

April 14, 2015

By E-Mail Submission

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001
bzasubmissions@dc.gov

Re: Request for Continuation of BZA Appeal No. 18965

Dear Chairman Jordan and Members of the Board:

I am writing on behalf of the Appellant in the above-referenced Appeal to request a continuance of the hearing scheduled for April 14, 2015. The Appellant was served with two submissions yesterday. The first was a 92-page Motion to Dismiss filed by Appellee DCRA and provided to the Appellant at 11:25 a.m. yesterday. The second document was a Motion to Dismiss filed by the Intervenor, provided to the Appellant at 2:35 p.m. yesterday.

The two Motions present several legal propositions for which fairness would require that the Appellant have a reasonable opportunity to consider and respond. While Appellee and Intervenor may not technically have a deadline for submissions, it is nonetheless extraordinary for an Appellant to be presented with two substantially detailed and critical motions at such a late date. No party would be prejudiced by providing the requested continuance, as the wall which is the subject of this Appeal has already been constructed, is not under a stop work order, and is not subject to removal at this time.

A continuance would provide the Board the ability to fully consider the legal issues presented in this case; would provide the Appellant a fair hearing; and would not prejudice DCRA or the Intervenor. For these reasons, the Appellant respectfully requests a continuance of at least two weeks, with a submission deadline for Appellant's response of at least one week.

Thank you for considering this request.

Respectfully,



Martin P. Sullivan

cc: Ron Lewis, ANC 2E
for DCRA, Max Tondro
for Intervenor, Allison Prince