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From: Kress, Jerrily (DCOZ) Add to Address Book Add this Address to n
Subject: RE: BZA Case #16915
Date: Sep 19 2002 11:44a
To: "'kauffman@prodigy.net'" <kauffman@prodigy.net>
Cc: "Kress, Jerrily (DCOZ)" <jerrily.kress@dc.gov>

Whoops, fax number 202-727-6072. Jerrily

----Original Message----
From: Kress, Jerrily (DCOZ)
Sent: Thursday, September 19, 2002 12:20 PM
To:Cc: Kress, Jerrily (DCOZ); Bardin, Sara Jo (DCOZ)
Subject: RE: BZA Case #16915

BZA
Case No. 16915
Exhibit No. 91

THANK YOU FOR YOUR CONCERN AND INFORMATIONAL LETTER. I
WE ARE NOT PREPARED TO TAKE YOUR INFORMATION BY E-MAIL YE
CASE FILES. WE NEED AN ORIGINAL SIGNED COPY IN OUR RECORDS
REQUIRE AN ORIGINAL WITH SIGNATURES, BUT IF YOU CARE TO FAX
YOUR SIGNATURE AND THEN FOLLOW WITH THE ORIGINAL AND SIGN
THAT WILL MEET OUR REGULATIONS. THANK YOU FOR YOUR CONCI
INFORMATION. JERRILY KRESS, FAIA, DIRECTOR

-----Original Message-----
From: kauffman [mailto:**Sent:** Wednesday, September 18, 2002 7:54
To: sara.bardin@dc.gov; zoning_info@dcoz.dcgov.org
Cc: jerrily.kress@dc.gov
Subject: BZA Case #16915

September 15, 2002

D.C. Board of Zoning Adjustment
441 4th Street N.W. Suite 210
Washington, D.C. 2001

Re: BZA Case #16915

I am writing in opposition to the application of Barbara Allan fc
exception at 2828 Hurst Terrace NW, BZA Case #16915. I am
continued operation of the child development center because it h
outgrown what can reasonably be expected for neighbors to absc
small residential block.

Jerrily —
1) faxed statemt signed by Lynn Kauffman
2) additional statemt signed by Nicholas Kauffman
3) both emailed to Sara
4) originals will be sent via snailmail but may/will arrive after the hearing on Sept 24th probably. We'll send today!

Board of Zoning Adjustment
District of Columbia
CASE NO.16915
EXHIBIT NO.91

Child development centers of this magnitude throughout D.C. dc
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do operate in single family homes are normally restricted to 4 to
This is understandably the case because residents should be abl
confidence that the integrity of their property will be protected b
zoning regulations and process.

It is totally inappropriate for an individual to receive a temporar
exemption[2] which soon takes on a life of its own and then is use
holder to secure greater profit upon the sale of the property becau
is tantamount to [3]downgrading[2] of the zoning. This special exce
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divorced, a single parent who needed to support herself. It was a
expected that the facility would revert back to a single family ho
Mrs. Allen ceased to operate it for the benefit of herself and fam
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good will of the neighbors would in the end be capitalized on fo

Conditions in the neighborhood have changed dramatically over
few years creating a cumulative negative impact by the school or
residentially zoned block, so that now it is sometimes unhealthy
for those who live here. The child development center has no offi
parking for its employees, visitors or parents. This, combines wit
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and overflow of employees and patron vehicles from MacArthur
restaurants, to cause unsafe congestion where there is sometimes
for single lane traffic to pass.

While one doesn[1]t hope to experience a major emergency on a re
the criticality of the traffic problems on our block hit a personal c
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40 patrons. It has a total of 5 parking spaces.

When my daughter attended Key School, which is located along

Terrace, it enrolled about 175 students. It's recent renovation w accommodate about 325 students. Families dropping off and pi students each day, visitors, employees, and other service vehicle considerably more traffic to this block, which is having greater a difficulty absorbing it. The parking lot is not sufficient to cover : be needed by the school.

