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June 9, 2020

Via Hand Delivery

Ms. Staci N. Falls, Clerk
City of Staunton Circuit Court
113 E. Beverley St. 3rd Floor
Staunton, VA 24401

Re: *Zoning Administrator v. Chilton-Belloni*
Case No. CL14000311-00

Dear Staci:

Enclosed please find a Motion for Referral to a Judicial Settlement Conference, for filing.
Please feel free to contact me if you have any questions. Thank you.

Cordially,

A handwritten signature in black ink, appearing to be 'John C. Wirth', written over a horizontal line.

John C. Wirth

Encl.

cc: Mark D. Obenshain, Esq. (via fax and mail, w/encl.)
Justin M. Wolcott, Esq. (via fax and mail, w/encl.)

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF STAUNTON

**ZONING ADMINISTRATOR FOR AND ON BEHALF
OF THE CITY OF STAUNTON, VIRGINIA, A
MUNICIPAL CORPORATION**
Plaintiff

v.

Case No.: CL14000311-00

DEBRA CHILTON-BELLONI
Defendant

MOTION FOR REFERRAL TO A JUDICIAL SETTLEMENT CONFERENCE

Petitioner, Zoning Administrator for and on behalf of the City of Staunton, by counsel, respectfully moves that the Court, to the fullest extent necessary, refer the parties to mediation by a retired circuit court judge, based on the following:

1. Disagreement between the parties has continued for an extended time and involved numerous proceedings before the Staunton Board of Zoning Appeals (the BZA), the Circuit Court, and the Supreme Court of Virginia regarding the Respondent's claim to a variance from generally applicable City of Staunton zoning laws of which all other Staunton citizens are obliged to follow.

2. Counting the original three cases appealed from the BZA, including one involving the Respondent, and now the latest case, the BZA has been reversed by the Circuit Court in each of the four instances.

3. The unlawful decisions of the BZA and the protracted delays, and special legislation proposed in the General Assembly, caused the City of Staunton to have to incur substantial expense of time and other resources in the City of Staunton's defense of its zoning laws, the integrity of local public body decision-making by the BZA, and the rule of law. It

also has taken substantial time of the judicial system.

4. Now, with the latest rulings again in favor of the City of Staunton and its Zoning Administrator by the Circuit Court last December, memorialized in the Circuit Court's recently entered Final Order, the Respondent has indicated that she intends to cause the City of Staunton and its Zoning Administrator more burden through litigation in the proceedings that reversed the BZA, if not also in this injunction proceeding. Moreover, given the history of the disagreement, it is possible if not likely that the City of Staunton and its Zoning Administrator will be caused added expense as to any further effort to push through the General Assembly yet another piece of legislation that is specifically intended to favor only the Respondent and no one else in the City of Staunton.

5. The City of Staunton and its Zoning Administrator, through counsel, previously proposed a substantial compromise resolution several years ago to the Respondent, who declined to engage in compromise discussions and declined even to propose an counter-alternative to find a basis for compromise resolution.

6. At this juncture, it seems especially timely to ask the Court to refer the parties to mediation and have mediation by a retired circuit court judge occur so that further expense to the City of Staunton, its Zoning Administrator, and the judicial system are avoided.

7. The City of Staunton and its Zoning Administrator remain committed to engage in good-faith, serious mediation proceedings.

**ZONING ADMINISTRATOR
CITY OF STAUNTON, VIRGINIA**
By Counsel

Requested:

Nelson, McPherson, Summers & Santos, L.C.



By: _____

Victor M. Santos (VSB No. 16233)

✓ John C. Wirth (VSB No. 37334)

Courtney A. Dymond (VSB No. 88227)

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CERTIFICATE

I certify that a true copy of this Motion was mailed and faxed on this 9th day of June, 2020 to:

Mark D. Obenshain, Esq.
Justin M. Wolcott, Esq.
Obenshain Law Group
420 Neff Avenue, Suite 130
Harrisonburg, VA 22801



John C. Wirth