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D.C. BOARD OF ZONING ADJUSTMENT

October 20, 2003

VIA HAND DELIVERY

Mr. Geoffrey Griffis, Chairman
D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001`

Re: BZA Application No. 17022, Edmund Burke School
NEED FOR BUFFER ZONE

Dear Chairperson Griffis and Members of the Board:

The undersigned is a member of Sirius LLC, which owns the 37 unit residential apartment building ("Apartment"), directly north of the proposed new Edmund Burke School building ("New Burke Building").

This is a memorandum in support of our reqest for a buffer zone between the proposed New Burke Building and the Apartment, similar to the existing buffer zone between the existing Burke School buildings and residential land to the West.

A) CHANGE IN USE REQUIRES BUFFER ZONE

Applicant proposes to change the use of its Lot 68 Sq Sq. 2243 from its current residential use under R-5-D zoning, to an institutional use.

If Applicant is successful, the Apartment will not adjoin another residential use building, but a school building containing "classrooms, computer rooms, photographic labs, music rooms, art studios...a black box auditorium and outdoor terrace space for recreation".(See Application P. 6)

BZA
Case No. 17022
Exhibit No. 159

Board of Zoning Adjustment
District of Columbia
CASE NO. 17022
EXHIBIT NO. 159

This is a drastic change from a quiet residential use to a building encompassing the uses specified above. It is important to note that the "outdoor terrace space for recreation" will be on the roof of the New Burke Building next to the Apartment. Activities will not be restricted to daytime. Applicant plans evening uses as well.

Although no buffer zone would be required if the building to be constructed was residential in nature, when the use is changed to the detriment of a residential neighbor then Applicant should lessen the adverse effects of the change by providing a buffer zone between the New Burke Building and the Apartment.

B) BUFFER ZONE EXISTS TO THE EAST

Applicant has provided a buffer zone between its original school building on Upton Street and its residential neighbors to the east and recognizes the need for such a buffer zone when it says on p.3 of its application that "the school has specifically responded to community concerns..(including)..the preservation of green space between the existing school building and its eastern most property line".

Yet Applicant shows no such concern about its residential neighbors to the North.

C) THE BOARD RECOGNIZED THE NECESSITY FOR BUFFER ZONES IN ITS ORDER NO. 13986 IN 1983

The BZA, in the Findings of Fact upon which it based its Conclusions of Law and Opinion authorizing Applicant to expand in 1983, specifically stated as follows:

"23. The landscaped side yard east of the existing building, measuring approximately thirty-four feet in width, serves as a buffer between the school and the adjacent properties. There is also a four foot grade increase in this side yard, thereby making it inappropriate for parking. The existing public alley adjacent to the western property line will serve as an open space buffer between the addition and other adjacent uses."

The public alley referred to is 16 feet wide.

The Board thus recognized the importance of having a 16 foot buffer zone between the Burke School and residential properties to the West.

We hope the Board will carry on that same buffer zone concept and mandate similar protection for the Apartment.

CONCLUSION

In view of the change in use sought by Applicant, which, if granted, will increase noise during the day and in the evening from traffic, student activities, and mechanical equipment emanating from the New Burke Building, the residents of the 37 apartment units in the Apartment are entitled to a buffer zone of at least 16 feet which is the width of the alley that previously served as the buffer zone between the Burke School and the residential properties west of the Burke School.

Sirius LLC therefore respectfully requests this Board to require Applicant to provide a buffer zone on its propery of at least 16 feet between the proposed New Burke Building and the northern border of its lot.

Respectfully,

Thomas P. Brown III

Sirius LLC, by
THOMAS P. BROWN, III

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CERTIFICATE OF SERVICE
BZA CASE No. 17022

I hereby certify that I have served a copy of this letter regarding the NEED FOR BUFFER ZONE, by hand or by first class mail, postage prepaid, to the following parties to this proceeding:

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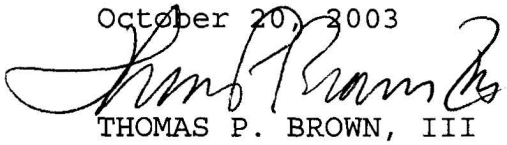
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October 20, 2003



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