MICHAEL & MELEVA LOVENDUSKY
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15 January 2004

Geoffrey Griffis, Chairman
Board of Zoning Adjustment, Government of the District of Columbia
C/o Jerrily R. Kress, FAIA, Director
441 4th Street NW Suite 210-S
Washington DC 20001

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

The latest evidence of the error of BZA Order # 16852 regards the breach of private school promises "to preserve the existing open green space on the subject property including existing trees, and to maintain the lawn and plantings as a park-like setting." *BZA Order # 16852, Finding of Fact # 4, page 4 (Court of Appeals Record at 2694).*

Among the first actions the private school took upon the effectuation of the Order in April 2003 was the "rejuvenation" of 110 yews bordering the property. The yews in their healthy maturity measured four feet high and four feet wide, and the hedge they formed insulated the neighborhood from activity on the grounds of the property. Rather than rejuvenated, the yews have been destroyed. The private school should replace this yew hedge in its entirety and with the most mature plantings as can be obtained. Even then, it will be a decade before a new hedge will provide the protection afforded by the one the school destroyed.

This week the private school destroyed the largest tree on the property. It was a healthy white ash taller than the school itself. Excavations for a stairwell from MacArthur Boulevard to the front door exposed and damaged the roots of the tree on its south side. The school failed to protect the roots during excavation, brace the tree while it was vulnerable, prune the canopy to reduce windage, or re-fill the excavation diligently. Consequently, the tree's roots on the north side surged in growth and the unsupported tree cantilevered its roots against the stone wall bordering the property. The wall cracked, justifying the tree's destruction to school officials. Their own negligence and incompetence cracked the wall and doomed the tree.

The loss of this tree and consequent loss of the shade of its canopy is a death sentence on two specimen dogwoods on the Lovendusky property bordering Ashby Street. Admired by many when they bloom, it is not unusual for passersby to stop and photograph our dogwood in their Spring splendor. You might want to see them for yourself when they bloom this year, for it is unlikely they will survive a hot summer deprived of the protection of the shade of the tree that the school destroyed.

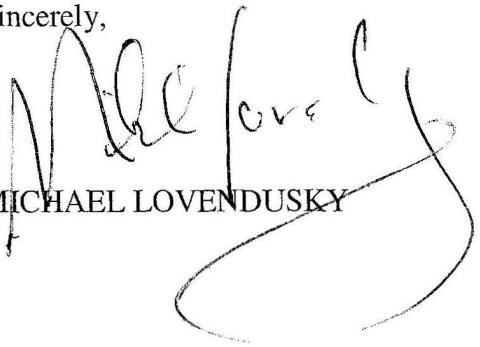
BZA
Case No. 16852
Exhibit No. 378

Board of Zoning Adjustment
District of Columbia
CASE NO.16852
EXHIBIT NO.378

So it goes when you permit a private institution into a residential neighborhood. The institution sincerely cares for its clientele but gives only smiling lip service to neighbors. Callous institutional impositions on the peace and quiet erodes the stability of the neighborhood because the neighbors, who suffer bureaucratic favoritism to the institution that makes impossible the enforcement of even the plain meaning of the laws and conditions of special exception, have few options. The bureaucratic favoritism is attributable to the institution's mercenary army of lawyers, experts, contractors, agents and employees – and, in the case of this private school, its special influence. The option the school hopes the neighbors will exercise is to sell out – to the school. The school then buy such property cheaper than that appropriately zoned for institutional use.

One hundred and eleven mature trees and shrubs dead; three to go before the entire property is denuded of the mature plantings the private school promised to preserve. Such is the nature of the promises of the private school's officials. Please consider these facts when they next come before you.

Sincerely,



MICHAEL LOVENDUSKY

Certificate of Service

I hereby certify and attest that on 15 January 2004, a copy of the foregoing was hand delivered or mailed first class, postage prepaid, to the following:

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