GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15743 of the Y.W.C.A. of the National Capital Area, pursuant to 11 DCMR 3108.1, for a special exception under Section 2516 to allow a theoretical lot subdivision for construction of 22 detached single-family dwellings in an R-1-B and R-5-A District at premises 4601-4625 and 4600-4624 Laverock Place, N.W. (Square 1356, Part of Lots 32 and 856).

HEARING DATES: December 9, 1992 and February 17, 1993
DECISION DATES: April 7 and May 5, 1993

ORDER

SUMMARY OF EVIDENCE:

1. The subject application was originally scheduled for public hearing on December 9, 1992. By motion dated December 8, 1992, the applicant requested that the hearing be postponed to accede to a request by Advisory Neighborhood Commission (ANC) 3B for the applicant to meet again with that ANC, and to address issues raised by the United States Department of Interior, National Park Service (DOI/NPS) in a letter received by the applicant on the afternoon of December 7, 1992. The Board granted the motion and the hearing was rescheduled for February 17, 1993.

2. At the time that the application was filed, and as of the original December 9, 1992 hearing date, the site was located within the jurisdiction of ANC 3B. As of January 2, 1993, the site is located within the jurisdiction of ANC 2E. The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to both ANC 3B and ANC 2E, and to owners of property within 200 feet of the site.

3. At the commencement of the hearing, the applicant submitted a revised set of plans, dated February 12, 1993, and supplemental materials to the Board. These plans reflected modifications to address issues raised by the DOI/NPS. The Board accepted the revised plans and materials as the basis under which the application would be considered.

4. The property that is subject of this application is located at 4601-4625 and 4600-4624 Laverock Place, N.W. It is split zoned R-1-B and R-5-A.

5. The R-1-B District permits matter of right development of single-family detached dwellings with a minimum lot area of 5,000 square feet, a minimum lot width of 50 feet, a maximum lot occupancy of 40 percent, and a maximum height of 40 feet/three stories.

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6. The R-5-A District permits matter of right development of single-family detached and semi-detached dwellings, and with the approval of the Board of Zoning Adjustment (BZA), low density development of general residential uses including rowhouses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9, a maximum lot occupancy of 40 percent, and a maximum height of 40 feet/three stories.

7. The subject property was the site of the former Hannah Harrison Institute. It is currently vacant. The property has a total land area of 218,453 square feet or is approximately five acres.

8. The subject property is located in the Palisades neighborhood of Ward 3. The Palisades neighborhood is primarily a low-density residential neighborhood. North of the site across MacArthur Boulevard, N.W., there are apartment houses in the R-5-A District. To the northwest are four-unit apartment buildings in the R-5-A District. Northeast of the subject property is the three-story Psychiatric Institute of Washington building at 4460 MacArthur Boulevard, N.W. Along the southern boundary of the subject property is the former D.C. Transit trolley line right-of-way property, and further south adjacent to Canal Road, is parkland owned by the U.S. National Park Service. Canal Road, the C & O Canal and the Potomac River are further south. As noted above, west of the site is Georgetown Day School and Clark Place, N.W. The Georgetown Day School facility consists of a one and a two-story structure fronting on Clark Place, N.W. and a soccer field that immediately abuts the subject property. It also is located two blocks east of the Georgetown Reservoir.

9. In general, the applicant proposes to subdivide the site into 22 theoretical lots which would have access from a private driveway identified as Laverock Place, N.W. having ingress/egress from and to MacArthur Boulevard to the interior of the site. Laverock Place would have a minimum width (right-of-way) of 31.33 feet, with a 30-foot minimum width from curb-to-curb. The street would be configured in a "T" shape, culminating in cul-de-sacs at the end of each arm of the "T". The cul-de-sacs would exceed 60 feet in diameter, which is specified as the minimum required diameter by the Zoning Regulations.

Each of the proposed 22 theoretical lots on the subject site would have direct access from the proposed Laverock Place, N.W., except that Lot 22 would be accessible through a 15-foot wide easement created on Lot 21. The proposed lots would range in size from approximately 5,390 to 9,749.87 square feet in land area, exceeding the minimum requirement of 5,000 square feet.

The proposed subdivision is being requested to facilitate the sale of the property by establishing development parameters for a

future owner/developer. The applicant has submitted illustrative plans showing houses on the subject site. These plans illustrate three-story, three-bedroom, single-family, detached dwellings which are allowed as a matter of right in an R-1-B District. The applicant has also provided illustrations which show the respective locations of houses on the proposed lots.

The plans further show that the proposed subdivision scheme would allow the development of the site in accordance with the requirements under the provisions for theoretical lots and the R-1-B District.

10. The applicant proposes to develop the site with 22 single-family detached dwellings pursuant to the provisions of 11 DCMR 2516 which permits the Board to approve two or more principal buildings on a single, subdivided lot, provided the following conditions are met:

a. If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:

(1) The front of the building shall be the side upon which the principal entrance is located;

(2) Open space in front of the entrance shall be required that is equalivent either to the required rear yard in the district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;

(3) A rear yard shall be required; and

(4) If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.

b. The applicant's proposed development parameters as shown on Sheet No. C-2 of Exhibit No. 23-A, are as follows:

(1) Front entrance is shown by an arrow. A minimum front yard setback of 25 feet is provided.

(2) The shaded area provided on the plans for each lot denotes area which is not buildable (building setbacks):

(3) The remaining unshaded area of the lot denotes the buildable area. All dwellings located within this area are subject to the following requirements;

(a) Each dwelling shall not occupy more than 40 percent of the total lot area;

(b) Each dwelling shall meet the minimum eight-foot side yard requirements;

(c) Each dwelling shall meet the minimum 25-foot front yard setback requirements;

(d) Each dwelling shall meet the minimum 25-foot rear yard setback requirements;

(e) Each dwelling shall meet the 40-foot building height limitation (building height to be measured from the finished grade level at the middle of the front of the building to the ceiling of the top story);

(f) Each dwelling shall be limited to three stories;

(g) One parking space shall be provided for each dwelling in a garage or carport or other permitted location on-site; and

(h) Each driveway shall have a maximum grade of not more than 12 percent.

c. The applicant proposes to site the houses anywhere within the shaded area indicated as the buildable area. The "Preliminary Grading Plan" illustrates the siting of potential houses on each lot. All such houses are well within the limits of the buildable area, thereby, complying with the Zoning Regulations.

d. The site plan also contains an "Area Tabulation" schedule, which set forth the lot number and square footage of each of the 22 lots. For the R-1-B zone district, the Zoning Regulations specify a minimum lot area of 5,000 square feet. The lots range in size from 5,390 to 9,749.87 square feet.

These lot sizes exclude the areas provided for common driveway access and utilities.

e. Additionally, the applicant presented conceptual plans for typical uses. These conceptual plans were proposed by a developer under a previous contract to purchase the site. That contract has lapsed. Nevertheless, the applicant will be bound by these plans for purposes of the application and will market the property with these plans as part of the BZA approval. While the plans indicate a typical housing type and design which could be constructed on-site, flexibility to vary the house layout is requested to meet site conditions, as long as the house is sited within the buildable area. A proposed condition of the order to approve this limited flexibility is requested.

f. The 22 lots proposed for the subject property meet the conditions of Section 2516.6, accordingly:

(1) The area of land that forms a covenant means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title. The applicant's plans comply with this provision. The lot area of each of the 22 lots was calculated independent of the abutting roadway; Laverock Place, N.W. In addition, the ingress/egress/ utility easement to Lot 22 was substracted from the lot area calculation for Lot 21. This easement area also was excluded from the side yard calculations for Lot 21.

(2) Each means of vehicular ingress or egress to any principal building shall be 25-feet in width. The applicant's plans comply with this provision. The new street providing access (Laverock Place, N.W.) to the building lots exceeds 25 feet in width. The minimum width, right-of-way, for Laverock Place, N.W. is 31.33 feet, with a 30-foot minimum from the face of the curb.

(3) If there are not at least two entrances and/or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than 60 feet.

