Government of the District of Columbia

Advisory Neighborhood Commission 6C

September 27, 2004

Mr. Geoffrey Griffis
Chairman of the Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: BZA Application No. 17214 - ANC 6A Appeal of Zoning Administrator's Granting Certificate of Occupancy for a Restaurant at 721 H Street N.E.

Dear Chairman Griffis and Members of the Board

ANC 6C at its regularly scheduled and properly noticed meeting on September 8, 2004, with a quorum of 5 out of 9 commissioners being present, voted unanimously to join ANC 6A in its above captioned appeal of the administrative decision of the DCRA Zoning Administrator in the issuance of a Certificate of Occupancy ("CO") for a "restaurant" at 721 H Street, N.E.

The Blimpie/Noble Roman operation at 721 H Street, N.E. is clearly a "fast food restaurant" under the standards established by 11 DCMR Section 199.1. Thus the Blimpie/Noble Roman operation cannot qualify as a "restaurant" as listed on its existing CO since the explicit definition of that term "shall not include a fast food restaurant" 11 DCMR Section 199.1

ANC 6C joins the appeal by 6A since the 721 H Street, N.E. property is in a C-2-A District and in accordance with 11 DCMR Section 733.1 a special exception must be approved by the BZA before a fast food restaurant can receive a CO in such a District. Unfortunately all of the above cited provisions of the DCMR were completely ignored in the issuance of the CO in this case!

The issuance of the CO in violation of the DCMR regulations denied the residents of the area surrounding the property (including many residents who live in ANC 6C) the opportunity to provide input through the special exception process on possible objectionable aspects of a fast food restaurant such as inadequate screening, noise, odors, light, hours, traffic safety, and other conditions.

Accordingly, in order to remedy this situation and the error committed by the Zoning Administrator we ask the Board to overturn the Zoning Administrator's decision to issue a CO and require the owner or lessee to obtain a special exception for a fast food restaurant use from the BZA. So as not to cause undue hardship for the parties we are amenable to the idea of permitting the Blimpie/Noble Roman operation to continue its business until such time as the normal special exception process has been fully

BZA Case No. 17214
Exhibit No. 20

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completed. If they obtain a special exception a new CO would be issued. If they fail to get a special exception then the revocation of their erroneously issued CO would require them to close their business.

Sincerely yours,

Mark C. Dixon

Commissioner Mark Dixon
Chairman ANC 6C

cc: Commissioner Joseph Fengler, Chairman ANC6A