

SULLIVAN & BARROS, LLP

Real Estate | Zoning | Litigation | Business Law

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September 20, 2012

By E-filing

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

Re: BZA Appeal No. 18429 (the "Appeal"); Request to Postpone the Hearing Date.

Dear Members of the Board,

I am writing on behalf of Mr. Darren Binder, the owner of the property that is the subject of the above-referenced appeal. Pursuant to 11 DCMR § 3199.1, Mr. Binder is automatically a party to this Appeal. The hearing for the Appeal is scheduled for Tuesday afternoon, October 30th.

Mr. Binder has a critical and unavoidable work-related commitment in the afternoon of October 30th, and will not be able to attend the hearing.¹ We believe that the Appeal has no basis in law. Accordingly, we intend to submit an appropriate motion to dismiss. Should a hearing proceed after such a motion, Mr. Binder would appreciate the opportunity to attend that hearing to defend the Zoning Administrator's decision and protect his interests.

Therefore, we respectfully request that the Board postpone the Appeal hearing to another date. In a telephone conversation, the Zoning Administrator's counsel, Mr. Surabian, informed me that he has no objection to such a postponement, although he noted that both he and the Zoning Administrator would not be available on November 13th and November 20th. Thank you in advance for considering this request.

Sincerely,



Martin P. Sullivan

cc: Jay Surabian, Esq.
Edward Hanlon
ANC 2D

¹ Mr. Binder has an appointment with a Federal agency on his employer's behalf in the afternoon of October 30th.

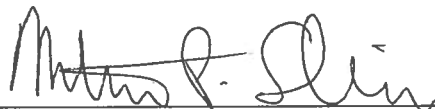
CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2012, a copy of Mr. Binder's request to postpone the hearing was delivered to the following, via e-mail or first class mail:

Jay A. Surabian, Esq.
Assistant Attorney General
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W., 5th Floor
Washington, D.C. 20024
Email: jay.surabian@dc.gov

Edward Hanlon
1523 Swann Street, N.W.
Washington, D.C. 20009

Advisory Neighborhood Commission 2B
9 Dupont Circle, NW
Washington, DC 20036

A handwritten signature in black ink, appearing to read "Martin P. Sullivan", written over a horizontal line.

Martin P. Sullivan