**JOHN DOUGHERTY**
ATTORNEY AT LAW

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June 10, 2003

Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street, NW
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2003 JUN 11 P 3:23

Re: Edmund Burke School
Application Number 17022

Dear Sir or Madame:

Enclosed, on behalf of the persons listed therein, are two petitions signed by Burke neighbors with respect to the above-captioned Application. All of such persons intend to seek party status.

The first petition is signed by 16 of the 27 homeowners on the 2900 block of Upton Street, and 9 of the 16 homeowners on the 2900 block of Tilden Street. Thus, the petition is signed by a majority of the homeowners listed in the Application as being most affected by Burke's proposed expansion.

The second petition is signed by 8 of the 11 homeowners on Upton Street East of 29th Street. These persons are not listed in the Application. However, such persons will be significantly affected by Burke's expansion because of increased traffic and because of increased use of the Howard Law School playing field. The homes of such persons are within 200 feet of this playing field, which Burke uses as its athletic facility.

The petitions note that Burke has abused the application process by filing an incomplete application, and by managing the application process so that hearings will be held in the summer months when many neighbors will be on vacation. Thus, neighbors will have no meaningful opportunity to comment on Burke's plans. This is inconsistent with basic due process and the clear intent of the zoning laws.

The petitions request that (a) the BZA postpone any meetings to consider the Application until at least 60 days after Burke has submitted a complete application, and (b) that meetings not be scheduled during the summer months when many neighbors will be on vacation.

Sincerely yours,

John Dougherty

BZA
Case No. 17022
Exhibit No. 35

Board of Zoning Adjustment
District of Columbia
CASE NO. 17022
EXHIBIT NO. 35

**Petition to Board of Zoning Adjustment**
**From Burke Neighbors**
**Re Burke Application for Special Exception**
**Application Number 17022**

1. Burke's Application

Edmund Burke School ("Burke") filed an Application for Special Exception ("Application") on April 15, 2003. Advisory Neighborhood Commission 3F ("ANC") has scheduled a meeting to consider Burke's Application on June 16, 2003. The Board of Zoning Adjustment ("BZA") has scheduled a hearing on July 15, 2003.

2. Neighbors Request to BZA

The undersigned are listed in the Application as property owners who will be especially impacted by Burke's expansion plans. Each of the undersigned intends to apply for party status and to present testimony at the BZA hearing.

The undersigned respectfully request (a) that the BZA postpone any meeting to consider the Application until at least 60 days after Burke has submitted a complete application, and (b) that a meeting not be scheduled for the summer months when many neighbors will be on vacation.

The undersigned also wish to note their opposition to Burke's Application in its present form.

3. Incomplete Application

Burke filed a similar expansion plan in 2001. The BZA rejected that plan. The BZA concluded that: "The proposed private school expansion would result in traffic congestion and serious pedestrian and traffic safety hazards."

The Application states that Burke will increase its enrollment "only if the School meets a stringent set of operational conditions as set forth in the Compliance Plan...." However, no compliance plan was filed with the Application. Thus, neighbors have no meaningful way to gauge the impact of Burke's expansion plans. Nor does the BZA have a reasonable basis for concluding that Burke's new plan is any more acceptable than the prior plan that was rejected by the BZA.

It makes no sense to hold a BZA meeting to discuss an incomplete application. The undersigned neighbors therefore respectfully request that the BZA decline to hold a meeting to discuss Burke's expansion plans until at least 60 days after Burke has filed an application that contains detailed information about all aspects of its proposed expansion.

Alternatively, we would request that the BZA reject Burke's application as being incomplete, and consider an appropriate timetable at such time as Burke files a complete application.

4. Hearings During the Summer Months

Burke has managed the application process so that ANC and BZA consideration will take place during the summer months when many neighbors will be on vacation. Coupled with the fact that Burke has filed an incomplete application, this results in neighbors having no meaningful opportunity to comment on Burke's plans. This is inconsistent with basic due process and the clear intent of the District's zoning laws. The undersigned neighbors therefore request that the BZA decline to consider Burke's application during the summer months.

It should be noted that Burke has already made its enrollment decisions for next Fall. Thus, our request will have no impact on Burke's current enrollment plans. It conceivably could have an impact on the timetable for constructing Burke's new building. However, Burke has had several years to develop its expansion plans and the timing of the present application was entirely within Burke's control. Neighbors are entitled to a meaningful opportunity to evaluate and comment on Burke's plans.

5. Additional Concerns

The undersigned will defer detailed comments regarding Burke's plans until we have had an opportunity to consider a complete application package. However, we do wish to note the following threshold concerns.

