ShawPittman LLP
A Limited Liability Partnership Including Professional Corporations

December 9, 2003

D.C. OFFICE OF ZONING
2003 DEC -9 PM 3:07

Mr. Richard Nero
D.C. Office of Zoning
441 4th Street, N.W., Room 210
Washington, DC 20001

Re: St. Patrick's School, 4925 MacArthur Boulevard, NW
Square 1393, Lot 823, BZA Order No. 16852

Dear Mr. Nero:

In his letter dated December 1, 2003, Michael Lovendusky has challenged the request of St. Patrick's School to correct an error in Order No. 16852. In its request, the School noted that under 11 DCMR § 3130.1, a two-year time limit pertains to applications involving the erection or alteration of a structure. The order incorrectly refers to the six month deadline that is applicable only in applications that do not involve the erection or alteration of a structure.

I note the following misconceptions in Mr. Lovendusky's vigorous and inappropriate challenge of the School's request:

1. Mr. Lovendusky relies upon BZA orders from 1990 and 1992 to support his assertion that a six month deadline is both typical and appropriate. Mr. Lovendusky has ignored the fact that the Board's Rules of Practice and Procedure were changed in 1999 (46 DCR 7916) to increase the previously applicable six-month deadline to two years in the case of applications involving the erection or alteration of a building. Orders that predate 1999 have no bearing on this issue, as Mr. Lovendusky should know.

2. In addition, Mr. Lovendusky has ignored the fact that any deadlines contained in BZA Order No. 16852 were automatically tolled pending the final decision of the court on the appeal that Mr. Lovendusky filed in the D.C. Court of Appeals (Case No. 03-AA-419). (*See* 11 DCMR § 3130.5.)

BZA
Case No. 16852
Exhibit No. 370

Board of Zoning Adjustment
District of Columbia
CASE NO.16852
EXHIBIT NO.370

I will not dignify the remainder of Mr. Lovendusky's baseless accusations and personal slurs with a response.

Very truly yours,

Allison C. Prince

Allison C. Prince

cc: See Attached Certificate of Service

Certificate of Service

I hereby certify that on December 9, 2003, a copy of the foregoing material was mailed first class, postage prepaid, to the following:

John Finney
ANC 3D04
5275 Watson Street, N.W.
Washington, D.C. 20016

Nancy Feldman
4911 "W" Street, N.W.
Washington, D.C. 20007

Alma Gates
4911 Ashby Street, N.W.
Washington, D.C. 20007

Katherine Van Sickle DeMallie
4923 Ashby Street, N.W.
Washington, D.C. 20007

Lawrence Skrivseth and Cathy Wright
4913 MacArthur Boulevard, N.W.
Washington, D.C. 20007

Michael Lovendusky
4927 MacArthur Boulevard, N.W.
Washington, D.C. 20007

Ken Laden and Rachel MacCleery
DDOT
2000 14th Street, N.W., 7th Floor
Washington, D.C. 20009

Maxine Brown Roberts
Office of Planning
801 North Capitol Street, N.E., 4th Floor
Washington, D.C. 20002

Allison C. Prince

Allison C. Prince

Document #: 1366866 v.1