Form 125 – Exhibit 1
(Revised 03/15/02)

Case No. 17085

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPEAL

Notice: See other side of appeal form for instructions

Pursuant to Section (s) §3100 and §3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken

from the administrative decision of:	Name of administrative officer and title: See attached list		
made on	Date of decision: See attached list	**, to the effect that**	See attached list

Address(es) of Affected Premises	Square(s)	Lot(s)	Zoning Districts
206 D Street, S.E.	763	26	CAP/R-4
208 D Street, S.E.	763	27	CAP/R-4
210 D Street, S.E.	763	28	CAP/R-4

Present use of Property:	Previous use for Pepco substation; currently under construction for proposed use.
Proposed use of Property:	Three (3) two-family flats (1/lot)

Owner of Property:	Chris Doefler &/or Folger Park North, LLC	**Telephone No:**	703-608-3339 or 301-608-0988
Address of Owner:	210 D Street, S.E., Washington, D.C. 20003 or 5000 Gardner Dr., Alexandria, VA 22304		
Name, address and telephone number of lessee:	n/a		

Name, address and telephone number of appellant, if other than owner: Larry & Louise Smith, 322 2nd Street, S.E. and Mary Ann Snow, 320 D Street, S.E., Washington, D.C. 20003

State specifically manner in which appellant is aggrieved by the administrative decision, the allegations of error in the Administrative decision, and the relevant sections of the Zoning Regulations (see reverse for more detailed explanation).

Please use a separate piece of 8 ½? x 11? To respond and attach it to the Form 125 Appeal.

Date:	September 12, 2003	**Signature:**	Applicant*

** If appeal is filed by agent of the Appellant, Form 125 Appeal shall be accompanied by a letter signed by the appellant authorizing the agent to act on his behalf in this appeal.*

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

Name:	Richard B. Nettler, Esq. & Jeannine Rustad Zigner, Esq. - Robins, Kaplan, Miller & Ciresi L.L.P.				
Address:	1801 K Street, N.W., Suite 1200, Washington, D.C. 20006				
Phone No.:	736-2720 & 736-2718	**Fax No.:**	202-223-8604	**E-Mail:**	rbnettler@rkmc.com/jrzigner@rkmc.com

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

Case No. 17085
Exhibit No. 2

Board of Zoning Adjustment
District of Columbia
CASE NO. 17085
EXHIBIT NO. 2

Pursuant to Section (s) §3100 and §3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken from the following administrative decisions on the dates and to the effects so indicated:

1. Approval by Department of Revenue and Finance (September 23, 2002), the Zoning Administrator of the Department of Consumer and Regulatory Affairs ("DCRA") (September 30, 2002) and the Historic Preservation Division (September 23, 2002) and the approval and issuance of S.O. 009755 by the D.C. Surveyor subdividing previous Lot 4 and part of Lot 6 in Square 763 into Lots 26, 27 & 28. Subdivision recorded at Book 196, Page 42 on September 30, 2002. (**Exhibit 1**.)

2. Issuance by DCRA, Building and Land Regulation Administration ("BLRA") of Permit No. 424724 on November 13, 2002, permitting the razing of the Pepco substation at 210 D Street, S.E., Lots 800, 801 and 802 in Square 763. (**Exhibit 2**.)

3. Issuance by BLRA of Permit No. B451616 on May 23, 2003, permitting the construction of a new foundation, with plumbing, for a two-family flat 206 D Street, S.E., Lot 26 in Square 763. (**Exhibit 3**.)

4. Issuance by BLRA of Permit No. B451615 on May 23, 2003, permitting the construction of a new foundation, with plumbing, for a two-family flat 208 D Street, S.E., Lot 27 in Square 763. (**Exhibit 4**.)

5. Issuance by BLRA of Permit No. B451617 on May 23, 2003, permitting the construction of a new foundation, with plumbing, for a two-family flat 210 D Street, S.E., Lot 28 in Square 763. (**Exhibit 5**.)

6. Issuance by BLRA of Permit No. B451260 on August 25, 2003, permitting the construction of a new two-family flat 206 D Street, S.E., Lot 26 in Square 763. (**Exhibit 6**.)

7. Issuance by BLRA of Permit No. B451262 on August 25, 2003, permitting the construction of a new two-family flat 208 D Street, S.E., Lot 27 in Square 763. (**Exhibit 7**.)

8. Issuance by BLRA of Permit No. B451261 on August 25, 2003, permitting the construction of a new two-family flat 210 D Street, S.E., Lot 28 in Square 763. (**Exhibit 8**.)

9. Failure of DCRA to take action to compel Owner to remove obstructions (fence closing and construction trailer on) from north-south alley to the immediate east of the Properties. July through August, 2003. The Owner has applied for, but was denied, an application to close the sidewalk in front of the Properties. Drawing attached to that application show fencing extending across the southern entrance to the alley along D Street, S.E. and across the alley adjacent to the northern boarder of the Properties. (**Exhibits 9**.) In the event that a public space permit has been granted for the closing of the alley, appellants appeal the issuance of such permit.

10. Issuance of Public Space Permit for dumpster. (*See* **Exhibit 9**.)[1]

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[1] Attempts have been made to obtain a copy of this permit but one has not been secured as of the filing of this application.