Increased traffic and higher demand for street parking have nega impacted the residential, safety and environmental qualities of H Terrace. The elaborate traffic plan recently presented by Mrs. Al testament to this and to the school's contribution to this problem techniques to address neighbor objections have been use of orang cones, traffic officers, walkie talkies, drop-off and pick-up sched mandates to circle the block. All these practices indicate that tl enrollment is too large to operate in this single family home, wit street parking on this small residential street which cannot conti absorb the increasing levels of traffic, congestion, fumes and pa competition. Further, enforcement of this elaborate plan will unf onto the neighbors.

For all the above reasons I am asking that you deny renewal of tl exception requested by Barabra Allen for the property at 2828 H Terrace NW.

Sincerely,

Lynn Kauffman

Lynn Kauffman
2836 Hurst Terrace NW
Washington, D.C. 20016

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In the matter of BZA Case # 16915 - Renewal of Special Exception Application for a child development center located at 2828 Hurst Terrace, NW - DC 20016

Statement of Nicholas Kauffman submitted for the case record and distribution to the Commissioners filed via the internet Sept. 18, 2002

This is to state opposition to the renewal of the above referenced special exception application on the grounds that it would set an unprecedented degree of variance to R1 zoning; it does not comport with current local and ward-wide concerns and objections over the institutional encroachment upon residentially zoned R-1 neighborhoods; and, it therefore would set bad zoning policy direction.

The evidence in this case will show that the size of the school and it's present location in an R1 zone is an anomaly when compared to other child development centers in the immediate neighborhood and in the greater Ward 3. It is inconceivable that the school at its present size has been approved and existed for so long on this small residential block. The terms and conditions requested, as stated in this application, are tantamount to a hostile takeover of R1 zoning. The only rational explanation for prior approval can be that, seeing no prior objections, the BZA simply approved as submitted. This occurred because the immediate neighbors acquiesced due to personal friendship for the applicant. Moreover, in this instance, permanent, or even extended, approval of a special exception that was never intended to last beyond the current applicants tenure as a resident of the house and operator of the school, would totally reject the equity claim of these immediate neighbors and signatories to the petition in opposition. Namely, that these residents, had they realized that this exception might result in "perpetual life", would have opposed this exception from the outset.

The Palisades Community was one of the neighborhoods participating in the Mayor's Strategic Neighborhood Action Initiative. The SNA Plan Process began with a Mayoral Neighborhood Summit in 1998. Our official Planning Cluster was #13. The initial Palisades planning meeting was held at

the Mount Vernon Campus of the GW University and the three top priority outcomes were Traffic, Zoning and the Environment. For the next two years the planning committee worked with the DC Office of Planning Ward 3 Coordinator to produce a final SNAP which specified Cluster 13's priorities in great detail. One of the preeminent items of concern as stated in the SNAP was to vigorously protect R1 zoning and any encroachment thereon from non-residential uses.

Recently the Mayor met with a group of Ward 3 residents who expressed great concern with the proliferation of institutional expansions, such as private schools, into highly residential areas. This resulted in a ward wide meeting at St. Columba's Church Hall during the summer of 2002. Again, many residents complained that institutional encroachment reduced and marginalized their residential quality of life. Indeed, if allowed to continue, the cumulative impact of this assault on R1 zoning would lead to irreversible change in this community. Much of the blame was laid to poor planning and a predisposition to approve variances and special exceptions to existing R1 zoning. DC Councilmember Kathy Patterson announced the formation of a special Task Force to study the problem and report back by year's end. Institutional interests that employ predatory land acquisition and use practices cannot be sanctioned by the government through the granting of variances and special exceptions.

Given the facts before the Board describing the current public furor over these matters in general and regarding this application in particular, it would be a great disservice to virtually all of the resident petitioners of Hurst Terrace for the BZA to approve this application as submitted for either the number of children permitted or the length of time requested by the applicant.

