Peoples, Kathleen (FSI Student)

From: Janet Pritchard [janetpritchard@mac.com]
Sent: Tuesday, March 25, 2003 8:16 AM
To: David J Pritchard; Peoples, Kathleen (FSI Student)
Subject: Re: Response to your letter

D.C. BOARD OF ZONING
2003 MAY 14 PM 2:30

damages claim-rtf

Kathleen --

We are very sorry for the delay in sending this to you. It has been a very difficult week for us, as both me and our son have been very sick and David has had to work nearly round-the-clock hours.

A copy of the sheet outlining our request for compensation is attached. Also, there is one more thing that David and I forgot to raise at our recent meeting: The portion of your building addition that abuts our property essentially serves as a retaining wall for approximately 3/4 of our lot line, but the remaining 1/4 of our lot remains without a retaining wall and is therefore vulnerable to erosion and instability. In addition to the compensation listed on the attached and discussed at our meeting, we also expect you to rebuild a retaining wall to protect the currently exposed portion, i.e., connecting your building wall and Julie's retaining wall. This must also be a part of any satisfactory settlement.

We have left two messages for Steve Hanson (206 11th Street), but have not been able to speak with him. The updated contact number we recently received from his tenants is (954) 568-9867. We do not have a contact number for his building manager, but if you do you may want to try that channel as well.

We recently received information from Cody Rice re the scheduling of hearings for your application. Have you received any hearing notices from the BZA? We have not, but according to Cody, the matter is likely to be heard by the BZA in mid-May/early June. Accordingly, he would like to have the matter addressed by the ANC Zoning Committee on April 29 and by the full ANC on May 8. Therefore, we should of course strive to reach an agreement no later than April 29, since whether or not we are able to reach agreement will greatly affect our respective postures at these hearings.

Please note that we will be out of town April 10 - April 22. We would like to resolve this asap, but if your husband's travel schedule coupled with our own travel schedule suggests that it would be impossible to conclude our discussions prior to April 29, then perhaps we should notify Cody Rice prior to our departure on April 10, so that we can request appropriate delays in order to give ourselves adequate time to arrive at an agreement (or to know conclusively that we cannot agree, although of course I hope that will not be the case), rather than waste ANC and BZA time while our discussions are still pending.

Please confirm that you have received this and that the attachment is in readable form for you.

Janet Pritchard

on 3/24/03 10:02 AM, David J Pritchard at david.j.pritchard@us.ibm.com wrote:

BZA
Case No. 17007
Exhibit No. 30

Board of Zoning Adjustment
District of Columbia
CASE NO. 17007
EXHIBIT NO. 30

> Kathleen: Apologies for this. We are aware of this--Janet was not feeling
> well last week and I was extremely busy. I left a message with Steve
> yesterday, and Janet was going to send you the electronic copy today with
> his contact info. I will call her about it.
>
> David
>
>
>
> "Peoples,
> Kathleen (FSI Student)" <PeoplesK@state.gov>
>
> To: David J Pritchard/Baltimore/IBM@IBMUS
> cc:
> Subject: RE: Response to your letter
>
> 03/24/2003 07:38
> AM
>
>
>
>
>
> Good morning.....
>
> I have not yet received the information that we discussed in our meeting
> last Sunday:
> 1. Contact information for Steven Hansen
> 2. An electronic version of the list of claims
>
> Kathleen Peoples
>
>
>
>
>

Estimated Loss of Property Value		$5,000
Out-of-Pocket Costs		
Filing Fee for BZA Appeal		$ 800
Photography / Photocopying		$ 100
Janet's Time		
Initial Investigation of Facts	12.5 hours	
Initial Legal Research	10.75	
Development of Arguments/Preparation of Documents		
August 7, 2001 letter to Michael D. Johnson	16.5	
October 29, 2001 letter to David Clarke	20.25	
October 29, 2001 letter to ANC	1.5	
Feburary 26, 2002 Brief for ANC	26.5	
Talking Points for Oral Argument	8	
March 29, 2002 letter to Jerrilyn Kress	.75	
May 19, 2002 response to Bello's Comments	10	
May 27, 2002 proposed findlings and conclusions	8.5	
Attendance at Hearings		
December 6, 2001 ANC Meeting	2.5	
January 8, 2002 BZA Hearing	3.5	
February 26, 2002 BZA Hearing	5.5	
March 5, 2002 BZA Hearing	5	
Total Janet's Hours	131.75 x $59.70	$7,865
David's Time		
Preparation and Submission of Documents		
Submission of Appeal Papers	2	
Assembly and Submission of October 29 documents to Clarke and ANC	8	
Attendance at Hearings		
October 2001 ANC Zoning Committee	2	
June 4, 2002 BZA Decision Hearing	2	
Total David's Hours	14 x $36.60	$ 512
Total Claim		$14,277.

David and Janet Pritchard
204 11th Street NE
Washington, DC 20002

July 8, 2002

Philip Sedlak and Kathleen Peoples
1018 Constitution Avenue NE
Washington, DC 20002

Dear Mr. Sedlak and Ms. Peoples:

As you are aware, on June 4th in a vote of five to zero, the Board of Zoning Appeals ruled that the permit issued to you to build an addition to 1018 Constitution Avenue was issued in error. In particular, the Board ruled that the addition does not comply with the side yard requirements of section 405.3 of the zoning regulations and, therefore, that the Zoning Administrator should have required that you seek and receive a special exception to the regulations before issuing a permit.

We anticipate that you will seek a special exception, and our inclination is to oppose it because we would prefer the addition not to be there. We believe that our opposition would be successful, as the standards for a special exception are very restrictive.

We recognize, however, that the building of the addition is already complete and that without a special exception you will have to take the addition down. We realize that this would undo all the time and effort that you have put into the addition, as well as entail a significant financial loss—an unfortunate situation as you have indicated that you undertook the construction in good faith based on the erroneously-issued permit.

We therefore propose that together we pursue an alternative outcome whereby we, and our neighbours at 202, 206, and 208 11th Street, agree not to oppose the special exception in return for appropriate compensation and other arrangements to make up for the negative impact the building of the addition has had on our properties and lives. Our neighbours agree with us that this is the best course of action given the circumstances. We hope that you will agree to discuss this possibility with us, as we believe a timely resolution of this issue is in the interest of all of us.

Sincerely,

David and Janet Pritchard