Rec'd.
5.22.01

May 14, 2001

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210-S
Washington, D.C. 20001

Re: Application No. 16611 – Proposed Edmund Burke School Expansion

Dear Members of the Board:

We, the undersigned neighbors of the Edmund Burke School (Burke), are writing to present our position regarding the above-referenced application. The undersigned fully support the objections to the application raised by ANC Commissioner Phil Kogan in his letter to you dated May 8, 2001. Burke's proposed expansion in this already overburdened neighborhood would exacerbate existing traffic and parking problems. The school's proposal to minimize these impacts depends almost entirely on its voluntary compliance with a complex operational plan. It is this issue of compliance in particular, lightly touched upon in Commissioner Kogan's submission, that this letter more fully addresses.

The neighbors have no assurances that Burke will voluntarily comply with an operations plan, or any other BZA conditions, because Burke is not now in compliance with the terms of its past BZA Order (No. 13986), issued in 1983. That Order capped enrollment at the school at 270 students and limited faculty and staff to 35. According to the school's recent BZA application, 299 students now attend the school while faculty and staff number 60. In a letter to the Northwest Current, David Shapiro, headmaster at the school, stated that the school "unexpectedly" exceeded its enrollment cap in 1997. Burke has not been in compliance with its enrollment cap since that date.

Last year, by certified letter, the neighbors requested that Burke come into compliance with its enrollment cap for the school year 2000/2001. Despite this request, Burke did not reduce its enrollment but in fact increased it. Neither did officials from Burke discuss with the neighbors its decision to remain out of compliance. On various occasions, the neighbors asked Burke to take steps to reduce the burden on the neighborhood resulting from the school's noncompliance, particularly with respect to use of the public alleys for school drop-off and parking issues associated with after- school functions. The school's response (echoed in Mr. Shapiro's letter) was that the only solution to the problem was to allow the school to expand and add more students. Thus, by its noncompliance, Burke adhered to a strategy whereby the neighbors would be held hostage to untenable conditions. Burke promised relief only with approval of its expansion plans.

BZA
Case No. 16611
Exhibit No. 174

Board of Zoning Adjustment
District of Columbia
CASE NO.16611
EXHIBIT NO.174

Both the DPW traffic report and the neighborhood's traffic consultant have advised that Burke's expansion plans will create adverse impacts on the neighborhood with respect to traffic and parking. The neighbors are particularly concerned about a proposal to add a light at the intersection of Upton Street and Connecticut Avenue. In addition, Burke's attempt to mitigate traffic issues relies heavily on the school's compliance with an "operational plan" that is unrealistic and unenforceable. Given Burke's deliberate noncompliance in the past, the neighbors have no reason to believe that the school will comply in the future with the operations plan or any new enrollment cap. The neighborhood repeatedly has raised this issue of compliance with Mr. Shapiro. At several ANC meetings he stated that the neighborhood could be assured of compliance because Burke would be willing to report the school's enrollment on a yearly basis. For the reasons stated below, the neighbors do not derive any comfort from such promises.

In his letter to the Northwest Current, Mr. Shapiro stated that he in fact had reported the school's noncompliance to the neighbors back in 1999. As noted above, once on notice that the school was out of compliance, the neighborhood did request that Burke reduce its enrollment and otherwise come into compliance. The school did not.

Thus, the neighbors have no reason to believe that should Burke report an over enrollment in the future, the school will take steps to remedy the situation. The reason is simple. There is no enforcement of BZA conditions. Given this fact, the only assurance the neighborhood can have of future compliance is to ask that the applicant have a proven track record in that regard. Burke is not such an applicant.

The neighborhood finds particularly disturbing the fact that Burke has chosen to remain noncompliant at a time when it would be most beneficial for the school to be in compliance – pre-approval of its application for expansion. The school's deliberate noncompliance, in light of its pending BZA application, signals its belief that there would be no adverse consequences associated with such a course of conduct. If the uncertainty of its application for expansion has not been sufficient incentive for compliance, there certainly would be no reason to comply once the expansion is approved.

In its Decision and Order for the Jewish Primary Day School (JPDS), dated April 12, 2000, the Board expressed dismay that the owner of one of the sites was operating under an expired order and that other violations may have occurred. The Board seemed assuaged however by the fact that JPDS, and not the violating site owner, would be responsible for school operations. In this instance, it is the violator (Burke) who would run the school.

In order for Burke to be granted the special exception that it seeks, the school must demonstrate that it is "not likely to become objectionable to adjoining and nearby property because of ... noise, traffic, number of students or otherwise objectionable conditions." Burke has not met this standard. Therefore, for the reasons set forth above, and in Commissioner Kogan's May 8th submission, the undersigned respectfully submit that the Board deny this application.

