GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16561 of The Archdiocese of Washington/The Shrine of the Most Blessed Sacrament, pursuant to 11 DCMR 3104.1, for a special exception under Section 206 for the approval of an addition to an existing private school for 600 students in the R-1-B District at premises 5831 Chevy Chase Parkway, N.W. (Square 1863, Lots 821 and 822).

HEARING DATE: March 15, 2000
DECISION DATE: March 15, 2000 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR Subsection 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 3G, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to this application, filed a written statement in support of the application.

As directed by 11 DCMR 3119.2, the Board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception under 11 DCMR Section 206. No person or entity appeared at the public hearing in opposition to this application. Mr. Clay Wellborn, who resides at 5829 Chevy Chase Parkway, N.W., asked for and was granted party status in this case. Mr. Wellborn's support of the application was contingent upon the Applicant agreeing to abide by the terms of Condition No. 10 (a-e). Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1, that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The maximum number of students shall be 600 students, and the maximum number of staff shall be 35.

2. The school's hours and days of operation shall be 7:00 a.m. to 4:00 p.m., Monday through Friday.

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3. The school shall house children in kindergarten through the eighth grade.

4. A minimum of 24 on-site parking spaces shall be provided, during the school's hours of operation.

5. The Applicant shall find reasonable areas for the staging of trucks and parking of construction workers' vehicles. There shall be no staging of construction vehicles in the alley. The construction vehicles shall not obstruct the use of the alley and surrounding streets.

6. There shall be no exterior construction work on the site on Saturdays, Sundays and holidays.

7. The construction project manager/liaison shall be available, by phone, after business hours.

8. The Construction Management Policies (Exhibit No. 32) shall be modified to state that: (a) construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m.; and, (b) the construction foreman shall make and save photocopies of all truck driver permits for all delivery, trash and hauling activity.

9. The Applicant shall implement the Construction Circulation Plan, as identified on Exhibit No. 37 of the record. Truck traffic shall be staggered. The Applicant shall monitor this activity to ensure that half of the truck traffic travel along Wisconsin Avenue is from Western Avenue to minimize the use of Military Road.

10. In accordance with the actions outlined in a letter dated March 10, 2000, written by Polysonics Corp. (Exhibit No. 34), the Applicant shall undertake the following actions in the multi-purpose room/gym in the Roach Center building:
    a) install gaskets to seal the east and south windows;
    b) close the east windows during all nighttime activities;
    c) provide shutters on the east side windows, curtains over the windows, and acoustic panels;
    d) muffle all horns during athletic events; and,
    e) baffle the new HVAC system to be located on the school roof; said HVAC system to be located as far west as reasonably practicable, but no less than 125 feet west of the east property line of the Applicant's property.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0 (Sheila Cross Reid, Robert Sockwell, Anne Renshaw, Rodney Moulden and John Parsons to approve.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: MAY 17 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

BAB/4.21.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 16561

As Director of the Office of Zoning, I hereby certify and attest that on MAY 17 2000 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Norman M. Glasgow, Jr.
Paul Tummonds
Wilkes, Artis, Hedrick and Lane
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Washington, DC 20015

Michael Johnson, Zoning Administrator
Building & Land Regulation Administrator
Dept. of Consumer and Regulatory Affairs
941 North Capitol Street, NE, Suite 2000
~~Washington, DC 20009~~

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director