**BEFORE THE BOARD OF ZONING ADJUSTMENT**
**OF THE DISTRICT OF COLUMBIA**

RECEIVED
D.C. BOARD OF ZONING
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**In re: BZA Appeal No. 16679**

***MOTION TO DISMISS APPEAL AS MOOT***

## I.
## INTRODUCTION

Charles Sisson, the owner of the property which is the subject of this appeal and an automatic party herein under 11 DCMR § 3391.1, through counsel, hereby moves this Board to dismiss the appeal as moot. This motion is being served by hand delivery on the parties so that their response may be filed within the required seven (7) days and the issue will be ripe for consideration by the Board of Zoning Adjustment ("Board" or "BZA") at its September 4, public meeting.

Specifically, Charles Sisson submits that the pending appeal is moot on the following grounds:

- The identical issues which are the subject of the appeal have recently been decided by the Board in BZA Application No. 16521, with the same parties in interest.
- Any testimony and evidence in the appeal has already been filed in the record of BZA Application No. 16521, the Zoning Administrator has addressed and defended his position, and the Board has decided the issues.

BZA
Case No. 16679
Exhibit No. 14
Board of Zoning Adjustment
District of Columbia
CASE NO. 16679
EXHIBIT NO. 14

- There is no prejudice to any party, since they have had their "day in court" and the opportunity to present, on the public record and for determination and decision by the Board, the issues which are raised in the appeal.
- The BZA heard extensive testimony and evidence and it would be a waste of the BZA's resources and time to devote yet another public hearing to the same issues.

For all of the above reasons, Charles Sisson requests that the appeal be dismissed as moot.

## II.
## THE FACTS

The subject appeal challenges the administrative decision of the Zoning Administrator to approve Building Permit No. B430091 (hereinafter, the "Remedial Permit"), dated October 11, 2000, on the bases that the Remedial Permit is inconsistent with the Board's decision in Appeal No. 16405, the Remedial Permit violates the lot occupancy and side yard restrictions of the Wesley Heights Overlay District ("WHOD"), and the Remedial Permit violates the driveway width and grade restrictions. (See the attached Exhibit A.) The appeal was filed by Patrick Brown on behalf of the Wesley Heights Citizens Association.

In BZA Application No. 16521, Charles Sisson sought zoning relief from the BZA in the form of a variance in order to validate construction of a front porch at his residence at 3020 43rd Street, NW. The relief was necessary because the Zoning Administrator, after reviewing the

construction on Mr. Sisson's property, determined that while other aspects of the construction complied with the zoning requirements, the front porch required variance relief.[1]

Patrick Brown, representing the Spring Valley-Wesley Heights Citizens Association, filed a notice of appeal on May 8, 2000. Mr. Brown also filed a copy of the appeal in the record for BZA Application No. 16521 on the basis that both cases were related. (See the attached Exhibit B.) Mr. Brown also participated in BZA Application No. 16521 on behalf of Mrs. Crary and copied the Spring Valley-Wesley Heights Citizens Association on all pleadings and correspondence.

The facts of record demonstrate that the subject appeal involves the same property, the same issues, the same parties in interest, and the same decision by the Zoning Administrator. Since the BZA on July 31, 2001 decided all of these issues when it decided BZA Application No. 16521, the subject appeal should be dismissed as moot.

## III.
## ARGUMENT

### A. The Issues Are Identical And The Cases Have Been Treated As One By Patrick Brown.

The remedial permit which is the subject of the appeal permits construction of a rear addition and garage as a matter of right. The issue on appeal is whether the Zoning Administrator was correct in determining that variance relief was not required for the rear

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[1] Following the Board's decision in BZA Appeal in 16405, the Zoning Administrator reviewed all of the construction at 3020 43rd Street, NW and issued Remedial Permit B430091, which confirmed that all construction, with the exception of the front porch, met the zoning requirements. This decision was made by Mr. Michael Johnson following careful review of the building permit drawings, the on-site construction, and the Zoning Regulations. It is this decision which is the subject of the appeal.

addition and garage. This is the identical issue considered and decided in BZA Application No. 16521. Specifically, Mr. Brown argued that in addition to the variance relief for the porch, variance relief was needed for the rear addition and garage. The BZA did not agree and Patrick Brown does not now get "two bites at the apple."

There can be no doubt that the issues raised in this appeal (lot occupancy, side yard, driveway width, and whether the building permit violates BZA Appeal No. 16405) are the identical issues decided by the Board in BZA Application No. 16521. In his letter to the BZA in Application No. 16521, Patrick Brown referenced the underlying appeal, referred to that case as related, and stated that Mrs. Crary was an interested party in that appeal as well. (See the attached Exhibit C.) Mr. Brown then proceeded to review and attack the Zoning Administrator's determination as to the areas of relief required for BZA Application No. 16521. These issues were raised by Mr. Brown throughout the course of the public hearings on BZA Application No. 16521, and in extensive written materials filed with the Board. As the attached Exhibit D indicates, Mr. Brown considered the two cases as consolidated and requested that all materials be filed in the records of both cases.

Prior to making a decision on Application No. 16521, and in response to the issues raised by Mr. Brown, the BZA requested additional information from the Zoning Administrator. Specifically, the BZA requested that the Zoning Administrator explain his determination as to the areas of relief and also "confirm that you still stand behind the permit B430091" upon which the variance relief was based. (See the attached Exhibit E.) This permit is the Remedial Permit which is the subject of the pending appeal. Thus, there can be no doubt that the Remedial Permit was included as part of the Board's consideration in BZA Application No. 16521, that the parties in interest (Mrs. Crary and the Spring Valley Wesley Heights Citizens Association, as well as

ANC 3D) presented testimony and evidence on the issue of the building permit, that the Zoning Administrator addressed these issues, and that the Board subsequently considered all evidence and testimony in making its decision in BZA Application No. 16521. (See the attached Exhibit F.)

