GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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February 3, 2004

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

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

Dear Mr. Lovendusky,

The Office of Zoning received your letter dated January 15, 2004, addressed to Chairman Griffis concerning the above-cited matter. As you know, the hearing record in this matter is closed, and as such new correspondence can not be accepted into the record pursuant to 11 DCMR subsection 3121.9. For this reason, the Office of Zoning is returning your letter to you.

Please call Richard Nero, Chief, Support Services, on (202) 727-6311, if you have any questions relevant to the foregoing.

SINCERELY,

JERRILY R. KRESS, FAIA
Director, ~~Office~~ of Zoning

Attachment
Certificate of Service

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 16852
EXHIBIT NO. 383

Board of Zoning Adjustment
District of Columbia
~~CASE NO.16852~~
EXHIBIT NO.383

JR 4&2

MICHAEL & MELEVA LOVENDUSKY
4927 MacArthur Boulevard NW
Washington DC 20007

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.

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:

Allison C. Prince
Shaw Pittman LLP
2300 N Street NW
Washington DC 20037-1128

The Honorable Kathleen Patterson
City Council, Ward Three
1350 Pennsylvania Ave NW #107
Washington DC 20004

John Finney, Chairperson and Commissioner
Advisory Neighborhood Commission 3D04
P.O. Box 40846
Washington DC 20016

Alma Gates
4911 Ashby Street NW
Washington DC 20007

Lawrence Skrivseth and Cathy Wright
4913 MacArthur Blvd NW
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Mary Connelly, Esq.
Deputy Corporation Counsel
441 Fourth Street NW Sixth Floor
Washington DC 20001

Katherine Van Sickle DeMallie
4923 Ashby Street NW
Washington DC 20007

Jerrily R. Kress, FAIA
Director, Office of Zoning
Board of Zoning Adjustment
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Washington DC 20001

Ken Laden and Rachel MacCleery
DDOT
2000 14th Street NW Seventh Floor
Washington DC 20009

Maxine Brown Roberts
Office of Planning
801 North Capitol Street NE Fourth Floor
Washington DC 20002

ATTESTED BY:

MICHAEL LOVENDUSKY
District of Columbia Bar # 364415

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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As Director of the Office of Zoning, I hereby certify and attest that on FEB - 3 2004 a copy of the attached letter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Allison C. Prince, Esq.
Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128

John Finney, Chairperson and Commissioner 3D04
Advisory Neighborhood Commission 3D
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Michael Lovendusky
4927 MacArthur Blvd., N.W.
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Kathleen Patterson, City Councilmember
Ward Three
1350 Pennsylvania Avenue, N.W.
Suite 107
Washington, D.C. 20004

Acting Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
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Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning