

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17703 of Sidwell Friends School, pursuant to 11 DCMR §3104.1, for a special exception under §206 for additions to a private school and a child development center under §205 on the school's campus in the R-1-B and C-2-A Zone Districts at premises 3825 Wisconsin Avenue, NW (Square 1825, Lot 816).

HEARING DATE: January 22, 2008
DECISION DATE: March 4, 2008

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR §3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission ("ANC") 3C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. ANC 3F, whose boundary is immediately adjacent to the subject property, filed a timely petition to the Board to be recognized as a party. The Board granted ANC 3F party status. ANC 3C and ANC 3F submitted reports in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR §3119.2, the Board has required the Applicant to satisfy the burden of proving the elements which are necessary to establish the case pursuant to §3104.1, for special exceptions under §205 and §206 of the Zoning Regulations. No parties or persons appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the reports of OP, ANC 3C and ANC 3F, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §3104.1 and §§ 205 and 206, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning

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Regulations and Map. The Board further concludes that granting the special exceptions will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3 that the Order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is, therefore, **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The Project shall be constructed in accordance with the plans prepared by Kieran Timberlake Associates LLP and Cannon Design and marked in the record as Exhibits No. 11 and 29 of the Record provided that the elevation of the athletic field adjacent to 37th Street shall not exceed its current elevation by more than two (2) feet as shown on the plans in Exhibits No. 11 and 29.
2. The maximum enrollment shall be 850 students.
3. The maximum number of faculty and staff shall be 190 for school purposes, and the Applicant may employ an additional six (6) staff members for the child development center pursuant to Condition No. 4.
4. The child development center enrollment shall not exceed sixteen (16) children and six (6) staff members.
5. The Applicant shall continue to fully implement and comply with the Transportation Management Plan as required by the BZA Order in BZA Application No. 17149.
6. The Applicant shall ensure that only vehicles containing a 5th or 6th grader will drop off or pick up students on 37th Street.
7. The Applicant will direct all users of the athletic facilities to park in the garage at no charge.
8. The Applicant shall provide an annual report to ANC 3C and ANC 3F, due no later than December 31, providing documentary evidence that demonstrates its compliance with enrollment and staff levels and other terms and conditions of this

Order, including the transportation management plan, and certifying that it is in compliance with this order.

VOTE: 5-0-0 (Ruthanne G. Miller, Marc D. Loud, Mary Oates Walker, Shane L. Dettman and Anthony J. Hood to approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this Order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: MAR 10 2008

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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.

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As Director of the Office of Zoning, I hereby certify and attest that on **MARCH 10, 2008**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below:

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TWR