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ATTACHMENT TO APPEAL FORM 125

A. Statement as to Violations of DCMR Title 11

1. Building Permit No. 73714 was issued in violation of 11 DCMR § 2516.1. The subject lot, Square 1397, Lot 1008, is a theoretical lot that is part of a larger, single plat of computation dated June 18, 1990 (Map No. 10,119, Book 204, Page 6). By the terms of BZA Order 15340, as amended (Final Date of Order August 17, 1990), a special exception was granted pursuant to 11 DCMR § 2516.1 for the construction of two (2) or more principal buildings on the single subdivided lot, with construction to be phased in over 10 years. The Order expired, by its terms, ten years after its issuance in 1990. The special exception approval has long-since expired, and is no longer valid. Absent special exception approval for the subject theoretical lot, it was error for the Zoning Administrator to issue Building Permit No. 73714.

2. Building Permit No. 73714 was issued in violation of 11 DCMR § 101.5. BZA approval for construction of a dwelling on the theoretical lot located at Square 1397, Lot 1008, was conditioned on compliance with the April 30, 1990 agreement between the then-owner of the single subdivided lot, NVHomes L.P. and the Coalition for Planned Environmental Development, Inc. ("CPED Agreement"). That Agreement, binding on all successors and assigns, specified for each theoretical lot the building size, location, and certain other corresponding facilities and amenities. The building permit application underlying Permit No. 73714 specifies a substantially different style of dwelling, with a substantially larger gross floor area, to be built in a substantially different location on the theoretical lot, than that which was originally approved by the BZA. The applicant has neither sought nor obtained BZA approval for these substantial changes. Nor has the applicant sought CPED consent and approval for these substantial changes, contrary to the requirements of the CPED Agreement. Insofar as the CPED Agreement is part of the original BZA approval, applicant's failure to secure CPED consent and approval for changes to the exterior violates the BZA Order, and therefore violates DCMR § 101.5.

3. Building Permit No. 73714 was issued in violation of the Building and Land Regulation's certification requirements. Specifically, the subject application lists "Foxhall Development," 4818 Foxhall Crescent, NW, as the owner of the building. The DC tax assessment records, however, list the owner of the property as "A & A Associates, Inc." located in McLean, Virginia.

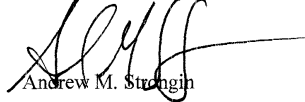
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EXHIBIT NO. 2

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District of Columbia
CASE NO. 17567
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B. Statement as to How Appellant Will Prove Case

Appellant will prove through witnesses and documentary evidence that a special exception is required for construction of the dwelling planned for the subject theoretical lot, and that no valid special exception exists. Applicant further will prove through witnesses and documentary evidence that the planned dwelling violates multiple substantive provisions of the CPED Agreement, which is incorporated into BZA Order 15340, and therefore violates BZA Order 15340. Additionally, Appellant will prove through witnesses and documentary evidence that Building Permit No. 73714 should be revoked for failure to provide accurate information regarding the property owner and/or agent.

Sincerely yours,



Andrew M. Strongin