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April 29, 2002

HAND DELIVERY

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: BZA Appeal #16849, Appeal of Robert Lehrman regarding 2221 30th Street, N.W.

Dear Members of the Board:

On behalf of Mr. and Mrs. Melvyn Estrin, the owners of 2221 30th Street, N.W. ("Owner"), this letter is in vigorous opposition to the letter dated April 2, 2002 [sic][1] from the Appellant's attorney requesting that the Board once again change the date of the public hearing for the above-referenced appeal originally scheduled for April 9, 2002. The Appellant claims that he would be unfairly prejudiced by delaying the hearing until September 24, 2002. As is discussed in more detail below, the Appellant should not be able to claim he will be prejudiced by a delay in the hearing date when he affirmatively agreed to the new date at the time of the originally scheduled hearing. Moreover, it is the Owner, and not the Appellant, who would be prejudiced by further change in the hearing date where the initial delay was through no fault of the Owner's, and the other proposed dates pose a conflict for the Owner.

As the Board will recall, the public hearing on this appeal was originally scheduled for April 9, 2002. Before the case was called, staff for the Board

[1] Although the first page of the letter from the Appellant is dated April 2, 2002, the header on subsequent pages indicates that the actual date of the letter is April 23, 2002.

Board of Zoning Adjustment
District of Columbia
CASE NO.16849
EXHIBIT NO.26

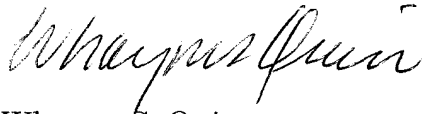
BZA
Case No. 16849
Exhibit No. 26

informed the parties that the carry-over schedule for that afternoon would not permit the hearing to take place on that day. Additionally, the staff informed the parties that the Board would be requesting by letter, additional information in order to rule on several pre-hearing motions that had been filed by the Owner and the Appellant. After consultation with the Board's staff, counsel for the Appellant and the Owner, and the numerous witnesses in attendance at the hearing for both sides, both the Appellant and the Owner agreed to September 24, 2002 as the postponed hearing date. The date was chosen to accommodate the Board's schedule as well as the already planned summer travel schedules of the Appellant, Owner, their witnesses and Counsel, and all parties and witnesses have relied upon that date.

The Appellant's claim now—two weeks following the original hearing date—that a delay to September 24, 2002 is unfair and prejudicial is disingenuous where, as the Board' staff can attest, the Appellant, with Counsel present, affirmatively agreed to the new date. In addition, contrary to the Appellant's assertion, another change in the hearing date would be prejudicial to the Owner, not the Appellant, since the Owner of the property is the only party who could be affected by Board action in this matter. Therefore, it would be extremely prejudicial to the Owner for a hearing to be held on a date on which neither the Owner nor his Counsel are able to attend due to long-planned travel schedules. The Appellant's claim that the hearing should be rescheduled to an earlier date even if it creates an "alleged inconvenience" for the Owner flies in the face of the notion of fundamental fairness, particularly where the Appellant agreed, both on the basis of the Owner and his own travel plans, to the rescheduled date.

Based upon the prior mutual selection of the hearing date and the fact that the parties have not yet received a request for additional information from the Board, the Owner requests that the Board keep the September 24, 2002 hearing date intact.

Sincerely,



Whayne S. Quin
Lisa L. Jackson

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2002, a copy of the foregoing letter in response to the Appellant's request for a change in the hearing date for BZA Appeal #16849 was sent via regular mail to:

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