ShawPittman

A Law Partnership Including Professional Corporations

ALLISON C. PRINCE
202.663.8853 Fax: 202.663.8007
allison.prince@shawpittman.com

October 12, 2000

OCT 16 P 3:42

Via Facsimile

J. Patrick Brown, Esq.
Greenstein, DeLorme & Luchs, P.C.
1620 L Street, NW, Suite 900
Washington, DC 20036

Re: BZA Application No. 16521
3040 43rd Street, NW

Dear Pat:

In your motion for an extension of time which you filed with the DC Court of Appeals on August 23, 2000 (a copy of which is attached), you stated as a basis for the request:

> "The parties are also involved in settlement discussions, which if fruitful will negate the need for any further proceedings in this matter."

I disagree with your statement with the court that your client has been engaged in settlement discussions with Mr. Sisson. As you are aware, I sent you the attached letter containing a detailed offer of settlement on June 12, 2000, and requested a response "in the next few days". I followed up four days later to encourage your response. (See my attached e-mail to you which your previously filed with the BZA). While I understand that you have had difficulties in reaching your client, it is unfortunate that I have never received a substantive response to my client's letter. Under the circumstances, that unanswered letter cannot be characterized as an ongoing settlement discussion .

Sincerely yours,

Allison C. Prince

Allison C. Prince

Enclosures
cc: Charles Sisson
Board of Zoning Adjustment
DC Court of Appeals

Document #: 162496.1

BZA
Case No. 16521
Exhibit No. 60

Board of Zoning Adjustment
District of Columbia
CASE NO.16521
EXHIBIT NO.60

Allison C. Prince
202.457.7849
aprince@wilkesartis.com

Wilkes Artis

Chartered
Attorneys at Law

Suite 300, 1666 K Street, NW
Washington, DC 20006-2803
202.457.7800
Fax: 202.457.7814

June 12, 2000

VIA FACSIMILE

J. Patrick Brown, Esq.
Greenstein, DeLorme & Luchs, P.C.
Suite 900
1620 L Street, N.W.
Washington, D.C. 20036

Re: 3040 23rd Street, N.W.

Dear Pat:

Since our hearing is only one week away, I suggest that we devote some time to creative solutions to the resolution of the longstanding conflict between your client and mine. I have considered the following items based on my limited understanding of Mrs. Crary's issues, however. I remain open to any other suggestions that may address her concerns more effectively:

1. A well-designed opaque fence of the maximum height permitted under the Building Code. The fence could be located on the property line or, in the event that some adjustment to the exact location of the fence is preferable to the parties, an alternate location could be selected; or

2. A landscape buffer either on Mrs. Crary's property or Mr. Sisson's property to shield from Mrs. Crary the aspects of the improvements that are most offensive to her. As you are aware, with the careful selection of plant species, a buffer can be quite effective.

In addition, my client may consider improvements to your client's property to address her issues. I suggest that you present us with your thoughts on possible improvements.

Any possibility of settlement between your client and mine would be contingent upon the Board's grant of the requested variance relief in order to allow the front porch to remain. For that reason, I would greatly appreciate your pursuing the possibility of a settlement in the next few days to allow for the

possibility of your client's support of the variance application in the event that a settlement is reached.

I am pursuing this matter with you because I believe that we are capable of arriving at a reasonable and fair settlement that will be acceptable to both parties.

I look forward to your response.

Very truly yours,

Allison C. Prince

Allison C. Prince

ACP/ljo
#199065/14994002

DISTRICT OF COLUMBIA COURT OF APPEALS

CHARLES SISSON,	:	
	:	
Petitioner,	:	
	:	
v.	:	No. 00-AA-97
	:	
DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT,	:	
	:	
Respondent,	:	
	:	
and	:	
	:	
MILDRED R. CRARY,	:	
	:	
Intervenor.	:	
	:	

INTERVENOR'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF

Pursuant to Rules 26(b) and 27 of the Rules of the District of Columbia Court of Appeals, Intervenor, Mrs. Mildred R. Crary, requests a 60-day extension, until October 20, 2000, to file her brief in response to Petitioner's brief.

Intervenor sought Petitioner's consent to this Motion, but Petitioner would only consent to a thirty (30) day extension. The requested extension is consistent with the two (2) extensions obtained by Petitioner. In both instances, Intervenor readily consented to the requested extensions, including offering Petitioner consent to a longer extension. Respondent, D.C. BZA,

LAW OFFICES
GREENSTEIN DELORME & LUCHS, P.C.
1620 L STREET, N. W.
SUITE 900
WASHINGTON, D.C. 20036-5605
AREA CODE 202-452-1400

agreed to Intervenor's request for consent, and has indicated it will adopt Intervenor's arguments as its own. The extension is requested to provide Intervenor sufficient time to properly respond to Petitioner's Brief, including record materials and citation thereof. The parties are also involved in settlement discussions, which if fruitful will negate the need for any further proceedings in this matter. None of the parties would be prejudiced by the requested extension.

WHEREFORE, Mrs. Mildred R. Crary requests that her time to file a response brief be extended through Friday, October 20, 2000.

Respectfully submitted.

GREENSTEIN, DELORME & LUCHS, P.C.

John Patrick Brown, Jr., #417566
1620 L Street, N.W.
Suite 900
Washington, D.C. 20036

Counsel for Intervenor Mildred R. Crary

142093

CERTIFICATE OF SERVICE

I hereby certify that, on August 23, 2000, a true and correct copy of Intervenor's Motion for Extension of Time to File Brief was mailed, first-class, postage prepaid, to:

Maureen E. Dwyer, Esq.
Paul J. Kiernan, Esq.
Wilkes & Artis
1666 K Street, N.W.
Suite 300
Washington, D.C. 20006

Charles L. Reischel, Esq.
Deputy Corporation Counsel
Office of the Corporation Counsel
441 4th Street, N.W.
Sixth Floor South
Washington, D.C. 20001

John Patrick Brown, Jr.

142093

John Patrick Brown Jr.

From: aprince@wilkesartis.com
Sent: Friday, June 16, 2000 1:19 PM
To: John Patrick Brown Jr.
Subject: RE: Sisson BZA 16405/16521

I am pleased that you shared our settlement offer with Mrs. Crary. I met with Mr. Sisson yesterday and he remains convinced that your client will not respond. Please prove him wrong and get me something that I can begin to work with. Any response would at least serve as a starting point, will help to break down the mistrust between your client and mine and will help me convince my client that settlement is a possibility.

Does Mrs. Crary really want to spend hundreds of dollars on a re-survey of Sisson's property? Why does she have reason to question West? Michael McKenna told us to use West when we contacted him after the last hearing date. McKenna told me she would be wasting her money on a re-survey. West told me that there are several copper points in 43rd Street and that he is very confident in his findings.

I completely agree that West should have measured the side yard to the siding and not the foundation and I have a new survey coming to you that conveys that measurement. There as no intent to mislead. I told West to measure the side yard as accurately as possible and he did so as if he was conducting a wall check. The siding issue did not even occur to him or to me but it is a valid point and we have addressed it. (You must admit that it is quite a nuance and this case seems to be filled with them.) Now Michael Johnson needs to rule on the impact of this information.

I will await information on the meeting.