(4) The proposed street system providing access to the building lots has three turning areas. Each has a diameter of not less than 60 feet. The turning areas include the triangular area at the center of the roadway and two cul-de-sacs; in combination, the turning areas provide easy vehicular access and egress.

g. Regarding net density, the most significant indicator of net density is the number of houses proposed for the site. For the R-1-B zone district, a minimum lot area of 5,000 square feet is required. According to the applicant, each of the 22 lots proposed exceeds the minimum lot area. In terms of gross numbers, with a site area of 218,453, the average lot size for 22 lots is 9,930 square feet. (Forty-three lots could be developed on the site based on the site's square footage). Deducting the area of the roadway (38,937 square feet) as required by the Zoning Regulations, yields a net land area of 179,516 square feet. For twenty-two lots, the average net lot area is 8,160 square feet which exceeds the 5,000 square-foot minimum lot area standards for the R-1-B District.

11. Pursuant to Section 2516.9, the applicant maintains that the proposed subdivision will not adversely affect the present character and future development of the Palisades neighborhood. In support of this contention, the applicant submits that:

a. The proposed project is an in-fill development of a large site for single-family housing in a residential area not presently devoted to single-family dwellings;

b. Each dwelling unit will provide off-street parking for at least one car. The required parking space will be located in a garage, carport or other permitted location on-site. In addition, the lots will provide additional parking in the driveway. Based on the level of parking available on-site, there will be no additional demand for on-street parking created in the surrounding neighborhood; and

c. No significant additional demand for City services will be created by the project. The access roadways will be designed and constructed to DPW specifications, will be open to the public and maintained by the homeowner's association for the subject property. The

District presently requires the applicant to provide typical municipal services, including trash collection, snow removal and roadway maintenance, at its own expense. The City will, however, obtain significant new tax revenue from both property and income taxes from the proposed development.

12. Pursuant to Section 3108.1, the applicant argues that the proposed project will create in-fill development for single-family housing that is compatible with the surrounding neighborhood. The applicant claims that its thoughtful site and land use planning, and landscaping will assure an exceptional residential project that contributes positively to the character of the neighborhood.

According to the applicant, the proposal is permitted as a special exception, provided that the appropriate requirements are met. In the applicant's view, the proposal is consistent with the intent and purpose of the Zoning Regulations.

13. On December 2, 1993, the Office of Planning (OP) recommended approval of the subdivision plan. Although OP opined that the proposed subdivision of the site into 22 theoretical lots would not impact the surrounding area adversely, OP's approval was subject to the following conditions:

a. The perimeter landscape shall be provided as illustrated in the applicant's proposal;

b. The minimum landscaping for each house shall be provided as depicted in the applicant's proposal; and

c. The single-family detached houses to be constructed on the proposed lots shall meet all the applicable requirements of the R-1-B District regulations.

14. On August 7, 1992, the Department of Employment Services of the District of Columbia indicated that it had reviewed the application and offered no objection to the proposed subdivision.

15. On August 18, 1992, the Department of Finance and Revenue of the District of Columbia stated that it had reviewed the application and offered no objection to the proposed subdivision.

16. On September 9, 1992, the Office of the Superintendent of District of Columbia Public Schools notified the Board that it had reviewed the application and offered no objections to the proposed subdivision.

17. On November 13, 1993, the Office of Business and Economic Development of the District of Columbia indicated that it had reviewed the application and offered no objection to the proposed subdivision.

18. On November 23, 1993, the Department of Housing and Community Development of the District of Columbia offered no objection to the proposed subdivision.

19. On December 4, 1992, the Department of Public Works of the District of Columbia notified the Board that it had reviewed the application and offered no opposition to the subdivision plans.

20. On February 9, 1993, Advisory Neighborhood Commission 2E (ANC-2E) (formerly ANC-3B) submitted a letter to the Board wherein ANC-2E set forth its unanimous opposition to the proposed theoretical subdivision. ANC-2E opposes the theoretical subdivision for the following reasons:

a. the applicant did not submit bona fide development plans;

b. the applicant does not have a bona fide developer;

c. the lack of community input into the urban design component of the proposed subdivision; and

d. the proposed theoretical subdivision is "frivolous" and a waste of the Board's time because a potential developer would propose "unique development plans," which requires additional Board review.

21. On December 17, 1992, Advisory Neighborhood Commission 3B (ANC-3B) submitted a letter to the Board wherein ANC-3B set forth its unanimous opposition to the proposed theoretical subdivision.

ANC-3B opposes the proposed theoretical subdivision because the applicant does not propose to develop the site; it only seeks to enhance the marketability of the site. Further, the ANC contends that it "cannot fulfill its responsibility under DCMR 2516 because there are no concrete development plans."

22. On December 7, 1992, the United States Department of Interior, National Park Service (DOI/NPS), which has jurisdiction over the adjacent Potomac Palisades Parkway, the Chesapeake & Ohio Canal National Historic Park and the George Washington Memorial Parkway submitted a letter in opposition to the proposed subdivision.

DOI/NPS opposes the proposed subdivision because, according to DOI/NPS, the project would have a "severe and unmitigatable impact

[on] the natural parklands...." As to the negative impact, DOI contends that, under the proposed subdivision, houses will be located in a street that was proposed, but unbuilt, in the 1902 MacMillan Plan. Additionally, DOI/NPS claims that the siting of the houses would obliterate the vegetated escarpment of the Potomac Gorge Ridge which abuts the proposed subdivision. Further, according to DOI/NPS, the subdivision plans do not address environmental issues, such as storm water management.

In testimony at the hearing, the DOI/NPS stated that the revisions to the plans and proposed conditions offered by the applicant adequately addressed the DOI/NPS concerns about the development of the site. The DOI/NPS requested that the colors of the houses not be bright white or equally bright color, but earth tone or colors in shade and hue that are not considered bright. This would be for both the mass facade colors and trim. Building height restriction should be defined as proposed by the applicant, and any architectural embellishments, be within the forty foot envelope. No structure should be permitted beyond the building setback line, other than the at-grade patio or deck requested by the applicant.

The DOI/NPS submitted for the record as Exhibit No. 48 a scenic easement to serve as a model for the easement proposed for the site. The DOI/NPS requested that the easement be finalized prior to issuance of the building permit for the development of the houses. The DOI/NPS stated that it would be willing to hold the easement.

In terms of storm water management, specifically in terms of Lot 8, the DOI/NPS requested that the applicant consult with the District of Columbia to develop a storm water management plan that responds to the downstream concerns of the DOI/NPS.

23. While Advisory Neighborhood Commission 3D (ANC-3D) submitted comments on the proposed subdivision, ANC-3D's comments will not be given great weight, because the ANC's report does not meet the requirements of Section 3307.1.

24. On December 9, 1992, the Georgetown Day School ("GDS"), a neighbor of the applicant, submitted a letter to the Board whereby GDS stated its support of the proposed subdivision.

25. The National Capital Planning Commission (NCPC), by report and testimony at the hearing, recommended that a forty-foot building setback from the right-of-way of Potomac Avenue (eighty-feet from the property line) be established. This recommendation was based upon the DOI/NPS original letter. The representative of the NCPC noted that the applicant had revised its plans and was continuing to negotiate with the DOI/NPS.

The NCPC noted that because the applicant and the DOI/NPS were still negotiating various issues at the time of its February 4, 1993 meeting, the NCPC would consider the application again at its March 4, 1993 meeting. NCPC requested that the Board's record be held open to receive information from the March 4th NCPC meeting. The Board granted that request.

26. At the public hearing held on February 17, 1993, the record was left open until March 3, 1993, for the applicant to submit additional material. The applicant's submission included: (1) the detailed site and landscape plan (sheets C-1 through C-4, prepared by A. Morton Thomas and Associates, the illustrative section through the southern portion of the site, the table showing existing and proposed grades and elevations and the revised metes and bounds description of the easements on the site); (2) typical front and rear elevations for houses, prepared by Angelos Demetriou and Associates; and (3) a composite rear elevation for the fourteen houses facing the southern property line.

27. The applicant also included the conditions which it proposes to have the Board include in the order approving the application. Those conditions are based on those submitted to the Board at the hearing, revised to address issues raised at the hearing.

