

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

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APPEAL OF)
ADVISORY NEIGHBORHOOD COMMISSION 1C)
FROM A DETERMINATION OF THE)
ZONING ADMINISTRATOR PERTAINING TO) APPEAL NO. 18256
MEI QU ZHENG T/A PEKING GARDEN CARRYOUT)
2008 18TH STREET, NW, WASHINGTON, DC 20009)
CERTIFICATE OF OCCUPANCY #CO 54337)
SQUARE 2555, LOT 0047 (C-2-A))

MOTION FOR POSTPONEMENT OF HEARING

Pursuant to sections 3105 and 3117.2 of the Zoning Regulations (11 DCMR §§ 3105 and 3117.2), Advisory Neighborhood Commission 1C (ANC 1C) respectfully moves that the Board of Zoning Adjustment (BZA) postpone the public hearing on the above-referenced Appeal from its currently scheduled date of Tuesday, October 25, 2011 to the earliest possible BZA hearing date in 2012. In support of this Motion, the undersigned states as follows:

1. This Appeal was filed by ANC 1C on June 6, 2011, pursuant to sections 3100 and 3200 of the Zoning Regulations (11 DCMR §§ 3100, 3200). At the time of filing, ANC 1C Chairperson Wilson Reynolds authorized the undersigned attorney to represent and to appear on behalf of ANC 1C in said Appeal. The undersigned has agreed to serve ANC 1C in this matter on a voluntary, pro bono basis.

2. By notice dated July 28, 2011, the Director of the Office of Zoning notified ANC 1C that the Appeal had been scheduled for public hearing on Tuesday, October 25, 2011, and that

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the deadline for filing ANC 1C's pre-hearing statement and any other information is fourteen (14) calendar days before the scheduled public hearing, i.e. Tuesday, October 11, 2011.

3. Approximately 10 days prior to the date of the above-mentioned hearing notice, Ward One Councilmember Jim Graham appointed the undersigned to serve as the Chairperson of the Ward One ANC/SMD Redistricting Task Force, pursuant to D.C. Code § 1-1041.01. The first meeting of that Task Force was held on Tuesday, August 2, 2011, and its most recent meeting was held on Tuesday, September 13, 2011. Additional Task Force meetings are currently scheduled for Thursday, September 22, 2011; Tuesday, September 27, 2011; and Monday, October 3, 2011. The Task Force's final report and recommendations are due to be submitted to the D.C. Council's Subcommittee on Redistricting on Tuesday, October 11, 2011 – the same day on which ANC 1C's pre-hearing statement and other information is required to be filed with the BZA if the current public hearing date of Tuesday, October 25, 2011 remains unchanged.

4. The undersigned accepted Councilmember Graham's appointment to chair the Redistricting Task Force well before notice of the scheduled BZA hearing was received. Although the undersigned has endeavored in good faith to simultaneously carry out both tasks – chairing the Task Force, and representing ANC 1C in this Appeal – he has found it extremely burdensome, bordering on impossible, for him to fulfill both responsibilities within the required time frames. Because the final report and recommendations of the Redistricting Task Force are subject to a statutory deadline, while the hearing date for this Appeal is not, and because the undersigned has undertaken both tasks on an entirely voluntary basis, he has found it necessary and believes it is appropriate for ANC 1C to request a postponement of the hearing date.

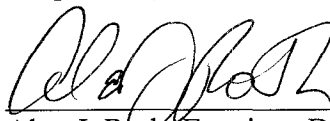
5. In addition to the considerations set forth above, the undersigned is a member of the Jewish faith who will be observing the upcoming Jewish High Holy Days of Rosh Hashanah

(from sundown on Wednesday, September 28th through sundown on Friday, September 30th) and Yom Kippur, a fast day also known as the Day of Atonement (from sundown on Friday, October 7th through sundown, Saturday, October 8th). In addition to the burden that would be placed on the undersigned by attempting to manage both his Redistricting Task Force and ANC representational duties during the same period leading up to the October 11th deadlines for both matters, these religious holidays also remove three days from his calendar because Jewish law prohibits work from being done on those days.

6. The undersigned has discussed this matter by telephone with Assistant Attorney General Jay Surabian, counsel for the Zoning Administrator, who does not oppose the requested postponement from October 25, 2011 to a future date. However, in light of the BZA's very full calendar between now and mid-December, and the fact that Mr. Surabian will be out of the country during most of the month of December, he and the undersigned agreed it would be mutually acceptable to request the first available hearing date in 2012.

For the foregoing reasons, ANC 1C moves that the BZA postpone the public hearing on this Appeal from its currently scheduled date of Tuesday, October 25, 2011 until the earliest possible hearing date in 2012.

Respectfully submitted,



Alan J. Roth, Esquire - Duly Authorized
c/o Advisory Neighborhood Commission 1C
P.O. Box 21009, NW
Washington, DC 20009

Date: September 21, 2011

CERTIFICATE OF SERVICE

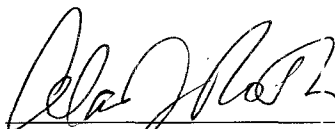
This is to certify that, in accordance with 11 DCMR § 3111.3, the foregoing Motion to Postpone was served on the following persons by first-class mail, deposited in the United States mail, and properly stamped and addressed, on this 21st day of September, 2011:

Jay A. Surabian
Assistant Attorney General
Office of the Attorney General of the District of Columbia
Office of the General Counsel for the Department of Consumer and Regulatory Affairs
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Alan J. Roth, Esquire
Duly Authorized Representative for
Advisory Neighborhood Commission 1C