

From: [Moldenhauer, Meredith](#)
To: [DCOZ - BZA Submissions \(DCOZ\)](#); [Mehlert, Keara \(DCOZ\)](#)
Cc: [Planning](#); [Kripke, Gawain \(SMD 3C07\)](#); [Pagats, Janell \(SMD 3C03\)](#)
Subject: FW: Aidan Montessori - BZA 21400
Date: Wednesday, February 25, 2026 6:37:19 PM

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Vice Chair Blake and Members of the Board,

Following the Board's suggestion at the February 11 hearing, the Applicant evaluated whether additional special exception relief was required for the proposed expansion of the existing private school use at 2700 27th Street, NW. Out of an abundance of caution, the Applicant amended its application to include special exception relief under Subtitle X § 901.2 from the use permissions of Subtitle U § 203.1(m) at Exhibit 38 in the record.

In consultation with the Zoning Administrator ("ZA"), we have received written confirmation that the previously approved special exception use has vested, has not expired, and that no additional special exception approval is required for the proposed addition. We are forwarding that confirmation for the record.

Accordingly, the Applicant will verbally discuss the appropriate next steps with the board during the hearing today (the case has not yet been called) but requests this confirmation email from the Zoning Administrator be added to the record. The late filing is requested based on having just received the ZA's email. There is good cause to have a full and accurate record which would benefit from including this email.

Best Regards,
Meredith



Meredith Moldenhauer
DC Office Managing Partner
Co-Chair Zoning, Land Use & Development | Cozen O'Connor
2001 M Street NW | Washington, DC 20036
P: 202-747-0763 F: 202-683-9389 C: 202-246-7070
[Email](#) | [Bio](#) | [Map](#) | cozen.com

From: Beeton, Kathleen (DOB) <kathleen.beeton@dc.gov>
Sent: Wednesday, February 25, 2026 6:07 PM
To: Moldenhauer, Meredith <MMoldenhauer@cozen.com>
Cc: DOB Kustomer CRM <support@dob.mail.kustomerapp.com>
Subject: Re: Aidan Montessori - BZA 21400

****EXTERNAL SENDER****

Good evening Meredith:

Board of Zoning Adjustment
District of Columbia
CASE NO. 21400
EXHIBIT NO. 42

By means of this email, I agree with the analysis and conclusions of your email below, and I specifically confirm that when reviewing the zoning regulations and the relevant sections noted below, it is clear the special exception use has vested, the use is not changing, and the special exception use has not expired. Based on the foregoing, I confirm that special exception relief is not required for the expansion of the private school use.

We discussed this matter on February 19, 2026, and you explained that you have a current pending Board of Zoning Adjustment (BZA) application for Aidan Montessori at 2700 27th Street, NW, and that you filed a BZA application for area variance relief under Subtitle X § 1000.1 from the Lot Occupancy requirements of Subtitle D § 210.1.

You further advised that during the scheduled hearing date of February 11, 2026, the Board noted that their legal counsel recommended that you modify the application to include special exception relief for the expansion. During the hearing, you informed the Board that you did not believe special exception use was needed as the use was already vested.

Additionally, you advised that, out of an abundance of caution, you have filed for special exception approval under Subtitle X § 901.2 from the use permissions of Subtitle U § 203.1(m) to permit the renovation of an existing private school in the R-3 zone and you asked whether such relief is actually needed based on my interpretation of the zoning regulations.

Facts:

The Property is located in the R-3 Zone and private school use is permitted by special exception under Subtitle D § 203.1(m). The Property has operated as a private school continuously since 1964, and the Board itself has sanctioned that use: BZA Order No. 7184, issued July 3, 1963, approved the Private School Use on this Property, subject to only one condition: a maximum student enrollment of 240. The Project increases the School's GFA from 17,632 square feet to 19,105 square feet, representing an 8.4% increase.

Question: Given the BZA Order 7184 has vested the special exception use for private school at the property and the order only has one condition the number of students with no condition referencing the GFA or building square footage, is a special exception under Subtitle X § 901.2 from the use permissions of Subtitle U § 203.1(m) to permit the renovation of an existing private school required?

Relevant Sections:

Subtitle A § 301.7 All applications for building permits authorized by orders of the Board of Zoning Adjustment, or authorized by orders of the Zoning Commission in a contested case, may be processed in accordance with the Zoning Regulations and Zoning Map in effect on the date the vote was taken to approve the Board or Commission application, to the extent the proposed building or structure is depicted on any plans approved by the Board or Commission. No Board of Zoning Adjustment or Zoning Commission order shall be deemed to include relief from any zoning regulation unless such relief was

expressly requested by the applicant and expressly granted in the order.

