GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

October 24, 2003

Lisa A. Bell
Senior Counsel
Department of Consumer and
Regulatory Affairs
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002

Re: **BZA Application No. 17063 of Jemal's Liggins LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, and a variance from the loading berth requirements under subsection 2201.1, serving general office use in an existing building in the DD/C-2-C District at premises 450 H Street, N.W. (Square 518, Lot 103).

Dear Ms. Bell:

This is in response to your letter (attached) dated October 24, 2003, regarding the above-cited application. The Board of Zoning Adjustment (Board) held a duly noticed public hearing on Tuesday, October 14, 2003, at 9:30 AM to consider the application. At the conclusion of the hearing, the five member Board unanimously voted to grant a variance from the off-street parking requirements under subsection 2101.1, and a variance from the loading berth requirements under subsection 2201.1. Your letter correctly states that the Board's vote has no legal effect until the written decision (final decision order) is issued followed by 10 calendar days thereafter, pursuant to 11 DCMR § 3125.9. Please note that the Board did not consider or in any way resolve issues pertaining to the legality of the occupancy of the subject building beyond the limited scope of the above.

Please call Richard S. Nero, Jr., Chief, Support Services and Quality Control, if you have any questions relevant to the foregoing. Rick can be reached directly on (202) 727-2806.

BZA
Case No. 17063
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO. 17063
EXHIBIT NO. 33

SINCERELY,

JERRILY R. KRESS, FAIA
Director, Office of Zoning

rsn
Attachment

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the General Counsel

October 24, 2003

Ms. Jerrily R. Kress
Director
D.C. Office of Zoning
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

Re: BZA Application No. 17063

Dear Ms. Kress:

The owner/developer of the property located at 450 "H" Street, N.W., in Washington, D.C. filed an application for a variance before the Board of Zoning Adjustment (BZA). The BZA held a hearing on the issues of parking variances and loading dock requirements on October 14, 2003 and, it appears made a bench decision.

You may be aware that the D.C. Department of Consumer and Regulatory Affairs issued a Notice of Intent to Revoke the Certificate of Occupancy to the owner/developer on the subject property based, in part, upon noncompliance with the parking and loading requirements of the Zoning Regulations. A hearing before the Office of Adjudication is scheduled a hearing on the matter next week. Both parties believe any BZA decision may have an effect on this hearing with respect to the parking and loading issues.

Accordingly, please confirm that the hearing did take place and the BZA did vote to grant the application on the limited issues mentioned above. DCRA understands that the bench decision has no legal effect, until the BZA written decision, once it is issued, and becomes effective for ten days thereafter.

Should you have any further questions, please feel free to contact me at 442-8401.

Sincerely,

Lisa A. Bell
Senior Counsel

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