

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown and Hillandale

3265 S Street, NW • Washington, DC 20007

(202) 338-7427 • FAX (202) 338-0279 • anc2e@erols.com

December 3, 2009

Marc D. Loud, Chair
and Members of the
Board of Zoning Adjustment
One Judiciary Square
441 Fourth Street, N.W.
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2009 DEC -8 AM 10:46

Re: BZA Appeal # 18027, Philly Pizza & Grill, Inc

Dear Chairman Loud and Members of the Board:

On November 30, 2009, ANC 2E held its regularly scheduled public meeting which was properly noticed and at which seven commissioners were present, constituting a quorum. The above-mentioned application was on the agenda, and after Commissioner Starrels presented information about the Zoning Commissioner's determination to revoke the certificate of occupancy and the subsequent BZA stay of enforcement, comments were offered by members of the community, including ANC 2E Commissioners. The appellant Philly Pizza & Grill Inc. and its representatives were invited to make a presentation and join in the discussion, but the appellant's representative at the meeting declined the opportunity to make a presentation and declined to provide substantive answers to questions.

After the discussion, ANC 2E approved the following resolution by a vote of 6-1¹:

ANC 2E strongly supports the determination of the Zoning Administrator – and independently determines based on extensive observations by neighbors and ANC Commissioners – that Philly Pizza & Grill, Inc. is operating as a fast food establishment, not a restaurant. Examples include:

- Customers sitting on the front stoops of neighbors' houses because there are many more customers taking pizza out to eat than there are seats in the establishment.
- A customer was photographed urinating on the front door of a house across the street from the fast food restaurant.
- Customers in cars double park in front of a neighbor's garage and alley with music blaring

¹ Commissioner Golds, whose single member district includes mostly Georgetown University students, dissented.

COMMISSIONERS:

Ed Solomon, District 1 Ron Lewis, District 2 Bill Skelsey, District 3 Aaron Golds, District 4
Bill Starrels, District 5 Tom Birch, District 6 Charles Eason, District 7

Board of Zoning Adjustment
District of Columbia
CASE NO. 18027
EXHIBIT NO. 30

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18027

EXHIBIT NO. 30

- Metropolitan Police Officers spend a lot of time patrolling the street, and on more than one occasion have had to have a car and officer in front of the establishment in order to maintain some aspect of order.
- Trash cans placed in front of residents' houses across the street and down the block from the establishment.

Because of this fast food establishment, the neighbors' peace, order and quiet has been violated and their basic quality of life has been damaged.

ANC 2E Commissioners Solomon, Starrels, Lewis, Skelsey, Birch, and Eason, or any of them, are authorized to present the report of ANC 2E and to act for ANC 2E on any matters which may come before the Board relative thereto.

Since ANC 2E is exercising its statutory right to participate in the above-referenced matter as a party, we would request that you keep us apprised of any scheduling or other matters which might arise in connection with the application and the hearing thereon.

We trust our letter will be part of the Board of Zoning Adjustment record for the upcoming hearing and be given the "great weight" to which it is entitled.

Sincerely,

A handwritten signature in black ink that reads "Ron Lewis". The signature is written in a cursive, flowing style.

Ron Lewis
Chair, ANC 2E

cc: Matthew LeGrant, Zoning Administrator
Melinda M. Boling, Esq. (DCRA)
John Patrick Brown, Jr., Esq. and Kate M. Olson, Esq. (Greenstein DeLorme & Luchs)

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown and Hillandale

3265 S Street, NW • Washington, DC 20007

(202) 338-7427 • FAX (202) 338-0279 • anc2e@erols.com

December 3, 2009

Marc D. Loud, Chair
and Members of the
Board of Zoning Adjustment
One Judiciary Square
441 Fourth Street, N.W.
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2010 FEB 19 PM 4:13

Re: BZA Appeal # 18027, Philly Pizza & Grill, Inc

Dear Chairman Loud and Members of the Board:

On November 30, 2009, ANC 2E held its regularly scheduled public meeting which was properly noticed and at which seven commissioners were present, constituting a quorum. The above-mentioned application was on the agenda, and after Commissioner Starrels presented information about the Zoning Commissioner's determination to revoke the certificate of occupancy and the subsequent BZA stay of enforcement, comments were offered by members of the community, including ANC 2E Commissioners. The appellant Philly Pizza & Grill Inc. and its representatives were invited to make a presentation and join in the discussion, but the appellant's representative at the meeting declined the opportunity to make a presentation and declined to provide substantive answers to questions.

After the discussion, ANC 2E approved the following resolution by a vote of 6-1¹:

ANC 2E strongly supports the determination of the Zoning Administrator – and independently determines based on extensive observations by neighbors and ANC Commissioners – that Philly Pizza & Grill, Inc. is operating as a fast food establishment, not a restaurant. Examples include:

- Customers sitting on the front stoops of neighbors' houses because there are many more customers taking pizza out to eat than there are seats in the establishment.
- A customer was photographed urinating on the front door of a house across the street from the fast food restaurant.
- Customers in cars double park in front of a neighbor's garage and alley with music blaring

¹ Commissioner Golds, whose single member district includes mostly Georgetown University students, dissented.

COMMISSIONERS:

Ed Solomon, District 1 Ron Lewis, District 2 Bill Skelsey, District 3 Aaron Golds, District 4
Bill Starrels, District 5 Tom Birch, District 6 Charles Eason, District 7

BOARD OF ZONING ADJUSTMENT

District of Columbia

CASE NO. 18027 FAX

EXHIBIT NO. 30

- Metropolitan Police Officers spend a lot of time patrolling the street, and on more than one occasion have had to have a car and officer in front of the establishment in order to maintain some aspect of order.
- Trash cans placed in front of residents' houses across the street and down the block from the establishment.

Because of this fast food establishment, the neighbors' peace, order and quiet has been violated and their basic quality of life has been damaged.

ANC 2E Commissioners Solomon, Starrels, Lewis, Skelsey, Birch, and Eason, or any of them, are authorized to present the report of ANC 2E and to act for ANC 2E on any matters which may come before the Board relative thereto.

Since ANC 2E is exercising its statutory right to participate in the above-referenced matter as a party, we would request that you keep us apprised of any scheduling or other matters which might arise in connection with the application and the hearing thereon.

We trust our letter will be part of the Board of Zoning Adjustment record for the upcoming hearing and be given the "great weight" to which it is entitled.

Sincerely,



Ron Lewis
Chair, ANC 2E

cc: Matthew LeGrant, Zoning Administrator
Melinda M. Boling, Esq. (DCRA)
John Patrick Brown, Jr., Esq. and Kate M. Olson, Esq. (Greenstein DeLorme & Luchs)

3400 Reservoir Road, N.W., Washington, D.C. 20007
Tel. 202/333-4366 or 202/253-5969 (cell)
Fax 202/965-1947
Email: Ron.Lewis@anc.dc.gov

Ron Lewis
ANC 2E 02 Commissioner
Chair, ANC 2E 02

Fax

RECEIVED
D.C. OFFICE OF ZONING
2010 FEB 19 PM 4:12

To: Clifford Moy (fax # 3 of 3) **From:** Ron Lewis
Fax: 202-727-6072 **Pages:** 3 (including this page)
Phone: **Date:** 2/19/2010
Re: Philly Pizza, Appeal # 18027 –
ANC 2E filing mailed Dec. 3, 2010

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

Cliff,

Attached is the earliest ANC 2E resolution in the Philly Pizza appeal. This resolution was adopted at our November 30, 2009 public meeting and was mailed to the BZA on December 3, 2009.

Best regards,



Ron Lewis
Chair, ANC 2E