28. The NCPC considered the application at its meeting on March 4, 1993, and submitted an additional report to the Board on that date. That report essentially approves the plans and agreements proffered by the applicant, which have the support of the DOI/NPS, as filed with the Board on March 3, 1993.

29. The applicant has reviewed the NCPC's March 4th report and states that all of the comments raised by NCPC are addressed in the applicant's proposed findings of fact and conclusions of law. In terms of additional screening and the definition of the location of any possible patios or decks in relation to the existing tree root system, the applicant notes that these issues are to be addressed prior to issuance of a building permit for the development under its proposed Condition No. 5(b). Condition No. 5(b) provides that the applicant and the Superintendent, Rock Creek Park, DOI/NPS much reach agreement upon the appropriate number, quality and spacing of trees prior to construction of the houses. This would include the identification of the existing tree cover, if necessary.

In terms of NCPC's request that additional information be included on the site plan for enforcement and recordation, the applicant's March 3, 1993, plans show with precision the requested information as to lot configurations, escarpment line, location of fences, etc.

FINDINGS OF FACT:

1. The applicant, Y.W.C.A. of the National Capital Area, pursuant to 11 DCMR 3108.1, petitioned the Board for a special exception under Section 2516 to allow a theoretical lot subdivision for the construction of 22 detached single-family dwellings in an R-1-B and R-5-A District at premises 4601-4625 and 4600-4624 Laverock Place, N.W.

2. The applicant's proposed 22 dwelling units as set forth in its theoretical subdivision plan comply with the zoning provisions set forth in Sections 2516.1 through 2516.10. Further, the Board has mitigated any possible negative impact of the proposed subdivision through requiring the applicant's compliance with certain conditions, as the Board is authorized to do under Section 2516.11.

3. The Board finds that Potomac Avenue is a highway plan street which is not a dedicated public right-of-way. The ability to develop, through the theoretical lot provisions of the Zoning Regulations, multiple buildings on Assessment and Taxation (A&T) lots, rather than on a record lot, is well established and has previously been addressed by the Office of Corporation Counsel in a June 22, 1978 opinion.

4. The applicant's proposal to develop the property has been designed in a manner that meets the reasonable concerns of the DOI/NPS and the NCPC, but also allows the applicant to proceed with this development.

5. The Board concurs with the applicant, the Office of Planning, the other District agencies, the DOI/NPS and NCPC, and finds that the application meets the standards for approval and does not adversely impact the surrounding area, including the adjacent parklands.

6. In terms of the concerns of ANC-3B and ANC-2E that the applicant is not a developer, the Board finds that the applicant has the experience and background necessary to develop the site, if necessary. Further, the Board is of the opinion that the Zoning Regulations do not require that the actual developer proceed with theoretical lot approval. In almost all instances, it is the property owner that seeks approval, as required in the Board's regulations.

7. In terms of the ANCs' concerns about the design of the houses, the Board finds that the plans for the project provides sufficient detail to review the application and notes that front and rear elevations of the proposed houses have been submitted, as well as a conceptual elevation indicating the rear of the houses

along the southern property line. In addition, with the intensive screening proposed for the southern property line, the other proposed on-site landscaping and how the site is buffered from the adjacent residential areas, the Board finds that the overall urban design of the proposal meets the standards of approval.

CONCLUSIONS OF LAW AND OPINION:

A special exception is a use that is predeemed compatible with other uses in the same zone district. The Board's discretion in reviewing an application for a special exception is limited to a determination of whether the applicant has complied with the enumerated requirements for special exception relief. If the applicant meets its burden of proof, the Board ordinarily must grant the application. Washington Ethical Society v. D.C. Board of Zoning Adjustment, 421 A.2d 14, 17 (D.C. 1980); Stewart v. D.C. Board of Zoning Adjustment, 305 A.2d 516, 518 (D.C. 1973).

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant requests a special exception, the granting of which requires a showing of substantial compliance with the criteria set forth in 11 DCMR 2516 and 3108.1.

The Board further concludes that the applicant has met its requisite burden of proof. The subject site is large enough to provide more than the minimum area requirements for each of the proposed 22 subdivided lots. The proposed subdivision meets each of the criteria set forth in 11 DCMR 2516.

The Board further concludes that the applicant's plans which provide for the construction of 22 detached dwellings are in keeping with the general character of the immediate neighborhood and are less likely to have an adverse impact on the light, air, and privacy of adjoining and nearby properties.

The Board further concludes that, as conditioned, the approval of the requested special exception relief is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of neighboring property.

The Board further concludes that it has given the Advisory Neighborhood Commission's evidence and testimony the "great weight" to which it is entitled.

Accordingly, it is ORDERED that the application is **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. The property shall be subdivided as shown on the plans marked as Exhibit No. 56 of the record.

2. The proposed dwellings shall be constructed in accordance with the typical floor plans and elevations marked as Exhibit Nos. 54 and 55 of the record, provided that the applicant shall have the flexibility to modify plans to make the houses fit the dimensions, configuration and final grades of the lots shown on the approved site plan. The applicant is granted the further flexibility to vary the architectural details of the elevations, including but not limited to the type and location of windows and doors, balconies, fireplaces, porches and other projections and final selection of materials. The brick, trim and other building materials used shall be earth-toned and natural colors. Bright white and bright or primary colors which contrast with the landscape shall be avoided.

3. The proposed dwellings shall be constructed behind the building setback line shown on the plan filed as Sheet C-3, dated March 3, 1993, provided that construction may take place within the ten-foot sewer easement established adjacent to the Georgetown Day School and shown on Sheet C-2 of the plans, dated March 3, 1993, marked as Exhibit No. 56 of the record.

4. Between the building setback line and the tree preservation line, patios at grade and decks at or below the main floor shall be permitted.

5. The applicant shall establish a tree preservation and screening area. This area shall be located between the southern property line and the tree preservation line shown on the plan filed as Sheet C-3, of the plans marked as Exhibit No. 56 of the record. The following conditions shall apply:

   a. A 36-inch high split rail fence designed to serve as a physical but not a visual barrier, shall be erected on the northern edge of the area, to serve as a physical and psychological barrier to protect the area. Such fence shall be permanent, with no gate.

   b. Within the area, prior to commencing construction of any houses, the applicant and the Superintendent, Rock Creek Park, National Park Service shall enter into an agreement with respect to appropriate number, quality and spacing of trees within the area. This agreement shall be submitted to the Zoning

Administrator prior to the issuance of a building permit for any of the proposed dwellings and shall indicate which existing trees would be maintained, which existing trees would be removed, if any, and the location and type of new trees to be planted. The general configuration of the area shall be as shown on the typical plans and sections entitled "Typical Lot Layout Schematic" and "Typical Lot Section Schematic" dated February 12, 1993, included in the plans marked as Exhibits No. 51-F and G of the record.

c. The applicant shall enter into an easement agreement for the area, which would run with the land, for the benefit of the National Park Service or the District of Columbia, to ensure the preservation of the area. A copy of such easement shall be submitted to the Zoning Administrator prior to the issuance of a building permit for any of the proposed dwellings and shall be filed into the record of the case before the Board.

6. During construction, the applicant shall erect a permanent construction fence on a line ten feet south of the building setback line, and shall take all other measures necessary to prevent heavy construction activity from extending more than ten feet past the building setback line. In no case shall the construction fence extend past the tree preservation line. Any grading or work past the ten-foot area shall be required to be performed by hand. No construction storage shall occur south of the building setback line. The construction fence shall not be removed until after completion of the construction of the proposed dwelling on each individual lot.

7. All lots which abut the southern property line shall be graded so as not to increase the runoff towards the escarpment.

8. The maximum height of each house shall not exceed the height set forth in the table marked as Exhibit No. 58 of the record. The height shall be measured from the curb at the middle of the front of the house to the highest point of the roof. Any architectural embellishments, such as towers, parapets, etc., shall be included within the maximum height. Chimneys may exceed the other-

wise permitted height. Antennas may be permitted as specified in the Zoning Regulations.

9. If the applicant, or successors in interest, should subsequently determine to install a vehicular gate at the entrance of the subject property, that gate shall be set back at least 100 feet from the curb of MacArthur Boulevard, N.W.

