

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of St. Patrick's Episcopal Church and Day School
ANC: 3D/3D05/3D06/3D07

STATEMENT OF THE APPLICANT

I. Nature of Application

The Vestry of St. Patrick's Parish, on behalf of the St. Patrick's Episcopal Church and Day School (the "**School**"), collectively ("**St. Patrick's**" or "**Applicant**"), hereby submits this application (the "**Application**") to the Board of Zoning Adjustment (the "**Board**" or "**BZA**") requesting special exception and variance approval to construct a new middle school building (the "**Middle School Building**") on property located at 4707 Whitehaven Parkway, NW (Lot 15 in Square 1374 (the "**Middle School Property**"). This application requests special exception relief pursuant to Subtitle U §203.1(m) and Subtitle X §104 to permit a private school use in a residential zone district, special exception relief from the loading berth and service/delivery space requirements of Subtitle C §901.1, and variance relief from the building height setback requirements of Subtitle D §203.6 in order to construct a new middle school for St. Patrick's students.

In addition, the Applicant has an interest in making limited modifications to Condition No. 7 of BZA Order No. 17429, which approved the development of a playing field and stadium for St. Patrick's students. This playing field and athletic stadium is located in the 1800 block of Foxhall Road, NW (Square 1346, Lot 827, the "**Foxhall Field**"). Specific details regarding the scope of proposed modifications to Condition No. 7 of Order No. 17429 will reflect ongoing discussions with members of the surrounding community, including 1801 Foxhall Homeowners

Association and Colony Hill Neighborhood Association, and will allow for continued community recreational use of the Foxhall Field.

II. Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested in this application pursuant to Subtitle X § 901.1 of the Zoning Regulations and Subtitle X § 1001.1 of the Zoning Regulations.

III. Description of Properties and Surrounding Area

The Middle School Property is located in the R-1-B Zone District and includes the St. Patrick's gymnasium and performance center. The Middle School Property includes a relatively flat portion that currently is used as a playing field that is adjacent to the Mount Vernon Campus of George Washington University and single-family homes along 48th Street, NW and U Street, NW. However, this flat part of the site can only be accessed via the George Washington University Mount Vernon Campus or by a pedestrian route from Whitehaven Parkway, NW that would be cost-prohibitive to construct in a manner that satisfies ADA requirements. The remainder of the Middle School Property includes a significant amount of topographical change (a change of 46 feet in the area of proposed construction adjacent to Whitehaven Parkway, NW), large amounts of bedrock, and four Heritage Trees that significantly impact the area of the site that is available to be developed.

The Middle School Property is across from the elementary school and early childhood education building located at 4700 Whitehaven Parkway NW (Square 1372, Lot 817) (the Middle School Property and the properties located at 4700, 4751 and 4753 Whitehaven Parkway, NW (Lots 838 and 839 in Square 1374) are collectively referred to as the “**Whitehaven Campus**”). The Whitehaven Campus is located on Whitehaven Parkway, NW between MacArthur Boulevard, NW and Foxhall Road, NW. It is located to the east of the Lab School

and Our Lady of Victory Church and School, and adjacent to the Mount Vernon Campus of the George Washington University (GWU). The Whitehaven Campus is split into two areas: the north side of Whitehaven Parkway, adjacent to the GWU campus and two former single-family homes that are owned by St. Patrick's and the south side of Whitehaven Parkway, which is improved with the main Church and school building.

The Foxhall Field property is also located in the R-1-B Zone District and is bounded by Foxhall Road to the west, Whitehaven Parkway to the north, open space and single-family homes to the east, and single-family homes to the south.

IV. History of St. Patrick's Development along Whitehaven Parkway and Foxhall Road

A. St. Patrick's Use of Properties Along Whitehaven Parkway

St. Patrick's Episcopal Day School is an early childhood education, elementary, and middle school operated under the auspices of St. Patrick's Episcopal Church. The School was founded in 1956 as a nursery school and expanded to the elementary-school level beginning in 1967. Continued growth led the Church to purchase the Whitehaven Campus from the Florence Crittenden Home, which was then approved for private school use by the Board of Zoning Adjustment in 1975 per BZA Order No. 11933 (11307). The Board approved the construction of the gymnasium and performance center in 1999 per BZA Order No. 16517. The Board approved an increase in the student and faculty and staff caps for the Whitehaven Campus in 2012 in Case No. 18465, which allows a maximum of 485 students and 105 staff. In 2023, the Board approved the expansion of the Campus to include two existing former single-family homes along Whitehaven Parkway to be used for school purposes per BZA Order No. 18465A. All of the previous BZA orders are attached as Exhibit A.

