

## History of Applications for Green Hedges School – 415 Windover Ave NW

DATE	APPLICATION TYPE	REQUEST	CONDITIONS
4/6/1961	Town Attorney Determination	Increase enrollment	Increased enrollment does not violate Sectio 12-16.12 or 12-16.22
8/24/1964	Use Permit	New addition for school	Approved with restrictions for adequate off-street parking and horseshoe drive, enrollment limited to 80.
4/15/1970	Use Permit	To enlarge Green Hedges School located at 415 Windover Ave to include Lots 1-5 Windover Heights	<ol style="list-style-type: none"> <li>1. The site plan as presented on April 15<sup>th</sup> (Exhibit A) shall be adhered to.</li> <li>2. All permanent parking areas shall be to the rear of the proposed building.</li> <li>3. If it is necessary to remove the existing ornamental shrubbery next to the Huff property line it will be replaced by an ornamental masonry wall.</li> <li>4. The total enrollment at the School shall not exceed 100 students.</li> <li>5. No prepared parking spaces shall be developed along the entrance driveway between Nutley Road and the permanent parking areas.</li> <li>6. The existing buildings and grounds will be put in good repair and all buildings and grounds, including those constructed as a result of granting the use permit, will be kept in good maintenance.</li> <li>7. Any additions or structural changes to either the buildings or recreational facilities, other than those consistent with the site plan (Exhibit A), shall require the approval of this Board.</li> </ol>
5/17/1978	Use Permit	Increase enrollment from 80 to 120	Approved with restrictions for parking lot screening and addition of speed bumps on Nutley Street entrance
6/17/1981	Use Permit	Use of 427 Windover Ave NW for additional classroom space and storage	Approved for ages 8 through 14 and additional facility be restricted fully to classroom space and storage of instructional materials.
5/15/1985	Use Permit	To amend the existing Use Permit to allow an increase of 70 students bringing total to 190 students. Multi-purpose room added to rear of 415 Windover Ave NW	Approved with construction completed by May 1987; increase of enrollment from 120 to 190 students
7/17/1986	Zoning Administrator Determination	Clarification of 5/15/85 condition	Condition clarified to state "Construction to be underway by May 1987"

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12/15/1997 & 12/17/1997	Conditional Use Permit and Site Plan Modifications	Master plan for 4,108 sf classroom addition and certain driveway modifications, installation of storm drainage system along Windover Ave NW, escrowing funds for future sidewalk construction. Former Kilmer home incorporated into campus as school offices <b>Max enrollment of 190 students and total staff of 33</b>	<ol style="list-style-type: none"><li>1. Granting of the requested conditional use permit, with the stipulation that the house on the property shall be used as a residence only by Mrs. Kilmer and only until such time as it is vacated by Mrs. Kilmer, will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and will be in accord with the Master Plan of the Town of Vienna.</li><li>2. Boardmembers noted the process that had taken place prior to the Green Hedges application appearing on the Board's agenda, the Planning Commission's review and recommendations on the matter, and the Town Council's approval of the site plan modification and public street improvements waiver on December 15, 1997.</li><li>3. Boardmembers also noted that Green Hedges will maintain enrollment at a maximum of 190 students and a maximum number of 33 staff members.</li><li>4. The Board also noted the Planning Commission's positive recommendation regarding the conditional use permit and the Town Council's support of the Commission's recommendation. By amendment to the main motion, the Board also attached the Town Council's approvals and recommendation (as denoted in the Planning and Zoning Director's memorandum dated December 16, 1997) to its approval of Green Hedges' request for an amendment to the existing conditional use permit.</li></ol> <p>Site Plan Modifications approved by Mayor and Town Council on December 15, 1997</p> <ul style="list-style-type: none"><li>• Increase lot coverage to 34.5 percent</li><li>• Modification granted is based on the level of use represented, number of students, staff, classrooms, etc., and should that level ever require an increase, then this site plan must be so modified and the Board of Zoning Appeals be so addressed.</li><li>• Approved in reliance on assurances that there are no plans to increase enrollment, staff or facilities at Green Hedges School,</li></ul>
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			<p>and upon the expressed understanding and agreement by school representatives that no additional facilities or enrollment will be requested of or is likely to be approved by the Town in the foreseeable future.</p> <ul style="list-style-type: none"> <li>• Waiver from public street improvement requirements, and in lieu thereof, construction of a storm drainage system along the northwesterly side of Windover Avenue, N.W. , to an existing system near Nutley Street, N.W.</li> <li>• Escrowing of those funds that represent the difference between the cost of the storm drainage system along Windover Avenue, N.W., (some \$15,00.00) and the cost to improve the public street that adjoins the subject tract (approximately \$20,148.20), plus an additional \$2,000.00 thereby, bringing the total escrowed funds to be no greater than \$7,148.20.</li> <li>• Escrowed funds up the necessary amount, not to exceed \$7,148.20 , will be used by the Town of Vienna for the construction of a meandering asphalt sidewalk from Green Hedges School to Nutley Street, N.W., recognizing that prior to the initiation of construction, the Malcolm-Windover Heights Civic Association will hold a meeting to discuss the matter and recognizing that the Town will accept input on this matter from property owners directly abutting the proposed sidewalk.</li> <li>• The Kilmer house may be used as a residence only until Mrs. Kilmer vacates the premises.</li> <li>• The Kilmer house be limited to administrative services only upon the vacation of the premises by Mrs. Kilmer.</li> </ul>
9/20/2000	Conditional Use Permit	Addition of 6,750 sf outdoor playground facilities	Use of the field, by the school, being limited to the school's hours of operation between 8:00 AM and 6:00 PM daily
3/21/2007	Conditional Use Permit	Increase in square footage to 41,508 sf; reconfiguration of parking area, addition of athletic facility; increase staff to 37; retain maximum enrollment of 190 students;	<ol style="list-style-type: none"> <li>1. Enrollment limited to 190 students (no change).</li> <li>2. A maximum of 37 full-time equivalent employees shall be permitted.</li> <li>3. The hours of school activities shall be as follows:</li> </ol>

