

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16273 of the Lab School of Washington and George and Georgette Amouri, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to allow an addition to an existing private school and an increase in the maximum enrollment from 250 students to 310 students in an R-1-B District at premises 4759 Reservoir Road, N.W. (Square 1372; Lots 19, 20 and 24).

**HEARING DATE:** November 19, 1997  
**DECISION DATE:** December 3, 1997

**ORDER**

**SUMMARY OF EVIDENCE OF RECORD:**

1. The subject property is located in the Palisades neighborhood along the western edge of Ward 2 and bordering Ward 3, at the intersection of Whitehaven Parkway, Reservoir Road and MacArthur Boulevard, N.W. It is known as premise address 4759 Reservoir Road, N.W. The site consists of the main school buildings on Lot 24, a single family house on Lot 20, and a single family house on Lot 19 known as premise address 4734 Whitehaven Parkway N.W. The site is zoned R-1-B and contains approximately 163,569 square feet of land area on Lots 19, 20, and 24.

2. The Lab School acquired the subject site in 1982. Prior to that time, it was the former location of the Florence Crittendon home and school. The site is improved with the main "castle" building, three classroom buildings and a single-family house that was converted to administrative offices in 1992 after Board of Zoning Adjustment approval in Order No. 15642. The single-family house owned by the school on Lot 20 will be demolished in connection with the proposed expansion of the school. The single-family house on Lot 19 will be converted to school use.

3. A mixture of residential and institutional uses characterizes the area surrounding the subject property. Single-family houses are located to the east of the site along both sides of the Reservoir Road, N.W. St. Patrick's Episcopal School abuts the subject property to the rear, while Fire Engine House No. 25 is located immediately to the west. The Embassy of the Federal Republic of the Germany and an underground reservoir are located further to the east of the subject site.

4. In order to meet the athletic and academic needs of its students and for accreditation purposes, the Lab School proposes to construct two new buildings on the campus; a gymnasium and an additional classroom building. Other improvements would also be made to the property including a courtyard created as a result of new construction that would surround the existing carriage house, a covered walkway along the perimeter of the new courtyard and a reconfiguration of the existing parking lot. A minimum of 82 parking spaces would be provided. The proposed expansion of the Lab School also contemplates an increase in the student enrollment limit from 250 to 310 pupils, and a total of 40 full-time and 54 part-time employees.

5. The Lab School currently has no athletic facility for its students. The applicant testified that the Lab School has been forced to coordinate a complex schedule with other schools and organizations to use their facilities when available. These arrangements have proved increasingly difficult as the number and availability of facilities has decreased. The applicant stated that the lack of adequate facilities is a particular hardship on learning disabled students. The multi-sensory approach of the Lab School relies heavily on the integration of its students' physical capabilities into the learning process. Sports activities and physical achievements have proven critical in promoting the self-esteem of many learning disabled children.

6. The architect testified that the proposed gymnasium would consist of a one-story athletic facility along the western, rear portion of the campus. The height of the building would be 41 feet, as permitted under Section 400.9 of the Zoning Regulations. The structure would contain approximately 18,800 square feet to accommodate athletic courts, exercise equipment and instruction areas, and a 75-foot "scholastic-length" swimming pool.

7. The architect testified that the gymnasium has been designed to harmonize with the architecturally distinctive main "castle" building on the site. Many design elements have been incorporated into the new building that complement the architectural characteristics of the castle and the carriage house, which dates from the same period. The gymnasium would be built into the hill at the rear of the property to take advantage of the site's sloping terrain.

8. The architect also testified that a new two-story classroom building containing approximately 9,500 square feet of space would be added to the rear of the existing four-story building on the campus. Like the gymnasium, it also incorporates design elements from the main "castle" building and the small carriage house. The addition would be devoted primarily to arts instruction, which has proven to be one of the most effective educational tools for the learning disabled child.

9. The architect further testified that the existing single-family home at 4734 Whitehaven Parkway, N.W. would be converted to school uses.

10. The applicant stated that the Lab School proposes to expand enrollment to 310 students in order to accommodate the growing demand for its highly successful program for learning disabled students. Under BZA Order No. 14006, the school is authorized to enroll 250 students. However, as the result of pressing demand, the school currently enrolls 294 students. The applicant stated that the school has been operating at this level without any adverse effects on surrounding properties. With the addition of the gymnasium and new classroom building, the school can easily accommodate 16 more students without having any negative impact on the surrounding residential property.

