



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039148411Z et al. (1 Summons) DEPT OF BUILDINGS, -against- 6829MS INC. Hearing Date: 07/29/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039148411Z	Dismissed	05/20/2025	68-29 MAIN STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B384	ZR-Misc.	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

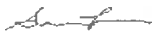
The summons alleges that the respondent violated ZR-Misc by having an illegal parking pad, at 68-29 Main Street Queens on May 20, 2025. Phoebe Dossett, Esq., Nacmias Law Firm, appeared for the respondent 6829MS Inc.. Deanna Burbridge, Esq., appeared for the petitioner DOB.

The petitioner relied on the issuing officer's sworn statement in the summons. The issuing officer stated that at time of inspection, observed front yard gardening area maximum portion removed and concrete paved to use as an additional illegal parking pad. The house is in R4-A- Detached Residence District. ZR23-451.

The respondent moved to dismiss the summons on the ground that ZR23-451, the provision of law mentioned in the violation details, is no longer in effect. The respondent said the summons fails to provide proper notice; there was no correct provision of law cited, making the summons defective on its face. Regarding the facts alleged, the respondent said that a 'maximum portion area calculation' although relied upon by the issuing officer to describe the violation, was no longer a requirement.

The petitioner said that the summons, by citing to ZR-Misc. along with the description of the violation, gave the respondent adequate notice of the violation. The petitioner acknowledged that there is no provision ZR 23-451 as of December 2024. However, the Zoning Rules were amended. The proper provision is now ZR 23-613.

The respondent's motion is granted. I find the violation details fail to cite to a specific provision making the summons defective on its face. I find the summons fails to provide information adequate to provide specific notification of the section or sections of the law, rule or regulation alleged to have been violated. 48 RCNY 6-08(c)(3). Accordingly, the summons is dismissed.

	
07/29/2025	07/29/2025
Anthony Feldmesser, Hearing Officer	Date