GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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May 11, 2004

Stephen N. Gell, Esq.
1101 30th Street, N.W.
Fifth Floor
Washington, D.C. 20007

Re: BZA Application No. 17075 – 1417 17th Street, N.W.

Dear Mr. Gell:

The Office of Zoning received your letter dated May 11, 2004, withdrawing the above-cited application. The Board also publicly acknowledged the withdrawal of the application as a preliminary matter at its public hearing session on May 11, 2004. Please be advised that pursuant to subsection 3113.10 of the Zoning Regulations your application is hereby **WITHDRAWN**. No further action will be taken on this application.

If you have any questions, please call Richard S. Nero Jr., Chief, Support Services and Quality Control at (202) 727-6311.

SINCERELY,

JERRILY R. KRESS, FAIA
Director, Office of Zoning

Attachment
cc: Chairperson, ANC 2B
Ward Two, Councilmember Jack Evans
Ellen McCarthy, Office of Planning
Alan Bergstein, Office of Corporation Counsel
rsn

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17075
EXHIBIT NO. 43

Board of Zoning Adjustment
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May 11, 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 for a delicatessen 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