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May 10, 2004

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

Re: 1417 17th Street, N.W. Square 181, Lot 149
Motion to Dismiss and Withdrawal of Application
BZA Case No. 17075

Dear Mr. Griffis:

This is to request that the Board dismiss the Application for Variance in the subject case. In the alternative, we hereby withdraw said Application. We have concluded that the case is not properly before the BZA in that Mr. Zhang's valid Certificate of Occupancy for a delicatessen has never been officially revoked or questioned. We further believe that Mr. Zhang's operation fits within the definition of a "delicatessen", a word that is not defined in the Regulations but which has been interpreted over the years as inclusive of operations like Mr. Zhang's.

Moreover, we note that the files contain neither a letter from the Zoning Administrator denying a Certificate of Occupancy and identifying a violation of use regulations nor any certification from an architect or lawyer as to the appropriateness of the relief requested. One of these would be prerequisite to further processing by the Board.

Please call if there are any questions.

Yours very truly,

Stephen N. Gell

cc: Peter Chang
Salvatore Gorgone
Ming Zhang

BZA
Case No. 17075
Exhibit No. 40

Board of Zoning Adjustment
District of Columbia
CASE NO. 17075
EXHIBIT NO. 40