Sincerely,

Ruth McDiarmid

2936 Upton St, NW

Jodi Penn

2945 Upton St NW

2945 Upton St NW Warzyn

Julie Wei

2932 Upton St, NW

2947 Upton St. NW

Virginia Worthington

2830 Upton St N.W

Michelle Delinis Vucella

2947 Upton St, NW

2948 Upton St NW

Michael Hirsh

2934 Upton St NW

Kendall C. Valentine, Jr

2916 Upton St NW

Frances A. Valentine

2916 Upton St, N.W.

Peter Weissman

2912 Upton St NW

Sharon E Worthington Sharon E. Worthington
2912 Upton St NW

Carol L Cogen
2908 Upton St. NW

Stephen T. Quigley
2908 Upton St., N.W.

2828 Upton St, NW.

Phil Shaw
2830 upton St NW

2926 Upton St, NW

Gloria Segal
2946 Upton St N.W

Stephen & Maria Zuckerman
2953 TILDEN ST. NW

Louise Belcher
2935 Tilden St. NW
WDC 20008

Scott Taylor
4007 Connecticut Apt. 411
Washington DC 20008

JANET LYNN SIMMONS
4007 CONNECTICUT AVE., N.W #411
WASHINGTON, D.C. 20008-1145

Barbara Zuckerman 2928 upton St NW
Wash DC 20008

Jane Sapp / 2941 Upton St NW / WDC 20008

Linda Jay 2951 Upton St NW

Judith S Ross 2949 Upton St NW Washington, D.C. 20008

[illegible] 2946 Upton St NW

Jacek Lang 4033 Connecticut Ave, NW

[illegible] 2943 UPTON ST, NW 20008

Kurt H. [illegible] 2932 UPTON ST., NW 20008

[illegible] 2943 Upton St NW 20008

[illegible] 2914 Upton St NW 20008

D Kaye 2914 Upton St. NW 20008

Conan Owen

[illegible] 2955 Tilden St NW 20008

[illegible] 2955 Tilden St NW 20008

[illegible] Polst 2959 Tilden St NW 2008

John Daugherty 2957 Tilden St 20008

Chris Daugherty 2957 TILDEN ST NW 20008

Sybil de La Rue 2941 Tilden Street, NW 20008

X F de La Rue 2941 Tilden St. 20008

Susan Gillespie 2937 Tilden St NW

Beth Gorelow 2927 Tilden St NW

[illegible]

Priscilla + Zig Lispins 2925 Tilden St NW.

Garland W [illegible] 2940 Upton St. NW.

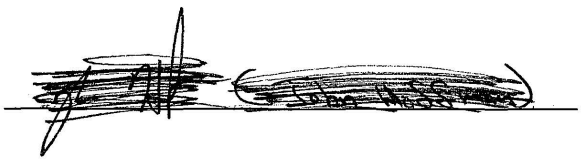
Peare Richardson 2940 Upton St. NW

[illegible] 2949 Upton St., NW

Collot Guerard 2951 Tilden St NW

Sincerely,

4007 Connecticut Ave., N.W. Washington, D.C. 20008	DONALD SALTZ Donald Saltz
4007 Connecticut Ave, NW 508 Washington, DC 20008	MOZELLE SALTZ Mozelle Saltz
4007 Connecticut Ave NW 504 Washington, DC 20008	Jack Cahall Lesley Albanese Emily Heil
"	
"	(JENNIFER BRICKMAN)
4007 CONNECTICUT AVE NW #106 WASHINGTON, DC 20008	COURTNEY THOMPSON Courtney D Thompson
#402	Shannon Kleib Frank Luciani #505
4007 Conn Ave, NW #401	Ellen Parietti
" #514	Dawn Myers Dawn C Myers
4007 Conn Ave, NW #406 — #512	Rich Maiore Mary Valle MARY VALLE
4007 Conn Ave. NW #502	DANIEL VALLE
4007 Conn Ave NW #~~410~~308 Wash DC 20008	Michele McLaylin
4007 Conn Ave, NW # 312 Wash DC 20008	DAVID HELVA FL-



4007 Connecticut Ave, NW #412
Washington, DC 20008

4007 Connecticut Ave, N.W. #509
Washington, DC 20008

Kevin + Erika Boost

K Boost — Erika Boost

Jennifer Visicle

Jennifer Visicle

Neighbors United for Livable Streets

The neighbors listed below have contributed money, posted signs and/or signed the attached letter. These neighbors reside on Upton, Connecticut and Tilden Streets.

