3627 Alton Place, N.W.
Washington D.C. 20008
(202) 514-4632
scott.schachter@usdoj.gov

April 29, 2004

BY TELEFAX AND U.S. MAIL

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

Re: Supplement to Complaint of Non-Compliance with Conditions of BZA/ZC Order No. 16977.

Dear Ms. Kress:

On February 26, 2004, I filed a Form 300 – Complaint of Non-Compliance With Condition(s) of a BZA/ZC Order, in connection with the Sheridan School's violations of BZA Order No. 16977 (Feb. 4, 2004). On March 10, 2004, Ms. Yvonne Rockett informed me by telephone voice mail message that she had issued a cease and desist order to the Sheridan School in connection with my complaint, to immediately end the School's violations of BZA Order No. 16977. Ms. Rockett requested that I inform her of any additional violations by the School after the date of the cease and desist order, and in response to my question she stated that the cease and desist order would be memorialized in writing.

Please accept this letter as a supplement to my February 26, 2004, Complaint. Set forth below are additional violations of BZA Order No. 16977 by the Sheridan School that I personally observed. These violations were committed by the School after the date of my original February 2004 complaint, and in most cases the School committed these violations after Ms. Rockett's March 10 cease and desist order, and after the School's March 16 letter to the BZA, from Lyle M. Blanchard, Esq. to BZA Director Jerrily R. Kress.

Sheridan School violations of BZA Order No. 16977 (Feb. 4, 2004), between February 27, 2004, and April 29, 2004, in reverse chronological order:

1. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Thursday, April 29, 2004, at 0710 hours (7:10 a.m.), trash was collected from the

BZA
Case No. 16977
Exhibit No. 65

Board of Zoning Adjustment
District of Columbia
CASE NO. 16977
EXHIBIT NO. 65

School by a BFI garbage truck in violation of Condition No. 7.

2. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Thursday, April 29, 2004, at 0815 hours (8:15 a.m.), trash was collected from the School by a second BFI garbage truck in violation of Condition No. 7.

3. Condition No. 12(b) ("The Applicant shall notify all persons on the List of Neighbors (described in Finding No. 16(a)) of all planned activities or events at least one week in advance by mail or electronic mail."):

On Wednesday, April 28, 2004, at 1530 hours (3:30 p.m.), the School notified me by email of a school play event at the School scheduled for Friday, April 30, 2004, from 7:00 p.m. to 9:00 p.m., in violation of the requirement in Condition No. 12(b) to give at least one week prior notice of such planned activities or events.

4. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Thursday, April 22, 2004, at 0750 hours (7:50 a.m.), trash was collected from the School by a BFI garbage truck in violation of Condition No. 7.

5. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Tuesday, April 20, 2004, at 0820 hours (8:20 a.m.), trash was collected from the School by a BFI garbage truck in violation of Condition No. 7.

6. Condition No. 8(a) ("No deliveries or pickups shall occur at any entrance located on the north side of the building (i.e., facing Alton Place) before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Friday, April 16, 2004, at 0825 hours (8:25 a.m.), a Cloverland delivery truck arrived at the School on Alton Place in violation of Condition No. 8(a).

7. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Thursday, April 15, 2004, at 0830 hours (8:30 a.m.), trash was collected from the School by a BFI garbage truck in violation of Condition No. 7.

8. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday

through Friday."):

> On Monday, April 12, 2004, at 0820 hours (8:20 a.m.), trash was collected from the School by a BFI garbage truck in violation of Condition No. 7.

9. Condition No. 8(a) ("No deliveries or pickups shall occur at any entrance located on the north side of the building (i.e., facing Alton Place) before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

> On Wednesday, April 7, 2004, at 0815 hours (8:15 a.m.), a Jack and Jill delivery truck arrived at the School on Alton Place in violation of Condition No. 8(a).

10. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

> On Friday, April 2, 2004, at 0830 hours (8:30 a.m.), trash was collected from the School by a BFI garbage truck in violation of Condition No. 7.

11. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

> On Thursday, March 25, 2004, at 0740 hours (7:40 a.m.), trash was collected from the School by a BFI garbage truck in violation of Condition No. 7.

12. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

> On Thursday, March 18, 2004, at 0800 hours (8:00 a.m.), trash was collected from the School by a BFI garbage truck in violation of Condition No. 7.

13. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

> On Thursday, March 18, 2004, at 0805 hours (8:05 a.m.), trash was collected from the School by a second BFI garbage truck in violation of Condition No. 7.

14. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

> On Thursday, March 11, 2004, at 0750 hours (7:50 a.m.), trash was collected from the School by a BFI garbage truck in violation of Condition No. 7.

15. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m.,

Monday through Friday."):

> On Thursday, March 11, 2004, at 0755 hours (7:55 a.m.), trash was collected from the School by a second BFI garbage truck in violation of Condition No. 7.

16. Condition No. 8(a) ("No deliveries or pickups shall occur at any entrance located on the north side of the building (i.e., facing Alton Place) before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

> On Thursday, March 11, 2004, at 0800 hours (8:00 a.m.), an Ideal Lease delivery truck arrived at the School on Alton Place in violation of Condition No. 8(a).

17. Condition No. 8(a) ("No deliveries or pickups shall occur at any entrance located on the north side of the building (i.e., facing Alton Place) before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

> On Thursday, March 11, 2004, at 0840 hours (8:40 a.m.), the School accepted a delivery on Alton Place from a Daycon Products (of Lanham, MD) delivery truck, in violation of Condition No. 8(a).

18. Condition No. 2 ("The Applicant shall ensure that the parking areas are used in the manner depicted on Exhibit 42A, and specifically that the drive aisle in the lot on Alton Place is not used for the parking of motor vehicles and that there is no stacked parking in the parking area in front of the school building on 36th Street."):

> On Wednesday, March 10, 2004, at 0850 hours (8:50 a.m.), the following motor vehicle was parked in the drive aisle in the parking lot on Alton Place in violation of Condition No. 2: MA 3813-LT.

19. Condition No. 2 ("The Applicant shall ensure that the parking areas are used in the manner depicted on Exhibit 42A, and specifically that the drive aisle in the lot on Alton Place is not used for the parking of motor vehicles and that there is no stacked parking in the parking area in front of the school building on 36th Street."):

> On Tuesday, March 9, 2004, at 0900 hours (9:00 a.m.), the following motor vehicles were parked in the drive aisle in the parking lot on Alton Place in violation of Condition No. 2: OH license plate no. CLG-5647l; MD license plate no. GGG-643; MD license plate no. AXG-035; and MD license plate no. GWP-545.

20. Condition No. 8(a) ("No deliveries or pickups shall occur at any entrance located on the north side of the building (i.e., facing Alton Place) before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Sunday, March 7, 2004, at 1100 hours (11:00 a.m.), an Atmosphere, Inc. delivery truck (MD license plate no. 61G-787) arrived at and parked in the School parking lot on Alton Place in violation of Condition No. 8(a).

21. Condition No. 2 ("The Applicant shall ensure that the parking areas are used in the manner depicted on Exhibit 42A, and specifically that the drive aisle in the lot on Alton Place is not used for the parking of motor vehicles and that there is no stacked parking in the parking area in front of the school building on 36th Street."):

On Saturday, March 6, 2004, at 2130 hours (9:30 p.m.), the following motor vehicles were parked in the drive aisle in the parking lot on Alton Place in violation of Condition No. 2: VA license plate no. XYZ-9108 and MD license plate no. KZZ-650.

22. Condition No. 12(b) ("The Applicant shall notify all persons on the List of Neighbors (described in Finding No. 16(a)) of all planned activities or events at least one week in advance by mail or electronic mail."):

On Wednesday, March 3, 2004, at 1539 hours (3:39 p.m.), the School notified me by email of an event at the School scheduled for Saturday, March 6, 2004, with up to 250 people expected to attend, in violation of the requirement in Condition No. 12(b) to give at least one week notice of such planned activities or events.

23. Condition No. 8(a) ("No deliveries or pickups shall occur at any entrance located on the north side of the building (i.e., facing Alton Place) before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Wednesday, March 3, 2004, at 0745 hours (7:45 a.m.), an Ideal Lease delivery truck arrived at the School on Alton Place in violation of Condition No. 8(a).

24. Condition No. 2 ("The Applicant shall ensure that the parking areas are used in the manner depicted on Exhibit 42A, and specifically that the drive aisle in the lot on Alton Place is not used for the parking of motor vehicles and that there is no stacked parking in the parking area in front of the school building on 36th Street."):

On Wednesday, March 3, 2004, at 0945 hours (9:45 a.m.), the following motor vehicles were parked in the drive aisle in the parking lot on Alton Place in violation of Condition No. 2: MD license plate no. JSN-241; MD license plate no. GGG-643; and DC license plate no. BE-8553.