## History of Applications for Green Hedges School – 415 Windover Ave NW

	Consolidation adding 227 Nutley St NW to property.	<ul style="list-style-type: none"><li>– Normal School Activities (including daily physical education classes and after school classes): from 7:00 AM to 6:00 PM Monday through Friday-including extended day, which ends at 6:00 PM.</li><li>– Extracurricular Activities, special school events, and similar infrequent or intermittent activities: the hours of use may be extended to 9:00 PM during the week, and between 9:00 AM to 5:00 PM on Saturdays, and 10:00 AM to 2:00 PM on Sundays. With prior notification to abutting neighbors, one-time events, outside of these hours, may be allowed. The Board of Trustees meetings shall be permitted to continue on Sunday evenings.</li><li>– The rental of the School's facilities, including the underground athletic facility, when completed, shall be limited to 3:00 PM to 9:00 PM Monday through Friday; from 9:00 AM to 5:00 PM on Saturday; and from 9:30 AM to 2:00 PM on Sundays.</li><li>4. The School shall continue to mitigate and negative impact on the surrounding neighborhoods from traffic and parking for all events and activities, including private groups or individuals renting the School's facilities. The school shall provide and enforce off-street parking for all such activities.</li><li>5. The School will provide scheduling for use of facilities to neighborhood youth teams, clubs and organizations. The School will also charge a reduced rate to these neighborhood groups.</li><li>6. Rental policies and one-time events will be reviewed annually, or on an as-needed basis with abutting neighbors and the Town's Director of Planning &amp; Zoning.</li><li>7. The maximum occupancy of the underground athletic facility shall be 375 individuals, or the maximum limit as set by the Fire Marshal.</li><li>8. Construction of improvements may be phased; the first phase of construction shall begin within 18 months of the approval of this conditional use permit amendment.</li></ul>
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## History of Applications for Green Hedges School – 415 Windover Ave NW

			<ol style="list-style-type: none"><li>9. Contracts for extracurricular activities or other use of the School's facilities may remain in effect until the end of the 2006-2007 school year.</li><li>10. Green Hedges School will use their best efforts to preserve the existing trees on neighboring properties.</li></ol>
3/15/2017	Conditional Use Permit	Utilize a portion of 202 Lewis St NW to provide additional parking. Increase to 48 spaces; future plan for 56 spaces; <b>Increase FTO from 37 to 42 (originally requested 45 FTE)</b> ; Educational garden	<ol style="list-style-type: none"><li>1. The two parking spaces located at 202 Lewis St NW shall be used by maintenance, custodial and administrative personnel of Green Hedges School and not be available for public or visitor parking. Signs notifying individuals of this limitation will be posted.</li><li>2. The two parking spaces located at 202 Lewis St NW shall be screened with landscaping consistent with that shown on the Sheets 10 and 11 of the Site Development Plan.</li><li>3. The total number of parking spaces at 415 Windover Ave NW and 202 Lewis St NW shall not exceed 56.</li></ol>

April 5, 1961

Mr. Marcus L. Beckner  
Professional Building  
Fairfax, Virginia

Re: Green Hedges School

Dear Mr. Beckner:

The following is an excerpt from the minutes of a regular meeting of the Vienna Town Council held on March 21, 1955:

"The Mayor recognized Mr. Kenton Kilmer who asked permission to open and operate a day school from kindergarten through the eighth grade on the property he will purchase from Cdr. Harlfinger on Windover Avenue and Lewis Street. The Council was in favor of this project and the Clerk was instructed to issue the necessary business license permit upon request by a motion made by Mr. Gibson, seconded by Mr. Upheus and carried."

