

# BZA Case No. 20593

Archdiocese of Washington, on behalf of the  
Shrine of the Most Blessed Sacrament

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PUBLIC HEARING

WEDNESDAY, JANUARY 12, 2022



# Application Overview

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## Request:

- ❖ Special exception relief pursuant to Subtitle U § 203.1(m) to continue use of an existing playing field for students of a private school.

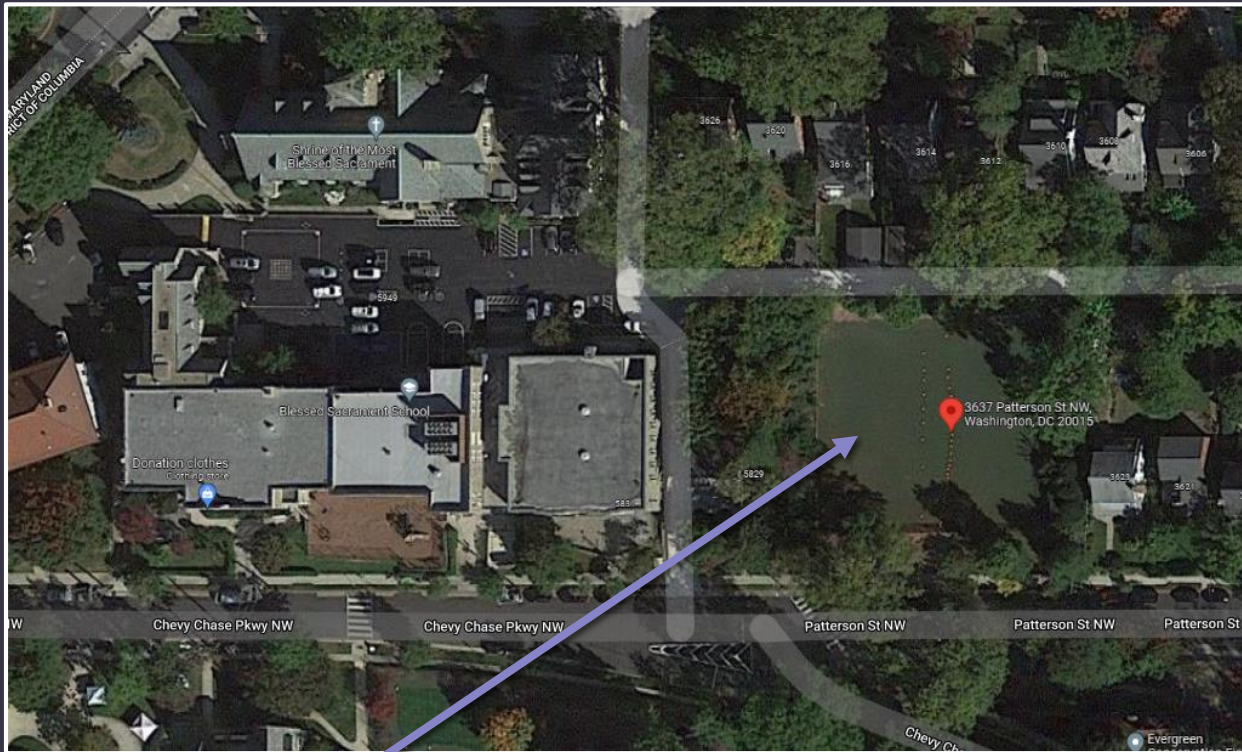
## Timeline:

- ❖ September 2, 2021: application filed.
- ❖ September 16, 2021: Board's approval in BZA Order No. 18236 expired.

## Support:

- ❖ **Office of Planning** recommends approval and Applicant's proposed changes to conditions (1<sup>st</sup> iteration) (Ex. 27).
- ❖ **DDOT** stated no objection to approval of the application (Ex. 29).
- ❖ **ANC3/4G**
  - ❖ Applicant attended public meeting of October 27, 2021.
  - ❖ Voted unanimously (5-0) to not oppose the application.
  - ❖ Resolution submitted in record at Ex. 24.
- ❖ **Party in Support and multiple letters in support** in case record from nearby residents (Ex. 33-38).

# Overview of Site and Zoning



Location of existing playing field



# Prior BZA Approvals

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**BZA Order No. 16561**, dated March 15, 2000, and effective as of May 17, 2000

- ❖ Approved special exception relief pursuant to § 206 of ZR58 to permit addition to school building.