Subtitle A § 302.8 Any use that is authorized by a certificate of occupancy may be established and continued pursuant to the terms of the certificate and the provisions of this title in effect on the date that the certificate is issued, subject to the following conditions:

- (a) The use shall be designated on the certificate of occupancy in terms of a use classification that is established by this title;
- (b) The use shall be established within six (6) months of the date on which the certificate is issued; and
- (c) Any amendment of the use authorized by the certificate shall comply with the provisions of this title in effect on the date that the certificate is amended.

Subtitle A § 303.3 If a building permit or certificate of occupancy has been issued under the authority of a decision of the Board of Zoning Adjustment to approve a special exception or variance, then for purposes of Subtitle A §§ 303.4 and 303.5, each condition to the approval of the special exception or variance shall be treated as a condition to the issuance of the building permit or certificate of occupancy.

Subtitle A § 304.10 For building permits that are authorized by an order of the Board of Zoning Adjustment (the Order), the Zoning Administrator, following receipt of a request made pursuant to Subtitle A § 304.11, is authorized to permit modifications to approved plans in addition to those modifications specifically authorized pursuant to flexibility granted by the Order if the Zoning Administrator determines that the proposed modifications are consistent with the intent of the Board of Zoning Adjustment and the modifications would not:

1. Violate any condition of approval included in the Order;
2. Increase, expand, or extend any area of relief granted by the Order;
3. Create any need for new relief;
4. Change a principal use from that approved in the Order;
5. Increase the number of stories;
6. Increase by more than two percent (2%) the building gross floor area, the percentage of lot occupancy, building height, or penthouse or rooftop structure height; provided that the permitted increase of two percent (2%) or less must be the direct result of structural or building code requirements;
7. Increase by more than two percent (2%) the number of dwelling units, hotel rooms, or institutional rooms within the approved square footage; or
8. Increase or decrease by more than two percent (2%) the number of parking or loading spaces depicted on the approved plans.

Subtitle Y § 706.1 If a special exception use or use variance is established, the use will only expire if:

1. An expiration date is specified in the order;
2. The special exception use or use variance is discontinued for any reason for any period of three (3) or more years occurring after October 8, 2010; except where governmental action impedes access to the premises; or
3. Either of the following occurs after the effective date of the order granting the variance:
 1. A certificate of occupancy for a different use is issued; or

2. A residential use for which no certificate of occupancy is required is established.

Subtitle X § 900.3 In the case of a use that was originally permitted and lawfully established as a matter-of-right and for which the Zoning Regulations now require special exception approval from the Board of Zoning Adjustment, any extension or enlargement of that use shall require special exception approval from the Board of Zoning Adjustment.

Subtitle X § 900.4 In determining whether to approve any extension or enlargement under Subtitle X § 900.3, the Board of Zoning Adjustment shall apply the standards and criteria of the Zoning Regulations to the entire use, rather than to just the proposed extension or enlargement.

You advised that it is your position that, when reviewing the zoning regulations and these relevant sections, that it is clear the special exception use has vested, the use is not changing, and the special exception use has not expired.

1. Subtitle A § 301.7 states that “all applications for building permits authorized by **orders** of the Board of Zoning Adjustment” acknowledging that a property can be subject to multiple orders. Here a valid special exception use Order and a potential subsequent lot occupancy order.
2. Subtitle A § 301.7 states “No Board of Zoning Adjustment ... order shall be deemed to include relief from any zoning regulation unless such relief was expressly requested by the applicant and expressly granted in the order.” But this section does not state that two orders can be validly exist for the same property addressing two different and specified areas of relief.
3. Subtitle A § 302.8 affirms that a certificate of occupancy authorized a use and it may be “**continued** pursuant to the terms of the certificate” and here the use will not be changed on the certificate, the use was established within 6 months of the issuance, and no amendments to the “use” and proposed.
4. Here a certificate of occupancy has been issued for the BZA approved special exception use, a school, and pursuant to Subtitle A § 303.3, “each condition to the approval of the special exception or variance shall be treated as a condition to the issuance of the building permit or certificate of occupancy” the Order only conditions the number of students not the square footage or GFA.
5. In accordance with Subtitle A § 304.10, the Zoning Administrator may issue a building permit authorized by a BZA Order so long as the plans do not “Violate any condition of approval included in the Order” the enrollment is compliant; “Increase, expand, or extend any area of relief granted by the Order” no change to the use is proposed; Create any need for new relief (a separate BZA application is addressing this); Change a principal use from that approved in the Order (no change to the principal use); Increase the number of stories (no change to stories); Increase by more than two percent (2%) the building gross floor area, the percentage of lot occupancy, building height, or penthouse or rooftop structure height; provided that the permitted increase of two percent (2%) or less must be the direct result of structural or building code requirements (a separate BZA application is addressing this); Increase by more than two percent (2%) the number of dwelling units, hotel rooms, or institutional rooms within the