1. Emma Jordan	2506 Upton Street, NW
2. Carol Rogers	2908 Upton Street, NW
3. Steve Quigley	2908 Upton Street, NW
4. Peter Weissman	2912 Upton Street, NW
5. Sharon Worthington	2912 Upton Street, NW
6. Dalia Dassa	2914 Upton Street, NW
7. David Kay	2914 Upton Street, NW
8. Ken Valentine	2916 Upton Street, NW
9. Fran Valentine	2916 Upton Street, NW
10. James Gasser	2922 Upton Street, NW
11. Gregory Ramsey	2922 Upton Street, NW
12. Luisa Jaurequi	2924 Upton Street, NW
13. Susan Benton	2926 Upton Street, NW
14. Barbara Zuckerman	2928 Upton Street, NW
15. Julie Weisman	2932 Upton Street, NW
16. Kurt Jacobs	2932 Upton Street, NW
17. Michael Hirsch	2934 Upton Street, NW
18. Ruth McDiarmid	2936 Upton Street, NW
19. Richard Richardson	2940 Upton Street, NW
Pearl Richardson	2940 Upton Street, NW
20. Jane Sapp	2941 Upton Street, NW
21. Susan Collins	2943 Upton Street, NW
22. Don Vereen	2943 Upton Street, NW
23. Jodie Smolik	2945 Upton Street, NW
24. George Smolik	2945 Upton Street, NW
25. Mark Segal	2946 Upton Street, NW
26. Gloria Segal	2946 Upton Street, NW
27. Rob Vricella	2947 Upton Street, NW
28. Michelle Vricella	2947 Upton Street, NW
29. Cliff Batson	2948 Upton Street, NW
30. Judy Ross	2949 Upton Street, NW
31. Milton Shinberg	2949 Upton Street, NW
32. Linda Jay	2951 Upton Street, NW
33. Virginia Worthington	2830 Upton Street, NW
34. Phil	2830 Upton Street, NW
35. Rob	2828 Upton Street, NW
36. Stephen Zuckerman	2953 Tilden Street, NW
37. Maria Zuckerman	2953 Tilden Street, NW
38. Louise Belcher	2935 Tilden Street, NW
39. Scott Taylor	4007 Connecticut Avenue, Apt. 411

40. Janet Lynn Simmons	4007 Connecticut Avenue 411
41. Grace Lang	4033 Connecticut Avenue
42. Conan Owem	2955 Tilden Street, NW
43. Susan	2955 Tilden Street, NW
44. W. Poist	2959 Tilden Street, NW
45. John Dougherty	2957 Tilden Street, NW
46. Chris Dougherty	2957 Tilden Street, NW
47. Sybil de LaRenaudiere	2941 Tilden Street, NW
48. Xavier de LaRenaudiere	2941 Tilden Street, NW
49. Susan Gillespie	2931 Tilden Street, NW
50. Beth Joselow	2927 Tilden Street, NW
51. Tom Mandel	2927 Tilden Street, NW
52. Priscilla Liepins	2925 Tilden Street, NW
53. Zig Liepins	2925 Tilden Street, NW
54. Collot Geuerard	2951 Tilden Street, NW
55. Donald Saltz	4007 Connecticut Avenue, NW
56. Mozelle Saltz	4007 Connecticut Avenue, NW
57. Jack Gabel	4007 Connecticut Avenue, NW 508
58. Leslie Albanese	4007 Connecticut Avenue, NW 504
59. Emily Heil	4007 Connecticut Avenue, NW
60. Jennifer Brickman	4007 Connecticut Avenue, NW
61. Courtney Thompson	4007 Connecticut Avenue, NW 106
62. Shannon Kleib	4007 Connecticut Avenue, NW
63. Fran Klucioni	4007 Connecticut Avenue, NW 505
64. Ellen Parietti	4007 Connecticut Avenue, NW 401
65. Dawn Myers	4007 Connecticut Avenue, NW 514
66. Rich Maiore	4007 Connecticut Avenue, NW 406
67. Mary Valle	4007 Connecticut Avenue, NW 512
68. Daniel Valle	4007 Connecticut Avenue, NW 512
69. Michele McLauglin	4007 Connecticut Avenue, NW 308
70. David Helvarg	4007 Connecticut Avenue, NW 312
71. Kevin Boot	4007 Connecticut Avenue, NW 412
72. Erika Boot	4007 Connecticut Avenue, NW 412
73. Jennifer Visick	4007 Connecticut Avenue, NW 509
74. Anjanette Hamilton	4501 Connecticut Avenue, NW 305