

October 23, 2009

VIA HAND-DELIVERY

Jamison L. Weinbaum, Esq.
Director
D.C. Office of Zoning
441 4th Street, N.W.
Room 200 South
Washington, D.C. 20001

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Re: BZA Appeal and Request for Stay of Enforcement
of Mehmet Kocak and Philly Pizza & Grill, Inc.
1211 Potomac Street, N.W., Square 1207, Lot 124 ("Property")

Dear Mr. Weinbaum:

This firm is counsel for Mr. Mehmet Kocak and Philly Pizza & Grill, Inc. ("Appellant") in bringing this Appeal and Request for Stay of Enforcement of the October 14, 2009 determination by Mr. Matthew LeGrant, the Zoning Administrator, to issue a Notice to Revoke Certificate of Occupancy No. 0800124 ("Notice to Revoke"). The \$800.00 Appeal filing fee is attached.

Request for Stay of Enforcement:

The Board's immediate action is requested to issue a Stay of the Notice to Revoke to prevent its enforcement by DCRA while this Appeal is pending. As more fully established in the Appellant's Statement of Appeal, DCRA has attempted to revoke a certificate of occupancy that is no longer operative having been replaced by a more recent, accurate and permitted occupancy permit issued by DCRA. Any attempt by DCRA to enforce this fatally flawed Notice to Revoke would improperly shut down the Appellant's operations and constitute a death sentence for this small minority-owned and operated business. Under the circumstances, the requested Stay of Enforcement is clearly warranted, appropriate and a matter of fundamental fairness to the Appellant. Based on the Board's current docket, it is unlikely that this Appeal hearing will occur before February 2010 with a final written decision coming months later. The Appellant can not survive an improper and unwarranted shut down of his business for four (4) months or longer.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18027

EXHIBIT NO. 1



GREENSTEIN DELORME & LUCHS, P.C.

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In support of this Appeal, the Appellant submits the original and twenty (20) copies of the following:

1. BZA Appeal Form 125;
2. Letter of Authorization from Appellant; and
3. Statement of Appeal and Request for Stay.

Thank you for your assistance and cooperation in this matter.

Sincerely,

GREENSTEIN DELORME & LUCHS, P.C.

By: 

John Patrick Brown, Jr.

By: 

Kate M. Olson

JPB/prm

Enclosures

cc: Mr. Mehmet Kocak
Ms. Juanita Gray
Mr. Matthew LeGrant, Zoning Administrator, DCRA
Bennett Rushkoff, Esq., Acting General Counsel, DCRA
Doris Parker-Woolridge, Esq., DCRA
Mr. Ron Lewis, Chair, ANC 2E
Mr. Bill Starrels, ANC 2E 05