GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16569 of World Plan Executive Council/The Kingsbury Center, pursuant to 11 DCMR 3104.1, for a special exception under Section 205 to establish a private school for up to 400 students, ages 5 through 18 years of age and 200 staff persons, and to construct a small gym on the site in an R-1-B District at premises 5000 14th Street, N.W. (Square 2711, Lot 802).

HEARING DATE: April 26, 2000
DECISION DATE: April 26, 2000 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, submitted a statement in support of the application, with issues and concerns

As directed by 11 DCMR 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR Section 205. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. 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 can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. The number of students shall not exceed 300 which will consist of a maximum of 200 elementary and junior high school students and a maximum of 100 high school students.
2. The number of staff shall not exceed 138.
3. The hours of operation shall be Monday through Friday, 8:30 a.m. to 6:15 p.m., and Saturday, 8:30 a.m. to 1:30 p.m.
4. The ages of the children shall be 5 –18 years.

BZA
Case No. 16569
Exhibit No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO.16569
EXHIBIT NO.38

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO.: 16569

As Director of the Office of Zoning, I certify and attest that on MAY 23 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 this matter, and who is listed below:

Cynthia Giordano, Esquire
1150 17th Street, NW, Suite 302
Washington, D.C. 20036

Kathryn Ferger, President
Carter Barron East Neighborhood Association
1337 Hamilton Street, NW
Washington, D.C. 20011

Maureen A. Young, Chairperson
Advisory Neighborhood Commission 4C
P. O. Box 60847
Washington, D.C. 20039

Attested by: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director

Date: MAY 23 2000

Attest/SO16569/poh

5. The number of parking spaces shall be 107.
6. A community liaison committee, which will meet quarterly, shall be established.
7. The school, in conjunction with the community liaison committee, shall consider and have in force a policy about students not driving when they reach the appropriate age.
8. The school, in conjunction with the liaison committee, shall develop a policy for leasing of the school's facilities.
9. There should be coordination of the school's transportation plan with the West Elementary School, including a request for school crossing guards during the morning and afternoon rush periods.
10. The alley on the southeastern corner of the site must be kept open for two-way traffic and emergency vehicles at all times.
11. The gate on the southeastern corner of the site shall be on the property line and shall swing inward.
12. Effective buffers between the school property and adjacent residential properties shall be maintained.
13. Tree replacement for those living trees to be removed would be at a rate of one caliper inch added for each caliper inch removed.

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** (Anne Renshaw, Carol Mitten, Robert Sockwell, Rodney Moulden and Sheila Cross Reid to approve).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: MAY 23 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 ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 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 CERTIFI CATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.