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August 23, 2000

D.C. AUG 29 P 2:33

The Hon. Sheila Cross-Reid
Chair, Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, D.C. 20011

Re: September 5, 2000 Public Meeting
Agenda Item: *Molm v. Butera*

Dear Madam Chairperson:

I am in receipt of Mr. Leckar's letter to you of August 22, 2000. The Molms are agreeable to having the BZA accept jurisdiction of this dispute and render a decision thereon. We direct the Board to the Court's Order in this proceeding in which the Court ordered the Buteras to request the Board to decide "whether the placement of Defendants' air conditioning units violates any zoning ordinance or regulation." We do not believe, however, that an exchange of correspondence such as this is the best way to present the positions of the parties as to the underlying merits of the dispute. Should the Board accept jurisdiction of this dispute, we ask that the parties be given the opportunity to brief those issues.

The Molms are interested in having the entity with authority rule on this matter rather than have it shuffled between the Court and various agencies. We strongly believe that the Zoning Regulations clearly prohibit air conditioning units in side yard set back areas and are prepared to make our case. Accordingly, we urge you to accept jurisdiction, allow the parties to brief the issues, and then make your decision as soon as possible.

Yours Truly,

Adam Lipton - Bar No. 424552

cc: John Molm
Stephen Leckar
Dennis Hart
Benny L. Kass

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BZA
Case No. 16636
Exhibit No. 8

#16636

Board of Zoning Adjustment
District of Columbia
CASE NO.16636
EXHIBIT NO.8