B. **There Is No Prejudice to Any Party Since They Have Had Their "Day in Court."**

This is not a situation where the parties have not had full opportunity to present their views and have their issues addressed by the Board. On the contrary, the record establishes that Patrick Brown vigorously defended the positions of both Mrs. Crary and the Spring Valley Wesley Heights Citizens Association and that ANC 3D, as well, weighed in on the issues as part of the public hearing process for BZA Application No. 16521.[2] As a direct result of Mr. Brown's participation, the public hearing process was continued and delayed in BZA Application No. 16521 in order to allow additional hearing time, additional review by the Zoning Administrator, and additional consideration by the BZA of the very issues raised by Mr. Brown in the appeal. Accordingly, there is no prejudice to any party by the Board dismissing this appeal. On the contrary, it would be prejudicial to the owner, Mr. Charles Sisson, for the Board to hear an appeal that is the exact duplication of the very issues already heard and decided by the Board over an extremely long period of time. Fundamental principles of fairness warrant dismissal of the appeal.

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[2] Attached as Exhibit G is ANC 3D's position on the application which is nearly identical to the letter Mr. Brown sent to the ANC (Exhibit H) and which evidences that all issues were addressed.

C. **It Would Be A Waste Of The BZA's Resources To Go Forward With The Appeal.**

The issue which the BZA has to consider is whether there is any benefit to allowing the subject appeal to go forward, or whether the issues have already been litigated and addressed by the BZA in the context of BZA Application No. 16521. Charles Sisson submits that there would be no benefit to the BZA going forward.

The testimony and evidence which the BZA will hear as part of this appeal are the same testimony and evidence which it has already heard through an extensive hearing process in BZA Application No. 16521. The evidence on appeal will be the testimony and evidence of the Zoning Administrator as well as any testimony and evidence by the opposition and by the owner. All of this has already been submitted into the record of Application No. 16521. Indeed, precisely because Mr. Brown challenged the determination of the Zoning Administrator as to the correct areas of relief, the application was delayed, postponed and additional information and confirmation was requested of the Zoning Administrator. Further, the owner was required to supplement the record with an as built survey.

No evidence that was not already considered and reviewed by the BZA will be part of the appeal. Every issue has been thoroughly reviewed and addressed. The Remedial Permit was the subject of that application, the issues which Patrick Brown had concerning the Zoning Administrator's decisions were the subject of that application, and the Zoning Administrator participated in that application to address all issues and to defend his position. There is no new testimony or evidence which would be submitted as part of this appeal that would justify it going forward or would indicate a different result than the result already reached by the BZA.

In all of his filings in connection with Application No. 16521, Mr. Brown has incorporated the appeal, including the notice of appeal, the list of issues to be addressed in the

appeal and the arguments on appeal. It has also referred to the two cases as related and the parties in interest as the same. Clearly, he cannot now argue that there is any merit to separating the two and unnecessarily taking up the BZA's time with duplicative review.

This is a property that has already been the subject of extensive and protracted public hearings and administrative review by the Board of Zoning Adjustment. In the original Appeal No. 16405, the BZA suggested at the end of the hearing process that the best recourse for the owner was to file for variance relief with the Board of Zoning Adjustment. That is precisely what Mr. Sisson did, in BZA Application No. 16521. Patrick Brown participated in the original appeal, as well as in Application No. 16521. Patrick Brown also requested that the BZA include in its consideration of Application No. 16521 the pending appeal of the Remedial Permit and made every point before the Board in the application that could have been made in connection with the appeal. Thus, there can be no doubt that all of the testimony and evidence has already been heard and no new testimony and evidence would be presented in the appeal that was not already before the Board in the application.

For the Board to duplicate its energy and resources and to require the identical parties to again duplicate their testimony, as well as requiring the Zoning Administrator to again defend and explain his position which he has already done in great detail in BZA Application No. 16521, would be a waste of administrative resources and would serve no purpose. Clearly, the appeal is moot. Mr. Brown has had his day in court and the BZA should stand by the decision it made in BZA Application No. 16521.

## IV.

## CONCLUSION

For the above stated reasons, it is respectfully requested that the Board dismiss the appeal as moot. The appellant has had fully opportunity to present its views and issues in the related case, No. 16521, which, in all of its pleadings is combined with the subject appeal.

Respectfully submitted,

SHAW PITTMAN, LLP

Maureen E. Dwyer

Allison C. Prince

Attorneys for Owner Charles Sisson

Document #: 1157110 v.1

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was hand delivered this 27th day of August, 2001 to:

John Patrick Brown, Esq.
Greenstein, DeLorme & Luchs, PC
1620 L Street, NW, Suite 900
Washington, DC 20036
(Counsel for Mildred Crary and
Spring Valley-Wesley Heights
Citizens Association)

Eleanor Roberts Lewis, Esq. Chairperson
Advisory Neighborhood Commission 3D
5034-1/2 Dana Place, NW
Washington, DC 20016
(Also by Fax: 363-4130)

Mr. Michael D. Johnson
Zoning Administrator
941 North Capitol Street, NE
Second Floor
Washington, DC 20002

Allison C. Prince

Document #: 1157212 v.1

A

BZA [redacted]
(Rev[redacted] 7/17/95)

Dock[redacted] 16719

**BEFORE THE BOARD OF ZONING ADJUSTMENT**
**FOR THE DISTRICT OF COLUMBIA**

**APPEAL**

**NOTE:** **See reverse side of this application for filing instructions, filing fees and information required by the Board.**

DO NOT MAIL DO NOT MAIL

**TO THE BOARD OF ZONING ADJUSTMENT:**

Pursuant to Sections 3105 and 3106 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken from the administrative decision of the Zoning Administrator
(Name of administrative officer and title)

made on October 11, 2000, to the effect that
(Date of decision)

to approve Building Permit No. B430091.