Respectfully submitted,

Nicholas Kauffman
2836 Hurst Terrace, NW
September 18, 2002

Booth, Elaine (DCOZ)

From: kauffman [kauffman@prodigy.net]
Sent: Wednesday, September 18, 2002 7:54 PM
To: sara.bardin@dc.gov; zoning_info@dcoz.dcgov.org
Cc: jerrily.kress@dc.gov
Subject: BZA Case #16915

September 15, 2002

D.C. Board of Zoning Adjustment
441 4th Street N.W. Suite 210
Washington, D.C. 2001

Re: BZA Case #16915

I am writing in opposition to the application of Barbara Allan for a special exception at 2828 Hurst Terrace NW, BZA Case #16915. I am opposed to continued operation of the child development center because it has outgrown what can reasonably be expected for neighbors to absorb on this small residential block.

Child development centers of this magnitude throughout D.C. do not operate in R1 zoned neighborhoods. Those child development centers that do operate in single family homes are normally restricted to 4 to 6 students. This is understandably the case because residents should be able to have confidence that the integrity of their property will be protected by the zoning regulations and process.

It is totally inappropriate for an individual to receive a temporary ³special exemption² which soon takes on a life of its own and then is used by the holder to secure greater profit upon the sale of the property because of what is tantamount to ³downgrading² of the zoning. This special exception was accommodated by neighbors because of a personal concern for Mrs. Allen, who at the time of its origination appealed to local neighbors as a recently divorced, a single parent who needed to support herself. It was always expected that the facility would revert back to a single family home when Mrs. Allen ceased to operate it for the benefit of herself and family. There was never a thought that this school would go on in perpetuity, nor that the good will of the neighbors would in the end be capitalized on for profit.

Conditions in the neighborhood have changed dramatically over the past few years creating a cumulative negative impact by the school on this small residentially zoned block, so that now it is sometimes unhealthy and unsafe for those who live here. The child development center has no off street parking for its employees, visitors or parents. This, combines with residents¹ parking needs, those of teachers, staff and parents of Key School, and overflow of employees and patron vehicles from MacArthur Boulevard restaurants, to cause unsafe congestion where there is sometimes only room for single lane traffic to pass.

While one doesn¹t hope to experience a major emergency on a regular basis, the criticality of the traffic problems on our block hit a personal cord with me on February 27th of this year. I called 911 because my husband was experiencing internal bleeding and was going into shock. He needed

immediate medical attention but the emergency vehicles could barely make their way through the congestion on Hurst Terrace that trying morning.

Hurst Terrace is a small residential street which has felt the impact of many changes since well before the last renewal application (we don't recall receiving a notice the last time the special exception was being considered for renewal.) Not least among those changes is the increased traffic from Arizona Avenue and MacArthur Boulevard. Many more vehicles now use our block as a short cut or to by-pass traffic congestion. In addition, increased commercial activity, including office buildings, restaurants and other retail businesses along MacArthur Boulevard bring more supply trucks, workers and patrons. The newest development project, a half block from Hurst Terrace, is a restaurant which touts that it will have seating for 40 patrons. It has a total of 5 parking spaces.

When my daughter attended Key School, which is located along Hurst Terrace, it enrolled about 175 students. It's recent renovation will accommodate about 325 students. Families dropping off and picking up students each day, visitors, employees, and other service vehicles will add considerably more traffic to this block, which is having greater and greater difficulty absorbing it. The parking lot is not sufficient to cover all that will be needed by the school.

Increased traffic and higher demand for street parking have negatively impacted the residential, safety and environmental qualities of Hurst Terrace. The elaborate traffic plan recently presented by Mrs. Allan is a testament to this and to the school's contribution to this problem. Some techniques to address neighbor objections have been use of orange street cones, traffic officers, walkie talkies, drop-off and pick-up schedules, and mandates to circle the block. All these practices indicate that the school's enrollment is too large to operate in this single family home, with no off-street parking on this small residential street which cannot continue to absorb the increasing levels of traffic, congestion, fumes and parking competition. Further, enforcement of this elaborate plan will unfairly fall onto the neighbors.

For all the above reasons I am asking that you deny renewal of the special exception requested by Barabra Allen for the property at 2828 Hurst Terrace NW.

Sincerely,

Lynn Kauffman
2836 Hurst Terrace NW
Washington, D.C. 20016