LAW OFFICES
GREENSTEIN DELORME & LUCHS, P.C.

WILLIAM H. HARRIS, JR.
RICHARD G. WISE
ABRAHAM J. GREENSTEIN
GILBERT E. DELORME
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M. RYAN JENNESS
MIRIAM HELLEN JONES
ISABEL P. SABIO*
JAMES D. SADOWSKI

*ADMITTED IN VA ONLY

1620 L STREET, N.W., SUITE 900

WASHINGTON, D.C. 20036-5605

TELEPHONE (202) 452-1400
FACSIMILE (202) 452-1410
www.gdllaw.com

OF COUNSEL
MARK J. ZWEIFLER

ADMITTED IN NEW YORK
AND NEW JERSEY ONLY

March 16, 2004

BY FACSIMILE AND FIRST CLASS MAIL

Jerrily R. Kress, FAIA
Director
Office of Zoning
441 4th Street, N.W.
Suite 210
Washington, DC 20001

Re: Response to Complaint of Non-Compliance (BZA Order 16977)

Dear Ms. Kress:

This firm represents The Sheridan School, which was granted relief under Board of Zoning Adjustment Order 16977 on February 14, 2004. This is in response to a complaint of non-compliance filed on February 26, 2004, concerning the above-referenced BZA Order.

The complaint filed cites several incidents of vehicles parked in the School parking lots on Alton Place, N.W. and on 36th Street, N.W. However, the School cannot effectuate the portions of the Order concerning parking, because the process of obtaining the required building permits to reconfigure the parking lots is currently underway at DCRA. Reconfiguring the parking lots cannot occur until the building permits have been issued. Permits were applied for on February 24, 2004. The projected timetable is for permits to be issued in late May 2004, following technical review and approval by District officials, and construction to start in June 2004 during the summer break.

During the period before construction can begin, the School will take the extraordinary measure of rotating the additional vehicles to metered parking spaces on 36th Street. The School is offering to reimburse employees who wish to park at the UDC parking lot at a cost of $8.00 per day. In addition, those teachers and staff who are Ward 3 residents with Zone 3 residential parking permits have been asked to park on the surrounding streets as another interim measure.

BZA
Case No. 16977
Exhibit No. 64

Board of Zoning Adjustment
District of Columbia
CASE NO. 16977
EXHIBIT NO. 64

Another issue which the School is actively addressing concerns deliveries before 9:00 a.m. to the side entrance on Alton Place, N.W. All companies which make deliveries have been put on notice in writing of the new policy regarding deliveries. A copy of a typical letter is enclosed along with an invoice from another vendor, which illustrate the efforts being taken by the School to educate its vendors and by the vendors to educate their drivers of this new policy. Where some drivers have been slow to adjust to the new policy, the School has made additional efforts by telephoning the company's management to reinforce the seriousness of the policy. The School is serious about the commitments made to its neighbors and is considering hiring a different trash hauling company if a problem with it cannot be resolved quickly.

Additional forms of notice are also in place. A laminated sign has been posted on the Alton Place door, which reads: "ATTENTION PLEASE, ALL DELIVERY MUST BE AFTER 9:00 A.M. ONLY, PLEASE USE PROPER DOOR." The School will post similar signs at the entrances to the Alton Place parking lot. Furthermore, School employees will verbally instruct delivery drivers who arrive before 9:00 a.m. that instruct them to comply with the 9:00 a.m. rule, or for an occasional perishable items delivery [as authorized by BZA Order No 16977] direct them to the 36th Street entrance if between 7:00 a.m. and 9:00 a.m.

The School fully intends to live up to its good neighbor policy and asks only for reasonable consideration as adjustments are made to ensure compliance. The implementation of these new requirements is not an easy task and modifying routines of third parties takes some time to be effective. The delivery issues are presently being addressed, but there may be an instance where a replacement or temporary driver is unaware of the policy or does not see the sign. The parking lot issues should be resolved in the coming months once building permits are issued.

Please contact Jacques B. DePuy or myself if you have any questions.

Sincerely,

Lyle M. Blanchard

Enclosures
228718
cc: Ms. Cathy Wiss
Mr. Carl Kessler
Mr. Scott Schachter
Mr. Toye Bello
Ms. Yvonne Rockett
Mr. C. Randall Plummer
Mr. James D. Heath
Jacques B. DePuy, Esquire

SHERIDAN SCHOOL

March 10, 2004

Chris Qualls
BFI Direct Sales Executive
300 Ritchie Rd.
Capitol Heights, Maryland 20743

Dear Chris:

As part of a **NEW zoning agreement** that Sheridan School has recently been approved for, with the Board of Zoning Adjustment in the District of Columbia, we are now **PROHIBITED to have any trash pick-up before 9am and after 6pm.** I realize that this may pose a problem for a company the size of BFI. However, if you cannot continue to guarantee consistent pick-up, Monday thru Friday, and adhere strictly to the 9am to 6pm time frame, we will be forced to cancel our contract with you and find a new vendor. It is my hope that BFI can accommodate our new mandate from the District of Columbia. Please kindly let me know, within the next 14 days, if BFI can accommodate this request.

