BURKE SCHOOL SUBMISSION

Mr. Chairman and Members of the Board:

My name is James C. Brown, and I am speaking on behalf of my brothers, Thomas and Raymond. We own the 37 unit apartment building which is directly north of the lots which Burke School wishes to expand onto. Out property is titled in the name of SIRIUS, LLC.

My written statement was submitted to the Board and all interested parties by mail. However, I would like to paraphrase our objections as follows:

1. The proposed expansion building would place mechanical equipment on the roof of the building, adjacent to our building creating noise which will be objectionable to the peace and quiet of our residents. There is also a roof top play area, which will generate additional noise.
2. The operational efficiency of our building will be compromised by the Burke expansion, by placing additional traffic into the north-south alley behind our building. Services vehicles; oil, trash, plumbing, air-conditioning and the like, frequent this alley to service our property. We also have four parking spaces abutting the alley.
3. Safety Considerations: The garage entrance to the new addition will be directly to the south of our property. Traffic entering the school over the public sidewalk will make it challenging and dangerous for persons traversing the sidewalk.

BZA
Case No. 17022
Exhibit No. 137

Board of Zoning Adjustment
District of Columbia
CASE NO. 17022
EXHIBIT NO. 137

4. More Importantly: The residential nature of the neighborhood will be changed. The area is already saturated with institutional establishments. The owners of residential properties, be they on Connecticut Avenue, Upton Street, or Tilden Street, have a lifetime investment in their homes. They sustain the D.C. Government by their tax payments, and should have an absolute right to the peaceful enjoyment of their homes. Burke students come and go every 4 years. The residents are committed to their homes for as long as they live there.

We are of the opinion that the BZA Process is being unfairly utilized to place the burden of proof on neighboring equity owners, rather than on the applicant, to prove the expansion will not adversely affect the neighborhood.

Burke School has been out of compliance with BZA Order 13986, dated October 4, 1983, since 1993. They have exceeded the student cap of 270 by 11%. (Student enrollment was set at 270, and they now have 299 students, 29 above the cap.) As to faculty, they have exceeded that cap of 35 by 68%. (Faculty staff is now 59.)

In our judgment, it is not fair for the Board to now consider further Exceptions for the Burke School, which has, for over 6 years, flaunted a prior BZA Ruling.

Burke Traffic Report Deficiency

Burke's traffic report and analysis reaches the conclusion that the implementation of its proposed Traffic Management Report (TMP), will make school traffic, after expansion to the requested increase in students and faculty, "better than today."

The true question is not whether or not Burke's TMP will make the traffic situation better than it is "today" at the unauthorized student level of 299 students and ~~60~~ 57 faculty members, but whether or not it will make the traffic situation better than it was at the legal student level of 270 students and 35 faculty.

To ignore this deficiency would be to reward Burke by giving it a more favorable comparison starting point, which was achieved illegally.

Buffer Zone Needed

Applicant seeks approval of an institutional use in a residential area. A residential user would not be required to place a buffer zone between itself and our 4107 Connecticut Avenue Apartment Building. However, if the use is to be changed from residential to institutional, with its increased student noise, increased traffic, and evening activities, the residents of our apartment building are entitled to a buffer zone between the Burke School and our apartment building to reduce, to some extent, the detrimental effects of the requested institutional use.

The BZA, in its 1983 Order No. 13986, recognized the importance of such a buffer zone between Applicant and its residential neighbors by stating as follows:

"The existing public alley, adjacent to the western property line, will serve as an open space buffer between the addition and other adjacent uses."

No buffer zone has been proposed by the Applicant in this present submission.

We submit a Petition, signed by the tenants of 4107 Connecticut Avenue, objecting to the Burke expansion. We also submit a letter by our Engineer, Ali Shabaz, raising serious concerns about building the addition, due to soil, water table and rock conditions on the expansion lots.

Respectfully submitted,

James C. Brown

For Sirius,LLC

October 14, 2003

PETITION

JUNE 13, 2003

The undersigned tenants of the apartment building at 4107 Connecticut Avenue NW, which property is immediately North of the proposed Edmund Burke School addition, wish to go on record in opposition to the pending application of Edmund Burke School for a special exception (BZA Application No. 17022) for the following reasons:

1) The alley which is behind this building has a high volume of usage now, trash trucks, utility trucks, moving vans, repair trucks, heating trucks, etc. including the residents and citizens of the city. The addition would create a tremendous increase in traffic in the alley behind our building and make ingress and egress to and from our building from the alley exceedingly difficult and hazardous. We are also concerned about vehicular traffic across the public sidewalk entering the schools new addition from Conn. Ave, making foot passage dangerous.

2) We already have too many schools in this residential neighborhood creating a shortage of parking on the streets at the present time.

3) Some of the windows of our fellow tenants would be completely blocked and sealed off.

4) We are concerned about the noise from the roof top mechanical equipment interfering with our ability to enjoy our apartments.

5) We are concerned about the potential noise from the student activities to be held at night.

