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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 Washington International School

September 11, 2003

This statement ("Statement") is of the existing and intended use of the buildings and grounds and an explanation as to the manner in which the application ("Application") of the Washington International School ("School" or "WIS") meets the specific tests and burden of proof identified in the Zoning Regulations for a special exception. This Statement is submitted on behalf of the Washington International School by its attorneys, Greenstein DeLorme & Luchs, P.C. by Jacques B. DePuy, Esquire and Stephanie A. Baldwin, Esquire.

Summary of Application. The Application seeks a special exception pursuant to the Zoning Regulations, 11 DCMR § 3104.1 and section 206 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 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.

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 are attached hereto as Exhibits "A", "B", "C" and "D".)

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)

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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.

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.

By the subject Application, WIS 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, this Application does not seek an actual (i.e. physical) increase in the School's faculty and staff because WIS 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 WIS 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, WIS 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 WIS for its staff and visitors. (See attached site and parking plan attached hereto as Exhibit "E" 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.

Specifically, the Application submitted by the Washington International 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 proposed use "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 this title [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 revision of Condition Number 3 of the 1997 BZA Order to reflect the correct current number of support staff for the School at the subject Property will not cause objectionable conditions or adversely affect neighboring or nearby property. The School has been operating with a maximum number of 92 support staff members at the Property for the past 4 years without disturbance to the neighborhood due to traffic or other conditions. Furthermore, the School's parking spaces have supported the 92 support staff without difficulty. Thus, "ample parking" continues to be provided to accommodate the students, teachers, and visitors who come to the site by automobile.

No new construction, increase in the number of students, change in the activities offered by WIS or hours of operation or any other change or revision is sought by this Application.

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 requisite burden of proof and, therefore, should be granted.

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Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

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