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October 21, 2013

Via First-Class Mail and IZIS

Lloyd Jordan, Chair
Board of Zoning Adjustment
441 4th Street, N.W.
Washington, D.C. 20001

Re: Status Hearing for BZA Appeal No. 18618

Dear Chairman Jordan:

On September 24, 2013, the BZA granted the parties' Consent Motion to Stay BZA Proceedings as it pertains to the appeal of Building Permit No. B1302395 (BZA Appeal No. 18618) and scheduled a status hearing for November 5, 2013. The parties sought a stay because the same jurisdictional issues that this appeal presents are pending before the D.C. Court of Appeals in the appeal of Building Permit No. B120295 (BZA Appeal No. 18460). We are currently still waiting on a date for oral argument in that case, so there has been no change in the status of our case pending in the D.C. Court of Appeals. Therefore, the parties request a continuance of their stay in BZA Appeal No. 18618 until there is a resolution to BZA Appeal No. 18460.¹

Thank you.

Very truly yours,


Michael Kroopnick

Michael Kroopnick

cc: Phil T. Feola, Esq.
Cynthia A. Giordano, Esq.
Melinda Bolling, Esq.
Harriet Tregoning, D.C. Office of Planning

¹ Counsel for DCRA, Missouri Avenue Development Partners, LLC, and Wal-Mart Stores, Inc. have consented to this letter.