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STATEMENT OF EXISTING AND INTENDED USE AND
STATEMENT OF SATISFACTION OF APPLICANT'S BURDEN
OF PROOF FOR SPECIAL EXCEPTION

Application of The Sheridan School

December 3, 2002

This statement ("Statement") is of the existing and intended use of the building and an explanation as to the manner in which the application ("Application") of The Sheridan School meets the specific tests and burden of proof identified in the Zoning Regulations for a special exception. This Statement is required by the Office of Zoning pursuant to Form 120 Exhibit 1 (Revised 4/29/02) and is submitted on behalf of The Sheridan School by its attorneys, Greenstein DeLorme & Luchs, P.C. by Jacques B. DePuy, Esquire and Lyle M. Blanchard, Esquire.

Summary of Application. The Application seeks a special exception pursuant to Sections 3104.1 and 206 of the Zoning Regulations to allow an existing private school to (i) add 1,200 square feet of gross floor area ("GFA") to an existing building, (ii) modify the site plan to create a student "drop off/pick up" lane and reconfigure the parking in front of the School along 36th Street, N.W., and (iii) increase the maximum number of students enrolled in the School from 215 to 226. No variances or other zoning relief are required.

The additions to the existing building will add several bays in order to expand the floor space of several existing classrooms. The building additions reflect an increase of GFA of only 4.0% and the increase in students reflects an increase of only 5.1%. It is submitted that all of these additions or modifications are minor.

Existing Zoning Authority. The Sheridan School has been operating at 4400 36th Street, N.W. (Square 1968, Lot 10) ("Property") for almost forty (40) years. Its use of the Property was first authorized by the Board of Zoning Adjustment ("BZA" or "Board") in Appeal No. 7282 dated May 21, 1962. This order allowed a maximum number of 200 students. In Application Number 13089 dated February 27, 1980, the BZA allowed The Sheridan School to construct an addition consisting of two staff offices (first floor) and a science laboratory (second floor). In 1992, the Board approved a requested increase in student enrollment from 200 to 215 and the construction of an addition containing classrooms, a library, a gymnasium and support facilities. (See Application No. 15656 dated

BZA
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Board of Zoning Adjustment
District of Columbia
CASE NO. 16977
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December 23, 1992). [Copies of the aforementioned BZA orders are attached hereto as Exhibits "A", "B" and "C".]

Existing and Intended Use. The Sheridan School currently uses the existing building on the Property as a private school for kindergarten through eighth grades (i.e., lower school, middle school and junior high school). The School is a small independent school with approximately 200 students of diverse backgrounds. Approximately sixty (60%) of the School's students live in the District of Columbia.

The Application seeks Board approval for the (a) construction of several small bay additions to existing classrooms in order to increase the size and versatility of these classrooms, (b) modification of the site plan in order to create a student "pick up/drop off" lane and reconfigure a parking area in front of the School to enhance safety for the students, faculty, parents and visitors and (c) increase from 215 students to 226 students the maximum number of students authorized at the School in order to assist the School in the financing of the improvements and the stabilization of its annual finances.

Statement of Satisfaction of Burden of Proof for Zoning Relief Sought. The Applicant submits that, based upon (i) its Application and the materials submitted in conjunction therewith, (ii) the evidence to be presented at the public hearing and (iii) other evidence to be submitted subsequent hereto, it will satisfy and comply with the applicable legal standards and burden of proof for a special exception.

Specifically, the Application submitted by Sheridan School will satisfy the requirements of Section 3104.1 of the Zoning Regulations that require the special exception to "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps...." In addition, the Application will comply with the requirements of Section 206 of the Zoning Regulations. This section requires that the school "shall be so located so 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 that "ample parking space, but not less than that required in chapter 21 of this title [of the Zoning Regulations], shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile."

The proposed additions, in the form of bays which will add only one hundred-fifty (150) square feet to each of eight (8) classrooms, are very modest in size. The increase in the gross floor area of the School building as a result of the construction of these new bays is only four (4%) percent. In addition, three of the new bays face the large playground on the south side of the School building and are separated from the closest dwellings (which are located across Yuma Street, N.W.) by approximately two hundred and forty (240) feet. The three new bays that face Alton Place, N.W. are separated from the closest dwellings by approximately one hundred (100) feet. Finally, it is not anticipated that the normal day-to-day activities that will occur in the classrooms to be enlarged by the new bays, which are currently used for kindergarten, first, second and third grades, will cause any noise that will be heard by the residents of nearby houses. As a result, such additions will not "become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions" and "will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps...."

The modification of the site plan in order to create a student "drop off/pick up" lane and reconfigure a parking area in front of the School on 36th Street, N.W. is for the purpose of enhancing safety for the students, faculty, parents and visitors. It will also facilitate the more efficient circulation of traffic on Yuma and 36th Streets and Alton Place, N.W. These site plan modifications will thus be beneficial to the surrounding neighborhood and will be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps."

The increase in the maximum number of students allowed to be enrolled, from 215 to 226, will not cause objectionable conditions or adversely affect neighboring or nearby property. First, the number of additional students requested to be authorized is small, both in absolute and percentage terms. On a percentage basis, the increase is a modest 5.1%. Thus, it is anticipated that the increase in the maximum number of students will not necessarily result in 226 students being enrolled during each and every year. Such an increase does, however, provide flexibility to the School in its admissions process. Finally, the increase in the number of students will occur at various grade levels, rather than in one grade (or class). Thus, the ages of the students to be admitted as a result of this increase, and the levels of educational activities

engaged in by such students, will vary and be dispersed among the various grade levels.[1]

Conclusion. For the reasons set forth above, the Sheridan School, by and through counsel, submits that its Application has satisfied (and will satisfy) all applicable zoning requirements and burden of proof and, therefore, should be granted.

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[1]Because no students of Sheridan School are old enough to drive to and from school and since no increase in the number of teachers or other employees is proposed by the Application, the current proposal by Sheridan School does not affect the number of parking spaces provided. Thus, the "Conclusion of Law" of the Board of Zoning Adjustment set forth in its order approving BZA Application No. 15656 - that "the Board also concludes that ample parking space will be provided to accommodate students, teachers and other visitors likely to come to the site by automobile" - is unaffected by the Application and should stand as a continuing, and dispositive, determination with respect to the requirement that "ample parking" be provided. (Emphasis added.)