Premises affected are located at 3020 43rd Street, N.W.,
(street address)

Lot(s) 70, Square(s) 1621,

in the District of Columbia, in Zoning District WHOD/R-1-A.

Present Use of Property: Vacant.

Proposed Use of Property: Single-family Dwelling.

Owner of Property: Mr. Charles A. Sisson.

Address or Owner: c/o Allison C. Prince, Esq., 2300 N Street, N.W., Washington, D.C. 20037.

Name and address of appellant, if other than owner:
Spring Valley-Wesley Heights Citizen's Association
c/o John Patrick Brown, Jr., Esq.

State manner in which appellant is aggrieved by administrative decision: See attached.

State briefly the allegations of error in administrative decision:

See attached.

Relevant Sections of the Zoning Regulations: See attached.

Date: 11/28/00 Signature John P. Brown
(Applicant)*
John Patrick Brown, Jr.

***If appeal is filed by agent of appellant, Form 1 (notice of appeal) shall be accompanied by a letter signed by the appellant authorizing the agent to act on his behalf of this appeal.**

**TO BE NOTIFIED OF HEARING AND DECISION:**

**BZA APPEAL NO.** 16679
**By**
**Spring Valley-Wesley Heights Citizen's Association**

**Regarding 3020 43rd Street, N.W.**
**(Lot 70, Square 1621)**

The administrative decision of the Zoning Administrator to approve Building Permit No. B430091, dated October 11, 2000 (attached as Exhibit A) is in error for the following reasons:

1. The Building Permit application is unsigned and therefore void on its face.

2. The Building Permit approval is incomplete and inconsistent with the Board's written decision in Appeal No. 16405.

3. The Building Permit approval violates the lot occupancy restrictions imposed by the Wesley Heights Overlay District ("WHOD"). 11 DCMR 1543.2 (a). The Zoning Administrator is not authorized any flexibility regarding the strict application of the lot occupancy restrictions imposed by the WHOD. 11 DCMR 407.

4. The Building Permit approval violates the applicable side yard restrictions. 11 DCMR 405.8. The Zoning Administrator's flexibility regarding the applicable side yard restrictions was a misuse and/or abuse of his limited discretion and substantially impairs the purpose of the otherwise applicable regulations. 11 DCMR 407.1.

5. The Building Permit approval violates BZA Appeal No. 16405 and the applicable private driveway width and grade restrictions. 11 DCMR 2117.

6. The Building Permit approval violates BZA Appeal No. 16405 and the applicable access and off-street parking restrictions. 11 DCMR 2101.1, 2117.4.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

Attorney for the Spring Valley-Wesley Heights Citizen's Association

November 28, 2000

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

**BUILDING PERMIT**

PERMIT NO. B430091

PERMIT

Date 10/11/00 (Type) MISC.

Address of work 3020 43RD STREET NW

Lot 70 Square 1621

Permission is hereby granted to

CHARLES SISSON

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

(Owner) NO.

TOTAL PERMIT FEE $

FILING FEE $

DATE

FEE PAYABLE $ 75.00

Authorized work and conditions of performance thereof:

FOR INSPECTIONS CALL [redacted] 442-4641

2 SOTRY REAR ADDITION, (PREVIOUS PERMIT B413166, ATTACHED). NEW GARAGE (PREVIOUS PERMIT B415675, ATTACHED). REMOVAL OF ROOF OVER FRONT PORCH (SEE PREVIOUS PERMIT B419108 FOR THE CONSTRUCTION OF THE ROOF OVER FRONT PORCH, ATTACHED). SEPARATE ELEC. AND PLUMB. INSTALLATION PERMITS ARE REQUIRED.

Width of Bldgs. Length Height No. of Stories 2 No. of Bldgs.

Zone WUOD/R1A To be occupied as SFD

Height of terrace above grade Projections:

Address of owner 3020 43RD ST. NW

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

L. JORDAN 32301
DIRECTOR

Chief, Permit Issuance Branch

Permit Clerk

EXHIBIT A

'00 OCT 30 12:05

## (J) APPROVALS (DO NOT WRITE ON TH[illegible] OFFICIAL USE ONLY):

### A. PERMIT CONTROL

- ☐ 1. Fine Arts by: _____ Date: _____
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. PADC by: _____ Date: _____
- ☐ 4. Cap. Gateway by: _____ Date: _____
- ☐ 5. W.H.I Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. RLA by: _____ Date: _____
- ☐ 10. Rental Accom. by: _____ Date: _____
- ☐ 11. Chinatown Distr. by: _____ Date: _____
- ☐ 12. Utility Clearance by: _____ Date: _____
- ☐ 13. General Liability Ins. Policy Clearance by: _____ Date: _____

### B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DPW — Permit and Records Division
  Access to Parking Street ☐ Street ☐ Alley
  Cleared by: _____ Date: _____
- ☐ 3. DPW - Consumer Engineer
  Cleared by: _____ Date: _____
- ☐ 4. ERA - Erosion Control
  Cleared by: _____ Date: _____

Restrictions of the Permit:

SEPARATE ELECTRICAL, PLUMBING AND ~~MECHANICAL~~ INSTALLATION PERMITS ARE REQUIRED.

