140. Wide of Business frontage ft.		
141. C of O No for Bldg.	142. Sign Contractor: License No.		OFFICIAL USE ONLY	
143. Sign Contractor's Address:		144. Phone:		Sign FEE
				Elect. FEE
				Total FEE
				\$
				By: _____ Date: _____

(I) APPLICANT'S SIGNATURE

A. OWNER: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner _____ Address 3203 SHADWORTH LN Date _____
MITCHELLVILLE, MD 20721

B. AGENT: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia

Signature of Agent _____ Address _____ Date _____

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):**A. PERMIT CONTROL**

- ☐ 1. Fine Arts by: _____ Date: _____
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. Cap. Gateway by: _____ Date: _____
- ☐ 4. NCPC: _____ Date: _____
- ☐ 5. W.H./Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. Rental Accom. by: _____ Date: _____
- ☐ 10. Chinatown Distr. by: _____ Date: _____
- ☐ 11. Utility Clearance by: _____ Date: _____
- ☐ 12. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DDOT - Permit and Records Division
Access to Parking Street ☐ Street ☐ Alley
Cleared by: _____ Date: _____
- ☐ 3. DDOT - Consumer Engineer
Cleared by: _____ Date: _____
- ☐ 4. ERA - Erosion Control
Cleared by: _____ Date: _____

Restrictions of the Permit:

*ZONING DENIED BY
Bill Crows 03.05.07*

**TO REPORT WASTE, FRAUD,
OR ABUSE BY ANY D.C. GOVERNMENT
OFFICIAL, CALL THE D.C. INSPECTOR
GENERAL AT 1-800-521-1639**

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: *RDP* Date: _____
- ☐ 2. Information Center by: _____ Date: _____
- ☐ (a) ABRA by: _____ Date: _____
- ☐ (b) Noise Control by: _____ Date: _____
- ☐ (c) Industrial Safety by: _____ Date: _____
- ☐ (d) Vector Control by: _____ Date: _____
- ☐ (e) D.C. Animal by: _____ Date: _____
- ☐ (f) Police Dept. by: _____ Date: _____
- ☐ (g) Fire Dept. by: _____ Date: _____
- ☐ (h) Zoning Ordinance Approval by: _____ Date: *03.05.07*
- ☐ 4. DDOT - Permit and Records Division/Deposit #
Sidewalk Deposit \$ _____ Driveway Deposit \$ _____
by: _____ Date: _____
- ☐ 5. Water/Sewer Design Branch
Consumer Eng. by: _____ Date: _____
- ☐ 6. Environmental Regulation Administration
☐ Environmental Policy Review
Control No. _____
by: _____ Date: _____
- ☐ Erosion Control by: _____ Date: _____
- ☐ Storm Water Mgmt. by: _____ Date: _____
- Plan No. _____
- ☐ Air Quality by: _____ Date: _____
- ☐ Underground Storage by: _____ Date: _____
- ☐ 7. Mechanical Eng. Review by: _____ Date: _____
- ☐ 8. Plumbing Eng. Review by: _____ Date: _____
- ☐ 9. Electrical Eng. Review by: _____ Date: _____
- ☐ 10. Health Plan Review
☐ (a) Food Plan Review by: _____ Date: _____
- ☐ (b) Medical X-Ray Plan Rev. by: _____ Date: _____
- ☐ 11. Fire Protection Plan Review
by: _____ Date: _____
- ☐ 12. D.C. Fire Dept. (Fire Prevention Plan Review Section)
by: _____ Date: _____
- ☐ 13. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 14. Plumbing Insp Rev. by: _____ Date: _____
- ☐ 15. Construction Insp. Branch (Field Check)
by: _____ Date: _____
- ☐ 16. Historic Pres. Div. by: _____ Date: _____
- ☐ 17. EISF: _____ Date: _____
- ☐ 18. Structural Eng. by: _____ Date: _____
- ☐ 19. Permit and Certificate Issuance Counter
by: _____ Date: _____
- ☐ 20. QC By: *[Signature]* Date: *1/19/07*

ZONING**DDOT - PUBLIC SPACE**

C of O Number _____

Existing Use(s) _____

Proposed Use _____

PUD No. _____

Bldg No. _____

PUD Order No. _____

Street Name: _____

Street Width: _____

Road Width: _____

Sidewalk Width: _____

Parking: _____

Restrictions: _____

file 302
#1908
5406
ADD to 11-19-05
477-039
Emergency Demo
12/19/06
78240
Conversion from
(3 Pds) + (Cellar)
1908
5406
Emergency Demo
12/19/06
78240

EXHIBIT B

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

Licensing & Permitting Division
Permit Operations



Rec'd 7-20-07

**VIA PERSONAL SERVICE AND
U.S. FIRST CLASS MAIL**

Paul Henry, Registered Agent
1231 Morse Street, Inc.
1625 Morris Road, S.E.
Washington, D.C. 20020

1231 Morse Street, Inc.
1405 H Street, N.E.
Washington, D.C. 20002

1231 Morse Street, Inc.
3203 Shortridge Lane
Mitchellville, MD 20721

Taiwo Demuren
3203 Shortridge Lane
Mitchellville, MD 20721

**NOTICE TO REVOKE BUILDING PERMIT NUMBER B477039 AND
EMERGENCY DEMOLITION PERMIT NUMBER B478240.**

This is an official notice from the Department of Consumer and Regulatory Affairs ("District") that Building Permit Number B477039 and Emergency Demolition Permit Number B478240 are revoked effective ten (10) days (excluding Saturdays, Sundays, and legal holidays) from the date of service of this Notice. This action is taken pursuant to Title 12A of the District of Columbia Municipal Regulations (DCMR) § 105.6(1), which authorizes the Director to revoke a permit "[w]here there is a false statement or misrepresentation of fact, or other significant inaccuracy, in the application or on the plans on which a permit or approval was based" and 12A DCMR § 105.6(6), which authorizes the Director to revoke a permit that was "issued in error."

