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September 18, 2025

Via IZIS

Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Suite 200
Washington, DC 20001

**Re: Board of Zoning Adjustment (“BZA” or the “Board”) Application No. 20643A
– Modification with Hearing of BZA Order No. 20643 (Square 2319, Lot 832)
(the “Property”)**

Dear Chairperson Hill and Commissioners:

The Maret School (the “**Applicant**”), the applicant in BZA Application No. 20643, hereby requests a Modification of the Plans that were approved in BZA Order No. 20643 (the “**Order**”). In addition, the Applicant is seeking special exception approval from the height and set-back requirements for a portion of the retaining walls that were constructed on the Property. This modification and special exception application is made pursuant to Subtitle Y § 704, Subtitle C § 1402.1, and Subtitle X § 901 of the Zoning Regulations.

Background

The Order approved the construction of athletic facilities (a baseball diamond and a multipurpose athletic field for football, soccer, and lacrosse) on the Property for use by the Applicant’s students, other schools, youth sports organizations, and the community. As noted in Finding of Fact No. 32 of the Order:

Construction of the planned athletic facilities will require regrading of the subject property. The Applicant will install a series of retaining walls, a maximum of four feet in height, topped by chain link fences in several locations near the outer edges of the subject property. The retaining walls will be located at three levels to accommodate a change in grade of 12 feet.

The retaining walls presented to the BZA were compliant with all requirements enumerated in Subtitle C, Chapter 14. The Order also approved the renovation of an existing building on the

Property to be used as a fieldhouse containing locker rooms and changing rooms, office space for the Applicant's athletic department staff, storage space, and restrooms.

The Applicant completed construction of the athletic fields this past summer and they are ready to host games, practices, and use by the community. Department of Buildings' Staff conducted final inspections of the athletic fields and during that inspection process it was determined that approximately 13.33% of the linear frontage of the retaining walls exceeded four feet in height (much of the walls by a de minimus amount 2.6 – 7.5 inches) and were therefore not in compliance with Subtitle C, § 1401.3. The inspections also determined that approximately 14.25% of the linear frontage of the retaining walls did not satisfy Subtitle C, §1401.7 which requires tiered retaining walls have an area between the walls that has a width of at least twice the height of the lower retaining wall. A plan depicting the location of these retaining walls and the degree of non-conformity of a portion of those walls is attached as Exhibit D. This application requests special exception approval from the BZA to approve the portions of the constructed retaining walls that do not meet the requirements of Subtitle C, §§ 1401.3 and 1401.7.

Modification of Approved Plans with a Public Hearing

The Order requires that the Project be developed in accordance with the approved plans shown in Exhibits 184C1 through 184C10 in the case record. As noted above, a portion of the retaining walls do not meet the height and set-back requirements of Subtitle C, §§ 1401.3 and 1401.7. Therefore, the Applicant is making this modification request, pursuant to Subtitle Y §704, in order to have the BZA approve the retaining walls as they have been constructed.

The Applicant notes that Subtitle Y §704.7 states that:

The scope of a hearing conducted pursuant to Subtitle Y §704.1 shall be limited to [the] impact of the modifications on the subject of the original application, and shall not permit the Board to revisit its original decision.

The Applicant is not requesting any other changes to the plans approved in the Order or to the use and operation of the athletic fields by Maret, other schools, youth sports organizations, or the community. The Applicant does not anticipate providing any additional information on those aspects of the original application.

Applicant's Satisfaction of the Standards for Special Exception Approval

Subtitle C, § 1402.1 enumerates the standard for special exception approval for retaining walls not meeting the requirements of Subtitle C § 1401. This Section states:

Retaining walls not meeting the requirements of this section may be approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X. In addition to meeting the general conditions for being granted a special exception as set forth in that subtitle, the

applicant must demonstrate that conditions relating to the building, terrain, or surrounding area would make full compliance unduly restrictive, prohibitively costly, or unreasonable.

The general Special Exception criteria standards are enumerated in Subtitle X, § 901.2 and state that the BZA is authorized to grant special exceptions when granting such a special exception:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Maps;
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in this title.

The Applicant believes that the Board's approval of a portion of the retaining walls that exceed the permitted height and do not meet the width requirements between the retaining walls, still satisfies these special exception standards. In particular, the Applicant notes that the walls that are closest to the adjacent 28th Street properties that exceed the permitted height do so by a small amount, a matter of inches and the additional height of the retaining walls will not tend to adversely affect the use of these neighboring properties. In regard to the retaining walls on the northwestern edge of the field, adjacent to the alley, the Applicant notes that the appearance of these retaining walls can only be viewed by adjacent properties that are on the opposite side of the field. The Applicant does not believe that those adjacent properties will be adversely impacted by the Board granting special exception approval for those retaining walls.

In regard to the conditions of special exception approval noted in Subtitle C, § 1402.1, the Applicant has determined that if it is required to demolish those portions of the retaining walls that do not meet the requirements of Subtitle C, §§ 1401.3 and 1401.7 it will result in significant additional costs to the school, it will result in additional construction impacts on the adjacent properties and the surrounding community, and it will delay the ability of local youth sports organizations and members of the community to start using the athletic fields. The Applicant believes that these factors satisfy the standard that full compliance of the retaining walls will be "prohibitively costly". In this case the cost is not just to the Applicant, but also the cost to the neighboring residents in having to endure up to a year of demolition, vibratory soil compaction, and construction activity in close proximity to their homes; as well as the cost in not having the athletic fields available for use for the benefit of local youth sports organizations, DC Public Schools, and members of the community.

Attached with this application are the following exhibits:

- Exhibit A – Authorization letter from the Applicant;
- Exhibit B – A copy of BZA Order No 20643;
- Exhibit C – A Building Plat depicting the location of the retaining walls;

- Exhibit D – Plan depicting areas of non-conformity of the retaining walls;
- Exhibit E - List of Witnesses and expected testimony; and
- Exhibit F – Property Owner List.

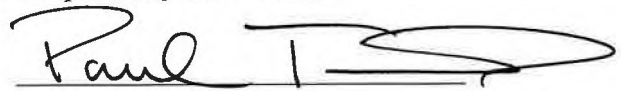
Service on Parties

The parties in the original case were ANC 3/4G and the Friends of the Field. Both of these parties will be served concurrently with the filing of this application in satisfaction of Subtitle Y § 704.5. Representatives of the Applicant have spoken with ANC 3/4G02 Commissioner Bruce Sherman (the Single Member District Commissioner for the Property) and ANC 3/4G Chair Lisa Gore regarding the need to file this application.

Conclusion

This statement and the attached materials satisfy the filing requirements for a Modification of Approved Plans and Special Exception application. Please feel free to contact the undersigned if you have any questions or comments regarding this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Tummonds", written over a horizontal line.

Paul Tummonds

Certificate of Service

The undersigned hereby certifies that the foregoing document was delivered by electronic mail to the following address on September 18, 2025.

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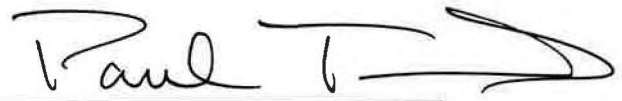
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A handwritten signature in black ink, appearing to read "Paul Tummonds", with a stylized flourish at the end.

Paul Tummonds
Attorney for the Applicant