11. The applicant testified that the School also proposes to continue to employ 40 full-time and 54 part-time faculty members. In its original order authorizing the establishment of the Lab School, the Board noted that the school would employ 50 teachers and staff, but it did not place any restriction on the number of employees. Since that time, the applicant has adjusted the number of full-time and part-time employees to most effectively meet the staffing needs for the school, its special curriculum, and its administration and facilities management.

12. Both the architect and the traffic consultant testified that the school would provide a minimum of 82 parking spaces on the site. The spaces would be located in a reconfigured parking lot at the front of the property. The new lot would be terraced to follow the slope of the site and would be attractively landscaped. The traffic consultant testified that the proposed number of spaces is more than adequate to accommodate the number of full-time and part-time faculty and staff, and any visitors to the site.

13. The architect testified that there would be no appreciable increase in noise as a result of the two new buildings on the campus, or the increase in student enrollment. All activities associated with the gymnasium and classroom would be conducted indoors, thereby containing any potential adverse noise impacts. Further, the gymnasium and classroom are located in the northeastern portion of the property, which abuts St. Patrick's Episcopal School, another institutional use. The former residential properties located along the western edge of the site have been acquired or are under contract for purchase by the Lab School, thus eliminating any potential adverse effects on these properties. Across Whitehaven Parkway to the northwest are two more institutional uses, Mount Vernon College and Our Lady of Victory Church, and three single-family dwellings. The primary entrance to the gymnasium would be located along the eastern side of the building, facing the courtyard, in order to protect these three residences from any potential adverse impacts. In addition, the traffic consultant testified that the current access

to the site from Whitehaven Parkway would be permanently closed as part of the proposed project, thereby further reducing any potential impacts on Whitehaven Parkway.

14. The traffic consultant also testified that the school proposes to realign the Reservoir Road entrance to the site with the MacArthur Boulevard intersection in order to take advantage of the traffic signal at that location. This improvement, combined with the closure of the Whitehaven Parkway entrance, would enhance traffic circulation patterns and minimize any adverse effects on the surrounding area. The traffic consultant further stated that the additional number of trips to the site generated by the increased enrollment would not change the current levels of service, which are well within the acceptable range as determined by the D.C. Department of Public Works.

15. The applicant testified that there were five community meetings over the course of a 10-month period to review the application. Specifically, the Lab School made presentations at meetings with the Palisades Citizens Association on February 4, 1997; Advisory Neighborhood Commission 3D on April 14, 1997; the Foxhall Citizens Association on May 21, 1997; and, finally, ANC-2E at both its September and October 1997, meetings.

16. By letter dated November 16, 1997, ANC 2E indicated that it approved a resolution by unanimous vote, stating that it had no objections to the Lab School's plans for an addition, and an increase in the maximum student enrollment from 250 to 310.

17. By letter dated November 7, 1997, ANC 3D noted its support of the application conditioned upon the Lab School complying with all federal and local regulations concerning its plan to fill in the wetland area on its property.

18. In response to the issue raised by ANC 3D, the architect testified that the Lab School property contains a small wetland area that would be affected by the proposed development. A permit to fill in the wetland area was submitted to the United States Army Corps of Engineers and the permit for the proposed activities was issued on December 19, 1996. Further, the applicant has met with the staff of the D.C. Department of Consumer and Regulatory Affairs (DCRA) at the site to review the proposed activities and the latest project plans. Based upon these reviews, it appears that the required wetland mitigation can be conducted on the property, and that the review criteria and conditions mandated by DCRA for issuance of the necessary permits can be achieved within the context of the proposed project plans.

19. Penny Pagano, President of the Palisades Citizens Association, testified in support of the proposed expansion of the Lab School. She complimented the Lab School for its efforts to reach out to community members for input on the proposed plans and noted that the Lab School is a major asset to the community.

20. Judy Rosenfeld, a resident of the Palisades Community, and a parent of a former Lab School student, spoke in strong support about the Lab School's contribution to the educational community in Washington and the Lab School's need for expansion.

21. Pat Kushlis, a resident at 4751 Whitehaven Parkway, N.W., testified in opposition to the application. She indicated that she had not participated in any of the five community meetings concerning the application. She noted that although the Lab School performs important services, she is concerned about spillover parking from the Lab School onto Whitehaven Parkway. She stated that she and her neighbors have applied for a residential permit parking zone on Whitehaven Parkway in an effort to control the current situation. Presently, parking on Whitehaven Parkway is unrestricted.

