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August 21, 2008

VIA HAND-DELIVERY

Ms. Ruthanne G. Miller
Chairperson
Board of Zoning Adjustment
441 Fourth Street, N.W.
Room 210
Washington, D.C. 20001

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Re: **5013 Belt Road, N.W.**
BZA Appeal No. 17747

Dear Chairperson Miller:

The Appellant, Ms. Stephanie Wallace, respectfully acknowledges receipt of the Affidavit of Ms. Mary Grumbine and the Board's willingness to accommodate her physical condition to provide the unique opportunity to present her testimony without evaluation of its relevancy or cross-examination.

Despite a lengthy repetition of her personal grievances, accusations against Ms. Wallace and her well-documented opposition to the project approved repeatedly by DCRA, the Affidavit is entirely irrelevant to the issues before the Board in the context of this Appeal, unsubstantiated, speculative, factually incorrect and not worthy of substantive response.

The relevant facts remain well-established and undisputed. DCRA, with full knowledge of all the history and circumstances, issued Ms. Wallace a total of four (4) building permits. Most importantly, the Fourth Building Permit clearly authorized Ms. Wallace to:

**DEMOLISH A PORTION OF AND [SIC] EXISTING
SFD DUE TO THE STRUCTURAL INTEGRITY AND
POSSIBLE COLLAPSE OF THE HOUSE WHICH IS
DANGEROUSLY UNSOUND. REBUILD
STRUCTURE TO CURRENT BUILDING CODE
SPECIFICATIONS PER PER [SIC] EXISTING
PERMITS AND PLANS.**

Emphasis Added.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17747
EXHIBIT NO. 58

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Based on the Fourth Permit, Ms. Wallace completed the partial demolition as authorized. She specifically and reasonably relied on her right approved by DCRA to rebuild the portion of the existing structure that had been demolished. Ms. Wallace acted responsibly and as directed by DCRA to remedy an unsafe condition. Then, through the Fifth Permit application, she simply sought final permission for the required new, below-grade footers replacement of which were specifically contemplated under the Fourth Permit. In denying the Fifth Permit application, DCRA has effectively attempted to revoke the Fourth Permit. Significantly, under cross-examination, the Zoning Administrator, Mr. Matthew LeGrant admitted that DCRA erred in issuing the Fourth Permit without zoning review. As a matter of law and fundamental fairness, Ms. Wallace should not be punished for DCRA's mistake.

Thank you for your patience and cooperation in these difficult and lengthy proceedings.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

JPB:prm

Electronically and First Class Mail

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