This action was taken prior to use permit requirements for this type of activity, and you will note that no restriction as to size or number of pupils was placed upon the operation. Mr. Kilmer now wishes to increase the number of students enrolled in Green Hedges School from 60 to 75. The increased enrollment would not necessitate the enlarging of the school buildings, and it would be done by a redistribution of students within the existing structure and the use of a nursery room not presently used for instruction purposes.

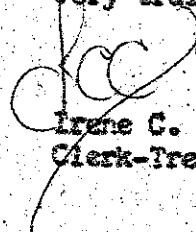
When the matter of an increased number of patients to be cared for in a Vienna nursing home was brought before Council, we found, and this was substantiated by your legal opinion, that our zoning controls did not extend to the number of patients served, and that this was a control exercised by the state and county through health and fire regulations. Would this also apply to the number of students enrolled in a private school, which is also subject to the aforementioned state and county controls?

Will you please let us have your written opinion as to whether or not the Green Hedges School will need any approval on the part of Vienna for increasing its enrollment if they can do so within the restrictions placed upon them by the other authorities. In other words, would it be necessary for Green Hedges School to make application for a use permit before accepting additional students?

As the enrollment dates at Green Hedges School usually fall during the month of April, we will appreciate your advice in this regard as soon as possible.

Thank you.

Very truly yours,

  
Irene C. Cole  
Clerk-Treasurer

ICC:je  
cc: Town Manager  
Zoning Administrator  
Green Hedges School

C  
O  
P  
Y

# Town of Vienna, Virginia



*Mail Address:*  
P.O. Box 127  
VIENNA, VIRGINIA

127 Center Street South

DUnkirk 5-6000

April 6, 1961

Mrs. Irene Cole  
Clerk-Treasurer  
Town of Vienna, Virginia

Re: Green Hedges School

Dear Mrs. Cole:

Receipt of your letter of April 5, 1961, is hereby acknowledged.

The indication in your letter corresponds with my opinion that so long as the increased school enrollment does not violate Section 12-16.12 or 12-16.22, there is nothing that we are obligated to do or be concerned with. The mere increase in the number of students would not change the non-conforming use.

Sincerely yours,

*Marcus L. Beckner, Jr.*  
Marcus L. Beckner, Jr.  
Town Attorney

MLB/jg

August 17, 1964

TO: BOARD OF ZONING APPEALS  
FROM: ZONING ADMINISTRATOR  
RE: Use Permit to use ne building and existing buildings for private school.

Mr. and Mrs. Kenton Kilmer have made application to operate a private school (Green Hedges), at 411 Windover Ave., N.W. Vienna, Virginia.

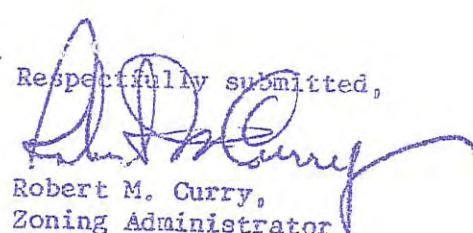
This operation started in 1955 before use permits were law in Vienna, so the Green Hedges were never issued one. (I can find no record). The only changes since 1955 has been enrollment and use permit was not required according to Town Attorney at that time. (Copy of letter enclosed).

The Kilmers have made this application to relieve the crowded condition and not to increase the enrollment. Also they are going to provide additional parking for teachers and parents who pick up their children.

I would recommend approval and make the conditions for the school:

1. To hold the enrollment at its present number which is 80.
2. To provide off street parking for its teachers.
3. To provide adequate driveway for parents delivering and picking up children so not to cause a traffic problem in the residential section.
4. If the proposed driveway is not adequate, then Windover Avenue should be widen in front of property so waiting cars will not be blocking traffic in front of the homes directly affected and also blocking traffic at the corner of Windover Avenue and Lewis Street.

