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April 11, 2014

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). Therefore, on November 5, 2013, the BZA postponed the status hearing in this case until April 29, 2014 at 9:30 a.m.

Oral argument before the Court in BZA Appeal No. 18460 occurred on February 20, 2014. The parties are awaiting a decision from the Court. As a decision from the Court could take six months or longer, the parties request a continuance of their stay in BZA Appeal No. 18618 and a new status hearing for some time beginning in September or later of this year.¹

Also, please note that this letter is in lieu of appearing before the BZA on April 29, 2014.

Thank you for your time and consideration in this matter.

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

Very truly yours,



Michael Kroopnick

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)