25. Condition No. 2 ("The Applicant shall ensure that the parking areas are used in the manner depicted on Exhibit 42A, and specifically that the drive aisle in the lot on Alton Place is not used for the parking of motor vehicles and that there is no stacked parking in the parking area in front of the school building on 36th Street."):

On Wednesday, March 3, 2004, at 0945 hours (9:45 a.m.), the following motor vehicles were stacked parked in the parking lot in front of the School on 36th Street in violation of Condition No. 2: DC license plate no. BR-0867; DC license plate no. BH-7014; and MD license plate no. 972-BMR.

26. Condition No. 8(a) ("No deliveries or pickups shall occur at any entrance located on the north side of the building (i.e., facing Alton Place) before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Tuesday, March 2, 2004, at 0750 hours (7:50 a.m.), an Ideal Lease delivery truck arrived at the School on Alton Place in violation of Condition No. 8(a).

27. Condition No. 8(a) ("No deliveries or pickups shall occur at any entrance located on the north side of the building (i.e., facing Alton Place) before 9:00 a.m. or after 6:00 p.m., Monday through Friday. The Applicant shall post a sign adjacent to the door located nearest to the parking lot on Alton Place indicating that no deliveries shall be accepted at that location except during the designated hours [between 9:00 a.m. and 6:00 p.m., Monday through Friday]."):

As of at least Monday, March 1, 2004, at 0850 hours (8:50 a.m.), the School failed to post the required sign. The temporary sign stated that deliveries will be accepted after 7:00 a.m., in violation of Condition No. 8(a).

28. Condition No. 2 ("The Applicant shall ensure that the parking areas are used in the manner depicted on Exhibit 42A, and specifically that the drive aisle in the lot on Alton Place is not used for the parking of motor vehicles and that there is no stacked parking in the parking area in front of the school building on 36th Street."):

On Monday, March 1, 2004, at 0850 hours (8:50 a.m.), the following motor vehicle was parked in the drive aisle in the parking lot on Alton Place in violation of Condition No. 2: MD license plate no. 497-BLG.

29. Condition No. 2 ("The Applicant shall ensure that the parking areas are used in the manner depicted on Exhibit 42A, and specifically that the drive aisle in the lot on Alton Place is not used for the parking of motor vehicles and that there is no stacked parking in the parking area in front of the school building on 36th Street."):

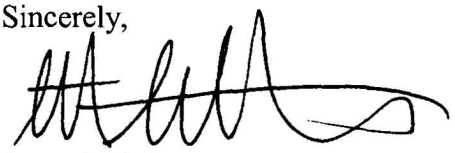
On Monday, March 1, 2004, at 0850 hours (8:50 a.m.), the following motor vehicle was stacked parked in the parking lot in front of the School on 36th Street in violation of Condition No. 2: DC license plate no. AV-0598.

Notwithstanding the BZA's March 10 cease and desist order, it is beyond question that the Sheridan School has not achieved compliance with BZA Order No. 16977. Accordingly, the Office of Zoning should turn the matter over to the Zoning Administrator with supporting documentation and a recommendation that the order conditions be enforced by imposition of fines. Moreover, it is my understanding that the Sheridan School has applied for a building permit. The conditions and cease and desist order should also be enforced by denial of the School's building permit application.

Finally, in an exchange of voice mails with me, Ms. Rockett stated that she would provide me with a copy of the written cease and desist order issued to the School on March 10. I have not yet received a copy of the written cease and desist order, and hereby renew my request of the BZA that it provide me with a copy of the March 10, 2004, written cease and desist order.

Thank you in advance for your prompt attention to this matter. Please contact me if you have any questions.

Sincerely,



Scott A. Schachter

cc: Mr. Toye Bello
Ms. Yvonne Rockett (202) 442-4591
Ms. Cathy Wiss (by email to schumannwiss@juno.com)
Mr. Carl Kessler (by email to anc3f01@starpower.net)
Mr. C. Randall Plummer (by email to rplummer@sheridanschool.org)
Mr. James D. Heath (by email to jheath@sheridanschool.org)
Mr. Lyle M. Blanchard, Esquire (by email to lmb@gdllaw.com)
Mr. Jacques B. DePuy, Esquire (by email to jbd@gdllaw.com)