PLEASE SIGN ON THE ATTACHED SHEET IF YOU WOULD LIKE TO PARTICIPATE

JUNE 2003

PETITION for BUILDING - SIGNATURES

4107 CONN AVE NW

02 JADE FINDLAY — Jade Findlay
05 Carola Borja — Carola Borja
06 Grace M. Lenihan (ex-sp. Grace M. Lenihan — Speech-Language Pathologist
07 LAWRENCE KENNY — Lawrence Kenny
08 DORIS BOTSFORD - Doris Botsford
101 —
102 ERMIAS HAILU — Ermias Hailu
103 Kristen Kwiatkowski — K G Kwiatkowski
104 Laura Turner — Laura Turner
105 —
106 Geordana Evans — Geordana M Evans
107 —
108 MARY HAMER — Mary Hamer
201 KELLY A. SCANLON — Kelly A Scanlon
202
203
204 June S. Phillips — June S Phillips
205 OSCAR M. HANES — Oscar M. Hanes
206 GARY G. LYTTLE — Gary G. Lyttle
207 Ben Boothby — Ben Boothby
208 Michael Crabill — Michael Crabill
301 GLADYS MENDEZ - Gladys Mendez
302 MELIDA SANCHEZ — Melida Sanchez
303 Richard H. Speidel, Jr. — R. Speidel
304 Elisabeth Ensley — Elisabeth Ensley
305 ~~Jane S. Phillips~~ — ~~Jane S. Phillips~~
306 Philip J. Frankenfeld — Philip J. Frankenfeld

4107 Conn Ave NW

306	OLGA LUCIA ROJAS	O. L. Rojas
307	PAUL STANTON	Paul Stanton
308	Colin Fleming	Colin Fleming
~~401~~	B. Henson	B. Henson
402	—	
403	S. BARNES	Sol Barnes
404	—	
405	Leis D. Rice	Leis D. Rice
406		
407	ABDOLKARIM ALEMANSOUR	A B. Kazi
408	David Thaler	David A. Thaler

TATE, SHAHBAZ & ASSOCIATES, P.C.
Consulting Engineers

9700 Mill Race Dr. Vienna, Virginia 22182 (703) 757-5169 FAX (703) 757 5864

October 13, 2003

Mr. James C. Brown
Sirius L.L.C.
4545 42nd Street, N.W.
Suite 301
Washington, DC 20016

RE : BZA Hearing on Burke School
4107 Connecticut Ave. N.W. Washington, DC

Dear Mr. Brown:

We received the Geotechnical Engineering report and the Phase II Environmental Site Assessment Report, prepared by Schnabel Engineering Associates for the Edmund Burke School Addition, adjacent to the above referenced property. Subsequently we reviewed the material and performed an engineering evaluation of the proposed addition and the impact of the construction on the subject property. This is a report of our professional opinion:

Analysis of the available information indicates that there are three major issues associated with the proposed school addition, which are very likely to have a severe impact on the building at 4107 Connecticut Avenue. They are:

1. Requirements for underpinning of 4107 Connecticut Avenue
2. Natural ground water level, and
3. Shallow rock formation and excavation by blasting or jack-hammering

Ramifications of each of the above is discussed briefly below:

Underpinning :

It appears that the lowest level of the proposed addition is at about 20 to 30 feet (2 to 3 stories) below grade. Considering the lowest elevation of subject building at 5 to 6 feet below grade; existing footings at property line as well as the set-back portion of the building require underpinning to the lowest elevation of proposed building.

The process of installing the underpinning is bound to disturb your tenants.

Ground-water:

It appears that the natural ground-water level was at as shallow as 9 feet below grade during geotechnical explorations. This level is subject to wide fluctuations and may rise during certain periods during the year.

It is reasonable to conclude that the new proposed school addition would be a submerged building. This would mean that the flow of under-ground water would be disrupted and manipulated.

It would be impossible to guess at the effects of such geological change, and the impact on the basement level of the existing buildings. We recommend to have monitoring wells installed, and a hydro-geological study to be performed, to effectively assess the overall ramifications of this.

We can render the opinion at this time, that the shallow ground-water would only complicate any under-pinning effort, and any complications during under-pinning would jeopardize the structural integrity of the existing surrounding structures.

Rock Excavation :

Based on the results of geological exploration, the bed rock is at shallow depth under the existing grades, and removal of rock during excavation for the proposed school addition, by methods such as blasting and jack-hammering is inevitable.

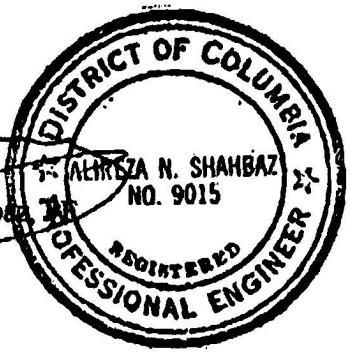
The rock is at as shallow as 3 feet below surface, and the amount of rock to be excavated through appears massive. This would place the tenants under a prolonged unpleasant situation and may prove disruptive to businesses in the proximity of the construction site.

It would also provide another complication in the underpinning effort and would make the task extremely challenging, to put it mildly.

In conclusion, it is our professional opinion that the degree of possible complications during underpinning, would render the task unreasonably risky to the structural stability of the existing buildings, no matter how well-designed, well-planned, and well-executed it may possibly get.

If I can be of further assistance, or if you have any questions, please do not hesitate to call me.

Truly yours,



Alireza Shahbaz, PE