B. St. Patrick's Development of Athletic Facility on Foxhall Road

In 2006, the Board approved a special exception for the Foxhall Field property in Order No. 17429 (included in Exhibit A) to allow St. Patrick's to expand its operations to include a new middle school, high school, and playing field as well as to develop single-family homes¹. St. Patrick's constructed the playing field and spectator seating, as well as parking spaces along a large vehicular turnaround. The playing field opened for operation in the spring of 2012. St. Patrick's did not move forward with construction of the middle school or high school buildings. The remainder of the Foxhall Field property is an open field, with a portion devoted to a garden used for educational purposes.

St. Patrick's is currently engaged in discussions with members of the surrounding community, including ANC 3D, 1801 Foxhall Homeowners Association, and Colony Hill Neighborhood Association, regarding potential modifications to Condition No. 7 of BZA Order No. 17429. The Applicant will provide details of the outcome of these discussions at least thirty (30) days prior to the public hearing on this application.

V. Development Proposal

St. Patrick's decision to relocate the middle school to the Whitehaven Campus² is the outcome of a long-range facilities planning effort based on discussions with members of the school and surrounding community. This application brings St. Patrick's closer to a vision that that it has been working on for several years; bringing the full life of St. Patrick's together on one unified academic campus from early childhood through Grade 8. Bringing the middle school to the Whitehaven Campus strengthens an excellent program and will deepen the connections across divisions that makes the community so special. Shared campus spaces, like

¹ The owners of these single-family homes are now the members of the 1801 Foxhall Association.

² St. Patrick's middle school is currently located at 4590 MacArthur Boulevard, NW, approximately ¼ mile from the Whitehaven Campus and includes 155 students and 15 staff.

the athletic fields, arts facilities, and outdoor learning spaces will become even more integrated into the daily life of middle school students. This application allows St. Patrick's to make more efficient use of its resources and to streamline operations to minimize impacts on the surrounding neighborhood.

As shown in the materials included in Exhibit B, the Middle School Building has been carefully and thoughtfully designed to minimize impacts on surrounding properties and uses, to meet the academic needs of St. Patrick's, and to create a cohesive architectural vernacular across the Whitehaven Campus. The Middle School Building includes four stories and approximately 35,000 square feet of gross floor area. The Middle School Building is strategically built into the existing hill, providing accessible entrances from the street level and to the second floor from a connection to the adjacent gymnasium and performance center. The ground floor/first level is limited in available square footage due to the bedrock and site topography and serves mostly as the main entrance to the building. The west wing of the building houses all the classroom spaces on the second, third and fourth levels. The pitched roof of the west wing encloses the Dedicated Outside Air Unit (DOAS) and other mechanical equipment. The east wing of the Middle School Building includes office space and a double-height music and multi-purpose space on the second and third floors. The new multi-purpose space will allow the adjacent gymnasium to be used for more athletic events. The pitched roof of the east wing supports the acoustic performance of the music and multipurpose room. The center connector of the building includes administrative space, dining facilities, and the library. The pitched roof of both wings, along with the use of brick, glass, and the standing seam roof, aesthetically connects the Middle School Building with the Church and elementary school building located across Whitehaven Parkway.

The maximum height of the Middle School Building is 71 feet, as measured to the peak of the west wing. The peak of the east wing has a maximum height of 61 feet, 9.5 inches. As shown in the materials included on pages 026 and 030 of Exhibit B, the building's height is appropriate given the surrounding institutional uses and architectural context. Institutional buildings in the R-1-B Zone District can reach a height of up to 90 feet, provided they are setback from all lot lines by a distance of not less than one foot for each foot of height in excess of what is allowed in the R-1-B Zone (40 feet). (See Subtitle D §203.6.) Therefore, based on the measured height, the Middle School Building is required to be setback 31 feet from all lot lines. The Middle School Building is set back 12 feet, 6 inches from the side lot line and 7 feet, 6 inches from the lot line along Whitehaven Parkway. The satisfaction of the variance standards for this condition is addressed in detail in Section VII. C.

VI. Description of Relief Requested

Pursuant to Subtitle U §203.1(m), the Board may grant special exception relief to allow private schools in the R-1-B Zone, subject to certain considerations. Pursuant to Subtitle X §104, the Board may grant a special exception for general education use by a private school, subject to similar considerations. As described above, St. Patrick's requests special exception relief pursuant to Subtitle U §203.1(m) and Subtitle X §104 for the proposed middle school building. St. Patrick's is also requesting special exception relief from Subtitle C §901 from the loading berth and service/delivery space requirements. In addition, the Applicant is requesting variance relief from Subtitle D §203.6 for the building height setbacks of the proposed middle school building.

