United States Department of State

Washington, D.C. 20520

June 14, 2005

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D.C. BOARD OF ZONING
2005 JUN 16 PM 3:01

Ms. Jerrily Kress
Director
Office of Zoning
One Judiciary Square
441 4th Street, N.W., 2nd Floor
Washington, D.C. 20001

RE: BZA Application
Embassy of the Republic of Moldova
2101 S Street, N.W.

Dear Ms. Kress:

This letter transmits for filing an application from the Embassy of the Republic of Moldova to the Board of Zoning Adjustment for review of its application for the window replacement at its chancery located at 2101 S Street, N.W.

We certify that, with respect to the issue of windows presented in the attached application, the Embassy of the Republic of Moldova has now complied with Section 205 of the Foreign Missions Act (22 USC §4305) ("FMA"). Accordingly, pursuant to the Supplemental Rules of Practice and Procedure for the Board of Zoning Adjustment and Section 206(b) of the Foreign Missions Act (22 USC §4306(b)), this Office has no objection to the Embassy submitting its application to the BZA.

We note that, while the FM-BZA has never to date reviewed a chancery land-use matter confined solely to the issue of window replacement, such review is clearly within the FM-BZA's purview as contemplated by the FMA. Specifically, the Act authorizes the FM-BZA to hear any appeal by a chancery of an unfavorable administrative decision based in whole or in part on any zoning regulation. In this case, as in many others the FM-BZA has heard, the chancery applicant has been informed by the District zoning and land-use authorities that it

BZA
Case No. 17384
Exhibit No. 2

Board of Zoning Adjustment
District of Columbia
CASE NO. 17384
EXHIBIT NO. 2

may not proceed with desired modifications to its building. In a non-chancery case, the appropriate relief in such circumstances would be a proceeding before the District's Historic Preservation Review Board. However, under the FMA (at 22 USC §4306 (c)(3)), the FM-BZA is designated as the sole entity authorized to conduct proceedings to adjudicate chancery land-use matters. Accordingly, while the relatively small scale of the Moldovan issue differentiates it from prior FM-BZA cases, it is qualitatively identical to any prior case that has implicated issues of historic preservation.

Sincerely,



Richard C. Massey
Office Director
Real Estate

Cc: Mr. Lennox Douglas