GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

December 24, 2003

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

Re: BZA Application No. 16852 (St. Patrick's School) 4925 MacArthur Boulevard, N.W.

Dear Mr. Lovendusky,

On December 22, 2003, the Office of Zoning (OZ) received your letter dated September 17, 2003 (I assume this date was a typo), referencing your recent (our records show December 16, 2003) telephone conversation with Mr. Bello in his capacity as the Compliance Review Specialist. Please be advised that construction activity at the subject premise, specifically at 4:43 pm on a weekday, does not constitute "after-hours" construction activity in the context of the applicable section of the 1999 Building Codes Supplements, DCMR, Title 12. This position is consistent with the OZ's view in previous correspondence to you on this same subject. Your letter cites a March, 2003 agreement between St. Patrick's and neighbors that limits daily construction activity to no later than 4:00 pm. To reiterate the Office of Zoning's position on this issue; be advised that said agreement was not made a condition of the referenced Board of Zoning Adjustment Order, and as such not subject to compliance action by this office.

Please call Toye Bello, Compliance Review Specialist at (202) 727-0349, if we can be of further assistance in this matter.

SINCERELY,

JERRILY R. KRESS, FAIA
Director, Office of Zoning

rsn
cc: Allison C. Prince, Esq.

Board of Zoning Adjustment
District of Columbia
CASE NO.16852
EXHIBIT NO.375

BZA
Case No. 16852
Exhibit No. 375

JK/BZA
RSD

MICHAEL & MELEVA LOVENDUSKY
4927 MacArthur Boulevard NW
Washington DC 20007

17 September 2003

D.C. OFFICE OF ZONING
RECEIVED
2003 DEC 22 PM 3:27

Via E-mail and regular mail

Toye Bello (202.727.0349)
Compliance Review Program Specialist
DC Office of Zoning
441 Fourth Street NW, Suite 210 South
Washington DC 20001

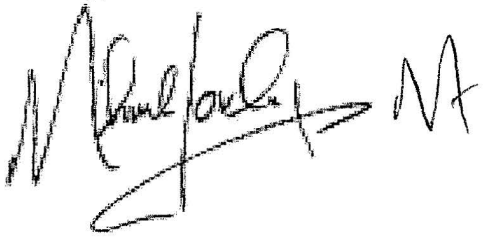
RE: BZA Order # 16852, St. Patrick's School @ 4925 MacArthur Blvd NW

Dear Mr. Bello,

Last evening I telephoned you at 4:43 pm to alert you that St. Patrick's was conducting construction activity at the time at its middle school captioned above. I advised you that such activity violated the agreement with the neighbors that work was to stop every day at 4:00 pm. I requested that you to act immediately to enforce the agreement and stop the after-hours construction activity. You replied that this agreement was a private understanding not within your enforcement responsibility.

The agreement referred to above was supposedly settled in March 2003, and it is my understanding you were made officially aware of it thereafter. Please advise me if you disagree with our discussion recorded above, and correct any misapprehension on my part. Further, please include this letter in the records relating to St. Patrick's activity at the captioned site. Thank you.

Sincerely,



C: Jerrily Kress, FAIA, Office of Zoning
Alma Gates, ANC 3D-05

Michael Lovendusky

To: olutoye.bello@dc.gov; Jerrily.Kress@dc.gov

Cc: AHG71139@aol.com

Subject: St. Patrick's; Complaint

Please see attachment. Mr. Bello, please include the attachment in the file for St. Patrick's at 4925 MacArthur Blvd. Ms. Kress, please include the attachment in the file for BZA Order # 16852. Thank you.

D.C. OFFICE OF ZONING
RECEIVED
2008 DEC 22 PM 3:27