### C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: Am Date: 4-22-00
- ☐ 2. Information Center by: _____ Date: _____
  - ☐ (a) ABC Board by: _____ Date: _____
  - ☐ (b) Noise Control by: _____ Date: _____
  - ☐ (c) Industrial Safety by: _____ Date: _____
  - ☐ (d) Vector Control by: _____ Date: _____
  - ☐ (e) D.C. Animal by: _____ Date: _____
  - ☐ (f) Police Dept. by: _____ Date: _____
- ☑ 3. Zoning by: [signature] Date: 9/22/00
  Zoning Update by: _____ Date: _____
- ☐ 4. DPW - Permit and Records Division/Deposit #
  Sidewalk Deposit $_____ Driveway Deposit $_____
  by: _____ Date: _____
- ☐ 5. Water/Sewer Design Branch
  Consumer Eng. by: _____ Date: _____
- ☐ 6. Environmental Regulation Administration
  - ☐ Environmental Policy Review
    Control No.: _____
    by: _____ Date: _____
  - ☐ Erosion Control by: [illegible] Date: 4/24/00
  - ☐ Storm Water Mgmt. by: _____ Date: _____
    Plan No. _____
- ☑ 7. Mechanical Eng. Review by: [illegible] Date: 9/24/00
- ☐ 8. Plumbing Eng. Review by: [illegible] Date: 9/24/00
- ☑ 9. Electrical Eng. Review by: [illegible] Date: 9/26/00
- ☐ 10. Health Plan Review
  - ☐ (a) Food Plan Review by: _____ Date: _____
  - ☐ (b) Medical X-ray Plan Rev. by: _____ Date: _____
- ☐ 11. D.C. Fire Dept. (Fire Prevention Plan Review Section) by: _____ Date: _____
- ☐ 12. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 13. Plumbing Insp. Rev. by: _____ Date: _____
- ☐ 14. Construction Insp. Branch (Field Check) by: _____ Date: _____
- ☐ 15. Historic Pres. Div. by: [illegible] Date: 10/17/00
- ☐ 16. Structural Eng. by: _____ Date: _____
- ☐ 17. Permit and Certificate Issuance Counter By: _____ Date: _____
- ☐ 18. Q.C. By: _____ Date: _____

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY D.C. GOVERNMENT OFFICE OR OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639

### ZONING

C of O Number _____ Date _____

Existing Use(s) _____

SFD

- ☐ New bldg.
- ☐ P.O.D.
- ☐ File in room 329

### DPW — PUBLIC SPACE

Street Name: _____

Street Width: _____

Road Width: _____

Sidewalk Width: _____

Parking: _____

Restrictions: _____

| Job No.: | BZA Case No.: | PUD Order No.: |
|---|---|---|
| | | |

2-0307-4 ed-375



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May 8, 2000

HAND-DELIVERY

Ms. Sherri Pruitt
Secretary
Board of Zoning Adjustment
441 4th Street, N.W., Room 210
Washington, D.C. 20001

**Re: Appeal of Administrative Decision Regarding 3020 43rd Street, N.W.; Related to BZA Application No. 16521**

Dear Ms. Pruitt:

Enclosed please find the original and eight (8) copies of a BZA Appeal of the February 29, 2000 administrative decision of Mr. Edgar T. Nunley, Chief of the Zoning Review Branch. This Appeal is filed on behalf of the Spring Valley-Wesley Heights Citizen's Association ("Association"). As a not-for-profit "citizens association", the Association is entitled to file this Appeal with no filing fee pursuant to 11 DCMR 3180.4(c). The Association has been routinely found to be exempt from the appeal filing fee. See BZA Appeal Nos. 16220 and 16222.

**Please note that a copy of this Appeal should also be filed in the record for BZA Application No. 16521.**

This administrative decision purports to be a determination of the zoning relief required for the illegally constructed improvements at the subject property. However, as set forth in

more detail in the attached Appeal, the decision is fundamentally and fatally flawed in **at least** the following respects:

1. Premature based on the pending Court of Appeals challenge by Mr. Sisson to the underlying Board decision in BZA Appeal No. 16405;

2. Inconsistent with the Board's decision in BZA Appeal No. 16405;

3. Fails to identify at least five (5) additional violations of the Zoning Regulations requiring variance relief;

4. Contains clearly incorrect information (e.g., wrong lot width) about the subject property which makes accurate zoning review impossible; and

5. Not based on "As-Built" drawings of the illegally constructed improvements as requested by the Zoning Administrator.

The Association's review in this matter is ongoing and likely to identify additional critical errors and violations of the Zoning Regulations. This review and analysis has been delayed and hampered by the property owner's failure to provide this administrative decision and other subsequent documents to the "parties" (as required by Board Rules) in the related BZA Application No. 16521. The Association expressly reserves the right to supplement and provide additional grounds for this Appeal as they are identified.

Thank you for your continued assistance in this matter. If you have any questions, please feel free to contact me.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

Attorney for Spring Valley-
Wesley Heights Citizens
Association

JPB/mlm:136145
Enclosures

cc: Advisory Neighborhood Commission 3D (by fax/mail)
Mr. Michael D. Johnson (by mail)
Mr. Edgar T. Nunley (by mail)
Mr. George Watson (by mail)
Allison c. Prince, Esq. (by fax/mail)

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May 18, 2000

BY HAND-DELIVERY

Ms. Sheila Cross-Reid
Chairperson
Board of Zoning Adjustment
441 Fourth Street, N.W.
Room 210
Washington, D.C. 20001

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

Dear Ms. Reid:

On Monday, May 8, 2000, this firm filed a BZA Appeal of the February 29, 2000 administrative decision of Mr. Edgar T. Nunley, Chief of the Zoning Review Branch which prematurely, incompletely, and inaccurately attempted to determine the zoning relief required for the illegally constructed improvements which are the subject in BZA Application No. 16521. This Appeal was filed on behalf of the Spring Valley-Wesley Heights Citizen's Association ("Appellant").

Based on recently provided information from the Applicant and newly obtained information, our investigation of this matter is continuing, but remains incomplete as a result of the continued lack of requested and accurate information from the Applicant. However, the following additional information is directly relevant to the recently filed Appeal and the related BZA Application No. 16521. Accordingly, this letter should be made a part of the record in both the Appeal and Application cases.

