BZA 17086

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February 2, 2004

BY HAND

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

Re: Appeal of the Sheridan Kalorama Neighborhood Council Regarding
2319 Wyoming Avenue -- Square 2522, Lot 4
Our File No. 092220.00001

Dear Mr. Griffis:

At the hearing on the appeal in the above-referenced matter, undersigned counsel stated that the Department of Consumer & Regulatory Affairs could not refuse to follow a zoning regulation adopted by the Zoning Commission pursuant to the Foreign Missions Act or refuse to apply a zoning regulation that it is required to apply in favor of its own interpretation of a provision of the Foreign Missions Act. The Board requested that undersigned counsel provide legal authority for the proposition that DCRA exceeded its authority in this regard. We refer the Court to, *inter alia,* the decision in *Office of Consumers' Counsel v. Federal Energy Regulatory Commission*, 655 F.2d 1132 (D.C. Cir. 1980)

Thank you for your attention to this matter.

Sincerely,

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

Richard B. Nettler
Jeannine Rustad Zigner

cc: Christopher Chapin
Douglas LaBossiere
Office of Planning (by hand)
Zoning Administrator (by hand)

BZA
Case No. 17086
Exhibit No. 19

Board of Zoning Adjustment
District of Columbia
CASE NO. 17086
EXHIBIT NO. 19

Advisory Neighborhood Commission 2D (by hand)
Ronald Mlotek, Office of Foreign Missions, U.S. State Department (by hand)
Karen Edwards, Office of General Counsel, DCRA