LAW OFFICES
GREENSTEIN DELORME & LUCHS, P.C.

WILLIAM H. HARRIS, JR.
RICHARD G. WISE
ABRAHAM J. GREENSTEIN
GILBERT E. DeLORME
VINCENT MARK J. POLICY
RICHARD W. LUCHS
JUDITH R. GOLDMAN
JACQUES B. DePUY
JEFFREY H. GELMAN
ALAN S. WEITZ
WILLIAM C. CASANO
STEPHEN H. ABRAHAM
LEWIS F. MORSE
JOHN PATRICK BROWN, JR.
STEPHANIE A. BALDWIN
LYLE M. BLANCHARD
JOHN M. CATALANO
GREGORY T. DuMONT
ALFRED M. GOLDBERG
MONIC Y. HALSEY#
DONALD F. HOLMES, JR.
M. RYAN JENNESS
MIRIAM HELLEN JONES
ISABEL P. RUIZ DE GAMBOA*
JAMES D. SADOWSKI

*ADMITTED IN VA ONLY
#ADMITTED IN TX ONLY

1620 L STREET, N.W., SUITE 900

WASHINGTON, D.C. 20036-5605

TELEPHONE (202) 452-1400
FACSIMILE (202) 452-1410
www.gdllaw.com

OF COUNSEL
MARK J. ZWEIFLER

ADMITTED IN NEW YORK
AND NEW JERSEY ONLY

November 25, 2003

D.C. OFFICE OF ZONING
2003 NOV 25 PM 1:54

BY HAND DELIVERY

Ms. Jerrily R. Kress, FAIA
Director
Office of Zoning
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

Re: Application of the Washington International School; BZA NO. 17082;
Submission of Pre-Hearing Statement

Dear Ms. Kress:

Enclosed please find the original and twenty (20) copies of the above-referenced Pre-Hearing Statement for filing with the D.C. Board of Zoning Adjustment.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Stephanie A. Baldwin

221062
Enclosures

cc: Mr. Tom Alexander
Mr. Richard Hall
Ms. Bonnie LePard, Friends of Tregaron
Ms. Nancy MacWood, ANC 3C
Jacques B. DePuy, Esq.

BZA
Case No. 17082
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 17082
EXHIBIT NO. 29

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re: Application of the Washington International School
3100 Macomb Street, N.W.

BZA Application No. 17082
Public Hearing: Dec. 9, 2003
ANC 3C

D.C. BOARD OF ZONING
2003 NOV 25 PM 1:55

PRE-HEARING STATEMENT OF THE APPLICANT

November 25, 2003

This Pre-Hearing Statement ("Statement") is submitted on behalf of the Washington International School, by its attorneys, Jacques B. DePuy, Esquire and Stephanie A. Baldwin, Esquire, Greenstein, DeLorme & Luchs, P.C., in support of an application for a special exception.

I.

Summary of BZA Application Filed on September 11, 2003. The BZA Application filed on September 11, 2003 ("BZA Application") sought a special exception pursuant to Sections 3104.1 and 206 of the Zoning Regulations to allow an existing private school to amend Condition Number 3 of the BZA Order in Application Number 16189 in order to reflect the correct current number of faculty and staff. The BZA Order in Application Number 16189 states that the total number of faculty and staff shall not exceed 70. At present, the School has 92 faculty and staff.

II.

Summary of Actions Since Filing of Application. Washington International School (the "School") met with both the Friends of Tregaron and ANC 3-C to discuss the BZA Application and explain the request to amend the Condition Number 3 of the BZA Order in Application Number 16189 to reflect the correct current number of faculty and staff. ANC 3-C approved the application at its monthly meeting on October 27, 2003. With its approval, ANC 3-C noted a letter from the Friends of Tregaron indicating no objection, but urging the School to take close watch of compliance with staff and student levels.

III.

Existing Zoning Authority. The Washington International School has been operating at 3100 Macomb Street, N.W. (Square 2084, Lot 837) ("Property") as a private school since 1978. Its use of

the Property was first authorized by the Board of Zoning Adjustment ("BZA" or "Board") in BZA Order Number 12576. In BZA Order Number 14523, the construction of a classroom building was approved. In 1995, the School was granted a special exception to allow a temporary classroom trailer as an addition to the campus pursuant to BZA Order Number 16054. Most recently, pursuant to BZA Order Number 16189 (February 4, 1997), the School was granted the right to construct an athletic and arts/music center and to increase its maximum enrollment from 350 students to 425 students. No increase in the maximum number of faculty and staff (i.e., 70) was sought in conjunction with the new construction or the increase in students. (Copies of the aforementioned BZA Orders were attached to the BZA Application.)

IV.

Existing and Intended Use. Founded in 1966, the Washington International School is a private day school that currently offers classes from nursery school through the twelfth grade on two campuses (the Property and a second campus on Reservoir Road, N.W.). The School is co-educational with students primarily from the local international community. The students represent over ninety (90) countries and graduate with proficiency in at least two languages. The School currently uses the existing buildings on the Property for students in sixth through twelfth grade.

V.

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) this Pre-hearing statement, and (iii) the evidence to be presented at the public hearing, it will satisfy and comply with the applicable legal standards and burden of proof for a special exception.

The Application submitted by Washington International School will satisfy the requirements of a special exception pursuant to 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" (§ 206.2) and that "ample parking spaces, but not less than that required in chapter 21 [of the Zoning Regulations], shall be provided to accommodate

the students, teachers, and visitors likely to come to the site by automobile." (§ 206.3).

The School seeks to amend Condition Number 3 of the BZA Order in Application Number 16189 in order to (a) reflect the correct current number of faculty and staff (i.e., 92) and (b) be in full compliance with all BZA mandates. While seeking a "technical" increase, the Application does not seek an actual (i.e. physical) increase in the School's faculty and staff because the School has been operating at the current faculty and staff level (i.e., 92) for approximately 4 years. However, it is clear that at some point subsequent to the issuance of BZA Order No. 16189 the School exceeded the number of 70 faculty and staff that it represented to the BZA was its staffing level in January 1997, and which the Board adopted as a condition to its Order.

Although it has searched its records, the School is unable to explain when and how it exceeded the staffing level set forth in the 1997 BZA Order. In 2001, a new headmaster, Mr. Richard P. Hall, assumed his duties. In 2002, a new director of finance, Mr. Tom P. Alexander, assumed his duties. In addition, subsequent to 1997, a new chairman of the board of trustees was elected and 17 new trustees assumed their duties. None of the foregoing officers or directors has been able to explain the increase in the School's staffing level subsequent to 1997.

Notwithstanding the foregoing, the School submits that its current level of faculty and staff has not created any adverse effects on neighboring and nearby properties. First, adequate on-site parking is provided by the School for its staff and visitors. (See site and parking plan attached to BZA Application which depicts the 72 required parking spaces provided onsite.) Second, the parking spaces provided for the current staffing level is adequately landscaped and screened from adjacent properties. Third, vehicular ingress and egress patterns are not affected by the current staffing level.

VI.

Witnesses. The following witnesses will testify in support of the Application.

1. Mr. Richard P Hall, Head of School
2. Mr. Tom P. Alexander, Director of Finances and Facilities

V.

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

Respectfully Submitted,

By: _____
Jacques B. DePuy

By: _____
Stephanie A. Baldwin

219435