Law Offices
HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

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February 5, 2002

NORMAN M. GLASGOW, JR.
202-419-2460

Internet Address:
nglasgow@hklaw.com

VIA HAND DELIVERY

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, NW
Washington, DC 20001

D.C. RECEIVED
OFFICE OF ZONING
2002 FEB -5 PM 4:36

Re: BZA Appeal No. 16821
1819 35th Street, N.W.

Dear Members of the Board:

Michael Sussman, the operator of the Georgetown Flea Market, hereby gives notice of his intention to appear and participate as a party in the above-referenced appeal. We believe that Mr. Sussman qualifies as a party by definition under §3199.1 of the Zoning Regulations, wherein a party on appeals includes "the owner, lessee, *operator* or contract purchaser *of the property involved* in the administrative decision, if he or she is not the appellant." (emphasis added)

To the extent that the Board determines that Mr. Sussman must seek to intervene in the appeal, as set forth in §§3112.15 and 3106.2, Mr. Sussman provides the following information:

(a) His address: 2109 N Street, N.W., Washington, D.C. 20037.

(b) He will appear and participate as a party.

(c) He will appear as an opponent of the appeal and in support of the ruling of the District to issue the certificate of occupancy for the continued use of the subject property on Sunday as the Flea Market.

BZA
Case No. 16821
Exhibit No. 17

Board of Zoning Adjustment
District of Columbia
CASE NO.16821
EXHIBIT NO.17

(d) He will appear through legal counsel:

Norman M. Glasgow, Jr.
Holland & Knight LLP
Suite 100
2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
202-955-3000

(d) His basis for why he should be granted party status:

Mr. Sussman is the operator of the Georgetown Flea Market, which has been in operation at the subject premises since the 1980's and which is currently operating at the subject premises under the certificate of occupancy which Safeway, Inc., seeks to have voided. Mr. Sussman operates the Flea Market under a use agreement from the D.C. Public Schools. If Safeway's appeal is granted, the ability of the Flea Market to continue to operate would be severely jeopardized, and, if the Flea Market were closed, the economic consequences for Mr. Sussman and his vendors would be substantial. Mr. Sussman is the sole operator of the Flea Market and he is only person having a use agreement for the subject premises at the time that the Flea Market is open. His interests are thus distinctively and uniquely affected as compared to any other person.

On the basis of the information presented above, Mr. Sussman believes that he meets the criteria to be considered a party to the appeal, and requests that he be accorded all of the rights and privileges extended to parties under the Zoning Regulations and the Administrative Procedure Act. The filing of this letter does not in any way limit any of Mr. Sussman's rights to challenge the appeal on procedural or any other grounds.

Feel free to contact the undersigned if you have any questions or require any additional information.

Sincerely,

Norman M. Glasgow, Jr.

cc: Michael Sussman
J. Gregory Love, Administrator, BLRA
Jerry A. Moore, III, Arter & Hadden, for Safeway, Inc.
Veronica L. Falwell, Realty Officer, D.C. Public Schools
Arthur Parker, Office of the Corporation Counsel
ANC 2E