22. An abutting property owner, Palmer Graham of 1922 47th Street, N.W., indicated by letter dated November 6, 1997 that the existing HVAC equipment associated with the school creates a noise problem that affects her house. By letter dated November 19, 1997, submitted at the hearing, Ms. Graham withdrew her objection to the application, noting that the applicant had agreed to a condition regarding abatement of the noise issue associated with existing HVAC equipment.

23. The D.C. Office of Planning (OP), by testimony at the public hearing and by Report dated November 12, 1997, recommended approval of the application. OP stated that the proposed expansion would not have a negative impact on the area surrounding the site, and would not be in disharmony with the general purpose and intent of the Zoning Regulations and Map. OP recommended approval with the following conditions:

1. The number of students shall not exceed 310.
2. The number of facility and staff shall not exceed 95.

**FINDINGS OF FACT:**

Based on the evidence of record, the Board finds as follows:

1. The applicant complies with the provisions of Section 206 and DCMR 3108.01 of the Zoning Regulations.

2. The proposed expansion of the Lab School will not be a detriment to the public good. The school, as expanded, will be in harmony with the existing uses on neighboring properties. The realignment of the main entrance to the site combined with the closure of the existing Whitehaven Parkway access to the site will have only positive impacts on traffic conditions in the neighborhood. Further, it is anticipated that any existing impacts on Whitehaven Parkway will be lessened when residential permit parking is implemented on that street.

3. A private school is specifically named in Section 206 as a permitted use in the R-1-B district, with BZA approval. The specific operational characteristics, location and physical description of the proposed expansion of the Lab School will not impair the intent, the purpose and integrity of the zone plan embodied in the Zoning Regulations and Map.

4. The Board takes note of the position of Advisory Neighborhood Commissions 2E and 3D, and in its decision the Board has accorded to the ANCs the "great weight" consideration to which they are entitled.

#### **CONCLUSIONS OF LAW AND OPINION:**

Based on the findings of fact and evidence of record, the Board concludes that the applicant has satisfied the burden of proof required for the relief requested. The Board concludes that no adverse impacts will result from the construction of the proposed gymnasium and classroom building and from the use of the existing single-family home for school purposes. The school, as expanded, will meet or exceed all requirements of the R-1-B District regulations.

Based on the foregoing, the Board hereby **ORDERS** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The number of students shall not exceed 310.
2. The number of faculty and staff shall not exceed 95.
3. Within eight months of the effective date of this order, the existing cooling tower located on the west side of the roof of the classroom building shall be removed and a new acoustically-design tower shall be installed to the north of the existing stair tower on the roof of that building. Further, the existing fan in the cooling tower shall be replaced. The new fan shall have either vertical air projection or horizontal projection to the north. As redesigned, the noise level generated by the cooling tower at the property line shared by the Lab School and the residences at 1922 and 1924 47th Street, N.W., shall

not exceed 55 decibels. If, after the proposed changes are implemented, the decibel level exceeds the indicated limit, or if the residences at 1922 and 1924 47th Street, N.W., are not satisfied with the noise level, further changes shall be made to achieve the stated limit prior to securing a certificate of occupancy for the proposed new gymnasium and classroom building. Such changes may include, but shall not be limited to, the installation of sound attenuators.

**VOTE: 3-0** (Betty King, Sheila Cross Reid and Susan Morgan Hinton to grant and adopt the proposed order; Laura M. Richards not voting, not having heard the case).

**THIS ORDER WAS ADOPTED BY THE BOARD OF ZONING ADJUSTMENT AT ITS PUBLIC MEETING OF DECEMBER 3, 1997.**

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

ATTESTED BY:



**MADELIENE H. DOBBINS  
Director**

**FINAL DATE OF ORDER:** FEB 24 1998

PURSUANT TO D.C. CODE SECT. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "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 BEFORE THE BOARD OF ZONING ADJUSTMENT."

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA APPLICATION NO. 16273**

As Director of the Board of Zoning Adjustment, I certify and attest that on  
FEB 24 1998 a copy of the order entered on that date in this matter was  
mailed first class, postage prepaid to each party who appeared and participated in the public  
hearing concerning this matter, and who is listed blow:

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Attested By:

A handwritten signature in black ink, appearing to read "Madeliene H. Dobbins", written over a horizontal line.

**MADELIENE H. DOBBINS**  
Director

Date: FEB 24 1998

attest/ljp