10. Individual lot landscaping shall be as shown on the plans marked as Exhibit No. 51C of the record.

VOTE: 5-0 (John G. Parsons, Carrie L. Thornhill, Sheri M. Pruitt, Paula L. Jewell and Angel F. Clarens to grant).

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

ATTESTED BY: Madeliene H. Robinson
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: NOV 17 1993

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 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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

ord15743/TM/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15743

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 17 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Madeliene H. Robinson

MADELIENE H. ROBINSON
Director

DATE: NOV 17 1993

15743Att/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14523, as amended, of the Washington International School, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to construct a classroom building for a private primary and secondary school in a R-1-A District at premises 3100 Macomb Street, N.W., (Square 2084, Lot 837).

HEARING DATE: December 17, 1986
DECISION DATE: December 17, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The subject s8ite, known as 3100 Macomb Street, N.W., consists of approximately six acres of a 20.68 acre estate known as the Tregaron Estate. The Tregaron estate is bordered to the north by Macomb Street, to the east by Klingle Road, to the south by Klingle and Woodley Roads, and to the west by private property. The site comprises a knoll of the otherwise steeply sloped estate. The estate and the site are located in an R-1-B District.

2. Uses surrounding the site include the Embassy of China to the immediate west, single family detached residences to the north, to the south is Woodley Park and to the east is Klingle Valley Park. The Cleveland Park and Zoological Park Metro stations are located on Connecticut Avenue approximately two and three blocks east of the site.

3. Pursuant to BZA Order No. 12576, dated July 21, 1978, the site is used as a private school by the Washington International School. The Washington International School is a private day school whose students are from the local international community. 330 elementary, junior high and high school students are enrolled in programs at Tregaron. The school also employs a professional faculty and staff of 68.

4. The Washington International School campus is developed with seven structures including the Tregaron Mansion. The Tregaron Mansion is a Category III Landmark. Category III Landmarks are landmarks of value which contribute to the cultural heritage or visual beauty of Washington, D.C. and the environs and should be preserved if practical. The applicant's proposal does not affect the Mansion. Further, the design of the applicant's proposed classroom building has received preliminary approval from both the

Historic Preservation Review Board and the Commission of Fine Arts.

5. All of the seven structures are used by the School in some educational or educationally related capacity. The structures are set back approximately 350 feet from the Macomb Street entrance to the school and 520 feet from the School's Klingle Road exit. A private roadway curves and winds through the site connecting the School's entrance and exit. The roadway also provides access to 70 parking spaces interspersed throughout the campus.

6. Pursuant to Sub-section 8207.2 of the Zoning Regulations, the applicant is seeking a special exception under Paragraph 3101.42 to construct a classroom building at the site.

7. The proposed building is to be located directly across from an existing classroom building. Its location is far removed from the Tregaron Estate's property line and well away from adjacent neighbors.

8. The original development plan approved by the Board called for the construction of a multipurpose building that would provide both a gymnasium and classroom space. The School now seeks to deviate from this concept of a single, unified, multipurpose building. Instead, the applicant proposes to construct two separate buildings -- the classroom building which is the subject of this application and a gymnasium which the applicant plans to pursue at a later date.

9. The proposed development plan change results from a realization on the part of the applicant that one building large enough to accommodate both a gymnasium and classrooms is not feasible on the site. Two smaller buildings would cause much less disruption to the overall site and would better preserve the original nature of the Tregaron estate. Moreover, classroom and gymnasium uses within a single structure would be inconsistent with, and detrimental to, the objectives of the School. The School believes that placing classrooms above, or immediately adjacent to, a gymnasium would not be conducive to the students' achievement of the high academic standards required at the School.

10. The school's current enrollment is well within the 350 limit imposed by the Board in its prior Order, and enrollment is not expected to surpass this number when construction of the new classroom building is completed.

11. The area between the proposed classroom building and the property line is screened and buffered by a heavy growth of trees and shrubs.

12. Fifty-two parking spaces are required for the school. Seventy parking spaces are provided on site. By memorandum dated December 9, 1986, the Office of Planning (OP) recommended conditional approval of the application. The OP reported that the construction of a classroom building at the location proposed will not dramatically alter the existing operating conditions of the Washington International School. Therefore, the Board's conclusion contained in its previous Order as to lack of objectionable impacts remains valid. OP did recommended imposition of the following conditions in order to ensure continued harmony between the School and surrounding neighborhood:

a. Enrollment shall be limited to a maximum of 350 students.

b. Entrance to the School shall be from Macomb Street, and exit shall be to Klingle Road. Such access drives shall be clearly designated as one way drives, and compliance with such designation shall be strictly enforced by the School.

c. The School shall undertake to prohibit its students, faculty and staff from parking on neighborhood streets.

d. The School shall require that all students transported to and from the site be dropped off or picked up only on the school grounds.

13. A representative of Advisory Neighborhood Commission (ANC) 3C submitted a letter dated December 5, 1980, which stated that the ANC had no objection to the concept that WIS will build two buildings, as long as it is assured that WIS will come back to the ANC and the BZA for approval when the actual gymnasium site-plan is ready. A previous letter from the ANC, dated July 28, 1986, did not address the areas of relief requested by this application.

14. By letter dated December 15, 1986, "Friends of Tregaron" reported that it had reviewed the plans for the academic building and has no objection to the granting of permission for its construction.

15. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Paragraph 3101.42 and Sub-section 8207.2 of the Zoning

Regulations. A private school which is permitted by Paragraph 3101.42 of the Zoning Regulations provided that:

a. It is so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions; and,

b. Ample parking spaces, but not less than that required to accommodate the students, teachers, and visitors likely to come to the site by automobile.

The Board concludes that the applicant has met its burden of proof. The location and the program are not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions and that the site has sufficient parking spaces to accommodate the students, teachers and visitors likely to come to the site by automobile. The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property.

Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Operation of the school shall be limited to the applicant.

2. Enrollment shall be limited to a maximum of 350 students.

3. Entrance to the school shall be from Macomb Street, and exit shall be to Klingle Road. Such access drives shall be clearly designated as one-way drives, and compliance with such designation shall be strictly enforced by the school.

4. The school shall undertake to prohibit its students, faculty and staff from parking on neighborhood Streets.

5. The school shall require that all students transported to and from the site be dropped off or picked up only on the school grounds.

VOTE: 5-0 (Maybelle T. Bennett, Paula L. Jewell, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant).

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

ATTESTED BY: _____
EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: MAR 5 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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

14523order/LJP14

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16054 of the Washington International School, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to allow a temporary classroom trailor as an addition to an existing private school campus in an R-1-A District at premises 3100 Macomb Street, N.W. (Square 2084, Lot 837).

HEARING DATE: June 21, 1995
DECISION DATE: June 21, 1995 (Bench Decision)

SUMMARY ORDER

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

The site of the application is located within the jurisdiction of ANC 3C. ANC 3C, which is automatically a party to the application, submitted a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, 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 206. No person or entity appeared at the public hearing in opposition to the 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 3108, 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 is **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. Approval shall be for a period of **FOUR YEARS.**

2. The applicant shall have design flexibility to comply with any requirements set forth by the Historic Preservation Review Board and the Commission of Fine Arts only.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 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: 3-0 (John G. Parsons, Angel F. Clarens and Craig Ellis to grant; Laura M. Richards and Susan Morgan Hinton not present, not voting, not having heard the case).

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

ATTESTED BY: Madeliene H. Robinson
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: JUN 30 1995

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 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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

ord16054/TWR/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16054

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUN 30 1995 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Allison C. Prince, Esquire
Wilkes, Artis, Hedrick and Lane
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

Anne-Marie Pierce
1334 22nd Street, N.W.
Washington, D.C. 20037

John S. Hoffman
2948 Macomb Street, N.W.
Washington, D.C. 20008

Mr. Jeremy C. Bates, Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008

Madeliene H. Robinson

MADELIENE H. ROBINSON
Director

DATE: JUN 30 1995

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16189 of the Washington International School, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to increase a private school's enrollment from 350 to 425 students and to construct an athletic and arts/music center on an existing private school campus in an R-1-A District at premises 3100 Macomb Street, N.W., (Square 2084, Lot 837).

