BZA
Case No. 16915
Exhibit No. 97

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

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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