**BZA Order No. 17718**, dated March 4, 2008, and effective as of March 6, 2008

- ❖ Approved special exception relief pursuant to § 206 of ZR58 to construct a new recreational play field; **established 11 conditions** for the field's use and operations.
- ❖ Approval was valid for three years.
- ❖ Office of Planning and ANC submitted reports in support of application. (See order at pg. 1.)

**BZA Order No. 18236**, dated September 13, 2011, and effective as of September 16, 2011

- ❖ Approved special exception relief pursuant to § 206 of ZR58 for the continuation of the recreational playing field use for ten years.
- ❖ **Included same conditions** as previously approved, except extended hours of operation by 1 hour.
- ❖ Office of Planning and ANC recommended approval of application. (See Ex. 24 and 29.)

# Background: the Shrine of the Most Blessed Sacrament School

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- ❖ Opened as a parish school in 1923 to 90 children grades 1-6.
- ❖ By late 1940s, enrollment grew to 800 children in grades K-8, prompting school's first expansion.
- ❖ Generally, 90% or more of students that attend school belong to the parish.
- ❖ Accredited by AdvancED and is a National Blue Ribbon School.
- ❖ The playing field is of critical importance to the school's operations.
  - ❖ BSS lacked adequate playing field space for decades.
  - ❖ Existing playing field is fondly referred to as "The Field of Dreams".

# Playing Field Existing Conditions (Ex. 5)



VIEW A-A: EXISTING CONDITION AT EAST SIDE OF FIELD



VIEW B-B: EXISTING CONDITION AT EAST SIDE OF FIELD



VIEW C-C: EXISTING CONDITION AT CHEVY CHASE PARKWAY



VIEW D-D: EXISTING CONDITION AT WEST SIDE OF FIELD



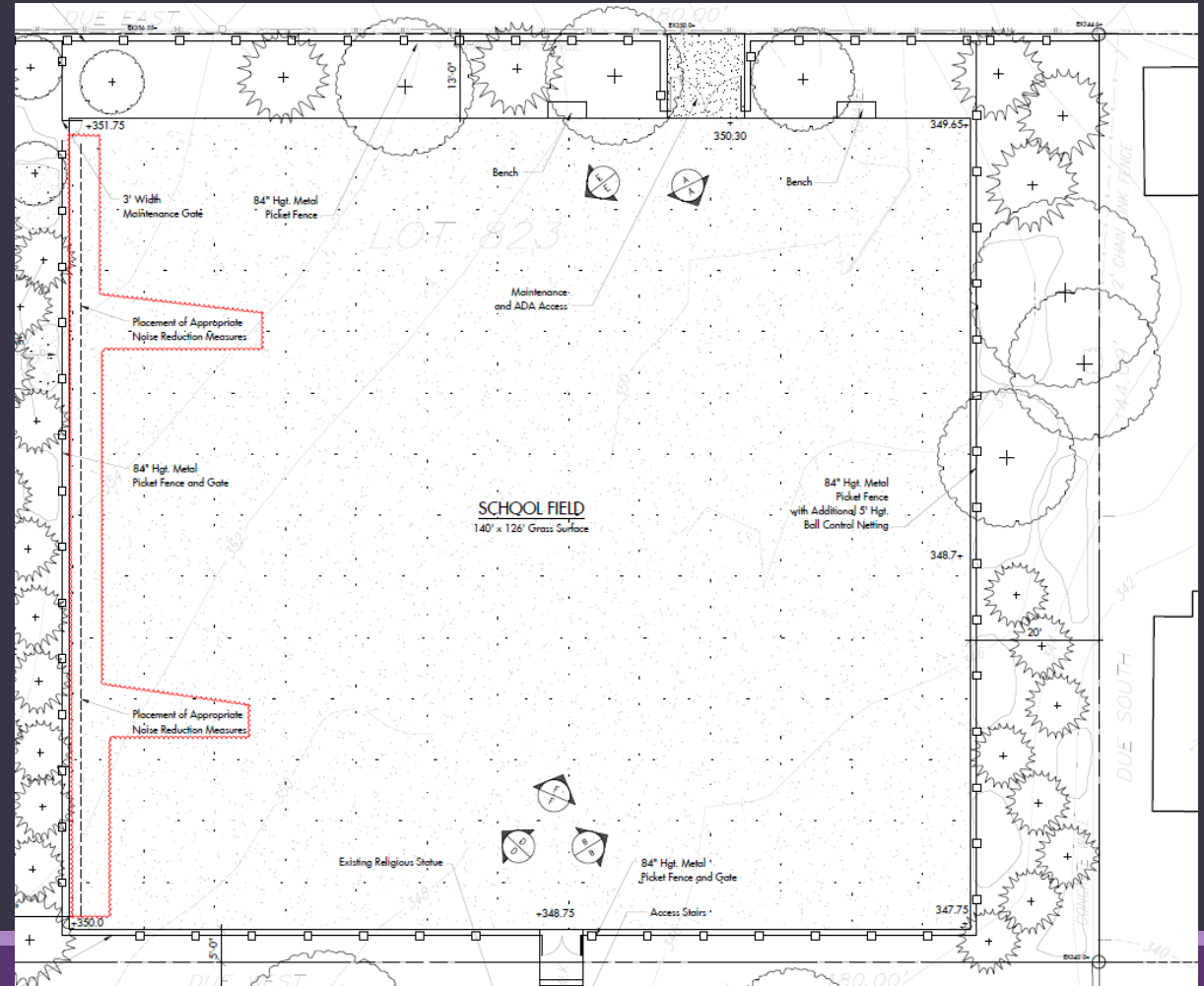
VIEW E-E: EXISTING CONDITION AT WEST SIDE OF FIELD



VIEW F-F: EXISTING CONDITION AT NORTH SIDE OF FIELD

# Updated Site Plan

- ❖ Combination of existing ornamental trees, evergreen trees, shade trees, and woodland shrubs.
- ❖ Applicant proposes 7-foot fence around perimeter of playing field site and permanent/moveable noise abatement measures (e.g., netting) to mitigate sound disturbances.
- ❖ Maintenance gates at south and northeast entrance.



# Playing Field Operations

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- ❖ Used as a playing field for students of the School.
- ❖ Consistent with the conditions of prior BZA orders, e.g.:
  - ❖ Hours: 9:00 a.m. – 6:30 p.m., but not after sunset.
  - ❖ No amplifiers, generators, compressors, or other loud noise devices.
  - ❖ Limited to 90 students at any given time.
  - ❖ Not used for any major athletic or sporting events or used by organized groups not part of School.
- ❖ Landscape buffer provided on all sides to buffer noise and ensure the peaceful use and enjoyment of adjacent owners' private property.
- ❖ School requires P.E. teachers, coaches, and playground monitors to oversee activity.



# Compliance with Special Exception Criteria

## Subtitle U § 203.1(m)

*Private schools and residences for teachers and staff of a private school, but not including a trade school, subject to the following conditions:*

- 1) *Shall be 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;*
- 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; and*
- 3) *After hearing all evidence, the Board of Zoning Adjustment may require additional parking to that required by this title.*

## Justification

- ❖ *Playing field for the school has been used for the past 13 years.*
- ❖ *Has been operated in a manner consistent with conditions of prior BZA orders.*
- ❖ *Landscape features will continue to be maintained and/or enhanced as needed.*
- ❖ *Schools implements policies requiring oversight of playing field activity.*
- ❖ *No proposed change to types of activities, maintenance, operations, access, or hours of use.*

# Compliance with Special Exception Criteria

## Subtitle X § 901.2

*The Board of Zoning Adjustment is authorized ... to grant special exceptions, as provided in this title, where, in the judgement of the Board of Zoning Adjustment, the special exceptions:*

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

## Justification

- ❖ **Consistent with purpose of R-1-B zone to “stabilize the residential areas and promote a suitable environment for family life.” 11-D DCMR § 300.1(b).**
- ❖ **Adequately buffered with landscaping and secured with a fence, locked gate, and lighting.**
- ❖ **School maintains the field in good condition and actively moderates noise and potential disturbances.**
- ❖ **Satisfies conditions of Sub. U § 203.1(m).**

# Responses to Party Opponent's Proposed Conditions (Ex. 23A)

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1. All provisions established earlier in BZA decision dated September 13, 2011, and in the private agreement between Msgr. John Enzler, Pastor on behalf of the Shrine of the Most Blessed .Sacrament and Clay H. Wellborn and Edna P. Wellborn are to remain in effect.

**RESPONSE:** The Applicant generally agrees. All conditions under BZA Order No. 18236 will remain in effect, subject to Board's approval of proposed modifications.

2. Because the playground has become attractive to climbers, replace the current fence, which can easily be climbed over, with a 10' chain-link fence around the entire site-- including the gates-- which are unlikely to be climbed over by neighborhood children when no guardian is present. This has already been done on the east side of the playground and in other examples of DC playgrounds.

**RESPONSE:** Pursuant to Section 3112.3.1 of the Building Code, only a 7' fence is permitted in Residential Zones. Moreover, a number of neighbors oppose the installation of a 10' fence. Nonetheless, the Applicant proposes revisions to Condition No. 3 that will: (i) cite to appropriate exhibit in case record and (ii) replace the existing 5' fence with a 7' fence.

# Responses to Party Opponent's Proposed Conditions (Ex. 23A)

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3. Keep the field locked at all times, except when it is in use by legitimate Blessed Sacrament activities.

**RESPONSE:** The Applicant agrees. The field has been and will continue to be kept locked in accordance with Condition No. 5 of BZA Order No. 18236.

4. Ensure that field is closed and locked by 6:30 pm or sunset – which ever is earlier.

**RESPONSE:** The Applicant agrees. The Applicant will continue to ensure that the field is closed/locked by 6:30 pm or sunset, whichever is sooner, as set forth in Condition No. 1 of BZA Order No. 18236.

5. Arrange for regular watering of any new trees or shrubs in the border between our two properties.

**RESPONSE:** The Applicant agrees. The Applicant proposes a revision to Condition No. 10 to specifically call for the watering of any newly installed trees. The Applicant will continue to maintain existing and new landscaping.

# Responses to Party Opponent's Proposed Conditions (Ex. 23A)

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6. Name a permanent coordinator of the field. Identify that person as the one we should contact in case of need. Provide us and the BZA with a position description for this person.

**RESPONSE:** The Applicant agrees. The Applicant proposes a new Condition No. 11 wherein the School formally identifies a point of contact/coordinator for the playing field and to provide the contact information for that person to the immediate neighbors and ANC.

7. Make the guardian, who ensures that the 6:30 closure is observed, permanent. Require him/her to be present between 6:20 pm and 10:00 pm. Instruct the guardian to require all those on the field to clear the area by 6:30 pm or sunset--whichever is earlier. Provide us and the BZA with a position description of this person.

**RESPONSE:** The Applicant does not agree. The School has implemented policies requiring strict oversight of field activity. The school also secures the field and is working with neighbors to confirm compliance with time restrictions. Further, the School is providing a point of contact/permanent coordinator for neighbors to the extent they experience operational issues. Moreover, given the cost of on-site security, the Applicant believes this condition to be unnecessary. The School will continue to instruct staff that activities need to be completed by 6:30 pm or sunset—whichever is earlier, in accordance with Condition No. 4.

# Responses to Party Opponent's Proposed Conditions (Ex. 23A)

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8. Because the noise of balls hitting the existing fence is like water torture--which happens many times during each day--provide a method to silence such occurrences, for example, by providing a net to catch the balls before they hit metal. An example is the playground between 41st Street, Livingston Street, and Western Avenue, NW.

**RESPONSE:** The Applicant agrees and therefore proposes to revise Condition No. 6 to install either permanent or moveable noise abatement measures (e.g., netting, padding, or comparable material) to mitigate the sound of balls hitting the fence along the western property line.

9. Provide respite from the constant noise from the use of the playground by closing the playground on weekends. The playground at the Presbyterian Church across Chevy Chase Parkway from BS closes on weekends, for example.

**RESPONSE:** Due to the continuation of and proposed revisions to the conditions in BZA Order No. 18236, the Applicant believes that a balance is achieved between the Party Opponent's concerns and the desires of the immediate community. Condition No. 9 permits limited use of the playground on weekends. As indicated in the Addendum for Party Status from Thomas Orgren (Ex. 26A), as well as multiple letters of support at Ex. 33-38, the immediate neighborhood values use of the playing field on weekends.

# Responses to Party Opponent's Proposed Conditions (Ex. 23A)

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10. To see whether Blessed Sacrament can effectively manage the playground, require them to return to the BZA after ten more years.

**RESPONSE:** The Applicant does not agree. The School has demonstrated a consistent ability to effectively manage the playing field since it was initially approved by the BZA in 2008, thus, for 13+ years. Moreover, the Applicant has proposed additional measures to mitigate any adverse impacts, including the designation of an on-going point of contact for neighbors. Furthermore, as part of their letter in support the ANC did not indicate that another 10-year term was necessary. For these reasons, the Applicant disagrees that it should return to the BZA after ten more years.

# Q&A

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