



To Make an Impact on Secular Washington
with the Message of Jesus Christ

May 6, 2008

District of Columbia Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: BZA Appeal No.17767,
McLean Bible Church

RECEIVED
D.C. OFFICE OF ZONING
2008 MAY - 6 PM 4: 45

Dear Members of the Board:

By this letter, McLean Bible Church, appellant in the above-referenced case, respectfully requests a continuance of the public hearing currently scheduled for May 20, 2008. The reasons for this continuance request are twofold:

First - only very recently was it determined by the owner of the 3426 Connecticut Avenue property and the current tenant, AMC, that the property will continue to be occupied and utilized as a theater by AMC. While these lease negotiations have been ongoing for the past several months, McLean Bible Church has been unable to finalize its own relationship with AMC for use of the property. Nor could McLean Bible Church reasonably devote the needed resources to pursue the appeal until that relationship was near completion, which again has only occurred within the past several days. Nonetheless, McLean Bible Church had to file its appeal of the Zoning Administrator's decision when it did, in December 2007, in order for the appeal to be timely under the Board's rules. McLean Bible Church is now left with no alternative but to request a postponement of the hearing on its appeal but feels it necessary to do so in light of these intervening events regarding the future occupancy and use of the property.

Second - McLean Bible Church has just today received a copy of a District of Columbia's Motion for Summary Judgment, apparently filed with the Board on May 1. Needless to say, even after only a summary review, we disagree with many positions raised in that document and note a variety of inconsistencies. We need an opportunity for further review and time to prepare an adequate response. Also, we are unfamiliar with the use of summary judgment in the context of an appeal to the Board and request additional time to review this matter. In essence, we are having difficulty understanding the District's position in its motion, since it would seem a logical extension of the District's argument that all appeals of decisions by the Zoning Administrator would be subject to dismissal by summary judgment, thereby denying appellants the opportunity for a public hearing guaranteed by District law. The rules of the Board do not provide for this process as asserted by the District.

CASE NO. 17767

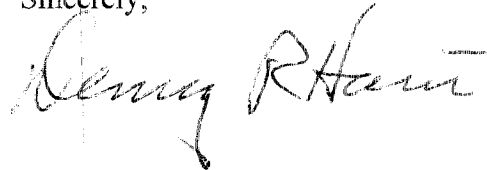
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Board of Zoning Adjustment
District of Columbia
CASE NO. 17767
EXHIBIT NO. 16

Finally, the Board's grant of a continuance is appropriate here as it will work no prejudice to any party since the use at issue is not currently in operation at the premises.

For all these reasons, McLean Bible Church requests a continuance. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Henry R. Ham".

cc: Jill Stern, Esquire
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