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Washington DC 20007
20 April 2005

District of Columbia Board of Zoning Adjustments
441 Fourth Street NW Suite 210
Washington DC 20001

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RE: Application # 17300, Special Exception to Increase Student Enrollment
St. Patrick's School, 4925 MacArthur Boulevard NW

Dear Members of the Board,

In reaction to comments during the hearing in this matter, we recommend that the Board sustain all of the conditions of Order 16852-A establishing St. Patrick's middle school with one exception. As you know from my testimony, we support modification of the enforcement condition because it is literally impossible to use and thus fails in its express intent. We propose revision of enforcement condition 20 as follows:

> The special exception shall be valid for the term of the ownership of the property by the Applicant provided that, upon recommendation of the advisory neighborhood commission, the Board will conduct a hearing with notice to residents of adjoining and nearby property for the purposes of reviewing the impact of the location of the school within the residential zone and evaluation of whether the special exception should be modified or terminated.

The proposed enforcement condition looks to the ANC as the logical arbiter of whether the impact of school operation warrants review by the Board. The opinion of the ANC, of course, enjoys great weight pursuant to statute and judicial decision, and is beyond reproach by any authority. The revised condition relieves the school from the suggestion for periodic review of the special exception raised by one member of the Board at hearing and criticism from neighbors over minor dysfunctions or discomforts. It also relieves the DCRA and the neighbors from the current enforcement responsibilities. The limitation of the special exception to the term of ownership of the property by the Applicant mollifies the suspicion that the entire school adventure in our neighborhood – including its relentless applications to expand the size of its facility -- has been one of real estate speculation rather of commitment to serving, specifically, the residents of the District of Columbia.

Sincerely,



BZA
Case No. 17300
Exhibit No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO. 17300
EXHIBIT NO. 38