First, the proposed new building will result in a large institutional complex that is inconsistent with a residential neighborhood. Second, as noted by the BZA, increased enrollment would result in traffic congestion and serious pedestrian and traffic safety hazards. Third, there are no limitations on further expansion by Burke.

Respectfully submitted,

Name: [illegible] | Name: Luisa Jauregui
Address: 2940 Upton St NW | Address: 2928 Upton St NW
Date: 6/2/03 | Date: 6/3/03

Name: [illegible] | Name: Lucas Flaes
Address: 2926 Upton St NW | Address: 2932 Upton St. D.C 20008
Date: 6.2.03 | Date: June 3, 03

Name: [illegible] | Name: Rohit Chaudhry
Address: 2936 Upton St. N.W | Address: 2946 Upton Street
Date: 6/2/03 | Date: June 3, 03

Name: Julie Wen | Name:
Address: 2932 Upton St, NW | Address:
Date: 6-2-03 | Date:

Name: Paarl Richardson | Name:
Address: 2940 Upton | Address:
Date: 6-2-03 | Date:

Name: Alan Baxter | Name:
Address: 2900 Upton St NW | Address:
Date: 202-362-6504 | Date:

Name: [illegible] | Name:
Address: 2830 Upton | Address:
Date: 6/3/3 | Date:

Name: Paul McWolf | Name:
Address: 2942 Upton St NW | Address:
Date: Washington DC 200 6/4/03 | Date:

Name: [illegible] | Name:
Address: 2948 Upton St NW | Address:
Date: 6/4/03 | Date:

Name: Barbara Zuckerman | Name:
Address: 2928 Upton St NW | Address:
Date: 6/4/03 | Date:

Name: David L Rogers | Name:
Address: 2908 Upton St. NW | Address:
Date: 06/04/03 | Date:



RR

North side

Respectfully submitted,

Name: Linda Jay
Address: 2951 Upton NW
Date: 6/2/03

Name: Michelle D. Vucella
Address: 2947 Upton St. NW
Date: 6-2-03

Name: Mat Mata
Address: 2947 Upton St., NW
Date: 6/2/03

Name: MILTON SHINBERG
Address: 2949 UPTON ST, NW
Date: 6/6/03

Name: Judy Ross
Address: 2949 Upton St NW
Date: 6/08/03

Name: [signature]
Address: 2943 Upton St NW
Date: 6/08/03

Name: Josh P Smith
Address: 2945 Upton ST NW
Date: 6/08/03

Name: George Smith
Address: 2945 Upton St NW
Date: 6/8/03

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Respectfully submitted,

Name: John Dougherty
Address: 2957 Tilden
Date: 6/1/03

Name: Carol [illegible]
Address: 2955 TILDEN
Date: 6/1/03

Name: [illegible]
Address: 2949 Tilden St.
Date: 6-1-03

Name: [illegible]
Address: 2943 Tilden St NW
Date: 6-1-03

Name: Louise D. Belcher
Address: 2935 Tilden St. NW
Date: June 1, 2003

Name: [illegible]
Address: 2901 Tilden ST NW
Date: June 1, 2003

Name: [illegible]
Address: 2903 Tilden St, NW
Date: 6/1/03

Name: P+Z LIEPINS
Address: 2925 TILDEN ST.
Date: 6/1/03

Name: Callet Guerard
Address: 2951 Tilden St NW
Date: 6/1/03

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Respectfully submitted,

Name: James Katzon
Address: 2820 Upton St, NW
Date: 6/8/03

Name: _____
Address: _____
Date: _____

Name: Francine A Weiss
Address: 2820 Upton St, NW
Date: 6/8/03

Name: _____
Address: _____
Date: _____

Name: ALAIN CHETRIT
Address: 2814 UPTON
Date: 6/8/03

Name: _____
Address: _____
Date: _____

NB

Name: Louise Pisano Simone
Address: 2700 Upton St NW
Date: 6/8/03

Name: _____
Address: _____
Date: _____

Name: DAVID SIMONE
Address: 2700 UPTON ST., NW
Date: 6/8/03

Name: _____
Address: _____
Date: _____

Name: Erma C. Jordan
Address: 2506 Upton St NW
Date: 6/8/03

Name: _____
Address: _____
Date: _____

Name: David Lipton
Address: 2510 Upton St NW
Date: 6/8/03

Name: _____
Address: _____
Date: _____

Name: Virginia Worthington
Address: 2830 Upton St NW
Date: 6/8/03

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