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BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Appeal of Palisades Citizens Association	)	BZA Appeal No. 17311
of Building Permit No. B468560	)	Hearing Date: June 21, 2005
4825 Dexter Terrace, NW Frank & Dina Economides, Owners	)	

D.C. BOARD OF ZONING ADJUSTMENT
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Motion and Memorandum Seeking Continuance of Hearing on Appeal

Appellant, Palisades Citizens Association {"PCA"), hereby respectfully moves for a continuance of the hearing on this matter set for June 21, 2005 at 1:00 p.m., and as reasons therefor states as follows:

1. Appellant alleges that the issuance of Building Permit No. B468560, dated December 20, 2004, erroneously and in violation of multiple provisions of the Zoning Code authorized the construction of a grossly oversized house injurious to the PCA and its members. This Appeal was timely filed thereafter pursuant to Section 3112.2 of the Zoning Code.

2. The construction on the property at issue has been extraordinarily controversial and the subject of multiple administrative, civil and criminal challenges including, *inter ali*, BZA Appeal No. 17285, challenging the erection of a huge, earthen platform structure around the property's backyard.

3. Appeal No. 17285 was extensively briefed and argued to this Board, and a decision on that appeal is expected to be rendered on July 5, 2005.

BZA
Case No. 17311
Exhibit No. 16

Board of Zoning Adjustment
District of Columbia
CASE NO. 17311
EXHIBIT NO. 16

4. The instant Appeal and Appeal No. 17285 substantially overlap in regard to the underlying facts and potentially dispositive legal issues. In particular, in Appeal No. 17825, the Owners argued that the appeal was untimely, though filed within sixty days of the issuance of the permit at issue, because the appellant knew, or should have known, of cause to complain long prior to the date of the permit. Appellant contested on the grounds that, *inter alia*, the Owners had engaged in a pattern of deceptive and misleading conduct, including unpermitted or improperly permitted construction, such that the violations of Code could not reasonably be discovered prior to the issuance of the permit. It is anticipated that the Owners will make the same argument in regard to the timeliness of the instant Appeal, and Appellant's rebuttal of that argument will be based on many of the same facts presented in Appeal No. 17285. The resolution of that appeal will, therefore, necessarily involve the finding of facts that will be relevant to, if not dispositive of, this Appeal. Other overlapping issues include the complex factual background to the construction of the Property, the extensive permitting and re-permitting process and, potentially, the issue of standing. The resolution of these issues in Appeal No. 17285 may aid in the ultimate resolution of this case and in Appellant's decision to pursue this Appeal

5. Because the decision on Appeal No. 17285 necessarily affects the resolution on the merits of this Appeal, proceeding with the scheduled hearing on June 21, 2005, would be an unnecessary consumption of the Board's time and resources, and potentially result in confusing and conflicting findings of fact.

6. No party will be prejudiced should this Motion be granted. The construction regarding which Appellant complains herein is completed, or substantially

completed, and the pendency of the Appeal does not foreclose or prevent the Owners from their use and enjoyment of the Property.

WHEREFORE, for the reasons set forth herein, Appellant respectively requests that the Hearing be continued to a date after Appeal No. 17285 is decided.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion and Memorandum was sent by facsimile and first-class mail, postage prepaid, this 15th day of June, 2005 to Richard L. Agulia, Esq., Hunton & Williams, 1900 K Street, NW, Washington, DC 20006, counsel for Owners.

Douglas E. Fierberg