1. **Front Yard Variance Incorrect**: The front yard variance required for the illegally constructed improvements of 3.3 feet (15.7%) set forth by Mr. Nunley is incorrect and understates the substantial nature of the variance by almost 3 feet. The applicable Wesley Heights Overlay District front yard setback is 21.0 feet. As shown on the Applicant's most recent Surveyor's Plat (Exhibit A), the depth of the front yard prior to the illegal construction of the covered porch was 24.95 feet. At its maximum depth, the covered porch was 10.0 feet (Exhibit B, Applicant's construction plans), not 8.0 feet (or 7.66 feet shown on the Surveyor's Plat (Exhibit A)). As a result, the front yard after the illegal construction was 14.95 feet. This will require a variance of 6.05 feet (28.8%). An October 5, 1998 Surveyor's Plat (Exhibit C) submitted by the Applicant for a building permit for the covered porch which had already been completed illegally and without a permit shows a front yard setback of 13 feet, but does not show the correct configuration of the covered porch.

2. **Side Yard Discrepancies/Violation**: The side yard information submitted by the Applicant over the last two (2) years has been inconsistent, incomplete and just plain incorrect. As a result, it is likely that the illegally constructed improvements also violate the applicable minimum side yard restrictions. In such event, a variance will be necessary and, to date, none has been sought. The Board should note the following information and discrepancies:

   a. The Applicant's original building permit application in January 1998 (Exhibit D) showed a south side yard of "6' (+/- 1')," a house width of 41.6 feet, and no dimension on the north side yard (adjacent to Mrs. Crary). Based on the information provided, the north side yard was 4.9 feet, but could have been 3.9 feet. The minimum side yard allowed for an addition under 11 DCMR 405.8 is 5.0 feet. The north side yard for the illegally constructed improvements is less than the minimum 8.0 feet required. This is an additional violation of the Zoning Regulations.

b. The Applicant's current Surveyor's Plat (Exhibit A) shows a north side yard of 6.50 feet, a south side yard of 4.434 feet, and a building width of 41.66 feet. The sum of the two (2) side yards and the existing building exceeds the established 52.50 foot lot width of the property.

c. Field measurements conducted by the undersigned and an ANC 3D Commissioner based on Surveyor's markers in the ground and the illegally constructed improvements, show a north side yard of approximately 4.50 feet. This measurement agrees with anecdotal information provided by the prior and long-standing owner of the subject property and Mrs. Crary and the Applicant's own documentation in Exhibit D.

The Applicant has failed and refused to provide an as-built survey which Mrs. Crary requested almost two (2) years ago. For this reason alone, the Board should dismiss the Application or continue it until such a survey is provided. Without such a survey the Board cannot properly consider the Application.

The Appellant reserves the right to submit additional information in both cases as it becomes available.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

Enclosures: 136640
cc: Advisory Neighborhood Commission 3D
Mr. George Watson, Wesley Heights Historical Society
Mr. William Harrop, Spring Valley-Wesley Heights Citizens's Assoc.
Mr. Michael D. Johnson, Zoning Administrator
Allison C. Prince, Esq.



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OF COUNSEL
MARK J. ZWEIFLER

ADMITTED IN NEW YORK
AND NEW JERSEY ONLY

June 26, 2001

**BY HAND**

Ms. Sherri M. Pruitt
Secretary
D.C. Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 210
Washington, D.C. 20001

**Re: BZA Application 16521**

Dear Ms. Pruitt:

This firm is counsel to Mrs. Mildred R. Crary, the immediately adjacent property owner, party in opposition to this Application, successful Appellant in the underlying BZA Appeal No. 16405 and an interested party in the related and yet unscheduled BZA Appeal No. 16679.

Recently, we have received the attached Zoning Administrator's April 23, 2001 notes and computation sheet in this BZA Application which was requested by the Board [compare with February 29, 2000 letter from Zoning Administrator, attached also]. A review of this new information, appears to indicate that the Applicant requires additional zoning relief not previously identified in this Application which was originally self-certified and repeatedly revised based on several corrected surveys submitted at the Board's request. Specifically, the Zoning Administrator now finds that an additional variance under 200a.3(b) (Item No. 3 in his letter) is required which was not previously part of this case and was not properly noticed at any time in these proceedings.

Based on this additional zoning relief required, the Applicant has failed to meet its burden of proof and the Application should be DENIED. Significantly, the Zoning Administrator also notes that the

Case No. 16521
Exhibit No. 76

Applicant "**constructed the front porch addition outside the scope of DCRA permits and zoning approval. Also, my investigation concluded that DCRA/OZA Staff reviewed and approved permits based upon misinformation provided by the applicant.**" These conclusions are consistent with the long established facts set forth in the Board's Order in Appeal No. 16405 (attached).

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

JPB/sp
Enclosure
cc: Allison C. Prince, Esq.
Advisory Neighborhood Commission 3D
Mr. William Harrop, Spring Valley-Wesley Heights Citizens Association
Mr. George Watson, Wesley Heights Historical Society

15527



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May 22, 2000

**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

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

**BEFORE THE BOARD OF ZONING ADJUSTMENT**
**OF THE DISTRICT OF COLUMBIA**

Application of Charles A. Sisson

BZA Application No. 16521
Hearing Dates:
December 8, 1999, May 3, 2000,
May 16, 2000 and May 24, 2000
ANC 3D

**MRS. MILDRED R. CRARY'S MOTION TO DISMISS AND/OR DENY THE APPLICATION WITH PREJUDICE**

Mrs. Mildred R. Crary has owned the property immediately adjacent to the subject property since the 1960s and is a long recognized party in opposition to this remedial Application. Mrs. Crary was also the Appellant in BZA Appeal No. 16405, in which the Board found that improvements to the subject property (covered front porch, rear addition, and new garage) were constructed illegally in violation of numerous Zoning Regulations.

