

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16517 of Vestry – St. Patrick’s Church, pursuant to 11 DCMR 3108.1 (new section 3104.1), for a special exception under Section 206 to allow the construction of a one-story athletic building with gymnasium and an addition to and renovation of a classroom of an existing private school in the R-1-B District at premises 4700 Whitehaven Parkway, N.W. (Square 1372, Lot 817 and Square 1374, Lot 5).

HEARING DATE: December 8, 1999

DECISION DATE: December 8, 1999 (Bench Decision)

SUMMARY ORDER

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) 2E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to this application, submitted a written statement in support of the application.

As directed by 11 DCMR 3324.2 (new 3119.2), the Board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception pursuant to 11 DCMR Section 206. No person or entity appearing as a party to this case testified in opposition to the 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, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108.1 (new 3104.1), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The gymnasium will not be more than 12 feet in height above the level of the playing field.
2. The distance between the western wall of the parking lot on the north side of Whitehaven Parkway and the property line that the school shares with the Hornblowers at 4800 U Street, NW, will be at least 8 feet.
3. The evergreen buffer required in BZA Order No. 14009, as amended, will be maintained to mitigate the visual and aural effects of the project.
4. There will be no exterior lighting of the gymnasium except that required for security and identification purposes.
5. No light fixture attached to the gymnasium or installed in the adjacent parking lot shall be visible from an occupied level of a Berkeley Terrace residence.
6. There will be no lighting of the playing field. Any lighting of the parking lot will be installed such that the rays are directed toward the surface of the lot to avoid an impact on adjacent properties.
7. There will be no sound systems installed outside. Portable sound systems may be used only in connection with school and church events and only during daytime hours, subject to reasonable limitations (or instruction to the coaches or masters of ceremony).
8. The gymnasium roof shall remain free of any fixtures or attachments, such as lights, HVAC equipment, antennas and satellite dishes.
9. St. Patrick's shall install and maintain evergreen trees along the southern edge of the playing field.
10. The school facilities shall be used for school and church purposes only except that non-profit 501 (c)(3) organizations, such as scout troops and community groups, may use school facilities subject to a maximum of three times a month. On Saturdays, Sundays, and holidays, the playing field may be used for school or church purposes. Use by non-school, non-church organizations during this time shall be limited to once per month.

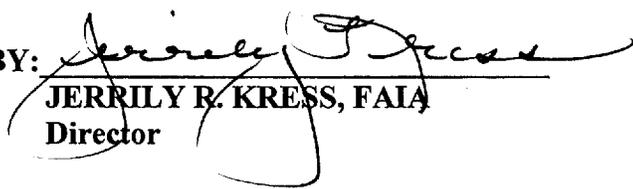
11. There shall be a 6:00 p.m. curfew on the use of the playing field.
12. No stadium seating or bleachers shall be constructed either of a temporary or a permanent nature or shall be installed on the playing field level.

Pursuant to 11 DCMR 3301.1 (new 3101.6), the Board has determined to waive the requirement of 11 DCMR 3331.3 (new 3125.3) that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4 to 0 (Sheila Cross Reid, Kwasi Holman, Jerry Gilreath and Robert Sockwell to approve.)

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

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC 28 1999

PURSUANT TO D.C. CODE SEC. 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 3125.6, "A DECISION OR ORDER OF THE BOARD SHALL BE AND BECOME FINAL UPON FILING IN THE RECORD AND SERVICE UPON THE PARTIES."

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

BAB/12.15.99

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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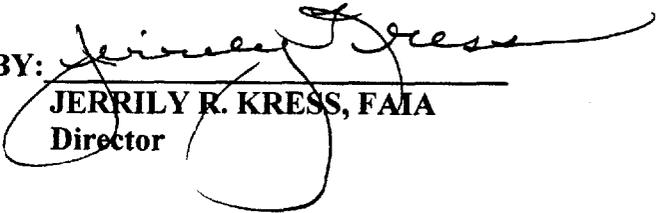
BZA APPLICATION NO. 16517

As Director of the Office of Zoning, I hereby certify and attest that on DEC 28 1999 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 the matter, and who is listed below:

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Wilkes, Artis, Hedrick and Lane
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Peter Barrett, Headmaster
Saint Patrick's Episcopal Day School
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Washington, DC 20007

Jonda McFarlane, Chairperson
Advisory Neighborhood Commission 2E
St. John's Episcopal Church
3265 S Street, NW
Washington, DC 20007

ATTESTED BY: 

JERRILY R. KRESS, FAIA
Director