Form 150
(Revised 04:23/02)

Case No. BZA 17047

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

MOTION

Notice: See other side of motion form for instructions.

Appellant, Appellant, Appellee, Party, Intervener	vs	Applicant, Appellant, Appellee, Party, Intervener
33 PST LLC (Jay Hellman)		N/A

Motion of:
state what you want the Board to do

Applicant requests the BZA waive notice requirements, as well as all applicable regulations and Rules of Practice and Procedure, including but not limited to Regulation 3112.14, to enable the Board to hear and act on BZA 17047 at its July 29 meeting, rather than 6 weeks later on Sept. 9, as such delay would cause an undue hardship to petitioner, and its tenant and delaying the creation of new jobs in the Enterprise Zone. Applicant worked diligently and expeditiously to properly brief and involve every one for the July 29 date.

Points and Authorities:
(state the reasons why the Board should grant your motion, including relevant references to the Zoning Regulations or laws)

Pursuant to 3110.4 for good cause, the BZA can reduce the time period for notice to parties and publication in DC Register. The applicant met personally with the ANC and received continued support, and met personally with every property within 200 feet, earning their support as well. The property was posted timely showing both dates. Osborne George's transportation report was furnished timely to DDOT and to OP. Applicant met with DDOT on July 21 and OP on July 22.

CERTIFICATE OF SERVICE

I hereby certify that on this 18 day of July, 2003, I served a copy of the foregoing Motion on each entity that has requested party status or entities that have be granted party status on the above referenced BZA case via

☐ First-class mail ☒ Hand delivery ☐ Other (specify)

(ATTACH A LIST OF PARTIES SERVED)

Signature:	Jay Hellman (electronic)		
Print Name:	Jay Hellman	Firm/Organization	33 PST LLC
Address:	c/o The Hellman Company, inc. 1828 L Street, NW, Washington, DC 20036		

* *In the event an authorized agent files a motion on the behalf of the maker of the motion, a letter signed by the maker of the motion authorizing the agent to act on his/her behalf shall accompany the notice of application.*

To be notified of hearing and decision:
(Maker of Motion or Authorized Agent)*

Name:	Jay Hellman				
Address:	c/o The Hellman Company, inc. 1828 L Street, NW, Washington, DC 20036				
Phone No.:	202 841-1944	Fax No.:	301 983-9556	E-Mail:	Jay.Hellman@alum.mit.edu

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Case No. 17047
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17047
EXHIBIT NO. 27

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS



Building and Land Regulation Administration
Office of the Administrator

July 3, 2003

Jay Hellman
c/o Night and Day Management LLC
33 Patterson Street NE
Washington DC 20002

Dear Mr. Hellman:

I have received and reviewed your letter dated June 23, 2003, in which you ask that an "interim" building permit be issued for 33 Patterson Street NE, pending the approval of the Board of a Zoning Adjustment (BZA) of a variance from on-site parking requirements.

Unfortunately, without the approval of the BZA, I have no authority to issue a building permit, interim or otherwise. In addition, please note that no construction work is authorized on this property until a building permit is issued.

Sincerely,

Denzil Noble
Administrator

cc: Juan Scott

NIGHT AND DAY MANAGEMENT, LLC
33 PATTERSON STREET, NE
WASHINGTON, DC

June 23, 2003

VIA HAND DELIVERY

Denzil Noble
Acting Administrator
Building and Land Administration of DCRA
941 North Capital Street, NE
Washington, DC 20002

Re: 33 Patterson Street, NE, Washington, DC/
Night and Day Management, LLC ("Night and Day")

Dear Mr. Noble,

Night and Day Management, LLC ("Applicant") is the tenant under a long-term lease at 33 Patterson Street, NE (the "Premises".) The Applicant intends to build and operate a high-end nightclub at the aforementioned address. We have already received our liquor license with written support of the ANC.

The construction drawings for the improvements to be constructed at this location have been submitted and reviewed and all of the comments by staff and other concerned parties have been fully addressed by the Applicant. At the present time, the only obstacle to issuance of a building permit for these improvements at the Premises is obtaining a zoning variance which is required because the Premises do not have sufficient on-site parking to accommodate a nightclub under the C-3-C zone as established under District of Columbia law. We have filed an application for this variance under BZA Case No. 17047, and the Public Hearing is scheduled for July 29, 2003.

We are requesting that your office issue an interim building permit to allow the Applicant to begin construction on the improvements at the Premises with the specific understanding that your office can revoke such permit in the event that the aforementioned zoning variance for parking is denied. Night and Day Management, LLC will, of course, immediately comply with any subsequent revocation of this interim permit and will stop work as soon as such revocation may be issued. Furthermore, the Applicant hereby agrees to hold DCRA harmless for any damage or expense it may incur if the variance is denied and such denial results in the interim permit being revoked.

Please do not hesitate to contact the undersigned with regard to the contents of this letter or the process to be followed in order to grant our request. Thank you in advance for your time and consideration.

Very truly yours,

Jay Hellman, Consultant for
Night and Day Management, LLC

202 841-1944

NIGHT AND DAY MANAGEMENT, LLC

Michael Rehman, Managing Member

cc: H. Mark Rabin, Esq.