Respectfully submitted,

  
Robert M. Curry,  
Zoning Administrator

RMC/cla

**Town of Vienna, Virginia**  
APPLICATION FOR  
**USE PERMIT**

Town of Vienna  
127.Center Street South  
P.O. Box 127  
Vienna, Virginia

(We) (I), **Kenton Kilmer**, the undersigned (owners) ~~occupants~~ of  
411 Windover Avenue (corner of Windover & Lewis Sts.)

Lot \_\_\_\_\_ Block \_\_\_\_\_ Section \_\_\_\_\_ of the Subdivision of \_\_\_\_\_

The Town of Vienna, Virginia, premises known as **Green Hedges School**

hereby apply as required by Section 15-17 of the Zoning Ordinance of the Town of Vienna for a Use

Permit authorizing that the said premises and property be put to the following use or uses: \_\_\_\_\_

**Addition of one room to school operated on this site since 1955.**

Remarks:

Signed **Kenton Kilmer**  
411 Windover Avenue  
Address **Vienna, Virginia**

*Zoning Administrator*

BOARD OF ZONING APPEALS  
TOWN OF VIENNA, VIRGINIA

In re the matter of application:  
of Kenton Kilmer for a Use Per-  
mit for Green Hedges Private :  
School, Vienna, Virginia. :

ORDER

The captioned came before the Board of Zoning Appeals of the Town of Vienna on an application for a Use Permit for a new building being constructed as an addition to the Green Hedges Private School, 411 Windover Avenue, Vienna, Virginia.

The Public Hearing was held on the 19th of August 1964, at which time oral testimony was received in favor of the application. No opposition was heard to the application at the public hearing. However, the traffic conditions adjacent to the school were stated to be of concern to adjacent land owners.

The Board finds:

1. That because of the narrowness of Windover Avenue, school traffic causes extreme congestion during the three peak periods of the day, i.e., 8:50 a.m. - 9:05 a.m.; 11:50 a.m. - 12:10 p.m.; and 2:50 p.m. - 3:10 p.m.
2. At present, there is not sufficient off-street parking at Green Hedges School.
3. At present, there is no anticipated increase in student body.
4. There is sufficient space at 411 Windover Avenue, N.W. for adequate off-street parking.
5. The applicant stated his intention to construct a horseshoe-shaped driveway to alleviate the traffic problem which presently exists on Windover Avenue and Lewis Street.
6. Other than the problem posed by vehicular traffic and lack of parking space, no objections were found concerning the operation of the school itself.

It is therefore this 24th day of August 1964 ORDERED  
that the Use Permit be granted with the following restrictions:

1. The development of adequate off-street parking so as to eliminate the parking of automobiles during school hours on Windover Avenue or Lewis Street.
2. To develop the horseshoe drive to accommodate a sufficient number of vehicles so as to alleviate congestion resulting from the standing of vehicles on Windover Avenue and Maple Avenue.
3. The expansion of these facilities be proportioned to any expansion of the school.

*Robert W. Gambino, Esq.*

ROBERT W. GAMBINO, Secretary  
Board of Zoning Appeals

# Town of Vienna, Virginia

## USE PERMIT

NO. 230

GREENHEDGES SCHOOL, the (owners) (XXXXXX) of

Lot 1-5 Block 17 Section 2.30451 a.c.s of the Subdivision of Windover Heights

The Town of Vienna, Virginia, premises known as Nutley Road and Windover Ave.

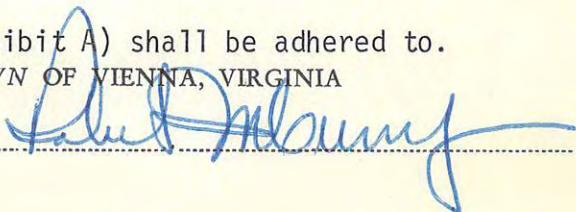
under Section 16.0 of the Zoning Ordinance of the Town of Vienna is hereby granted a Use Permit authorizing that the said premises and property be put to the following use or uses: to enlarge Green Hedges School located at 415 Windover Avenue to include Lots 1-5 Windover Heights

### CONDITIONS:

- XXXXXX
1. The site plan as presented on April 15th (Exhibit A) shall be adhered to.
  2. All permanent parking areas shall be to TOWN OF VIENNA, VIRGINIA the rear of the proposed building. (OVER)

Dated April 15, 1970

By:



3. If it is necessary to remove the existing ornamental shrubbery next to the Huff property line it will be replaced by an ornamental masonry wall.