VII. Satisfaction of Standards for Relief

The proposed new middle school satisfies all of the standards and conditions for the special exception and variance relief requested, as detailed below in Sections A, B and C, as well as the general special exception standards, as detailed in Section D.

A. Private School Use

1. *The Campus Will Not Create Objectionable Impacts on Neighboring Properties (Subtitle U, §203.1(m)(1) and Subtitle X, 104.2).*

The proposed middle school is not likely to create objectionable impacts on neighboring properties due to noise, traffic, the number of students, or otherwise objectionable conditions. St. Patrick's has a long history of operations on the Whitehaven Campus and has been a valued and respectful member of the surrounding community.

a. *Noise*

The proposed Middle School Building is located adjacent to Whitehaven Parkway, NW and is sited as far away from the 48th Street, NW and U Street, NW single-family homes as possible. The playing field that currently exists on the Middle School Property will continue to be used in the manner that it is used today. Middle School sporting events will continue to be held on the Foxhall Field. The addition of the middle school in the Whitehaven Campus is not expected to create any appreciable noise impacts that do not already exist from the current St. Patrick's operations.

b. *Traffic*

St. Patrick's has a long history of effectively managing its traffic impacts on Whitehaven Parkway, NW, as well as MacArthur Boulevard, NW and Foxhall Road, NW. St. Patrick's will implement a Transportation Management Plan to help facilitate the flow of traffic in and out of the Whitehaven Campus and mitigate any traffic impacts that may result from the proposed middle school use. The Transportation Management Plan will consist of: (i) a Transportation

Demand Management (TDM) Plan – which will address strategies and incentives to reduce the number of vehicles coming to the site (seeking a 20% reduction); (ii) an Operations Management Plan – which will establish a set of protocols to ensure traffic is appropriately managed on Whitehaven Parkway, NW; (iii) a Loading Management Plan – which establishes designated delivery protocols to efficiently accommodate service and delivery activities; (iv) a Parking Management Plan – which establishes protocols to manage parking and ensure adequate parking is available for visitors and volunteers; and (v) a Monitoring Plan – which will ensure accountability and provides a mechanism for remedial strategies if problems arise. Preliminary transportation information is attached as Exhibit C.

The Applicant will prepare a comprehensive transportation review (“CTR”) that will provide a detailed analysis of the traffic and parking impacts of the application. The CTR and the final TDM Plan will be provided to DDOT, the BZA, ANC 3D, and community stakeholders at least 30 days in advance of the public hearing in this case.

c. Number of Students

The new middle school is expected to include a maximum of 150 students. The total number of St. Patrick’s students in the middle school, elementary school and early childhood classes will be 555. As noted above, the middle school students will be able to utilize all of the facilities provided on the Whitehaven Campus and Foxhall Field. St. Patrick’s believes that the modest increase in the number of students on the Whitehaven Campus (485-555) will not create any objectionable impacts.

d. Other Objectionable Conditions

The Applicant has also created a construction management plan (attached as Exhibit D) that reflects input gathered from discussions with neighborhood stakeholders and will effectively mitigate any potential construction-related impacts. Highlights of this plan include:

- Dedicated parking spaces will be provided on St. Patrick's property for construction related vehicles and contractors will be prohibited from parking on neighborhood streets;
- A dedicated neighborhood construction liaison will be available throughout the project to answer questions and provide construction updates; and
- The general contractor will maintain a site-specific safety plan and will conduct regular safety meetings and inspections.

2. Ample parking space, but not less than that required by this title shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile (Subtitle U, §203.1(m)(2)).

A private elementary and middle school use is required to provide two parking spaces for every three teachers or employees (see Subtitle C, §701.5). Based on the maximum number of St. Patrick's staff and employees, the Zoning Regulations require 93 parking spaces for the St. Patrick's Whitehaven Campus. The Whitehaven Campus includes 118 parking spaces.

3. After hearing all evidence, the Board of Zoning Adjustment may require additional parking to that required by this title (Subtitle U, §203.1(m)(3)).

