LAW OFFICES
GREENSTEIN DELORME & LUCHS, P.C.

WILLIAM H. HARRIS, JR.
RICHARD G. WISE
ABRAHAM J. GREENSTEIN
GILBERT E. DeLORME
VINCENT MARK J. POLICY
RICHARD W. LUCHS
JUDITH R. GOLDMAN
JACQUES B. DePUY
JEFFREY H. GELMAN
ALAN S. WEITZ
WILLIAM C. CASANO
STEPHEN H. ABRAHAM
LEWIS F. MORSE
JOHN PATRICK BROWN, JR.
ALFRED M. GOLDBERG
DONALD F. HOLMES, JR.
MIRIAM HELLEN JONES
SARAE T. LEUCKEL
ISABEL P. RUIZ DE GAMBOA
JEANNINE RUSTAD
JAMES D. SADOWSKI

1620 L STREET, N.W., SUITE 900
WASHINGTON, D.C. 20036-5605

TELEPHONE (202) 452-1400
FACSIMILE (202) 452-1410

OF COUNSEL
MARK J. ZWEIFLER
61 WEST 62ND STREET
7TH FLOOR - SUITE E
NEW YORK, NEW YORK 10023
(212) 664-1099
FACSIMILE (212) 686-1535

May 22, 2000

DISTRICT OF COLUMBIA
00 MAY 22 P5:08

VIA FACSIMILE

Ms. Sheri M. Pruitt
Board of Zoning Adjustment Secretary
Office of Zoning
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: 3020 43rd Street, N.W.
BZA Application No. 16521
BZA Appeal No. _____

Dear Ms. Pruitt:

Enclosed please find the original and nine (9) copies of Mrs. Mildred R. Crary's Motion to Dismiss and/or the Application with Prejudice. I plan to raise this motion as a preliminary matter at the Board's hearing on Wednesday, May 24, 2000, unless the Applicant voluntarily agrees to withdraw the Application prior to the hearing.

Although based on this motion, there is no reasonable basis for the Board to proceed any further in this matter, I want to clarify certain information and developments involving the last minute continuance of the May 16 hearing. The undersigned agreed to continue the May 16 hearing in response to the Applicant's last minute request, subject to the following specific conditions: 1) a May 18 joint meeting of the parties with the Zoning Administrator; 2) an agreement of the parties to the required zoning relief; and 3) subject to the availability of Mrs. Crary, Mr. George Watson (the President of the Wesley

BZA
Case No. 16521
Exhibit No. 43

Board of Zoning Adjustment
District of Columbia
CASE NO.16521
EXHIBIT NO.43

GREENSTEIN DELORME & LUCHS, P.C.

Heights Historical Society and leading proponent of the original adoption of the Wesley Heights Overlay District) and Advisory Neighborhood Commission 3D.

The operative conditions of this continuance have not occurred. No joint meeting with the Zoning Administrator occurred on May 18 or any other date. I (and the Applicant and his counsel) waited forty-six minutes and the Zoning Administrator did not arrive for the meeting. After this passage of time, it made no sense for me to wait further. The wasted cost to Mrs. Crary of this attempt at accommodating the Applicant was $506.00 in legal fees (for preparation, travel and waiting time), plus round trip cab fare. I have also been informed by both Mrs. Crary and Mr. Watson that neither is available on May 24 based on prior commitments. Advisory Neighborhood Commission's letter of May 14 is attached and is self-explanatory as to its continued exclusion by the Applicant and continued inability to participate further and specifically in these proceedings.

Thank you for continued assistance and patience in this matter.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

JPB/dmh:137014
Enclosures

cc: Eleanor Robert Lewis, Esq.
Allison C. Prince, Esq.
Mr. Michael D. Johnson, Zoning Administrator
Mr. Edgar T. Nunley, Chief, Zoning Review Branch
Mr. George Watson, President

GREENSTEIN DELORME & LUCHS, P.C.

1620 L STREET, N.W., SUITE 900
WASHINGTON, D.C. 20036-5605

TELEPHONE (202) 452-1400
FACSIMILE (202) 452-1410

FACSIMILE TRANSMITTAL

Today's Date: May 22, 2000 Time: As Sent

TRANSMITTAL TO:

Individual: Ms. Sherri Pruitt
Company:
Direct Phone#:
Fax/Telecopier #: (202) 727-~~4925/4929~~ 6072

Total # of Pages: 8 (*including cover page*)

TRANSMITTAL FROM:

Individual: John Patrick Brown, Jr., Esq.
Phone Number: (202) 452-1400
Billing Code: 9999/0001
Message:

If there is a problem with this transmission, it is important that you notify:

Name: Deborah M. Harris Phone #: (202) 452-1400

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, MAY CONSTITUTE INSIDE INFORMATION, AND IS ONLY INTENDED ONLY FOR THE USE OF THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE, OR COPYING IS STRICTLY PROHIBITED, AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US AT THE NUMBER LISTED DIRECTLY ABOVE, THANK YOU.

126705