ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

SUITE 1200
1801 K STREET, N.W.
WASHINGTON, D.C. 20006-1307
TEL: 202-775-0725 FAX: 202-223-8604
www.rkmc.com

ATTORNEYS AT LAW

RICHARD B. NETTLER
JEANNINE RUSTAD ZIGNER
(202) 775-0725

October 31, 2003

BY HAND
Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

D.C. OFFICE OF ZONING
2003 OCT 31 PM 2:42

Re: **Supplement to BZA Appeal No. 17085**
206, 208 and 210 D Street, S.E. -- Square 763, Lots 26, 27 and 28

Dear Mr. Griffis:

By this letter, we hereby amend the above-referenced appeal to include an appeal from the District of Columbia Department of Consumer & Regulatory Affairs ("DCRA"), Building and Land Regulation Administration's ("BLRA") lifting of the stop work order referenced in the attached letter, which was received on September 25, 2003. Work resumed at the properties on or about October 1, 2003. Upon information and belief, BLRA lifted the stop-work order in exchange for an indemnification against the District. Despite numerous attempts, including calls to Karen Edwards, Esquire, counsel for DCRA, we have been unable to ascertain the exact date the stop work order was lifted.

Thank you for your attention to this matter.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Richard B. Nettler
Jeannine Rustad Zigner

Enclosures (as stated)
cc: Mary Ann Snow (by hand; w/encl.)
Larry & Louise Smith
Ellen McCarthy, Office of Planning (by hand; w/encl.)
ANC 6B (w/encl.)
DCRA

BZA
Case No. 17085
Exhibit No. 38

Word 45645003.1

Board of Zoning Adjustment
District of Columbia
CASE NO. 17085
EXHIBIT NO. 38

rec'd 9/25

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

Building and Land Regulation Administration
Office of the Administrator

September 16, 2003

Richard B. Nettler
Jeannine Rustad Zigner
Robins, Kaplan, Miller & Ciresi
1801 K Street, NW #1200
Washington, DC 20006

Ref: 206, 208 & 210 D Street SE

Dear Mr. Nettler and Ms. Zigner:

I am responding to your letter dated August 27, 2003 regarding the referenced properties.

After thorough review of the subdivision that was approved for square 763, lots 26, 27 and 28, it has been determined that the subdivision was flawed and should not have been approved. A Stop Work Order has been placed on construction at this location while I review the basis of the approved subdivision. The developer has been informed that absent a valid basis for the approval of the subdivision, BZA approval will be required in order to continue the development as it is proposed.

If you want to meet with me regarding this matter, please call Diana Dorsey at 442-4677 to arrange a mutually convenient time. Thank you for bring this matter to our attention.

Sincerely,

Denzil L. Noble
Administrator

cc: Theresa Lewis
Roland Dreist
Faye Ogunneye

IQ# 182185 & 182150