approved square footage; (no increase in rooms and no approved square footage) or; Increase or decrease by more than two percent (2%) the number of parking or loading spaces depicted on the approved plans (no change in parking).

6. Pursuant to Subtitle Y § 706.1 the special exception use established by BZA Order 7184, the use will only expire if specific factors occur which did not occur here. BZA Order 7184 does not have an expiration date. The school use has not been discontinued; and the certificate of occupancy has not had a different use issued.
7. Under, Subtitle X § 900.3 relief for extensions or enlargements only apply to “a use that was originally permitted and lawfully established as a matter-of-right and for which the Zoning Regulations now require special exception” which is not the facts here.

I agree with your analysis and conclusions, and I specifically confirm that when reviewing the zoning regulations and the relevant sections noted above, it is clear the special exception use has vested, the use is not changing, and the special exception use has not expired.

Based on the foregoing analysis, I confirm that special exception relief is not required for the expansion of the private school use.

Please let me know if you have any questions.

Best regards,
Kathleen

Kathleen A. Beeton, AICP | *Zoning Administrator*
The Department of Buildings
kathleen.beeton@dc.gov | 1100 4th St SW, DC 20024
main: 202.671.3500 | desk: 202-442-4559 | cell: 202-705-3304
dob.dc.gov

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Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DOB.

From: Moldenhauer, Meridith <MMoldenhauer@cozen.com>

Sent: Thursday, February 19, 2026 12:16 PM

To: Beeton, Kathleen (DOB) <kathleen.beeton@dc.gov>

Subject: Aidan Montessori - BZA 21400

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Kathleen – Per our conversation today regarding the current pending BZA application for Aidan Montessori at 2700 27th Street, NW. We filed a BZA application for area variance relief under Subtitle X § 1000.1 from the Lot Occupancy requirements of Subtitle D § 210.1. During the scheduled hearing date of February 11, 2026, the Board noted that their legal counsel recommended, we modify the application to include special exception relief for the expansion. During the hearing, I informed the Board I did not believe special exception use was needed as the use was already vested.

Out of an abundance of caution we have filed for special exception approval under Subtitle X § 901.2 from the use permissions of Subtitle U § 203.1(m) to permit the renovation of an existing private school in the R-3 zone however, I am asking you if such relief is actually needed based on your interpretation of the zoning regulations.

Facts:

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Subtitle X § 900.4 In determining whether to approve any extension or enlargement under Subtitle X § 900.3, the Board of Zoning Adjustment shall apply the standards and criteria of the Zoning Regulations to the entire use, rather than to just the proposed extension or enlargement.

Please confirm if you believe the above sections require special exception relief.

It is my position that, when reviewing the zoning regulations and these relevant sections that it is clear the special exception use has vested, the use is not changing, and the special exception use has not expired.

1. Subtitle A § 301.7 states that “all applications for building permits authorized by **orders** of

the Board of Zoning Adjustment” acknowledging that a property can be subject to multiple orders. Here a valid special exception use Order and a potential subsequent lot occupancy order.

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7. Under, Subtitle X § 900.3 relief for extensions or enlargements only apply to “a use that was originally permitted and lawfully established as a matter-of-right and for which the Zoning Regulations now require special exception” which is not the facts here.

Please confirm if you believe the above sections require special exception use relief.

Thank you and as referenced the BZA hearing is scheduled for February 25th.

Meridith



Meridith Moldenhauer
DC Office Managing Partner

Co-Chair Zoning, Land Use & Development | Cozen O'Connor

2001 M Street NW | Washington, DC 20036
P: 202-747-0763 F: 202-683-9389 C: 202-246-7070

[Email](#) | [Bio](#) | [Map](#) | [cozen.com](#)

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