Law Offices
STEPHEN N. GELL
A Professional Corporation

1101 30th St. N.W.
Fifth Floor
Washington, D.C. 20007
Telephone: (202) 625-8311
Facsimile: (703) 522-5503
Email: SGELL@HIS.COM

October 27, 2003

Geoffrey H. Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

Re: Edmund Burke School, BZA Case No., 17022
Comment on the Burke School petition in support

Mr. Chairman and Members of the Board:

A petition and accompanying map in support of Burke's application was presented to the BZA by Ms. Dierdre Karambelas during her testimony on October 14. We believe the statement which people signed is seriously misleading and requires clarification. It reads as follows:

> "We, the undersigned, are a group of neighbors of the Edmund Burke School who support the school's application to expand the school's facilities onto Connecticut Avenue. The school's implementation of a voluntary traffic management plan, **lowered proposed enrollment** [emphasis added] redesigned architectural plan that reorients the school and traffic flow to Connecticut Avenue, development of enforcement and accountability measures and implementation of policies and programs designed to benefit the neighborhood are acceptable to us. We want to make sure that our views are heard and are included in the process of reviewing this application."

Our concern is with the phrase "lowered proposed enrollment". Most people reading quickly might assume that Burke was reducing the 270 students authorized by the 1983 BZA Order, something that could be expected to gain universal acceptance. However, by the phrase "lower proposed enrollment" Burke was referring not to a decrease in their authorized population of 270 but, rather, to their abortive attempt in 2001 to gain an increase from 270 to 360. Only an insider would understand this distinction. Others would be easily misled. Since the number of students is the issue that has most stirred up opposition to the current application, we believe this unfortunate wording should be regarded as invalidating the entire petition.

BZA
Case No. 17022
Exhibit No. 171

Board of Zoning Adjustment
District of Columbia
CASE NO. 17022
EXHIBIT NO. 171

Other concerns we have about the petition are the following:

1. A comparison of the signatures and addresses on the petition with official property ownership rolls shows that for the 2900 block of Tilden and Upton Streets, 16 out of the total of 45 signatories are renters, some living in group houses.

2. In two cases, Burke's canvasser took signatures from renters of rooms or relatives of owners in houses owned and occupied by Barbara Zuckerman at 2928 Upton and Luisa Jarequi at 2924 Upton. Both owners are members of NULS and oppposed to the expansion.

3. In another case, the Wolfs, an elderly couple at 2942 Upton signed the Burke petition unaware that they were signing a reversal of the position they took in signing NULS petition.

When one looks at homeowners alone, a very different picture of support and opposition in the immediate Burke neighborhood emerges. Not surprisingly, the ratio of homeowner opposition to support on Upton and Tilden is two to one.1

An examination of the Burke petition shows that a majority of signatories are high-rise apartment house residents on Connecticut Avenue, well beyond Van Ness Street. Of course, by distinguishing homeowners from renters we are in no way questioning the good faith of renters in our community. They are good neighbors and some have rented in the neighborhood for many years. It should be noted, however, that renters, by and large, are more mobile than owners. They have more options to relocate in the event conditions become more intolerable. Moreover, those living in high rises are not responsible for picking up trash or removing grafitti.

Some of the signatures were from Connecticut Avenue commercial establishments (including Calvert Wine and Liquor!), in a string as far north as Albemarle Street, who would be expected to welcome an increase in students and their commerce.

Thank you for your consideration of these matters.

Very truly yours,

Stephen N. Gell

1 Of the total of 27 owner-occupied residences on Upton Street, twenty-one (21) oppose and nine (9) support the Burke application. On Tilden Street, seven (7) are opposed while six (6) owner-occupied residences support Burke. Thus for these two streets together, twenty-eight (28) homeowners oppose the Burke plan, and fourteen (14) support it.