HEARING DATE: January 8, 1997
DECISION DATE: February 5, 1997

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The subject site, known as 3100 Macomb Street, N.W., consists of approximately six acres of a 20.7 acre estate known as the Tregaron Estate. The Tregaron Estate is an historic landmark which is bordered to the north by Macomb Street, to the east by Klingle Road, to the south by Klingle and Woodley Roads and to the west by private property. The School parcel is substantially set back from surrounding residential properties on Macomb Street and Klingle Road and is buffered by both the balance of the Tregaron Estate (which is undeveloped) and, to the east, by park land. The School site comprises the top of the otherwise steeply sloped tract. The site is located in an R-1-A District.

2. Uses surrounding the site include the Twin Oaks' Estate owned by the Republic of Taiwan to the west, single family detached residences to the north and south and Klingle Valley Park to the east. The Cleveland Park and Zoological Park Metro station is located on Connecticut Avenue approximately three blocks east of the site.

3. Pursuant to BZA Order No. 12576, the site has been used as a private school by the Washington International School since 1978.

4. The Washington International School is a private day school with an enrollment of 655 students on two campuses (the subject site and a second campus on Olive Street, N.W.). The School offers classes from nursery school through the twelfth grade. The School currently employs a professional faculty and staff of 70 at the subject site.

5. Access to the site is provided via Macomb Street and Klingle Road, N.W. Students are transported to the School via automobile, school bus and public transportation (Metro bus and subway). The primary circulation pattern is ingress via Macomb

Street from the north and egress to Klingle Road towards the south. The School employs off-duty police personnel to direct traffic into the site during the morning rush hour in order to prevent congestion on Macomb Street.

6. The original development plan approved by this Board in 1978 in BZA Order No. 12576 provided for the construction of a multipurpose building that would provide both a gymnasium and classroom space. However, the School, in BZA Order No. 14523 dated December 17, 1986, sought and was granted permission to (i) revise the concept of a single unified, multipurpose building and (ii) plan for the construction of two separate buildings. One building was to be a classroom building (which was approved pursuant to BZA Order No. 14523). The construction of the second building, a gymnasium, was to be pursued at a later date. This conceptual change resulted from a determination by the School that one building large enough to accommodate both a gymnasium and a large number of classrooms was not as appropriate for the site as two structures in different locations and, furthermore, that two smaller buildings would be more compatible with the historic Tregaron Estate.

7. Pursuant to BZA Order No. 16054, dated June 21, 1995, the School was granted a special exception to allow a temporary classroom trailer as an addition to the campus.

8. By the subject application, the School proposes to construct an athletic and arts/music center on the site and to increase its maximum enrollment from 350 students to 425 students.

9. The proposed building will be constructed in the northwestern portion of the site. The site for the new facility is in the same area as depicted on documents filed with the BZA since 1978. This location retains the existing play field which is the only remaining undeveloped, level area of the School's site.

10. The athletic center will consist of a gymnasium, a platform, locker rooms, weight room, training room, accessory offices and storage facilities. The gymnasium, which will be located on the north side of the new building, will have retractable bleachers and a seating capacity of 220 persons. The portion of the building located on the south side will house the music space and classrooms for choral and instrumental music, practice facilities, a departmental office and instrumental storage space. The arts facility will consist of classrooms, a kiln room, darkroom, a departmental office and storage facilities.

11. The School anticipates that its annual athletic program will include one girls' volleyball game per week during early

September through late October, four to five boys' and girls' basketball games per week from the end of November through early March, plus four to six Saturday games, and one boys' varsity basketball game per week during April through early May. All weekday sporting events would end by 6:00 p.m. In addition, the School will have approximately fifty-three non-athletic events per year, including back-to-school nights, international dinners, musicals, plays/productions, alumni gatherings, drama festivals, sports award ceremonies, proms, Board of Trustee meetings and Parent Association meetings. Pursuant to an agreement between the School and a neighborhood association (the Friends of Tregaron), the School may increase the above-referenced number of athletic and non-athletic events by no more than ten percent in the aggregate.

12. Anne-Marie Pierce, Head of the Washington International School, testified regarding the purposes and design of the new building and the School's efforts to work cooperatively with the surrounding neighbors in planning and mitigating any adverse effects of the new facility. Ms. Pierce testified that, in response to issues raised by neighbors and ANC 3-C regarding visual impact, the School moved the proposed location of the new building away from Macomb Street by twenty-five feet. In addition, the School redesigned the new building to save a significant number of mature trees.

13. The applicant's traffic consultant, who was recognized by the Board as an expert in transportation analysis and planning, testified that the physical and programming changes proposed for the site would not have appreciable adverse traffic impacts and that the changes might result in some marginal improvements in traffic operational conditions due to likely reduction in vehicle trips to and from the site during both peak and off-peak weekday periods. The traffic consultant testified that the elimination of grades four and five offered at the campus would likely result in some reduction of "drop-off" traffic catering to the need of younger children, because these grades would be relocated to the School's new Reservoir Road campus, and would also likely result in an increase in public transit usage by the increase in the number of older students. The traffic consultant further testified that providing athletic facilities within the Tregaron campus would eliminate the current need for external shuttle trips between the campus and the Jelleff facility.

14. In conjunction with new and existing facilities on campus, 72 parking spaces are required by the Zoning Regulations and such number of spaces are and will continue to be provided on-site. The School also issues a limited number of student parking permits in order to control on-site parking.

15. An environmental impact assessment prepared by the applicant's civil engineering firm indicated that the proposed

development would have no substantial adverse impacts on the environment. The environmental assessment report also stated that there would be no potential adverse environmental conditions that might result from construction-related activities.

16. The project architect testified that the proposed athletic and arts/music building would be of Georgian Revival design and would be compatible with similar buildings on the historic estate. The new building will have a cross-gabled roof and red brick and precast trim facades. The proposed size of the gymnasium section of the structure was reduced by twenty percent in order to make it less visible from Macomb Street. The gymnasium will be partially-buried into the hill and will use a mansard roof to lower the sight line of the eave. The music and arts classrooms will be on the uphill side of the site and will be screened from view from Macomb Street by the gymnasium and existing and proposed landscaping.

17. By a report dated January 8, 1997, the Office of Planning ("OP") recommended conditional approval of the application. The OP report stated that the applicant had met its burden of proof relative to the zoning relief sought in this case and that the construction of the athletic and arts/music center complied with the conditions specified in Section 206 of the Zoning Regulations. OP further found that the new facility would not result in adverse impacts on the surrounding neighborhood or impair the intent and purpose of the Zoning Regulations. OP's approval of the application was conditioned upon the following:

a. the School operating from 8:00 a.m. to 6:00 p.m., Monday through Friday;

b. a maximum number of students not to exceed 425;

c. a total number of support staff not to exceed 70;

d. the grounds of the School being maintained at all times;

e. landscaping to be provided as indicated on the applicant's plans;

f. the maintenance of a liaison with the community;

g. adherence to the recommendations of the School's transportation consultant.

18. ANC 3C, by a resolution adopted on December 16, 1996 and by testimony by Phil Mendelson, supported the application to construct an athletic and arts/music center and to increase the maximum enrollment from 350 to 425 students. The ANC also

supported the adoption of an agreement between the School and the Friends of Tregaron. There were no issues and concerns stated in the resolution.

19. Bonnie LePard, President, Friends of Tregaron, testified with respect to the organization's mission of preservation of the Tregaron Estate and the residential nature of the neighborhood, the concerns which the association previously had regarding the potential effects of the new building and the successful negotiation and execution of an agreement between the School and the Friends of Tregaron. Ms. LePard submitted a copy of the executed agreement for the record.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows:

1. The proposed athletic and arts/music center is so located on the site as to assure compatibility with other buildings on the site and residential dwellings in the neighborhood and in order to minimize potentially adverse negative impacts. The gymnasium portion of the center will be partially-buried into the hill and will use a mansard roof to lower the sight line of the eave. The classroom function will be on the uphill side of the site and will be screened from view from Macomb Street by the gymnasium. The entire building will be heavily screened by existing and new landscaping.

