1850 Monroe Street, NW
Washington, DC 20010

VIA FACSIMILE
Ms. Sheri M. Pruitt
Board of Zoning Adjustment
441 4th Street, NW
Suite 210 South
Washington, DC 20001

October 4, 2001

re: Postponement of Hearing on Application 16732

Dear Ms. Pruitt:

As designated representative of the party opponents to application 16732, zoning variances for the premises of 1841 Park Road, NW, I request a postponement of the scheduled hearing of October 9, 2001. Pursuant to 11 DC Mun. Reg. 3105.11, the Board on its order may postpone a scheduled hearing on the petition of a party for 30 days or the next available hearing date.

The party opponents' request for a continuance or a postponement comes as result of several issues. First, the parties have been engaged efforts to settle issues surrounding this application. These efforts have included numerous meetings between the parties, ANC representatives and the exchange of draft agreements. During mid-September an agreement in principle was reached between the parties that would have settled issues raised by the immediate neighbors. On that basis, the party opponents and this representative focused on crafting a settlement agreement, rather than preparing a case in opposition. At approximately 8:30 p.m. on Tuesday, October 2nd, this representative was notified that the applicant intended to abandon the apartment and office configuration provisions that formed the basis of the agreement in principle. An additional meeting was held between the representatives of the party opponents and the applicant that evening where attempts at further conciliation proved fruitless. Because the parties engaged in good faith negotiations that were abandoned by the applicant at the 11th hour, we should be given an adequate opportunity to prepare and present a sound case to the Board.

The second reason underlying this request is my personal unavailability due to official business travel for the House Judiciary Committee in New York that conflicts with hearing. As official representative of the party opponents, I will present their case and cross examine witnesses. In the case of both the business travel and the hearing, no other person is prepared or authorized to fulfill my role. Consequently, my unavailability would create an undue hardship for the party opponents that will compromise their ability to receive a fair hearing.

BZA
Case No. 16732
Exhibit No. 54

Board of Zoning Adjustment
District of Columbia
CASE NO.16732
EXHIBIT NO.54

The applicant will not be unduly burdened by the requested continuance. Assuming that the applicant engaged in good faith negotiation, he also devoted substantial time to those negotiations, rather than preparation for an adversarial proceeding. Granting additional preparation time through a continuance would also result in time for a more well prepared presentation of his case. Further, granting additional time will open the door for future negotiation that may ultimately settle any outstanding issues.

If you have questions regarding this request, please do not hesitate to contact me at (202) 225-6906.

Very truly yours,



Keenan R. Keller