

Cleveland Park Citizens Association

040501R Resolution: Sidwell Friends School BZA Application and “Clean Hands”

WHEREAS, in the District of Columbia, educational and other nonprofit institutions operating under special exceptions to the Zoning Code granted by the Board of Zoning Adjustment (BZA) must apply to the BZA for any expansion; and

WHEREAS, Sidwell Friends Schools has submitted an application for expansion to the BZA and is at this time in non-compliance with its existing BZA order on student enrollment cap, with the 2003/2004 enrollment at 800 while the existing BZA cap is 780; and

WHEREAS, Advisory Neighborhood Commissions, civic and citizens associations, have opposed applications for expansion when applicants are in substantial non-compliance with their BZA order(s); and

WHEREAS, the Private School Task Force, convened by Councilmember Patterson, recently recommended that the BZA “summarily dismiss a private school’s application for a special exception if the BZA finds the applicant is not in material compliance with any BZA order”; and

WHEREAS, compliance with Zoning Order(s) is crucial to maintaining trust, credibility, and a balance of interests between the institution and the neighborhood as well as the credibility of the government and our laws; and

WHEREAS, the principle of “clean hands” is well established in U.S. courts and regulatory bodies; and

WHEREAS, it is a minimum expectation that institutions operating under special exceptions to the zoning orders follow the law; therefore be it

RESOLVED THAT THE CLEVELAND PARK CITIZENS ASSOCIATION

Opposes any application for special exception from an institution which is currently operating in violation of its existing Zoning Order[s]; and

Urges the BZA to require any applicant for a special exception to demonstrate compliance with the Zoning Order(s) under which it is currently operating; and

Urges the BZA to recognize that its acceptance of applications from institutions in non-compliance encourages continued non-compliance with its Zoning Orders by these institutions and by others; and

Urges the Zoning Commission to amend the Zoning Regulations so as to require that the BZA must summarily dismiss any special exception or variance application from any institution which is not in compliance with its current special exception Order(s), unless it is shown that the institution’s non-compliance is due to extraordinary circumstances beyond its control; and

Urges the Sidwell Friends School to bring itself into compliance with its existing special exception order, before bringing its current application to the BZA.

BE IT FURTHER RESOLVED THAT the President or his designee is authorized to represent the Cleveland Park Citizens Association on this matter.

This resolution was adopted by the CPCA Executive Committee on April 14, 2004, and is presented for ratification by the Cleveland Park Citizens Association membership at its meeting on May 1, 2004.