**DISTRICT OF COLUMBIA**
**BOARD OF ZONING ADJUSTMENT**
441 4th Street, N.W.
Washington D.C. 20001

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| In re:<br>1124 E Street, NE,<br>Appellant, | ) | Appeal No. 17468A |

**DISTRICT OF COLUMBIA'S**
**PARTIAL CONSENT MOTION FOR CONTINUANCE**

The Respondent District of Columbia (hereinafter "District"), by and through undersigned counsel, respectfully moves this Board, pursuant to Rule 3117.3(h) of the Board of Zoning Adjustment Rules of Practices and Procedures, to continue the June 27, 2006 hearing scheduled for this matter. As a basis for the District's Motion, the District submits that Zoning Administrator Bill Crews will be out of town and unavailable to testify on June 27, 2006.

On May 16, 2006, the parties were before this Board in the appeal, *In re Advisory Neighborhood Commission 6A*, Appeal No. 17468. During the hearing, the Board identified the instant matter as a distinct appeal and scheduled a hearing in the instant matter for June 27, 2006. In addition, the Board made the special request that Zoning Administrator Bill Crews be present for the June 27 hearing.

Upon returning to the office, undersigned counsel immediately contacted Mr. Crews to notify him of the new hearing date. However, Mr. Crews stated that, due to a prior commitment, he would be out of the jurisdiction for the week of June 26 through June 30 and would be unavailable to testify at the June 27 hearing, as scheduled.

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On May 17, 2006, undersigned counsel wrote to both the ANC and counsel for the intervener in an attempt to find a solution for Mr. Crews's unavailability. The May 17 letter proposed two solutions:

1. A Consent Motion for Continuance, which I would be happy to draft; or
2. If you will provide me with a written list of the questions for which you are seeking answers from my client, I will endeavor to produce a knowledgeable witness(es) at the hearing to respond to those questions.

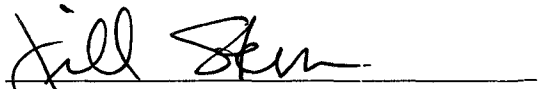
Letter from Taylor to Fengler and Brown of May 17, 2006. Undersigned counsel requested that the ANC and counsel for the intervener respond by May 26, 2006. Both parties responded. Counsel for the intervener was willing to submit written questions for the District to determine who would have sufficient knowledge to respond at the hearing. However, the ANC indicated that it is unwilling to move forward without Mr. Crews's appearance. As of the filing of this motion, neither party has proposed any other potential means of resolution. Therefore, the District moves this Board to continue the hearing to a date that Mr. Crews is available to testify.

On May 18, 2006, the ANC consented to the District's Motion, and it confirmed that consent on May 31, 2006; however, Counsel for the intervener does not consent to this Motion.

Respectfully Submitted,

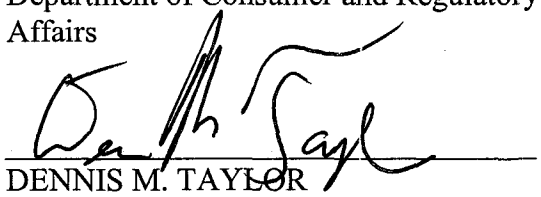
ROBERT J. SPAGNOLETTI
Attorney General for the District of Columbia

DAVID RUBENSTEIN
Deputy Attorney General,
Public Safety Division



JILL STERN
General Counsel
Department of Consumer and Regulatory Affairs

June 1, 2006



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing District of Columbia's Motion for Continuance was served by e- mail this 1st day of June 2006, to the following:

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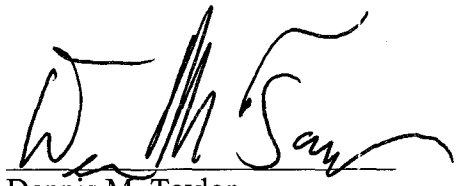

Dennis M. Taylor