2827 Hurst Terrace, N. W.
Washington, D. C. 20016
September 15, 2002

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 Fourth Street, N. W.
Washington, D. C. 20001

RE: Application #16915
2828 Hurst Terrace, N. W.

Dear Mr. Griffis:

I am writing in regard to the September 24 hearing for the special exception on the above property. I will perhaps be the only person from whom you hear who was brought home from the hospital to the house where our parents were the first owners, and where our 95 year old mother still lives. It was then and continues to be a safe and pleasant neighborhood--friendly to all, including children and pets. The opposition to the continuation of the exception and sale of the school in its present location has to do with the traffic generated. The fact is that the school, in its current form, is in a location, a quiet residential street, which is not appropriate for its present use and the size and nature of its student population.

It's unclear how the parents of children at the school who have written to the BZA came to the idea that the neighbors are retired, child-unfriendly people. As far as we know, our mother, who did not retire from full-time work until she was 82, is the only retired person on the block. My sister has worked with children all of her professional life; my mother was an active member of the Key School PTA when we were students there and a founding editor of the *Key Notes*, the newsletter which continues at Key School; I have spent most of my career as a health educator working with children, adults and families. For us it was a great joy being on a street with an elementary school and it's hard to imagine any child-unfriendly people choosing to live on a street with a public grade school on it.

Twice a day, during the school year, many large vehicles (many from outside the District of Columbia) deliver small children to the house of 2828 Hurst Terrace, taking up a lane on a not very wide street. Twice in the past 18 months we have needed an ambulance for our mother. Had that happened at the drop-off or pickup time for the school at 2828, it would have been a major problem.

Before I became a public health educator, I received a Master's degree in City Planning from the Massachusetts Institute of Technology. One of the books it was suggested that we read prior to beginning the program was The Urban Pattern, by Gallion and Eisner. On the subject of variances, the text quotes a high state court in Kentucky in a 1961 case, an opinion quoted in the *Zoning Digest*, of the American Society of Planning officials, October 1961:

BZA
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Exhibit No. 84

Board of Zoning Adjustment
District of Columbia
CASE NO.16915
EXHIBIT NO.84

" 'An examination of the multitude of zoning cases that have reached this court leads us to the conclusion that the common practice of zoning agencies, after the adoption of an original ordinance, is simply to wait until some property owner finds an opportunity to acquire a financial advantage by devoting his property to a use other than that for which it is zoned, and then struggle with the question of whether some excuse can be found for complying with his request for a rezoning. The result has been that in most of the rezoning cases reaching the courts there has actually been spot zoning and the courts have upheld or invalidated the change according to how flagrant the violation of true zoning principles has been. It is to be hoped that in the future zoning authorities will give recognition to the fact that an essential feature of zoning is *planning*.' "

On the subject of a "Conditional Use Permit," Gallion and Eisner go on to say, "The Conditional Use is for the purpose of meeting a special need of the community based upon evidence that the proposed location will serve this special purpose. Protection from adverse effects on abutting property must be assured and measures for this must be included in the Permit. As with the Variance, the conditional use is not a substitute for rezoning. It is designed to meet a special situation in the public interest; it is not a device by which a new use may be indiscriminately introduced within an established zoning district." (Gallion and Eisner, The Urban Pattern, Van Nostrand, 1963, page 205. )

The school at 2828 Hurst Terrace is not a Head-Start program, or other free and public program open to all children. It is a private school which has outgrown its space in its current location. Most preschools and day care centers in this country are located in churches, synagogues, community centers and school buildings with adequate and safe parking arrangements. Certainly all of the places my children went were in such locations. A school with good teachers and a good reputation should be able to survive a move to a more suitable location. If my memory serves me correctly there was once a place of higher learning which outgrew its home in downtown Boston and had to move to what was then, an undeveloped, swampy part of Cambridge, Massachusetts. That school is M.I.T. and its reputation, the caliber of its students and faculty appears to have survived that move very well.

I hope you will do what is necessary to preserve the community which is Hurst Terrace. It would seem very wrong to allow the financial interests of one homeowner to affect so adversely all of the neighbors on a street she plans to leave. We all hope the BZA will take action to restore the peace of a quiet and residential neighborhood, for the health and safety of those who live there now and those who will live there in the future.

Thank you for your attention.

Yours sincerely,

Karen Cohen Holmes

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