LAW OFFICES
GREENSTEIN DELORME & LUCHS, P.C.

WILLIAM H. HARRIS, JR.
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ABRAHAM J. GREENSTEIN
GILBERT E. DELORME
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ISABEL P. RUIZ DE GAMBOA*
JAMES D. SADOWSKI

*ADMITTED IN VA ONLY
#ADMITTED IN TX ONLY

1620 L STREET, N.W., SUITE 900

WASHINGTON, D.C. 20036-5605

TELEPHONE (202) 452-1400
FACSIMILE (202) 452-1410
www.gdllaw.com

OF COUNSEL
MARK J. ZWEIFLER

ADMITTED IN NEW YORK
AND NEW JERSEY ONLY

February 4, 2003

RECEIVED
D.C. OFFICE OF ZONING
2003 FEB -4 PM 4:26

BY FACSIMILE AND FIRST CLASS MAIL

Mr. Geoffrey H. Griffis
Chairman
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

Re: BZA Application No. 16980; Notice of Intent of Applicant to Seek Permission of Board to Amend its Application to seek a Use Variance for Artist Studio for Guitar Making, thereby eliminating the requests for (A) a Special Exception (Change of a Non-conforming Use from a Grocery Store to a Studio) and (B) a Variance from the "Neighborhood Facility" requirement

Dear Mr. Griffis and Members of the Board:

The Applicant hereby provides notice of its intent to seek the permission of the Board, as a preliminary matter prior to the public hearing on February 18, 2003, to amend its Application in order to seek a use variance for an artist studio for guitar making. If such permission is granted, the Applicant will no longer pursue an application for a special exception for a change in nonconforming use from a grocery store and a variance from the "neighborhood facility" requirement for a nonconforming use.

In support of this notice and request, the Applicant states as follows:

1. Notwithstanding evidence provided by the Applicant in the form of an affidavit that accompanies the Application (i.e., that

BZA
Case No. 16980
Exhibit No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO. 16980
EXHIBIT NO. 39

the non-conforming use had not been discontinued), several long term residents of the neighborhood have advised the Applicant and the Office of Planning that the prior use of the property as a grocery store was discontinued many years ago.

2. The Office of Planning has asked the Applicant to provide evidence in addition to the affidavit that the use was not discontinued and the Applicant is not able to do so because of a sale of the property from the former owner to the current owner.

3. The Applicant is able to and will meet the tests and satisfy the burdens for a use variance. [See Pre-Hearing Statement filed this date.]

4. As amended, the Application seeks no change in the proposed use or the characteristics or features of the proposed use as an artist studio for guitar making. Thus, no person or party should be adversely affected by this amendment.

Sincerely,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
Jacques B. DePuy

By: _____
Lyle M. Blanchard

cc: Ms. Julie S. Olson, Chairperson, ANC 6B
Mr. Scott M. Cernick, Commissioner, ANC 6B-04
Mr. Lyle Schauer, Chairman, Planning and Zoning Committee, Capitol Hill Restoration Society
Ms. Josepha Manlapaz
Mr. Robert McClenon
Mr. Alan Wiesenthal
Office of Planning (Attn: Mr. David McGettigan)
Ms. Sherri Pruitt
Mr. Rick Nero
(All copies by Electronic Mail or Facsimile)

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