4915 Ashby Street, NW
Washington, DC 20007
Tel. (202) 337-6604
May 4, 2004

Mr. Geoffrey Griffis, Chairman
District of Columbia Board of Zoning Adjustment
441 4th Street, NW, Suite 210-S
Washington, DC 20001

Re: BZA Application No. 17164, St. Patrick's Episcopal Day School;
Opposition to Application

Dear Chairman Griffis and Members of the Board:

We are once again submitting a letter in opposition to a St. Patrick's application regarding its use of its facility at 4925 MacArthur Boulevard, NW. Writing to the BZA in opposition to St. Patrick's is becoming a regular activity in this residential neighborhood.

We live within 200 feet of the facility, across Ashby Street and up two houses from it.

By constructing the "classroom facility" in the basement, the school was outside its authority granted by the BZA. Otherwise, there would be no need for this proceeding.

In constructing the basement classroom facility, the school had to dig longer and deeper than originally anticipated. This involved the use of backhoes and other large, loud and noisy equipment that it otherwise would not have used, or at a minimum used for a longer period of time than would have been necessary had the school stuck to its originally approved plan. This was not a minor inconvenience to the neighborhood. The noise was intolerable, forcing neighbors to keep their windows shut on nice days and/or forcing us to leave our homes during construction. It also likely contributed to the loss of a large tree because of vibrations caused by construction equipment and the excessive length of time its roots were exposed during construction.

Construction sometimes went into the evening hours, beyond the time agreed to by the school. When we complained, school officials told us they agreed to the longer hours without consulting the neighbors because it was in the neighbors' best interests to finish the construction sooner, construction that was not even authorized by the BZA. A construction official told us we should move if we didn't like it.

Now the school is attempting to take advantage of its unauthorized activity by seeking permission to use the basement classroom, either as a music room or as some other classroom yet to be determined. This, of course, also makes the habitable space for students even larger and will no doubt result in yet another application by the school to the BZA, this time for an increase in the number of students. School representatives have already indicated to neighbors they want to expand to 60 students.

BZA
Case No. 17164
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17164
EXHIBIT NO. 26

It is also worth noting that St. Patrick's (or Friends of St. Patrick's operating on behalf of the school) is purchasing the Casey Estate on nearby Foxhall Road. There is a distinct likelihood that this will result in construction of a new facility, meaning St. Patrick's will sell the MacArhur Blvd. school to another school. The illegally constructed space will make the facility more valuable to a purchaser and thereby allow St. Patrick's to profit excessively from its improper activity. It will also result in a new owner seeking increased usage of the facility.

In addition, the increased basement space has resulted in a need for larger capacity HVAC equipment than originally anticipated. The equipment installed on the Ashby Street side of the building, which did not exist before and was not anticipated based on the original plans, can be heard on our deck and in our house when we have the windows open. It is an annoying and constant machinery hum. That much equipment would not have been needed if the school stuck to its original plan of just using a smaller basement space for storage. Similarly, the additional construction resulted in an additional entrance to the school on Ashby Street, meaning that students potentially will be using entrances on two streets instead of the originally intended one entrance on MacArthur Boulevard.

If St. Patrick's is allowed to benefit from the unauthorized construction, it will make a mockery of the BZA's authority and the rule of law. Its activity has caused real harm to a residential neighborhood, a neighborhood that the BZA's rules are designed to protect. The BZA can stop this result simply by reaffirming its original order and not allowing the school to use the basement space. It will also put other institutions and developers on notice that the BZA's rules will be enforced.

Finally, we have not heard any music or noise coming from the space that students are presumably using currently as a music room (a music room is the school's stated intended use for the basement classroom.) School officials have stated that use of the basement space for a music classroom will be quieter for the neighborhood than the upstairs room currently being used. Of course, we do not doubt that the school will be able to put the upstairs music room to good use if it can use the basement for music. However, we are concerned that the school's unilateral action under the guise of being in the neighborhood's best interest would instead be detrimental.

Sincerely,

Howard E, Fenton

Nora E. Carbine