4. The total enrollment at the School shall not exceed 100 students.

5. No prepared parking spaces shall be developed along the entrance driveway between Nutley Road and the permanent parking areas.

6. The existing buildings and grounds will be put in good repair and all buildings and grounds, including those constructed as a result of granting the use permit, will be kept in good maintenance.

7. Any additions or structural changes to either the buildings or recreational facilities, other than those consistent with the site plan (Exhibit A), shall require the approval of this Board.

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

In re the matter of application  
submitted by Charles Wight to  
enlarge Green Hedges School  
located at 415 Windover Avenue, N.W.

O R D E R

The captioned matter came on to be heard before the Board of Zoning Appeals of the Town of Vienna on the application for a Use Permit for an addition to Green Hedges School, located at 415 Windover Avenue, N.W., of one building, and the enlargement of the enrollment to 100 students, and upon consideration of the testimony of numerous witnesses and examination of exhibits offered into evidence and after a full public hearing was held on the matter, the Board of Zoning Appeals makes the following findings of fact:

1. one (1) adjoining property owner testified in opposition to the application, based primarily on increased noise and a loss of privacy. Testimony was also given by the owner of neighboring property on Windover Avenue who stated he opposed the Use Permit because no detailed building plan for the addition was presented to the public at the public hearing. A letter in opposition to the application signed by three (3) property owners in the Town House Community on Commons Drive was presented to the Board,
2. the area in which the use permit is sought is characterized as single family residential along with town houses and several public uses, namely the Town of Vienna, Public Works Department Maintenance Yard which abuts the subject property and two (2) public schools, Louise Archer Elementary and Madison High School,
3. the proposed addition is a one story building approximately 50 x 60 feet, and is to be used by a maximum of 42 students in grades 6th through 8th,

4. a Use Permit had previously been issued (August 1964) for an addition to Green Hedges School,
5. at a Board meeting on March 18th, subsequent to the public hearing, a new site plan was submitted by the applicant. At this meeting Mr. Argabright, an adjoining property owner, stated that the new site plan met most of the objections on which he had based his opposition testimony at the public hearing,
6. a revised site plan was presented to the Board on April 15, 1970 which incorporated several changes proposed by the Board to the plan submitted on March 18, 1970,
7. it was stated by the applicant that the maximum combined enrollment of all grades at Green Hedges School would not exceed 100 students,
8. it was stated by the applicant that the existing school buildings would be renovated and that the new and existing school buildings and grounds would be properly maintained,

And from the above findings of fact the Board makes the following conclusions of law that the use permit as sought by the applicant:

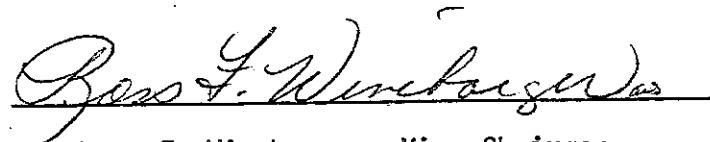
1. will not adversely effect the health or safety of persons residing or working in the neighborhood of the proposed use,
2. will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood,
3. will be in accord with the purposes of the Master Plan of the Town of Vienna.

Pursuant to the above, the Board of Zoning Appeals sets forth the following conditions that shall apply as a contingency to the Use Permit:

1. the site plan as presented to this Board on April 15th (exhibit A) shall be adhered to,
2. all permanent parking areas shall be to the rear of the proposed building,

3. if it is necessary to remove the existing ornamental shrubbery next to the Huff property line it will be replaced by an ornamental masonry wall,
4. the total enrollment at Green Hedges School shall not exceed 100 students,
5. no prepared parking spaces shall be developed along the entrance driveway between Nutley Road and the permanent parking areas,
6. the existing buildings and grounds will be put in good repair and all buildings and grounds, including those constructed as a result of granting the requested use permit, will be kept in good maintenance,
7. any additions or structural changes to either the buildings or recreational facilities, other than those consistent with the site plan (exhibit A), shall require the approval of this Board.

It is therefore this 15<sup>th</sup> day of April, 1970, ORDERED, that the application submitted by Green Hedges School (Charles Wight, Headmaster) to enlarge Green Hedges School be and the same is hereby granted.



Ross F. Winebarger, Vice-Chairman  
Board of Zoning Appeals

# Town of Vienna, Virginia

## USE PERMIT

No. 230 - B  
Revision

Green Hedges School Inc.