## I. Relief Requested

Mrs. Crary, through counsel, respectfully and urgently, moves the Board to DISMISS and/or DENY this Application WITH PREJUDICE. More than seven and a half (7½) months after it was originally and prematurely filed and on the eve of an

unprecedented fourth (4th) hearing date, this remedial Application remains fatally defective and without any reasonable basis for the Board to proceed. It cannot be disputed that this Application remains premature and is incomplete, misleading, increasingly inconsistent, confirms additional and greater zoning violations and directly contradicts (or simply ignores) the Board's detailed findings of fact and conclusions of law in the underlying BZA Appeal No. 16405. The Applicant, through his counsel, bears the sole responsibility to file and prosecute a complete and an accurate Application. Having failed to meet its burden, this Application must be DISMISSED and/or DENIED WITH PREJUDICE pursuant to 11 DCMR 3126.11.

## II. THE BOARD'S FINDINGS OF FACT AND CONCLUSIONS OF LAW ARE BINDING

In addition to numerous specific zoning violations (front yard setback, lot occupancy, private driveway access, required off-street parking and garage height of 16 feet), the Board's detailed findings of fact and conclusions of law issued on December 28, 1999 stated:

- The [Applicant's] project was developed in a piecemeal manner and the various applications were often incomplete or otherwise misleading in that they did not

always reflect the [Applicant's] plans for the garage, rear addition and front porch consistently and accurately. BZA Appeal No. 16405 ("Appeal Order"), Findings of Fact No. 8 (emphasis added).

- Although the second permit authorized an addition to an existing garage, the garage was demolished without authorization, purportedly because the [Applicant's] contractor discovered that the footings to the existing garage were decayed. Appeal Order, Findings of Fact No. 10 (emphasis added).

- A new garage was constructed on the subject property that was larger than the approved garage addition. The second permit approved a garage with dimensions of 20 feet in length and 14 feet in height, but the dimensions of the new garage were approximately 23 feet long, 21 feet wide and 16 feet high. Appeal Order, Findings of Fact No. 11 (emphasis added).

- The third permit, for a new garage in the same location as the previous garage, was issued after the new garage was already substantially completed. The large size of the new garage also exceeded the dimensions allowed by the third permit. Appeal Order, Findings of Fact No. 12 (emphasis added).

- The Zoning Regulations require that off-street parking spaces must be accessible at times directly from improved streets or alleys or accessible from improved streets and alleys via graded and unobstructed private driveways. 11 DCMR §2117.4. Appeal Order, Findings of Fact No. 13 (emphasis added).

- A driveway providing access to required parking spaces must meet certain standards, including that a driveway serving more than one (1) parking space must be at least 12 feet wide if designed for one-way circulation or at least 14 feet wide if designed for two-way circulation. 11 DCMR §2117.8. Appeal Order, Findings of Fact No. 14.

- A private easement extends from Hawthorne Street along the rear of four neighboring properties, and terminates at the [Applicant's] property. Following construction of the new garage, **the easement is eight feet wide**. Appeal Order, Findings of Fact No. 15 (emphasis added).

- The [Applicant's] new garage is accessible only by means of the [eight foot] private easement. Appeal Order, Findings of Fact No. 16 (emphasis added).

- The [Applicant's five (5)] permit applications **contained errors of omission or were otherwise misleading** in that they did not reflect all existing and planned improvements accurately and consistently. Appeal Order, Conclusions of Law, Page 6 (emphasis added).

- Moreover, **some work was performed beyond the scope of the permit[s]**, as with the demolition of the existing garage and the construction of the new garage larger than the dimensions specified on the permit, **and two of the permits (the third and fifth) were issued for work that was undertaken prior to receiving the permits**. Appeal Order, Conclusions of Law, Page 6 (emphasis added).

- **[T]he full scope of the worked planned for the [Applicant's] property was not depicted consistently and accurately on all permit applications**, thus precluding an assessment of each individual permit application within the context of all existing and planned improvements. Appeal Order, Conclusions of Law, Page 7 (emphasis added).

- As Mr. Nunley acknowledged at the public hearing, the permits for the garage should not have been issued if the garage did not provide access in conformance with the zoning regulations. **The two-car garage is accessible only through an easement that, at a width of eight feet, is narrower than the minimum width of 14 feet specified in the zoning regulations for a driveway with two-way circulation serving a parking space**. 11

DCMR §2117.8 (emphasis added).

## III. THE APPLICATION IS PREMATURE, INCOMPLETE, MISLEADING, INACCURATE AND DIRECTLY CONTRADICTED BY THE BOARD'S BINDING DECISION IN THE UNDERLYING APPEAL

### A. The Original Application Was Premature.

This remedial Application was filed on October 7, 1999 almost three (3) months before the Board's written decision in the underlying Appeal No. 16405. In order gain procedural and substantive advantage, the Applicant, through counsel, acted at his own risk by prematurely filing the Application and based on a self-certification of the required zoning relief required. At the last minute before the scheduled December 8, 1999 hearing, the Applicant was forced by Mrs. Crary to admit that it was premature, did not request the required zoning relief and that the Applicant was not able to proceed as scheduled. Ideally, the Applicant sought Board approval of the remedial Application prior to a written decision in the underlying Appeal No. 16405. In allowing the requested continuance, the Board gave the Applicant a second chance, but did so to the prejudice of Mrs. Crary and Advisory Neighborhood Commission 3D both of which have been active participants in the underlying Appeal and this remedial Application.

On May 18, 2000, the Applicant has at the last minute produced yet a third set of drawings (Exhibit B-1, B-2, B-3 and B-4) in a desperate attempt to rescue this clearly defective Application. Taken together, the three (3) versions of the illegally constructed improvements proffered at different times by the Applicant are inconsistent, misleading, incomplete and produce an even more confusing state of affairs. However, the Applicant's May 18, 2000 submission did serve, amidst increased confusion, to conclusively admit and confirm Mrs. Crary's claim (and the recently filed Appeal of Mr. Nunley's February 29, 2000 administrative decision by the Spring Valley-Wesley Heights Citizen's Association) that additional and greater zoning violations exist.