On September 6, 2005, the District issued Building Permit Number B477039 to you to construct an addition to an existing single family dwelling and convert that single family dwelling to an eleven unit apartment building at 1233 Morse Street, N.E., Washington, D.C. in compliance with Chapter 3, Title 11 of the Zoning Regulations. This structure is located in an R-4 district. Your permit application specifically stated your intent to construct the apartment building as an addition to an existing structure, and the plan that

you submitted with your application included the existing single family dwelling that was to be converted into the eleven-unit apartment building.

On February 27, 2006, the District conducted an inspection at 1233 Morse Street, N.E., Washington, DC. The inspection revealed that the single family dwelling had been razed without a permit,¹ and that you had commenced constructing an eleven-unit apartment building without a proper building permit, in violation of 12A DCMR § 105.1(1) and 105.1.4(1). The building permit only authorized conversion of the existing building to an eleven-unit apartment building, not the construction of a new building. Therefore, your construction activity was outside the scope of your permit in violation of 12A DCMR § 105.1.

On March 6, 2007, the Zoning Administrator notified you that, pursuant to 11 DCMR § 330.5(c), there can be no conversion of a building or structure to an apartment building in an R-4 Residential District without an existing structure.² Once the existing structure has been razed, no conversion can occur.

Your permit application clearly expressed your intent to construct the apartment building as an addition to an existing structure. Your expressed intent was an essential element of the District's approval of your application. Had you indicated on your application that you planned to raze the existing structure and construct a new one; the District would have denied your application because the construction would have been in violation of the Zoning Regulations. Your building permit application contained a "false statement or misrepresentation of fact, or other significant inaccuracy . . . that substantively affected DCRA's approval" of the application.³ Therefore, Building Permit Number B477039 must be revoked. Additionally, based on your violation of the zoning regulations, the District has concluded that it issued the permit "in error," 12A DCMR § 105.6(6), and, on this independent ground, the District must revoke Building Permit Number B477039.

On December 14, 2005, you obtained Emergency Demolition Permit Number B478240 to *demolish a wall* of the same single family dwelling that you razed without a raze permit prior to the February 27, 2006 inspection. Razing the building was outside of the scope of your demolition permit and in violation of 12A DCMR § 105.1.7.⁴ Furthermore, your statement that you intended only to demolish one wall of the single family dwelling did not accurately represent your plans. Your demolition permit application contained a "false statement or misrepresentation of fact, or other significant inaccuracy . . . that substantively affected the approval" of the application, therefore, Emergency Demolition Permit Number B478240 must be revoked.⁵

¹ 12A DCMR §§ 105.1.7 and 105.1.7.1 provides that "[a] raze permit is required to secure the right to remove a building or structure down to the ground."

² 11 DCMR § 330.5(c) provides that "[t]he following uses shall be permitted as a matter of right in an R-4 District: . . . The conversion of a building or other structure existing before May 12, 1958, to an apartment house as limited by §§ 350.4(c) and 401.3 . . ."

³ 12A DCMR § 105.6(1).

⁴ "A raze permit is required to secure the right to remove a building or structure down to the ground."

⁵ 12A DCMR § 105.6(1).

Finally, plumbing inspections must be "performed before installation of any concealing materials."⁶ DCRA's February, 2006 inspection also revealed that you engaged in plumbing work without a permit and without the required inspections during the construction of this structure, in violation of 12A DCMR §§ 105.1.16, 109.3 and 109.3.8.1.

As a result of the foregoing, the District has concluded that Permits Numbers B477039 and B478240 must be revoked.

RIGHT TO APPEAL

You have the right to appeal the revocation of your building permit within ten (10) days (excluding Saturdays, Sundays, and legal holidays) of receipt of this notice to the Office of Administrative Hearings⁷. Should you wish to appeal the District's decision, your appeal must be mailed to the Office of Administrative Hearings at P.O. Box 77718, Washington, DC 20002. Alternatively, you may hand-deliver your appeal for a hearing to the Office of Administrative Hearings at 941 North Capitol Street, NE, Suite 9100, Washington, DC 20002.

If you waive your right to a hearing by failing to request one within the time and manner specified in this notice, the revocation will immediately become final without further written notice.

Any questions about this notice may be directed to the Office of Licensing and Permits at (202) 442-4541.

7-19-07
Date

Lennox Douglas
Acting Deputy Director for Licensing
and Permits

⁶ 12A DCMR § 109.3.8.1.

⁷ "Revocations . . . are proposed actions and shall become final . . . if the respondent's right to a hearing is waived by failing to request a hearing within ten (10) business days of receipt of the proposed order; or . . . as the result of a hearing requested by the respondent pursuant to Section 105.6.4." 12A DCMR § 105.6.1(1).