2. The architectural design of the project will enhance the features of the site and the vicinity in which it is located.

3. Vehicular ingress and egress to the site and traffic circulation in the immediate vicinity of the site will not be adversely affected by either the construction of the athletic and arts facility or the increased enrollment. The location of an athletic facility on the campus, as well as the removal of grades four and five to another campus, may decrease vehicular traffic levels.

4. The landscape plan of the Applicant will adequately buffer the new building and the site from nearby residential properties.

5. There will be no adverse impact due to the bulk or height of the proposed athletic and arts/music building. The proposed building is designed to be compatible with the character of the buildings on site and will not adversely affect surrounding or nearby properties.

6. The applicant has provided sufficient parking for the daily operation of the School, as well as for athletic and other

events to be held at the School. Ample off-street parking is provided for students, faculty and visitors.

7. Advisory Neighborhood Commission (ANC) 3C, through a resolution and by testimony at the public hearing, supported the subject application. The resolution of support was conditioned upon the execution of an agreement between the School and Friends of Tregaron and such agreement was executed by the parties and submitted in the record of this proceeding.

8. The Board finds that the proposed physical changes to the site, as well as the increase in maximum student enrollment, will have no adverse impact on surrounding or nearby properties. The amount of new construction to be added to the site is relatively small when considering the context of the six acre site, allowable lot occupancy and other density requirements of the Zoning Regulations. Furthermore, there are substantial setbacks from all surrounding lot lines and, as a result, the proposed athletic and arts/music building is sited in such a way as to be unobtrusive to nearby properties.

9. The Board finds that the Applicant's architect and traffic consultant, as well as the environmental report, present sound, credible and irrefutable evidence that the project will not have negative impacts with respect to architectural, environmental and traffic issues.

10. Support for the application was given in the form of testimony at the public hearing by Friends of Tregaron, a community organization which consists of residents of Macomb Street, Klingle Road and other nearby streets.

11. The Office of Planning supports the application and recommends that the Board condition its grant of the application upon specific requirements.

12. There was no testimony in opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception under Section 206 of the Zoning Regulations to construct an athletic and arts/music facility and to increase the maximum enrollment from 350 to 425 students. A special exception must meet the criteria set forth in Section 3108.1 of the Zoning Regulations, which requires that the application be in harmony with the general purpose and intent of the Zoning Regulations and Map and not tend to adversely affect the use of neighboring property. In addition, the Board must find that the applicant has complied with Section 206 of the Zoning Regulations.

The Board concludes that the applicant has met its burden of proof. The site is a six acre tract of land which has been used by the Washington International School as a private school since 1978. The proposed gymnasium and arts/music building is appropriately located on the site. The proposed facility will have no adverse impact on the traffic network or on parking in the neighborhood. There will be no objectionable conditions with respect to the size, height, mass or lot occupancy of the new building. Adequate and appropriate landscaping, existing and new, is provided so that there will be no adverse visual effects from the new building. The increase in student enrollment will not adversely affect neighboring properties. The Board concludes that the new facility will be located so that it is not likely to become objectionable to adjoining or nearby property because of noise, traffic, number of students, or other objectionable conditions, and that ample parking is provided to accommodate students, teachers and visitors likely to come to the site by automobile.

The Board concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map. Additionally, the proposed use will not adversely affect surrounding uses or the zone plan for the area.

The Board concludes that it accorded ANC 3C the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The School shall conduct its regular educational and athletic activities between 8:00 a.m. and 6:00 p.m., Monday through Friday.

2. The maximum number of students shall not exceed 425.

3. The total number of faculty and support staff shall not exceed 70.

4. The grounds of the School shall be maintained at all times.

5. Landscaping shall be provided as indicated on the plans identified as Exhibit "27 (A)".

6. The School shall maintain an on-going liaison with the community of the type contemplated by the agreement with Friends of Tregaron or by equivalent means.

7. The School shall develop and implement a traffic management plan which shall include the following:

a. Identification and encouragement of alternative transportation modes by means of the School's publication of information materials and in conjunction with its recruitment processes;

b. Designation of a campus transportation coordinator who will have overall responsibility for dissemination of information promoting transit usage and encouraging ride-sharing and alternative transportation means; and

c. An examination of means to further enhance the efficiency of the morning drop-off and after-school pick-up operations, to include designation of back-up personnel to address contingency situations that may arise.

8. The School shall provide one-way treatment of the access drive at all times, which shall be clearly marked and maintained as one-way. Except as specifically provided below in paragraph 15(a) with respect to construction activities, the driveway to Macomb Street shall serve as an entrance route only and the driveway to Klingle Road shall serve as an exit route only. The School shall install and maintain signs indicating such one-way system and enforce the one-way flow of traffic at all times (except during construction).

9. The School shall limit to five (5) the number of living mature trees to be removed in conjunction with construction of the new building.

10. The School shall install and maintain a stormwater collection quality and quantity control system.

11. The parking lots shall be planned and constructed in a manner that will not result in any increased lighting that could adversely impact neighboring properties. All parking lots shall be designed and/or landscaped to prevent the head lights of any vehicles which park on the site from shining upon, or in the direction of, Macomb Street properties.

12. The School shall limit its athletic events to a number consistent with the number of such events in its 1996-97 athletic calendar and shall limit non-athletic events during the evening hours to fifty-three per year, provided, however, that the School may increase its current schedules of such events by no more than ten percent in the aggregate.

13. Air conditioning condensers shall be placed on the roof of the gymnasium and shall at all times be hidden from view.

14. The School shall require that all students transported to and from the site be dropped off or picked up only on School grounds.

15. With respect to construction activities related to the gymnasium and arts/music building:

    a. During construction, all trucks with a gross vehicle weight of approximately five (5) tons or more shall use Klingle Road for the purpose of ingress and egress to the Property;

    b. Ample parking will be provided for construction workers on the School's property or on Klingle Road;

    c. No construction workers, material supplies or waste containers shall park or be located on or within seventy-five feet of Macomb Street and any construction dumpster(s) or construction sheds/containers shall be so located as to be screened from view from Macomb Street; and

    d. Construction activities shall not commence before 7:00 a.m. and will be concluded by 7:00 p.m.

VOTE: 3-0 (Angel F. Clarens and Susan Morgan Hinton to grant; Laura M. Richards to grant by absentee vote; Sheila Cross Reid not voting, not having heard the case).

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

ATTESTED BY: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: FEB 24 1997

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 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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.

16189ord/RCL/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16189

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on FEB 24 1997 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Jacques B. DePuy, Esquire
Greenstein, DeLorme and Luchs, P.C.
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Anne-Marie Pierce, Head
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Washington, D.C. 20008-3324

Mr. Phil Mendelson, Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008

Bonnie LePard
3101 Macomb Street, N.W.
Washington, D.C. 20008

Madeliene H. Dobbins

MADELIENE H. DOBBINS
Director

DATE: FEB 24 1997

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16468 of the Washington International School, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to extend the use of a temporary classroom trailer as an addition to an existing private school campus in an R-1-A District at premises 3100 Macomb Street, N.W. (Square 2084, Lot 837).

HEARING DATE: **June 2, 1999**
DECISION DATE: **June 2, 1999 (Bench Decision)**

SUMMARY ORDER

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

The site of this application is located within the jurisdiction of ANC 3C. ANC 3C, which is automatically a party to this application, submitted a written statement of issues and concerns related to the application.

As directed by 11 DCMR 3324.2, 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 206. 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 3108, 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 this application be **GRANTED, SUBJECT** to the following **CONDITION**:

1. This order shall be valid for **TWO YEARS**, provided, however, that this order shall expire as soon as the new arts and athletic building is completed and the classrooms in such building are available for occupancy.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 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: 4-0 (Betty King, Anthony Hood, Sheila Cross Reid and Jerry Gilreath to grant).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: JUL 30 1999

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 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."
THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16468/JKN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16468

As Director of the Board of Zoning Adjustment, I certify and attest that on JUL 30 1999 a copy of the decision entered on that date in this matter was mailed first class, postage prepaid to each party in this case, and who is listed below:

Jacques B. DePuy, Esq.
Joan T. Lolcama, Esq.
Greenstein DeLorme & Luchs, P.C.
1620 L Street, N.W., Suite 900
Washington, D.C. 20036

Anne-Marie Pierce
1534 22nd Street, N.W.
Washington, D.C. 20037

The chairperson
Advisory Neighborhood Commission (ANC) 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008

Attested By: _____
JERRILY R. KRESS, FAIA
Director

ord16468/JKN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16623 of Washington International School., pursuant to 11 DCMR 3104, for a special exception under Section 206 to allow the continued use of a temporary modular building as an annex for classrooms on the campus of an existing private school in an R-1-A District at premises 3100 Macomb Street, N.W. (Square 2084, Lot 837).

