GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

March 26, 2007

REC'd
3/29/07
EB

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street NW, Suite 210 South
Washington, DC 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17589
EXHIBIT NO. 18

Re: BZA Application No. 17589 Appeal

Dear Chairman Griffis:

At its regular meeting on March 14, 2007, the Dupont Circle Advisory Neighborhood Commission ("ANC 2B" or "Commission") considered the above-referenced appeal of the administrative decision of the Zoning Administrator of DCRA to deny the issuance of a Certificate of Occupancy for a delicatessen because the prior delicatessen use was discontinued for more that 3 years pursuant to 11 DCMR 2005.

With eight of nine Commissioners in attendance, a quorum at a public meeting given due public notice, the Commission approved the following motion by a vote of 7-0-1:

WHEREAS, the alteration of business practices at 1417 17th St NW from pre-prepared food service to cooked-to-order food occurred in 1998 and

WHEREAS, this alteration of business practices was never approved by the Board of Zoning Adjustment (BZA) under Section 2003 of the Zoning Regulations, that requires, among other things, that "the [ ] use shall not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects." and

WHEREAS, this alteration caused substantial negative impacts upon the neighboring residential properties on the 1600 Blocks of P Street and the 1400 Blocks of 17th Street, which is well-documented by the abatement efforts of DOH, DPW, ONS, Ward 2 Councilmember Jack Evans, and ANC 2B, and

WHEREAS, the former DCRA Zoning Administrator, Denzil Noble, found said alteration of business practices at that property had exceeded its Grandfathered Use, and

WHEREAS, the current DCRA Zoning Administrator, Bill Crews, has found said alteration of business practices at that property exceeded its Grandfathered Use, and

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WHEREAS, the DCRA Zoning Administrator has determined that said alteration of business practices to be an abandonment of the Grandfathered Use, and

WHEREAS, the Zoning Administrator has found said abandonment of Grandfathered Use to exceed a period of three years in time, and

WHEREAS, the Zoning Administrator has determined that said lapsed period of time has caused said Grandfathered Use to be extinguished, and

WHEREAS, the owner of 1417 17th St NW has appealed the decision of the Zoning Administrator to the BZA,

THEREFORE, be it resolved that ANC 2B supports the decision by DCRA and the Zoning Administrator to deny a re-issuance of a delicatessen Certificate of Occupancy for the premises, thereby restricting the uses of the property to those permitted under R5E zoning. ANC 2B commends the Zoning Administrator's decision that the Grandfathered Use has been abandoned for greater than 3 years, and is thereby extinguished.

The Commission's representative on this matter is Mark Bjorge, Commissioner for ANC 2B05, who can be reached at Mark.Bjorge@DupontCircle.net or at 202-256-2556.

ON BEHALF OF THE COMMISSION.

Sincerely,

Ramon Estrada

Ramon Estrada
Chairman

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

March 26, 2007

BOARD OF ZONING ADJUSTMENT
District of Columbia
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FAX

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