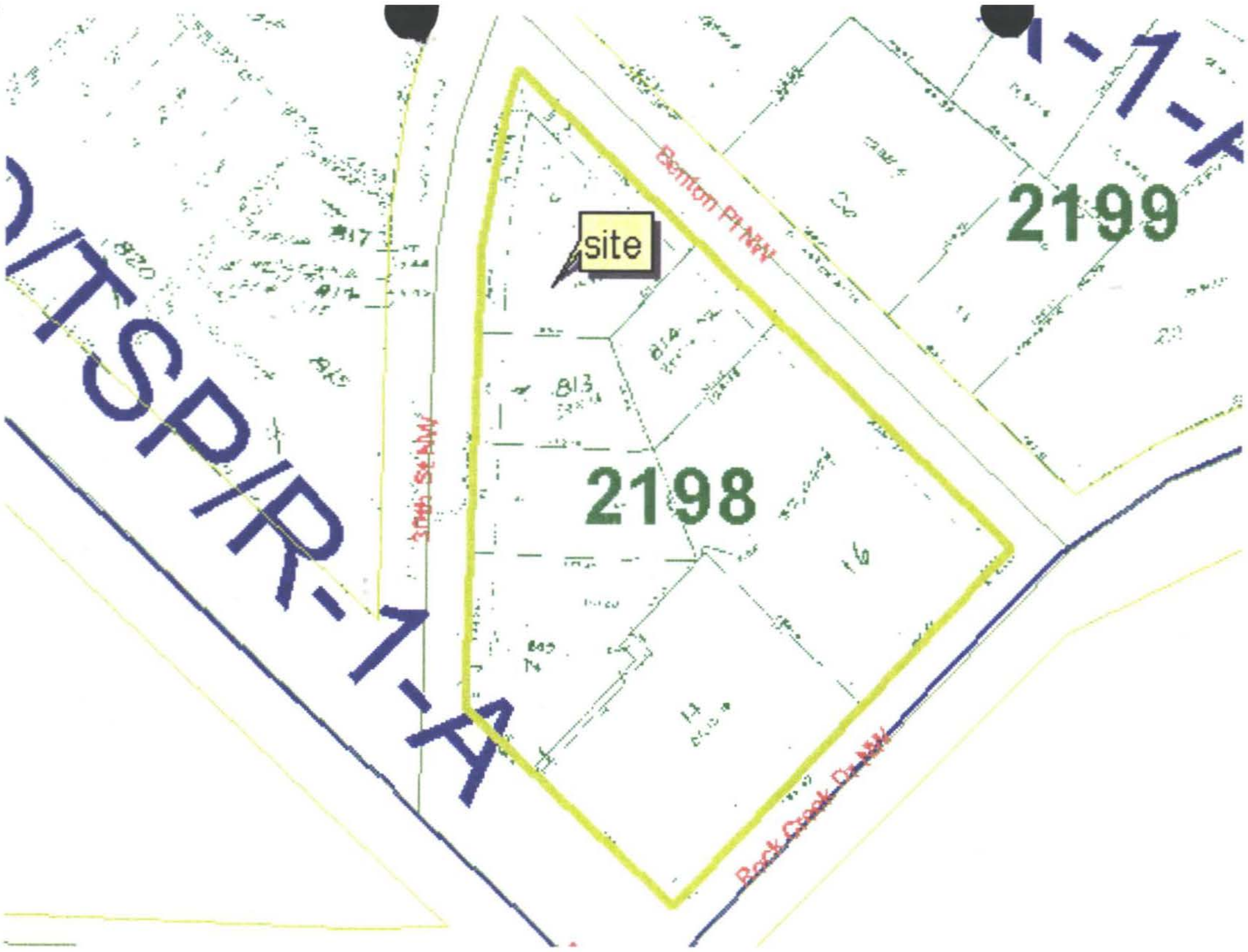


Appeal No. 16849 Robert Lehrman

REVISED

CONTINUED FROM April 9, 2002

RELIEF SOUGHT: Pursuant to 11 DCMR §§ 3100 and 3101, from the decision of Michael D. Johnson, Zoning Administrator, effecting the issuance of building permits (Nos. B439404 and B435446) allegedly causing the illegal removal of trees protected under the Tree and Slope Protection Overlay District (section 1511) at premises 2221 30th Street, N.W.

PRELIMINARY MATTERS:

1. Property Owners Motion to Dismiss, Exhibit No. 18.

   Three discussion points will be germane to the property owner's argument to dismiss the appeal; they are: (a) Standing; (b) Laches/Timeliness; (c) Mootness. Staff recommends that the Board decide the standing issue as a preliminary matter. Thereafter, at the conclusion of the hearing, the issues of laches and mootness can be decided when the Board hears the evidence that is to be presented.

2. Appellant's Motion to Stay, Exhibit No. 21

BZA
Case No. 16849
Exhibit No. 34
Board of Zoning Adjustment
District of Columbia
CASE NO.16849
EXHIBIT NO.34

ZONING: TSP/R-1-A District

SQUARE & LOT: Square 2198, Lot 6

OFFICE OF PLANNING: **OP does not review Appeal cases.**

AFFIDAVIT OF POSTING: **Not Required for Appeal cases.**

PARTICIPANTS

APPELLANT:	Robert Lehrman, to be Represented by Attorneys Cornish F. Hitchock and Andrea C. Ferester
APPELLEE:	Zoning Administrator, Robert Kelly to the represented by the Office of Corporation Counsel
INTERVENOR PROPERTY OWNER:	Mr. & Mrs. Melvyn J. Estrin, beneficiaries of the Estrin House Trust, to be Represented by Whayne S. Quin
ANC 3C:	The ANC finds that the Zoning Administrator erred in finding no violation of the overlay regulations. Exhibit Nos. 20 and 24

NOTES:

On April 9, 2002, the Board rescheduled the public hearing to September 24, 2002; the Board took no further action on the appeal. The Board instructed the Office of the Corporation Counsel to develop briefing notes on the case.

The Board's focus for this case is limited to whether there were any violations of the Tree and Slope Protection Overlay District (TSP) at the site. Issues concerning the Stop Work Order and enforcement are not before the Board.