The 120 parking spaces provided on the Whitehaven Campus and the implementation of the TDM Plan, will sufficiently address the demand for parking generated by the new middle school use. In response to questions raised by members of the community with regard to the adequacy of parking on the Whitehaven Campus, St. Patrick's has spoken with George Washington University regarding the availability of parking spaces in the Mount Vernon campus garage and the ability of St. Patrick's to lease spaces in that garage if necessary. George Washington representatives have noted that they will have availability in their parking garage at

the time the new middle school is opened on the Whitehaven Campus. The CTR and the final Transportation Management Plan that will be submitted prior to the public hearing in this case will address this issue in greater detail.

4. The development standards for a private school shall be those of the zone in which the private school is located. (Subtitle X, §104.3).

The proposed Middle School Building will satisfy all of the development standards of the R-1-B Zone District, except for the building's loading berth and service/delivery space requirements and height and setbacks from adjacent lot lines. The satisfaction of the special exception relief standards from the loading and service/delivery space requirements are addressed in Section B below. The satisfaction of the variance relief standards for the building height and setbacks is described in Section C below.

5. In calculating density, the land area shall not include public streets and alleys, but may include interior private streets and alleys within the school boundaries. (Subtitle X, §104.4).

No public streets or alleys are included within the boundaries of the Property.

B. Satisfaction of Special Exception Standards for Loading Berth and Service/Delivery Space Relief

Pursuant to Subtitle C, §909.2, the Board may grant full or partial relief from the number of required loading berths or service/delivery spaces by showing that the use or the structure itself will generate a lower loading demand than the minimum loading standards as a result of: (a) the nature of the use or structure; or (b) a loading management plan that is approved by the District Department of Transportation and is included as a condition of the BZA's approval of the Application. When granting relief from the loading and service/delivery space requirements, the Board may impose conditions as to screening, lighting, coping, setbacks, fences, location of

entrances and exits, widening of abutting alleys, loading management or transportation demand management practices, or any other requirement it deems necessary to protect adjacent or nearby property and promote the public health, safety, and welfare. (*Subtitle C, §909.5*).

Most service or deliveries associated with the proposed middle school will be consolidated with service and deliveries that already to come to the Whitehaven Campus. As noted above, the Applicant's TDM Plan will include a loading management plan. The loading management plan will ensure that all loading activities on the Whitehaven Campus will occur in a manner that will not create objectionable impacts on nearby properties. The final TDM Plan will be provided to DDOT, the BZA, ANC 3D, and community stakeholders at least 30 days in advance of the public hearing in this case.

C. Satisfaction of Variance Standards for Height Setback Relief

In order to obtain variance relief, an applicant must demonstrate that: (i) the property is affected by an exceptional or extraordinary situation or condition, (ii) the strict application of the Zoning Regulations will result in a practical difficulty to the applicant, and (iii) the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose, or integrity of the Zone Plan. D.C. Code § 6-641.07(g)(3); *St. Mary's Episcopal Church v. D.C. Zoning Comm'n*, 174 A.3d 260, 269 (D.C. 2017). As set forth below, the Applicant meets this test for the requested variance from the height setback requirements for an institutional building enumerated in Subtitle D §203.6.

The Middle School Property is Affected by an Exceptional Situation or Condition

In *Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990) the Court determined that it is not necessary that the exceptional situation or condition arise from a single situation or condition on the property. Rather, it may arise from a "confluence of factors."

Gilmartin, 579 A.2d at 116. Furthermore, it is not necessary that the property be unreservedly unique. Rather, an applicant must prove that the property is affected by a condition that is unique to the property and not related to general conditions in the neighborhood. *Gilmartin*, 579 A.2d. at 1167.

Here, the primary factors that create an exceptional condition on the Middle School Property are the 46 feet of grade change that exists in the area of the site that can be developed, the four Heritage Trees that prevent development from occurring further back into the site from Whitehaven Parkway, NW, and the inability to create a cost-effective ADA compliant pedestrian or vehicular route to the flat part of the site that is not impacted by the Heritage Trees.

