

November 17, 2009

Subject: Strong Opposition to Request of Stay by Philly Pizza Pending Its BZA Appeal No 18027 by Aggrieved Georgetown Neighbors/Homeowners

Dear Members of the DC Zoning Appeal Board:

On behalf of the surrounding and directly-impacted/interested Potomac Street area homeowners and neighbors, including the Eton Condominium Association, we wish to strongly weigh in and vehemently oppose any stay of enforcement, pending an appeal, by Mehmet Kocak, renter, and Philly Pizza and Grill (Philly Pizza), 1211 Potomac Street N.W.

It was an error to allow Philly Pizza to operate in the first place. Since that time, however, the establishment's operations have been closely evaluated and a decision rendered by the Department of Consumer and Regulatory Affairs (DCRA). The DCRA has rightfully deemed that Philly Pizza is operating outside of its permitted use and revoked its Certificate of Occupancy. The DCRA, in stead, found that Philly Pizza operations are that of a carry out and fast-food delivery establishment. Allowing Philly Pizza to operate for several more months, until its February hearing appeal, is a complete miscarriage of justice. Philly clearly does not meet the requirements for a stay of enforcement e.g. no likelihood of success on its merits and Philly operations are causing direct and irreparable harm to area homeowners severely impacting the enjoyment and use of our property. The public does not favor the granting of a stay. **Philly Pizza does not enjoy a "matter of right" to continue to operate and is operating in direct circumvention of this City's authority. We ask that you please enforce the law and require that they cease and desist operations immediately.**

On its face, it is clear to everyone that Philly Pizza is operating as a fast food delivery/street vendor operation. Philly Pizza is well known to the public, including its party going patrons, as an after the bars close hangout. Philly Pizza is even advertised in blogs as the after hours "place to go". By no stretch of the imagination are its customers frequenting Philly's because they are expecting to dine in a "restaurant".

The reality is Philly Pizza's operation is comprised of a take-out counter with a few tables in a cramped space. Simply, folks go to Philly Pizza to accompany their drinking "buzz". These after-hours partygoers eat their pizza slices in front of the establishment, sit on the concrete grounds, screeching and arguing loudly and are known to frequently trespass our adjoining properties unless they are shooed away. There are also numerous documented instances, and pictures, of Philly Pizza patrons littering, loitering, blocking our driveways with their cars and publicly vomiting and urinating in front of our homes and against our area buildings. **All of this goes on until Philly Pizza's official closing hour of 4 a.m. in the mornings on weekends**

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

18027

EXHIBIT NO.

17

2009 NOV 16 PM 5:50
D.C. OFFICE OF ZONING
RECEIVED
Board of Zoning Adjustment
District of Columbia
CASE NO. 18027
EXHIBIT NO. 17

Page 2

Re: Strong Opposition to Request of Stay by Philly Pizza and Grill
By Georgetown Area Homeowners/Residents

Until very recently, Philly Pizza patrons, with no active patrol by its manager and no where to sit, would sit on our front steps talking loudly and argumentatively also leaving their napkins, pizza cartons and beverages for us to clean up the following morning attracting both bugs and rodents. **We have many pictures and witnesses.**

Philly Pizza has evolved into a public nuisance and, increasingly, a danger and threat to Georgetown community residents. We especially "dread" the extremely noisy weekends and pray for rain. We have counted, at different times, up to and over 100 belligerent partygoers creating a street-fair, carnival type atmosphere completely unbecoming to any residential area including Georgetown.

Finally, as District taxpayers, we seriously question the considerable use of scarce and valuable District police resources deployed to provide vigilance to one fast food delivery establishment in order to ensure constant vigilance and maintain some semblance of order with Philly Pizza's unruly patrons.

We beseech you to immediately enforce the DCRA action and shut down this nuisance. No further and special consideration should be afforded this very "bad neighbor" who has unilaterally profited at all of our expenses. We have sacrificed several months of sleep, mental health and experienced much anguish. Potomac Street has turned into a "**disaster**" by Philly Pizza operations.

Respectfully,

Anne Alonzo, 1216 Potomac Street N.W
Virginia Burton, 3252 Prospect Street, NW
Dorothea Capello, 3273 Prospect Street, NW
Taryn Dodd, 1200 Potomac Street
-On behalf of the Eton Condo Association
Maria Kinnane, 1219 Potomac Street NW
Charlene King, 1232 Potomac Street NW
Linda Makings, 1214 Eton Court NW
Jackie Martin, 1221 Potomac Street NW
Alex Meeraus, 1217 Potomac Street NW
Cynthia Pantazis, 1234 Potomac Street NW
Tom Scanlon, 3246 Prospect Street NW
Lynn Schubert, 1220 Potomac Street NW
Michael Steiner, 3244 Prospect Street NW
Wolf Wittke, 1216 Potomac Street NW

RECEIVED
D.C. OFFICE OF ZONING

2009 NOV 16 PM 3:02

November 17, 2009

Subject: Strong Opposition to Request of Stay by Philly Pizza Pending Its BZA Appeal No 18027 by Aggrieved Georgetown Neighbors/Homeowners

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District of Columbia

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FAX

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Michael Steiner, 3244 Prospect Street NW
Wolf Wittke, 1216 Potomac Street NW

► Fax

11/16/2009

From: Anne Alonzo
Phone: 202 942 4370
Fax: 202 942 4335
Reference: Aggrieved Georgetown Neighbors/Homeowners

To: Clifford Moy
Phone:
Fax: 202 727 6072
Company Name: DC Zoning Appeal Board

Comments:

Please see letter following.

2009 NOV 16 PM 3:02

RECEIVED
D.C. OFFICE OF ZONING

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle