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November 1, 2013

Via IZIS and Email: BZAsubmissions@dc.gov and Richard.Nero@dc.gov

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

Re: Status Hearing for BZA Appeal No. 18618

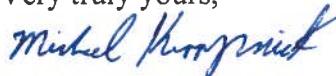
Dear Chairman Jordan:

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). Oral argument in that case has not yet been scheduled. However, I spoke with the Clerk's Office of the D.C. Court of Appeals, which informed me that oral argument is unlikely to be scheduled until between late February and late March 2014 (based on the most recent available statistics). Therefore, the parties request a continuance of their stay in BZA Appeal No. 18618 and a new status hearing for some time between mid-March and mid-April of next year.¹

Also, please note that this letter is in lieu of appearing before the BZA on November 5, 2013.

Thank you for your time and consideration in this matter.

Very truly yours,



Michael Kroopnick

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

cc: Richard Nero, Deputy Director, BZA (via email)
Phil T. Feola, Esq. (via email)
Cynthia A. Giordano, Esq. (via email)
Melinda Bolling, Esq. (via email)
John Postulka, Esq. (via email)