

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 20643-B¹
The Maret School
Nebraska Avenue, NW (Square 2319, Lot 832)²

HEARING DATE (20643):	March 9, 2022
DECISION DATES (20643):	March 30, April 6, 2022 and April 5, 2023
ORDER ISSUANCE DATE (20643):	April 12, 2023
HEARING DATE (20643-B):	February 25, 2026 ³
DECISION DATE (20643-B):	February 25, 2026

**SUMMARY ORDER ON REQUEST FOR
MODIFICATION WITH HEARING**

Pursuant to notice, at its February 25, 2026, public hearing, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for a modification with hearing of the order issued in Application No. 20643 to allow retaining walls, not meeting zoning requirements, as part of athletic facilities for a private school use in the R-1B zone. The Board considered the request for a modification with hearing under Subtitle Y § 704 of Title 11 of the DCMR (Zoning Regulations of 2016, the “**Zoning Regulations**” to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for modification.

ORIGINAL APPLICATION. In Application No. 20643, the Board approved the request by The Maret School (the “**Applicant**”), pursuant to 11 DCMR Subtitle X, Chapter 9 for special exceptions under Subtitle U § 203.1(m) and Subtitle X § 104 to allow a private school use, and under Subtitle C § 710.3 from the parking location restrictions of Subtitle C § 710.2 for a private school use (athletic facility) in the R-1-B Zone (now R-1B). The Board issued Order No. 20643 on April 12,

¹ The application number was changed from 20643-A to 20643-B to reflect a pending order for prior Board decisions on the original application.

² Formerly identified as part of 5901 Utah Avenue, NW.

³ The public hearing was originally scheduled for January 21, 2026 and postponed at the joint request of the Applicant and Party in Opposition (Friends of the Field). (Exhibits 20, 21, and 22.)

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2023. (Exhibit 4 of the record for Application No. 20643-B.) The approval was subject to four conditions:

1. The Applicant shall implement the conditions recommended in the report submitted into the record of this proceeding by the District Department of Transportation (Exhibit 222; also shown in Finding of Fact No. 58).
2. The Applicant shall install and maintain evergreen shrubbery along the outer perimeter of the parking lot to minimize the visual impact on nearby properties fronting on 28th Street or across Nebraska Avenue from the subject property.
3. The Applicant shall not permit the use of sound amplification devices, music, or other sound instruments at the athletic facilities.
4. The Applicant shall designate a representative who will communicate with ANC 3/4G for the purpose of mitigating any conflicts that might arise between the Applicant's operations at the subject property and the ANC.

PROPOSED MODIFICATION. On September 18, 2025, the Applicant submitted a request for a modification with hearing to Order No. 20643. (Exhibits 1-10.) The request included modifying the approved plans to allow retaining walls as part of athletic facilities for a private school use⁴, and based on the proposed modifications, added requests for:

- Special Exception from the retaining wall height requirements of Subtitle C § 1401.3, pursuant to Subtitle C § 1402.1 and Subtitle X § 901.2
- Special Exception from the retaining wall tiering requirements of Subtitle C § 1401.7, pursuant to Subtitle C § 1402.1 and Subtitle X § 901.2
- Special Exception under the private school plan requirements of Subtitle X § 104, pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 9.)⁵

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y § 704.5, the Applicant served the request for a modification with hearing on the parties to the original application. (Exhibit 2.) The Board referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

⁴ The Applicant submitted revised plans reflecting these modifications. (Exhibit 6.).

⁵ At the public hearing, the Applicant verbally amended the application to add special exception relief under the private school plan requirements of Subtitle X § 104.

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PARTIES. The parties to this case were the Applicant, Advisory Neighborhood Commission ("ANC") 3/4G, and Friends of the Field, the party in opposition in the original application.⁶

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 23, 2026, at which a quorum was present, the ANC voted to support the modification. (Exhibit 26.) The ANC report raised no issues or concerns, however, acknowledged the new Community Service Agreement ("CSA") (Exhibit 25) between the Applicant and Friends of the Field and requested the Board vacate the original Memorandum of Understanding ("MOU") between the Applicant and ANC that was referenced in Order No. 20643. The Board declined to vacate the MOU, to which the Board was not a party, and noted the MOU and CSA address matters outside of the Board's purview. The Board recognized the Parties' efforts to reach an agreement.

ANC 3/4G Commissioner Bruce Sherman testified at the public hearing on behalf of the ANC.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the modification. (Exhibit 19.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report for this application.

CONCLUSIONS

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a modification without hearing⁷ requires a public hearing and shall be processed as a modification with hearing. The Applicant's request complies with Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications with hearing.

As directed by Subtitle X § 901.2 and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exceptions and modification with hearing.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

DECISION

⁶ The Friends of the Field testified at the public hearing they are no longer in opposition and acknowledged the Community Service Agreement with the Applicant, see Exhibit 25.

⁷ See, Subtitle Y § 703.7.

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Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for a modification with hearing to allow retaining walls, not meeting zoning requirements, as part of athletic facilities for a private school use in the R-1B zone, and for the requested relief:

- Special Exception from the retaining wall height requirements of Subtitle C § 1401.3, pursuant to Subtitle C § 1402.1 and Subtitle X § 901.2
- Special Exception from the retaining wall tiering requirements of Subtitle C § 1401.7, pursuant to Subtitle C § 1402.1 and Subtitle X § 901.2
- Special Exception under the private school plan requirements of Subtitle X § 104, pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the modification request is **GRANTED** consistent with the plans shown in Exhibit 6 of the record.

In all other respects, Order No. 20643 remains unchanged.

VOTE: 3-0-2 (Carl H. Blake, Brittney Drakeford, and Gwen M. Wright to APPROVE; two Board seats vacant)

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

A majority of the Board members approved the issuance of this order.

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: March 3, 2026

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.10, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION

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FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.