Lot 25 Block \_\_\_\_\_ Section \_\_\_\_\_ of the Subdivision of Windover Heights

The Town of Vienna, Virginia, premises known as 415 Windover Avenue, N.W.

under Section 18-209 of the Zoning Ordinance of the Town of Vienna is hereby granted a Use Permit authorizing that the  
said premises and property be put to the following use or uses: To increase student enrollment from  
80 to 120.

Remarks: Conditions on back:

Dated June 29, 1978

TOWN OF VIENNA, VIRGINIA

By: *Ralph M. Middaugh*

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA:

In re application submitted by  
Green Hedges School Inc, 415 Windover  
Avenue N. W. for an amendment to their  
existing use permit to increase the  
enrollment from 80 to 120 students.

O R D E R

The captioned matter came on to be heard before the Board of Zoning Appeals of the Town of Vienna for a use permit amendment to their existing use permit to increase the student enrollment from 80 to 120 students, 415 Windover Avenue N.W.; and upon consideration of the testimony of the applicants and exhibits offered into evidence on May 17, 1978, the findings of fact as determined by this Board and the subsequent conclusions of law are as follows:

1. The neighbors objected to the parking lot because of the size and the location.
2. The number of parking spaces provided on the proposed plan is required by the town code, and if possible the owners would like to reduce the size of the parking lot.
3. The service provided by the school is beneficial to the community.

And from the above findings of fact, the Board makes the following conclusions of law.

1. Granting the use permit will not be detrimental to the neighborhood nor the health and welfare of the persons residing therein.

And in addition, the Board as a condition to granting this use permit imposes the following conditions:

1. The edge of the parking lot will be screened with fast growing trees and shrubbery
2. At least two speed bumps will be installed between the new parking lot and Nutley Road.

Application by Green Hedges School Inc.  
for an amendment to their existing use  
permit to increase the enrollment from  
80 to 120 students.

It is therefore this 11<sup>th</sup> day of May, 1928, ORDERED  
that the application submitted on behalf of Green Hedges School, Inc., 415  
Windover Avenue N.W. for an amendment to their existing use permit to  
increase the enrollment from 80 to 120 students be, and the same is hereby  
granted.

*James E. Nichols*  
James E. Nichols, Vice-Chairman  
Board of Zoning Appeals  
Town of Vienna, Virginia

# Town of Vienna, Virginia

## USE PERMIT

No. 230-C

GREEN HEDGES SCHOOL

, the (owners) (occupants) of

Lot 8 Block 17 Section \_\_\_\_\_ of the Subdivision of Windover Heights

The Town of Vienna, Virginia, premises known as 427 Windover Avenue, N.W.

under Section 18-209 of the Zoning Ordinance of the Town of Vienna is hereby granted a Use Permit authorizing that the said premises and property be put to the following use or uses: Additional classroom space and storage of instructional materials only.

Remarks:

Classroom Space: Art Room

Gym for bad weather

Dated September 9, 1981

By:

*Robert M. Alling*

TOWN OF VIENNA, VIRGINIA

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA:

In re application by Kathleen H. Battaglia on behalf of Green Hedges School, Inc. to amend their existing Use Permit No. 230 to use 427 Windover Avenue N.W. as additional classroom space.

O R D E R

This matter came on to be heard by the Board of Zoning Appeals on June 17, 1981 on an application on behalf of the Green Hedges School, Inc. to amend their existing Use Permit to allow the use of 427 Windover Avenue, N.W. as additional classroom space; and upon consideration of the applicant and exhibits offered into evidence, the findings of fact as determined by this Board and the subsequent conclusions of law are as follows:

1. The facility would house up to ten (10) students in the new building.
2. The total school is allowed 120 students.
3. The school would not increase its total enrollment if they are allowed to use this building.
4. The school has not purchased the building pending the outcome of the application.
5. All interested parties answered that the school had not been a problem in the past.

And from the above findings of fact, the Board makes the following conclusions of law.

1. That granting the Use Permit would not be a detriment to the health, safety, or welfare of the neighborhood, nor the persons who reside therein.

In addition, the Board places the following conditions to this application.

1. That the use be limited to use as classrooms and storage of instructional material.

It is therefore this 17<sup>th</sup> day of June, 1981, ORDERED, that the application sought by Green Hedges School, Inc. to amend their existing Use Permit to allow the use of 427 Windover Avenue, N.W. as additional classroom space, be, and the same is hereby granted.

James E. Nichols

James E. Nichols, Vice-Chairman  
Board of Zoning Appeals

# Town of Vienna, Virginia

## USE PERMIT

No. 230.....

