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July 31, 2007

BY HAND

Ruthanne G. Miller, Chairperson
Board of Zoning Adjustment
441 Fourth Street, NW Room 210 S
Washington, DC 20001

Re: Appeal of The Dexter Street Trust, BZA
Appeal No. 17645

Dear Chairperson Miller:

Kinley R. Dumas

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Reference Number
029671.00001

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17645
EXHIBIT NO. 17

We are in receipt of a letter sent to the Board of Zoning Adjustment by Richard Aguglia, Esquire on July 27, 2007 on behalf of his clients Michael and Allyson Banks, owners of the property that is the subject of the above-referenced appeal. Mr. and Mrs. Banks are not parties to this case, and did not state in their letter any intent to intervene as such. That said, Mr. and Mrs. Banks' opposition to the requested continuance has no relevance to this case.

Mr. and Mrs. Banks assert in their letter that The Dexter Street Trust "has raised a myriad of other non-substantive reasons to block the construction of [the Banks'] new home which has prevented the owners from selling the existing house, currently vacant." To the contrary, The Dexter Street Trust has done nothing to impede the sale of the existing house, which has been on the market for several months. To the best of our knowledge, the Banks have clear and marketable title and the house can be conveyed without restriction, other than what has been on the title records since it was constructed. Mr. and Mrs. Banks' vague reference to "other non-substantive reasons" and alleged actions by the Trust have no relevance to this case, which is a bona fide appeal of the issuance of a building permit which was not consistent with the applicable Zoning Regulations. The issues in this case are solely related to the issuance of a building permit and its conformity with the Zoning Regulations.

Mr. and Mrs. Banks have taken no action to intervene in the above-referenced matter. They failed to appear before Advisory Neighborhood Commission 3D on July 11, 2007, when it considered this appeal at its public meeting. Mr. and Mrs. Banks currently have no standing in this matter to oppose the requested continuance. The Zoning Administrator and ANC 3D, which do have standing, have authorized The Dexter Street Trust to inform the Board of Zoning Adjustment that they have consented to the requested continuance.

The Dexter Street Trust submits that its requested continuance will not prejudice any party or person and has been made not for the purpose of unwarranted delay, but due to a

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legitimate and unavoidable scheduling conflict of an expert whose testimony is required at the hearing. Notwithstanding their lack of standing, the financial strain Mr. and Mrs. Banks are allegedly experiencing is of their own doing and the Banks' ability to sell the existing residence has nothing to do with this appeal and, therefore, are of no import to the issues before the Board in this matter. We urge the Board to grant the requested continuance, and to reschedule the hearing to the earliest available date.

Sincerely,



Kinley R. Dumas

Cc: Charles Thompson, Assistant Attorney General
Matt LeGrant, Acting Zoning Administrator
Advisory Neighborhood Commission 3D
Elizabeth Sandza, Advisory Neighborhood Commission 3D
Alma Gates, Advisory Neighborhood Commission 3D
Richard Aguglia, Esq.
Richard B. Nettler, Esq.