



COUNCIL OF THE DISTRICT OF COLUMBIA
1350 PENNSYLVANIA AVENUE, SUITE 106
WASHINGTON, DC 20004

JACK EVANS

Chair, Pro-Tempore
Councilmember, Ward 2
Chair, Committee on Finance and Revenue

Office: (202) 724-8058
Fax: (202) 724-8023
jackevans@dccouncil.us

January 11, 2010

Chairman Marc Loud
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 200S
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2010 JAN 21 PM 12:26

Re: Board of Zoning Adjustment Case No. 18027 Appeal of Mehmet
Kocak and Philly Pizza & Grill, Inc.

Dear Mr. Chairman and Members of the Board:

As the elected Councilmember representing Ward 2, I strongly urge the Board to dismiss this Appeal. My office has heard numerous complaints about this operation from residents and many Georgetown community groups and neighbors including ANC 2E, Citizens Association of Georgetown, and Eton Condo Association. As you know, an investigation by DCRA was conducted, and based on information provided by them following the investigation, the Zoning Administrator has determined that Philly Pizza was not, and is not, operating in conformance with the restaurant use identified on its current Certificate of Occupancy. In fact, it is quite obvious to anybody living nearby that Philly Pizza operates as a carry-out and delivery, or fast food, establishment. Such unlawful use has resulted in numerous disturbances of the peace and privacy of residents on Potomac Street, N.W. and the surrounding area, including loud noise until 4 a.m., trash and debris, dining on private doorsteps, urinating on residents' properties, and intimidation of local residents. It has also resulted in an undue burden on the Metropolitan Police Department who are called dozens of times every weekend and some weeknights to try to control what sometimes resembles a street party.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

18027

EXHIBIT NO.

36

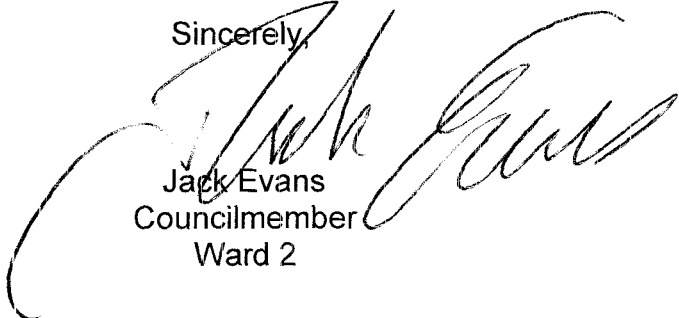
Board of Zoning Adjustment
District of Columbia
CASE NO. 18027
EXHIBIT NO. 36

Fast food establishments are not permitted as a matter-of-right in the C-2-A zone. Restaurants are so permitted. This distinction came about through two comprehensive and lengthy Zoning Commission text amendment cases (in 1985 and 2006), in which several ANC's, the Office of Planning, and the Zoning Commission all clearly understood the significant negative impacts that a fast food use tends to impose on the residential areas in and near the C-2-A zone districts, as opposed to the comparatively benign use of the traditional restaurant (where patrons dine on the premises).

The District has a vital interest in the enforcement of its zoning laws. We look to the Office of the Zoning Administrator, and the Board, to see that those laws are effectively enforced, for the benefit of all DC residents, businesses, and the general public. For the reasons stated above, it is clear to me that this appeal should be dismissed, and I urge this Board to do so.

Thank you for your attention to this matter.

Sincerely,



Jack Evans
Councilmember
Ward 2



COUNCIL OF THE DISTRICT OF COLUMBIA
1350 PENNSYLVANIA AVENUE, SUITE 106
WASHINGTON, DC 20004

JACK EVANS

Chair, Pro-Tempore
Councilmember, Ward 2
Chair, Committee on Finance and Revenue

Office: (202) 724-8058
Fax: (202) 724-8023
jack.evans@dccouncil.us

January 11, 2010

Chairman Marc Loud
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 200S
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2010 JAN 11 PM 1:20

Re: Board of Zoning Adjustment Case No. 18027 Appeal of Mehmet
Kocak and Philly Pizza & Grill, Inc.

Dear Mr. Chairman and Members of the Board:

As the elected Councilmember representing Ward 2, I strongly urge the Board to dismiss this Appeal. My office has heard numerous complaints about this operation from residents and many Georgetown community groups and neighbors including ANC 2E, Citizens Association of Georgetown, and Eton Condo Association. As you know, an investigation by DCRA was conducted, and based on information provided by them following the investigation, the Zoning Administrator has determined that Philly Pizza was not, and is not, operating in conformance with the restaurant use identified on its current Certificate of Occupancy. In fact, it is quite obvious to anybody living nearby that Philly Pizza operates as a carry-out and delivery, or fast food, establishment. Such unlawful use has resulted in numerous disturbances of the peace and privacy of residents on Potomac Street, N.W. and the surrounding area, including loud noise until 4 a.m., trash and debris, dining on private doorsteps, urinating on residents' properties, and intimidation of local residents. It has also resulted in an undue burden on the Metropolitan Police Department who are called dozens of times every weekend and some weeknights to try to control what sometimes resembles a street party.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18027
EXHIBIT NO. 36

Office of Councilmember Jack Evans
1350 Pennsylvania Avenue NW, Suite 106
Washington, DC 20005
202-724-8058(p) 202-724-8023 (f)

facsimile transmittal

To: **Clifford Moy** Fax: **202-727-6072**
From: **Councilmember Jack Evans** Date: **January 11, 2010**
Re: **BZA Case #18027** Pages: **3**
Cc: **Marc Loud, Chair**

☒ Urgent ☐ For review ☐ Please comment ☐ Please reply ☐ Please recycle

Please find attached Councilmember Jack Evans' letter regarding this case, due to be heard Tuesday, January 12, 2010. If you have any questions, or if this doesn't come through clearly, please contact Sherril Kimbel at 202-724-8058. Thank you.

RECEIVED
D.C. OFFICE OF ZONING
2010 JAN 11 PM 1:20

confidential