This issue needs to be resolved promptly, as a D.C. zoning inspector issued a verbal warning to us today, indicating that a neighbor had filed a complaint against us, due to an early trash pick-up.

Thank you for your prompt attention to these matters.

Sincerely

James D. Heath
Business Manager
Sheridan School
(202) 895-0250
jheath@sheridanschool.org

CC: Addison Bishop, BFI Direct Sales Manager

Landover, Maryland 20785

WHOLESALE FRUITS AND VEGETABLES
DIVISION OF PJK FOOD SERVICE

TEL: (301) 772-3333 FAX:(301) 772-3469

SAGE DINING
222 BOSLEY AVENUE
SUITE B7
TOWSON, MD 21204

SHERIDAN SCHOOL
SAGE DINING
4400 36TH STREET, NW
WASHINGTON, DC 20008

INVOICE

INVOICE NO.	INVOICE DATE	CUSTOMER NO.	ORDER DATE	P.O. NUMBER	SALESPERSON	TERMS	ROUTE - STOP
289410	03-11-04	3445	03-10-04		ROY CARGIULO	MONTHLY (EOM NET 10)	04/4

7-9 FRONT DOOR DELIVERY AFTER 9 BACK DOOR DELIVERY

DELIVERY WINDOW

ITEM NO	QTY. ORDERED	QTY. SHIPPED	UNIT	PACK	UNIT WEIGHT	ITEM DESCRIPTION	UNIT PRICE	EXT PRICE
2020	1	1	CASE	40 LBS	40.00	BANANAS ***ON THE TURN	13.86	13.86
3040	1	1	CASE	18 CT	37.00	CANTELOUPE	16.61	16.61
3005	1	1	CASE	6 CT	25.00	HONEYDEW	22.43	22.43
5190	1	1	CASE	6 CT	20.00	PINEAPPLES, HAWAIIAN	12.50	12.50
						*** BROKEN UNITS ***		
1050	25	25	EACH		10.50	APPLES, GRANNY SMITH	0.38	9.50
1080	25	25	EACH		10.50	APPLES, RED DELICIOUS	0.26	6.50
8170	1	1	1/2 CASE		6.00	STRAWBERRIES, CALIF.	24.71	24.71
5105	25	25	EACH		11.93	ORANGES, CALIFORNIA	0.21	5.25
6060	25	25	EACH		11.50	PEARS, BARTLETT	0.34	8.50
2140	1	1	1/2 CASE		12.00	BROCCOLI, CALIFORNIA	15.19	15.19
3115	2	2	EACH		3.07	CELERY, CALIFORNIA	1.11	2.22
3250	6	6	EACH		4.09	CUCUMBER, SELECT	0.40	2.40
2190	4	4	EACH		7.66	LETTUCE, ROMAINE	0.62	2.48
6120	6	6	EACH		1.69	PEPPERS, MEDIUM GREEN	0.29	1.74
6145	6	6	EACH		1.88	PEPPERS, RED DOMESTIC (LARGE)	1.27	7.62
6285	25	25	EACH		13.88	POTATOES, IDAHO	0.26	6.50

DRIVER	CASH	CHECK	AMOUNT

RECEIVED THE ABOVE IN GOOD CONDITION
CUSTOMER SIGNATURE

ALL ACCOUNTS ARE DUE AND PAYABLE WITHIN STATED TERMS. CUSTOMERS NOT SETTLING WITHIN STATED TERMS AGREE TO PAY ALL COLLECTION COSTS INCLUDING REASONABLE ATTORNEY'S FEES AND INTEREST AT THE HIGHEST LEGAL RATE. CUSTOMER'S OBLIGATION CANNOT BE ASSIGNED OR TRANSFERRED WITHOUT THE PRIOR WRITTEN CONSENT OF THE SUPPLIER.

SUB TOTAL	15
TOTAL	

The Perishable Agricultural Commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities and any receivables or proceeds from the sale of these commodities until full payment is received.

OFFICE COPY #2

FROM : FAX NO. :12029668023 Mar. 12 2004 02:34PM P3