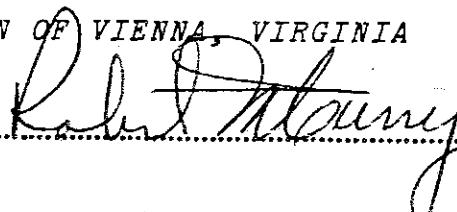
GREEN HEDGES SCHOOL....., the (owners) (occupants) of  
Lot 25A & 1A Block.....Section ..... of the Subdivision of Windover Heights.....

The Town of Vienna, Virginia, premises known as 415 Windover Avenue, N.W.....  
under Section 18-209 of the Zoning Ordinance of the Town of Vienna is hereby granted a Use  
Permit authorizing that the said premises and property be put to the following use or uses:

To amend the existing Use Permit to allow an increase of 70 students  
bringing total to 190 students.

Remarks: That the proposed multi-purpose TOWN OF VIENNA, VIRGINIA  
Addition is constructed no later  
than May 1987

Dated May 27, 1985.....

By 

## Green Fedges - Use permit. Findings

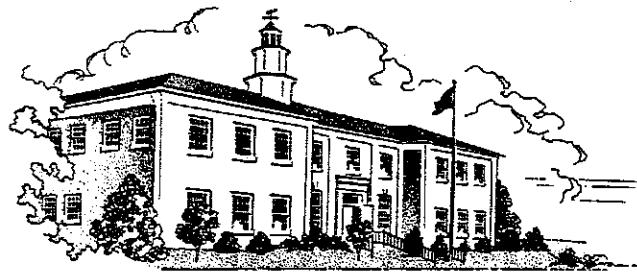
1. Applicant desires an increase of 70 students, for a total of 180, in order to better utilize the area and create a firmer financial base for the school.
2. An additional 4,700 square foot of space will be built, which will not need any type of variance.
3. Concern for cars picking up students will be alleviated by having two lines of cars and having the pick up on the front of the school.
4. ~~The school~~ The school is fully accredited, with 30 teachers; it has grades 1 through 8.
5. There is an excellent playground, and efforts are made to keep noise to a minimum.

## Conclusions

The requested use will not ~~be~~ adversely effect the health or safety of persons in the neighborhood, nor be detrimental to the public welfare or injurious to improvements or property in the neighborhood.

Approved, subject to the condition that no parking or standing be permitted on Nutley Street, and that construction of the addition begin no later than May 1987.

127 CENTER STREET, SOUTH



Telephone 938-8000

## Town of Vienna, Virginia

July 17, 1986

Green Hedges School  
415 Windover Avenue, N.W.  
Vienna, Virginia 22180

Attn: Jane H. MaCauley

Re: Use Permit #230

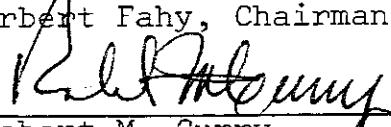
Dear Mrs. MaCauley:

In response to your request regarding the conditions on the amended Use Permit #230, for Green Hedges School, relative to construction being completed on the proposed multi-purpose addition by May, 1987. Please be advised that the Board of Zoning Appeals at its regular meeting on July 16, 1986, discussed the said Use Permit and conditions and you are hereby notified that the same is hereby amended to read that "construction be underway by May, 1987".

Very truly yours,

Board of Zoning Appeals  
G. Herbert Fahy, Chairman

By:

  
Robert M. Curry  
Zoning Administrator

RMC/cao

*Incorporated in 1890*

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Conditional Use Permit Application Submitted by Green Hedges School, 415 Windover Avenue,

NW

## ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on [December 17, 1997](#), for a conditional use permit in accordance with Sections 18-209:216 of the Code of the Town of Vienna, Virginia. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