HEARING DATE: November 21, 2000
DECISION DATE: November 21, 2000(Bench Decision)

SUMMARY ORDER

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

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) 3C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3C. ANC 3C, which is automatically a party to this application, submitted a written statement in opposition to 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 pursuant to 11 DCMR 3104.1. No person or entity appearing as a party to this case testified in opposition to the application. 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 **CONDITION**:

*Approval shall be for a period of **TEN YEARS.**

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

VOTE: 3-1 (Sheila Cross Reid, John G. Parsons and Robert N. Sockwell to approve, Anne M. Renshaw, opposed to the motion).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC 18 2000

PURSUANT TO D.C. CODE SEC. § 1-2531 (1999), 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 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY 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 § 3125.6 OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE AND UPON ITS FILING IN THE RECORD AND SERVICE ON THE PARTIES.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO: 16623

As Director of the Office of Zoning, I certify and attest that on DEC 13 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:

Jacques B. DePuy, Esquire
Greenstein, DeLorme & Luchs, P.C.
!620 L Street, N.W., Suite 900
Washington, D.C. 20036

Ruthanne G. Miller, Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008

Ruthanne G. Miller, Commissioner
Advisory Neighborhood Commission 3CO9
3305 35th Street, N.W.
Washington, D.C. 20016

Michael D. Johnson, Zoning Administrator
Department of Consumer and Regulatory Affairs
941 North Capitol Street, NE, Suite 2112
Washington, D.C. 20002

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

Attest No. 16623/poh

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15527 of the Maret School, Inc., pursuant to 11 DCMR 3108.1, for a special exception under Section 207 to expand an existing private school by the construction of a school bus and lawn equipment storage garage in an R-3/R-1-B District at premises 3000 Cathedral Avenue, N.W., (Square 2113, Lot 843).

HEARING DATE: July 17, 1991
DECISION DATE: July 17, 1991 (Bench Decision)

SUMMARY ORDER

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

The site of the application is located in ANC 3C. ANC 3C, which is automatically a party to the application, submitted written issues and conerns in support of the application.

As directed by 11 DCMR 3324.2, 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 207. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to 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 3108, and that the requested relief can be granted as 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 in accordance with said Zoning Regulations and maps. It is therefore **ORDERED** that the application is **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. A screen of Leyland Cyprus evergreen trees shall be planted in accordance with Exhibit No. 17B and appropriately maintained. At initial installation, the trees shall be six (6) to eight (8) feet in height. The desirability and feasibility of planting additional trees for screening purposes shall be considered by the school-community liaison established pursuant to condition No. 7 below.

2. The HVAC unit serving the new storage building shall be located on the ground (i.e., not on the roof of the new storage building) in the area depicted on Exhibit No. 17B and shall be screened by fencing materials in order to reduce noise emissions. The HVAC unit shall comply with applicable noise regulations.

3. Outside storage of materials used in constructing or maintaining the school's buildings, grounds or vehicles shall be screened from adjacent properties.

4. Fencing shall be installed and maintained in accordance with Exhibit No. 17B. All new fencing in the area near the new storage building shall be commensurate in height with existing fencing.

5. No existing trees, as shown on Exhibit No. 17B, shall be removed in conjunction with construction of the new storage building and all such existing trees shall be maintained.

6. The applicant shall consult with the ANC and with affected neighbors prior to its making any exterior material and design changes in construction plans.

7. The applicant shall promptly establish a process for school-community liaison in order that matters of current and future concern to the immediate neighborhood can be addressed and resolved. Such liaison process shall consider inter alia additional tree screening, the location and use of the existing gate in the public alley behind Hawthorne Street or alternative locations for such gate and other pertinent matters.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (Sheri M. Pruitt, William L. Ensign, Paula L. Jewell and Carrie L. Thornhill to approve; Charles R. Norris, not present, not voting).

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

ATTESTED BY:

EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: AUG 2 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT 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 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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

15527Ord/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15527

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 2 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Jacques B. DePuy, Esquire
Stohlman, Beuchert, Egan & Smith
1775 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006

Craig Channell, Assistant Headmaster
Maret School, Inc.
3000 Cathedral Avenue, N.W.
Washington, D.C. 20008

Kathleen Kenety
3100 Hawthorne Street, N.W.
Washington, D.C. 20008

Kathryn Mann Harlick
3101 Hawthorne Street, N.W.
Washington, D.C. 20008

Rosalyn Doggett, Chairperson
Advisory Neighborhood Commission 3-C
2737 Devonshire Place, N.W.
Washington, D.C. 20008

EDWARD L. CURRY
Executive Director

DATE: AUG 2 1991

15527Att/bhs

Maret / Pleadings

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16313 of The Maret School, pursuant to 11 DCMR 3108.1 and 3107.2 for a special exception under Section 206 and a variance from the required size of a parking space (Section 2115) to allow alteration, repair and additions to an existing private school in an R-1-B District at premises 3000 Cathedral Avenue, N.W. (Square 2133, Lot 843).

HEARING DATE: March 4, 1998
DECISION DATE: March 4, 1998 (Bench Decision)

CORRECTED SUMMARY ORDER*

*This order corrects Condition No. 3 related to the total square footage of the addition. The corrected portion is asterisked on page 2.

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

The site of this application is located within the jurisdiction of ANC 3C. ANC 3C, which is automatically a party to this application, submitted a written statement in support of the application, with conditions.

As directed by 11 DCMR Section 3324.2, 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 206. The Board has also required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2115.2. No person or entity appeared at the public hearing in opposition to the application. 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 3108, 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 also 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.

Based upon the record before the Board, the Board further concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, that there exists an exceptional or

extraordinary situation or condition related to the property which creates an undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. Construction shall be in accordance with plans marked as Exhibit No. 11 of the record, except as modified by these conditions.

2. The applicant shall have up to two years to apply for a building permit for Phase I of the project. The applicant shall have up to ten years to apply for a building permit for Phase II of the project.

3. With regard to the Academic Center (Phase II): The building shall be a maximum of 40 feet in height; there shall be no roof structures; there shall be three stories of which the lowest is partially below grade (varying with the topography) plus a basement; the building shall completely replace the existing Lower School building and shall be located as shown on the school's site plan; and the addition shall be no larger than 42,000* square feet total (FAR and non-FAR space).

4. ANC 3-C shall have the right to comment on the architectural design of the addition to the Academic Center (Phase II) before the applicant proceeds with obtaining city approvals for the addition.

5. The design of the Implement Building shall be flexible. The design may be revised to be consistent with the determinations of the Historic Preservation Review Board.

6. The existing curb cut on Cathedral Avenue at the western end of the site shall be retained in its present general location to the extent permitted by the Department of Public Works.

7. For each construction phase, the applicant shall work with the residents of the neighboring streets to limit construction crossings or curb cuts, maintain cleanliness on public streets and limit construction traffic.

8. The applicant shall provide a total of 135 parking spaces. Up to 75 percent of the parking spaces may be compact-sized spaces, provided that there is a corresponding reduction in surface parking area.

9. Parking surfaces to be created along the driveway and under the drip line of existing trees shall be of pervious material for the benefit of the trees and/or to permit grass to grow.

10. In an effort to limit all-day student parking on neighborhood streets, the applicant shall support the efforts of th the ANC to restrict on-street parking through Residential Parking Permits, time limitations, or other adequate means.

11. The applicant shall work in good faith with neighbors to provide and maintain an adequate landscape buffer to adjacent properties and to resolve any drainage problem that may arise (now or in the future) from the Maret property.

