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+ Virginia also * D.C. only
* Maryland only † Retired

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February 15, 2005

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB 15 AM 10:34

(Via Facsimile 202-727-6072)

Jeffrey Griffis, Chairperson
Board of Zoning Adjustment
441 4th Street, N.W.
Room 210
Washington, D.C. 20001

Re: Case No. 17276; Square 1346-Lot 822.

Dear Mr. Griffis:

The above-noted matter has been referred to you through the ANC. Please be advised that this Firm represents T.M. Visnic Custom Home Builders, LLC. T.M. Visnic Custom Home Builders, LLC was set forth as an original applicant pursuant to the application filed with this body on or around November 18, 2004. Please be further advised that without the consent or knowledge of T.M. Visnic Custom Home Builders, LLC ("Visnic"), the applicant was apparently changed.

You will see from the ANC transmittal, Visnic has been involved with developing this property for well over a year and provided a certain comfort level to the neighbors and community. Furthermore, the ANC, at least in part, mentioned in its letter that it was transmitting this matter to the BZA based on a representation by the applicant that it was in discussions with Visnic.

While it may or may not have an impact regarding this body's decision regarding the development, we wanted to make sure that the record was correct. At this point, Visnic is not participating in any way or fashion with the development of the above-noted property.[1] Any

BZA Case No. 17276 Exhibit No. 31

[1] We write this letter solely for clarification of the record in the event there is any reliance on Visnic's involvement for the purposes of approval. Our statement that Visnic is not involved, nor apparently will be involved, is not a waiver of Visnic's legal position as to its right to be

(continued...)

Board of Zoning Adjustment
District of Columbia
CASE NO. 17276
EXHIBIT NO. 31

SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

representations by the applicant to the contrary would be inaccurate.

We appreciate your consideration in this matter.

Sincerely,

Glenn C. Etelson

GCE/ci

cc: Theodore M. Visnic
Richard B. Nettler, Esq.
Timothy Dugan, Esq.

G:\133\MB Visnic\Foxhall\Correspondence\JGriffis 1 L.wpd

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[1](...continued)
involved. It is understood that the BZA may not be the forum in which to address these issues; however, Visnic reserves the right to address in a lawsuit the legal appropriateness of its removal from the application, its ownership interest in the applicant and the property as well as its right to participate.

LAW FIRM
SHULMAN, ROGERS, GANDAL, PORDY & ECKER, P.A.

11921 Rockville Pike, Suite 300
Rockville, Maryland 20852-2743
(301) 230-5200

FACSIMILE #(301) 230-2891 **CONFIRMATION # (301) 230-5237**

FACSIMILE MESSAGE – PLEASE DELIVER PROMPTLY

February 15, 2005

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TO: NAME: Jeffrey Griffis, Chairperson
COMPANY: Board of Zoning Adjustment
FAX NUMBER: (202) 727-6072
CONFIRMATION NUMBER:

FROM: NAME: Glenn C. Etelson
PHONE NUMBER: (301) 231-0956
NO. OF PAGES (INCLUDE COVER) 3
CLIENT/MATTER NO. 107019.021

MESSAGE: Re: Case No. 17276, Square 1346, Lot 822

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