C. **The Applicant Has Admitted New and Greater Zoning Violations.**

Having protested in response to claims that the original house and the illegally constructed rear addition improvements violated the minimum side yard requirements and that the magnitude of the front-yard setback was incorrect, the Applicant has provided clear evidence establishing that both claims are correct and that this remedial Application is further defective.

1. **Side Yard Violation**: The Applicant now admits that the

previous dimensions on the garage area were incorrect (Exhibit B-1) and provides a new Garage Site Plan (Exhibit B-2) which shows a north side yard (adjacent to Mrs. Crary) of only 4.6 feet (not 6.50 feet as shown of the Surveyor's Plat (Exhibit A)). On the same Surveyor's Plat, the original house is shown with the same side yard dimension as the garage. Therefore, the original house also had a north side yard dimension of 4.6 feet which is less than the 5.0 foot minimum required under 11 DCMR 405.8. Also, the illegally constructed rear addition is stated as 7.87 feet (the measurement is actually closer to 6.0 feet based on the new side yard dimensions provided) which violates the applicable 8.0 foot minimum. Accordingly, this remedial Application requires an additional side yard variance for the rear addition.

2. **Front Yard Variance Understated**: The Applicant now admits in Exhibit B-3 that the illegally constructed front porch extends into the 21.0 foot minimum front yard by 9.80 (not 7.66 feet shown on the Surveyor's Plat (Exhibit A) and calculated by Mr. Nunley based on the incorrect information he was provided). Therefore,

the porch results in a front yard of 15.15 feet requiring a variance of 5.85 feet (27.9%), not 3.3 feet (15.7%) or almost double the zoning violation.

D. **The Application Ignores the Board's Order in Appeal No. 16405.**

This Remedial Application must proceed in accordance with the Board's detailed findings of fact and conclusions of law, which found the following zoning violations:

1. **Front Yard Setback**: As noted above, the Applicant has failed to seek the correct variance in this Application.

2. **Lot Occupancy**: Given the increasing and continuing discrepancies in the building dimensions and the use of the wrong lot width in the zoning calculations, the amount of this variance may not be accurate.

3. **Garage Height**: The Board found that the illegally constructed new garage was 16.0 feet high which exceeds the 15.0 maximum permitted. The Applicant's last minute claim of a 14.2 foot garage (by the same architect who originally said the garage was 16.0 feet) is self-serving and simply not credible. Exhibits B-1

and B-4. Under the Applicant's new dimensions, the roof structure of the garage must now be almost 2 feet less in height. As shown on the attached Exhibit C (comparison of original garage plans which the Applicant submitted as correct and "as-built" to Mr. Nunley and the "new" dimensions), this produces a dramatic and absurd change in the roof design or pitch which is not supported by actual field conditions.

4. **Garage Accessible By Required Private Driveway**: The Board's Appeal order is clear that the 8.0 foot private easement provided is not sufficient. The Board also noted that the private driveway must be properly graded. The Applicant has produced no evidence to show compliance with the applicable width or grade requirements set forth in 11 DCMR 2117.4, 2117.8.

5. **Required Off-Street Parking**: Without the required access to the illegally constructed garage, the Applicant can not provide the minimum one (1) off-street parking space and an additional variance is required.

## IV. CONCLUSION

For the foregoing reasons, it is the Board's clear responsibility to DISMISS and/or DENY this clearly defective Application WITH PREJUDICE pursuant to 11 DCMR 3126.11.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: John P. Brown
John Patrick Brown, Jr.

136981



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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**VIA INTER-OFFICE MAIL & E-MAIL**

**MEMORANDUM**

TO: Michael D. Johnson
Zoning Administrator
DCRA

FROM: Jerrily R. Kress, FAIA RSN for
Director

DATE: July 6, 2001

RE: BZA Application No. 16521 (3020 43rd Street, N.W.) Sisson

---

The Board of Zoning Adjustment ("Board") is scheduled to make a decision on the above-referenced case on July 31, 2001. The Board at its public meeting session on July 3, 2001, requested that you please supply it with the following information by July 23, 2001, relevant to the above referenced case:

1. Expanded explanation of comments on page 2 of your memorandum to the Office of Zoning dated April 23, 2001 (attached), relevant to your investigation into this matter.

2. Confirm that you still stand behind the permit (B430091) plans, submitted as Exhibit 77 (attached) in the BZA record, upon which the variance relief was based.

Please call Richard S. Nero, Jr., Special Assistant, on (202) 727-6311 if you have any questions, or if you require any additional information in this matter.

BZA
Case No. 16521
Attachments Exhibit No. 83

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GOVERN ENT OF THE DISTRICT OF OLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

July 23, 2001

Ms. Jerrily Kress
Office of Zoning
441 4th Street, N.W., Room 210
Washington, D.C. 20001

BZA
Case No. 16521
Exhibit No. 84

2001 JUL 24 PM 1:30
D.C. GOVERNMENT

**Re: BZA Application No. 16521**
**Mr. Charles Sisson**
**3020 43rd Street, N.W.**

The purpose of this letter is to respond to your recent letter. I have reviewed the files associated with the above-referenced application. I have determined that the Zoning Memorandum initially issued by this office on February 29, 2000, is correct and that the third area of relief cited in my memorandum dated April 23, 2001, is not required. The house, without the front porch, does not exceed the 2000 square foot limit on lot occupancy; therefore, the third area of relief is not required.[1]

In addition, you ask me to clarify the statements in my letter dated April 23, 2001. Specifically, in that letter I stated that the initial permit issued for the front porch was based on misinformation provided by the applicant. I would like to clarity that the applicant, on his permit clearly indicates that the porch constitutes new construction, rather than the alteration of an existing porch. Since there have been allegations of bad faith, it is important to note that the applicant has demonstrated good faith in correcting the earlier permit.