Strict Application of the Zoning Regulations Would Result in Practical Difficulty to the Applicant

To satisfy the second element for an area variance standard, the Applicant must demonstrate “practical difficulty.” The D.C. Court of Appeals has established a two-part test for determining whether an applicant has met its burden of proof of the practical difficulty element of the area variance test. The applicant must demonstrate that “compliance with the area restriction would be unnecessarily burdensome” and that the practical difficulty is “unique to the particular property.” *Gilmartin v. District of Columbia Board of Zoning Adjustment*, 579 A.2d at 1170 (D.C. 1990). The Court of Appeals has held that the “nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case.” *Id.* At 1171. The Court of Appeals provided “a wide range of factors” that the BZA may consider in determining whether the practical difficulty standard has been satisfied. *Id.* At 1171, citing *Barbour v. D.C. Bd. of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976). See also, *Tyler v. D.C. Bd. of Zoning Adjustment*, 606 A.2d 1362, 1367 (D.C. 1992). The Court noted the

following factors: “the severity of the variance(s) requested”; the weight of the burden of strict compliance”; and “the effect the proposed variance(s) would have on the overall zone plan.” *Id.*

Due to the constraints of the developable area of the Middle School Property discussed above, St. Patrick’s is faced with a practical difficulty in meeting the height setback requirements for this 71-foot foot tall building (in which the building height is measured to the peak of the pitched roof) and still deliver a building that meets the size and acoustical space needs for a contemporary middle school. It would be unnecessarily burdensome to require the Applicant to remove bedrock from this site to create more square footage on the ground floor or larger below-grade levels for the school’s use.

Relief Can be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose, and Integrity of the Zone Plan

To satisfy the third element of an area variance, the Applicant must demonstrate that the requested variance relief will not result in substantial detriment to the public good, nor substantially impair the intent or integrity of the Zoning Regulations and Zoning Map. Indeed, the requested relief will have no such result. Whitehaven Parkway, NW has a right-of-way width of 120 feet and all of the property owners between MacArthur Boulevard, NW and Foxhall Road, NW are institutional uses. The Middle School Property has the ability to be developed with a 71-foot tall building without causing adverse impacts or substantial detriment to the adjacent and surrounding buildings and uses. As depicted in the materials included in pages 026 and 030 of Exhibit B, the height of the Middle School is appropriate for the institutional context of Whitehaven Parkway, NW.

D. Satisfaction of General Special Exception Criteria (Subtitle X, § 901.2)

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.*

As described throughout this statement, the proposed Middle School Building and the middle school use will not adversely affect neighboring properties due to noise, traffic, number of students, or create other objectionable conditions. The Applicant has sited and designed the building in a concerted effort to minimize any adverse or objectionable impacts on neighboring properties. As discussed above, the Applicant satisfies all of the specific conditions of approval for the proposed private school use and the special exception relief from the loading and service/delivery space requirements. For these reasons, the Applicant has satisfied the standards of Subtitle X, § 901.2.

VIII. Proposed Modifications to Operations of Foxhall Field

As noted above, the Applicant will provide details regarding the proposed modifications to Condition No. 7 of BZA Order No. 17429 at least thirty (30) days prior to the public hearing on this Application.

IX. Community Outreach

Representatives of the Applicant have already engaged in significant community outreach regarding the proposed middle school and the modifications to the Operations Plan associated with the Foxhall Field. On March 17, 2026, the Applicant hosted an in-person community meeting at St. Patrick's to review the proposed application. On March 19, 2026, the Applicant held a virtual meeting where the same information was presented. In March the Applicant launched a project-focused webpage that provides up-to-date information about the planning

effort in an easily accessible format, encouraging neighbors to review plan details and provide feedback. The Applicant has also had numerous discussions with Advisory Neighborhood Commission 3D Commissioners, representatives of the Colony Hill Neighborhood Association, representatives of the 1801 Foxhall Association, and representatives of the Foxhall Community Citizens Association to better understand their perspectives and respond to specific questions and concerns. The Applicant and will continue working with the adjacent neighbors, community stakeholders, and ANC 3D as this application approaches the public hearing date before the BZA.

X. List of Exhibits

Exhibit A – Previous BZA Orders for the Whitehaven Campus and the Foxhall Field

Exhibit B – Plans/materials/sections of the proposed middle school and materials in satisfaction of private school campus plan filing requirements

Exhibit C – Preliminary Transportation Information

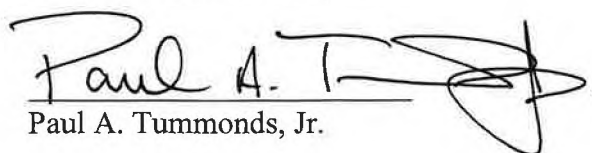
Exhibit D – Construction Management Plan

Exhibit E – List of Expected Witnesses and Preliminary Outlines of Witness Testimony

XI. Conclusion

For all of the above reasons, the Applicant is entitled to the special exception and variance relief requested in this case. The entire St. Patrick's Development Team looks forward to continuing to engage with the community and the ANC prior to the Board's public hearing regarding this application.

Respectfully submitted,


Paul A. Tummonds, Jr.