12. The maximum number of students shall not exceed 600, and the number of faculty and staff shall not exceed 125. The applicant shall provide enrollment and staffing figures to the ANC upon request.

13. The cottage which is to be relocated, shall be maintained in good condition.

14. The applicant shall maintain its property fronting on Garfield Street in a clean and orderly manner.

15. The applicant shall use its best efforts to prevent its students from congregating in the neighborhood to "hang out" or smoke.

Pursuant to 11 DCMR Section 3301.1, the Board has determined to waive the requirement of 11 DCMR Section 3331.3 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: **3-0** (Betty King, Sheila Cross Reid and Susan Morgan Hinton to grant; Laura M. Richards not present, not voting.)

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

ATTESTED BY: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: APR 3 1998

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 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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

Ord16313/poh

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16313

As Director of the Board of Zoning Adjustment, I certify and attest that on APR 3 1998 a copy of the corrected order in this matter was mailed first class, postage prepaid to each party in this case, and who is listed below:

Phil T. Feola, Esquire
Wilkes, Artis, Hedrick and Lane
1666 K Street, N.W., #1100
Washington, D.C. 20006

Mr. & Mrs. Ausbrook
3100 Cathedral Avenue, N.W.
Washington, D.C. 20008

Phil Mendelson, Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008

Kathleen Kenety
3100 Hawthorne Street, N.W.
Washington, D.C. 20008

Mr. & Mrs. Horlick
3101 Hawthorne Street, N.W.
Washington, D.C. 20008

Mr. & Mrs. Sherburne
3110 Hawthorne Street, N.W.
Washington, D.C. 20008

Attested By: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

Date: APR 3 1998

Attest/ljp

Form 201—S. D.

Surveyor's Office
DISTRICT OF COLUMBIA

Washington, D. C., 6-26, 1997

Plat, for Building Permit of SQ. 2113 LOT 843

Recorded in Book Survey page Paper

S. O. 8351

Scale: 1 inch = 50 feet

Furnished to W. A. H. & Lane

Lewis E. Jenkins
Surveyor, District of Columbia

By B/W

D.M.S.

I hereby certify that all existing improvements shown hereon, are accurately dimensioned, and are correctly platted; that all proposed buildings or additions, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plan as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises to not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevations of the accessible parking area with respect to the Highway Department approved curb or alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 15% across the public parking and the grade restricted property).

Date 7/10/97

NOTE: Data shown on Assessment and Taxation Lots or Parcels are per records of Assessor, D. C. but do not necessarily agree with deed description.

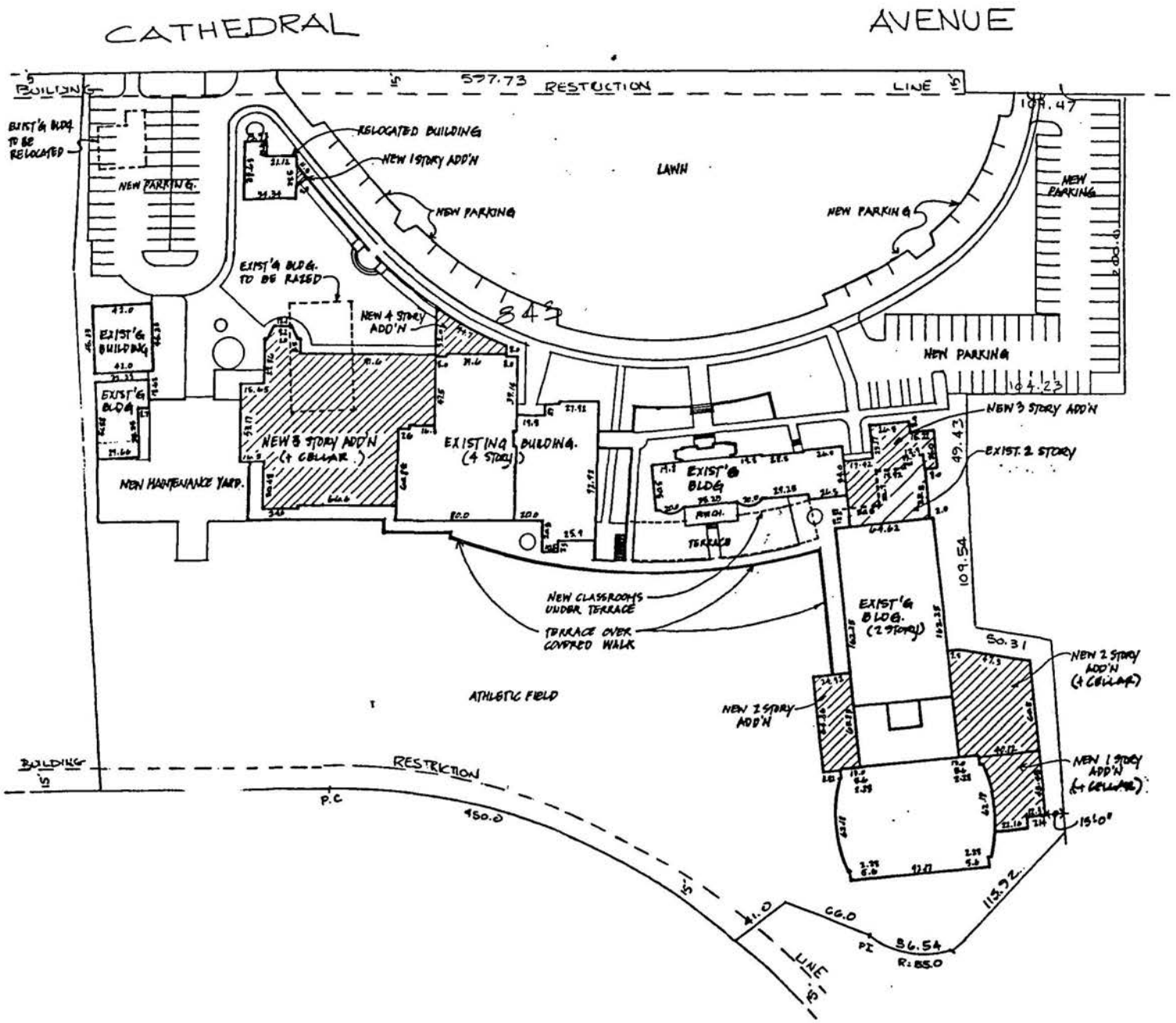


EXHIBIT E

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

November 25, 1997

MEMORANDUM

TO : Board of Zoning Adjustment

FROM : Edgar T. Nunley, Chief
Zoning Review Branch

SUBJECT : Proposed Alteration, Repair and Addition to an Existing Private School located at premises 3000 Cathedral Avenue, N.W., Lot(s) 843, in Square 2113, Zoned R-1-B

Review of plans for the proposed alterations, repairs and addition to an existing private school at the above subject premises indicates that the Board of Zoning Adjustment approval is required as follows:

1. Special exception pursuant to Section 206.1 to allow additions to several buildings within an existing private school campus in an R-1-B Zone. (Section 3108.1)

2. Variance from the required size of parking space provisions of Section 2115.1 in any Zone. (Section 3107.2)

EXHIBIT C

ZA-97-447

NOTES AND COMPUTATIONS

ADDRESS: 3000 Cathedral Avenue, N.W. **LOT(S):** 843 **SQUARE:** 2113

ZONED: R-1-B

	REQUIRED:	ALLOWED:	PROVIDED:	VARIANCE:
LOT AREA	5,000 Sq.Ft.		344,399 Sq. Ft.	
LOT WIDTH	50'		597.73	
LOT OCCUPANCY (40%)		137,759.6 Sq.Ft.	59,207.44 Sq.Ft. (17.2%)	
FLOOR AREA RATIO (		N/P	N/A	
PARKING SPACES	122		122	
LOADING BERTHS	see compt.		see comp. sheet	
FRONT YARD	N/P		15'	
REAR YARD	25'		25+	
SIDE YARD	8' and 8'		15' and 8'+	
COURT, OPEN	N/A			
COURT, CLOSED	N/A			