Finally, I have been asked to confirm that the remedial permit, exclusive of proposed porch, was correctly issued. This matter has been thoroughly reviewed by my office, and we stand by the remedial permit.

[1] The footprint of the house with the porch is 2,253 square feet. Since the porch consists of 326 square feet, the total square footage of the footprint without the porch is 1927. My letter dated April 23, incorrectly refers to the total square footage with the porch as 2,501.14.

Please do not hesitate to contact me if you have any questions at 202-442-4576.

Respectfully,

Michael D. Johnson
Zoning Administrator

MDJ/TB/ee



To
BZA Applic-
file

**Government of the District of Columbia**
**ADVISORY NEIGHBORHOOD COMMISSION 3-D**
**P.O. Box 40846**
**Palisades Station**
**Washington, D.C. 20016**



OCT 10 P3:34 00

October 6, 2000

Ms. Sheila Cross-Reid
Chairperson
Board of Zoning Adjustment
441 Fourth Street, N.W.
Room 210
Washington, D.C. 20001

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

Dear Ms. Reid:

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on Monday, September 11, 2000 at the Ernst Auditorium, Sibley Memorial Hospital. Notice of this meeting was published in a local newspaper and meeting notices were placed in each single member district and were sent to residents of the community at least seven (7) days in advance of the meeting. A quorum was present at all times.

At this meeting, the Commission heard presentations from the Applicant, Mr. Charles Sisson, Mrs. Mildred R. Crary (the immediately adjacent neighbor and successful Appellant in the underlying BZA Appeal No. 16405) and her counsel, and Mr. George Watson, President of the Wesley Heights Historical Society and one of the leading participants in the enactment of the Wesley Heights Overlay District. As a result of the information provided and the Commission's long-standing participation over the last two (2) years in the underlying Appeal No. 16405 and this remedial Application, the Commission voted unanimously, 5-0-0, by motion to OPPOSE Application No. 16521 and provide the following information to the Board:

**BZA**
Case No. 16521
Exhibit No. 59

1. The Commission endorses the Board's detailed findings of fact and conclusions of law in BZA Appeal No. 16405, including that the five (5) building permit applications were filed piecemeal and were misleading, incomplete and inconsistent and that Mr. Sisson performed substantial work without building permits and beyond the scope of the permits that were issued.

2. This remedial Application remains premature for action by the Board because Mr. Sisson's challenge of the Board's decision in BZA Appeal No. 16405 is still pending in the D.C. Court of Appeals.

3. This Application is also not ready for consideration by the Board because it is inconsistent with the Board's written decision in BZA Appeal No. 16405 and incomplete because it fails to identify all the required zoning relief for the illegally constructed improvements. Consideration of this Application by the Zoning Administrator, this Commission and the Board has been delayed and hampered by Mr. Sisson=s filing and attempting to process an admittedly incomplete and constantly changing Application.

4. This Application is incomplete because it fails to include the following required zoning relief:

   a. Side Yard Variance: Mr. Sisson has belatedly admitted that the side yard for the original structure abutting Mrs. Crary is less than the 5.0-foot minimum and that as a result, the side yard for the rear addition is less than the 8.0 foot minimum. This is confirmed by the Zoning Administrator's most recent Zoning Computations without any reference to a waiver of the applicable requirement. No waiver of that minimum 5.0 foot side is appropriate.

   b. Driveway Access: In its Appeal Order 16405, the Board found that Mr. Sisson's 8-foot-wide private driveway did not meet the minimum width required and that the permit for the new two-car garage should not have been issued if the required access was not provided.

   c. Off-Street Parking: Without the required driveway access, the parking provided by Mr. Sisson is not in compliance with the Zoning Regulations, and does not satisfy the off-street parking requirement.

5. Beyond the substantially incomplete nature of this remedial Application, Mr. Sisson has not satisfied the difficult variance standards.

6. Mr. Sisson's need for this remedial Application is an entirely self-created hardship. No legitimate practical difficulty or hardship exists. Having submitted five (5) permit applications which were found misleading, incomplete and inconsistent and having constructed the illegal improvements without the required permits or beyond the authorized scope of permits which were issued, Mr. Sisson cannot seek reward or benefit from those actions.

7. Each of the illegally constructed improvements (front porch, rear addition and garage) could have been constructed (although smaller) in full compliance with the Zoning Regulations and without the extreme negative impact on Mrs. Crary and the Wesley Heights community.

8. Approval of this remedial Application will undermine the integrity of the Zoning Regulations and the zoning enforcement process in general, and the Wesley Heights Overlay District ("WHOD") in particular. The requested front yard and lot occupancy variances are substantial (28.5% and 16.0%, respectively) and undermine the fundamental elements and purpose of the WHOD as enacted by the Zoning Commission. Cumulatively, the five (5) variances required and/or requested constitute an across-the-board and dramatic departure from the strict application of the Zoning Regulations and the safeguards for Mrs. Crary and the community, which were specifically established.

9. At the October 17, 2000 hearing, Commissioner Stephen Griswold is authorized to appear and provide testimony on behalf of the Commission if he is available.

Thank you for the Board's long-standing cooperation and patience in this matter and for affording the Commission the "great weight" to which it is entitled under D.C. law.

Sincerely,

Eleanor Roberts Lewis (Rep.)
Chair

cc: John Patrick Brown, Jr., Esq.
Mr. George Watson, Wesley Heights Historical Society
Mr. William Harrop, Spring Valley-Wesley Heights Citizens=s Assoc.
Mr. Michael D. Johnson, Zoning Administrator
Allison C. Prince, Esq.

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**THERE IS NO DOCUMENT FOR THIS EXHIBIT**