1. A proposed master plan for Green Hedges School was first presented to the Planning Commission on May 22 and June 26, 1996. Because of significant concerns on the part of the Commission, an even split in the vote (4-4) on the site plan modification requests resulted in the Commission's failure to recommend an action. A negative recommendation was also sent forward to the Board of Zoning Appeals with respect to the amendment to the conditional use permit application.
2. The Town Council considered the proposal on August 19, 1996. After considerable review and additional testimony from interested citizens, the Council tabled the matter indefinitely to permit sufficient time for a meeting of the parties to develop common ground in the settlement of the various issues of concern. This latest submission represents Green Hedges' attempt to meet those concerns.
3. Green Hedges School has been a part of Vienna's learning environment since 1955. The school has grown steadily over the years with the acquisition of several amendments to the existing conditional use permit.
4. Green Hedges submitted a new proposal on May 28, 1997. The plan contemplated the construction of two new additions comprising 4,108 square feet onto the northeast corner of existing building "B," the removal of several existing sheds, the addition of a new driveway and several on-site parking spaces, the consolidation of four parcels into one and dedication of street right-of-way along Windover Avenue, NW. The Kilmer residence, depicted as Building "D," would be incorporated into the Green Hedges campus and will continue to be used as a residence during her lifetime.
5. The staff determined that a consolidation plat must be signed by the Mayor prior to moving forward on the revised site plan. After review, the staff determined that the **consolidation plat** was ready for the Mayor's signature on August 13, 1997. It was decided by Mayor Robinson, however, to place the matter before the Town Council for action. After some additional discussion, the consolidation plat issue was finally placed on the November 3, 1997 agenda of the Town Council for action. After review of the matter, the Town Council approved the Mayor's endorsement of the consolidation plat.
6. The proposed expansion of the "physical plant" to satisfy the needs of the school requires the granting of a **conditional use permit** from the Board of Zoning Appeals in accordance with §18-22 of the Town Code (and by reference to §18-13). **The current enrollment of 190 students and a total staff of 33 will remain unchanged, however.** The Planning Commission considered the application at its regular meeting of November 12, 1997 and the special meeting of November 24, 1997. After careful consideration, the Planning Commission then recommended approval of the conditional use permit by a vote of 9-0 subject to the condition that the house on the property shall be used as a residence only by Mrs. Kilmer and only until such time as it is vacated by Mrs. Kilmer.
7. The Planning Commission also recommended, to the Town Council, approval of a **site plan modification** to increase lot coverage on the consolidated property from **32.4 to 34.5 percent** (§18-24F specifies a maximum lot coverage requirement of 25 percent), and a **waiver** from the requirement for the installation of public street improvements for Lewis Street, NW, and Windover Avenue, NW.
8. The Town Council considered these matters at its regular meeting of December 15, 1997 and approved the requested site plan modification and the requested public improvements waiver. Each such deviation was further clarified in the form of amendments to the motions for approval. These motions, and their amendments, are set out in the Planning and Zoning Director's memorandum to the Board dated December 16, 1997, and made a part of this order.

AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:

1. Granting of the requested conditional use permit, with the stipulation that the house on the property shall be used as a residence only by Mrs. Kilmer and only until such time as it is vacated by Mrs. Kilmer, will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and will be in accord with the Master Plan of the Town of Vienna.
2. Boardmembers noted the process that had taken place prior to the Green Hedges application appearing on the Board's agenda, the Planning Commission's review and recommendations on the matter, and the Town Council's approval of the site plan modification and public street improvements waiver on December 15, 1997.
3. Boardmembers also noted that Green Hedges will maintain enrollment at a maximum of 190 students and a maximum number of 33 staff members.
4. The Board also noted the Planning Commission's positive recommendation regarding the conditional use permit and the Town Council's support of the Commission's recommendation. **By amendment to the main motion, the Board also attached the Town Council's approvals and recommendation (as denoted in the Planning and Zoning Director's memorandum dated December 16, 1997) to its approval of Green Hedges' request for an amendment to the existing conditional use permit.**

IT IS, THEREFORE, ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the application as submitted by Green Hedges School, 415 Windover Avenue, NW, for an amendment to an existing conditional use permit in accordance with the above-referenced Code sections shall be **approved subject to the Town Council's actions dated December 15, 1997 (and made a part of this record), and the Planning Commission's recommendations from its special meeting of November 24, 1997.**

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Frank L. Willingham, Vice-Chairman  
Board of Zoning Appeals  
Town of Vienna, Virginia

REQUEST FOR APPROVAL OF A SITE PLAN MODIFICATION FROM MAXIMUM LOT COVERAGE REQUIREMENT, AND A WAIVER FROM PUBLIC STREET IMPROVEMENTS TO PERMIT THE EXPANSION OF THE EXISTING FACILITY FOR GREEN HEDGES SCHOOL ON PROPERTY LOCATED AT 415 WINDOVER AVENUE, N.W., IN THE RS-12.5, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, FILED BY BOWMAN CONSULTING GROUP, P.C., AND MICHAEL ROSENFELD, INC., AGENT FOR GREEN HEDGES SCHOOL.

Mrs. Eileen Nelson, Chairman, Board of Directors, Green Hedges School addressed Council and stated they were before Council seeking approval of a site plan modification to permit an increase in lot coverage from 32.4 to 34.5 percent, and a waiver from public street improvement requirements along Windover Avenue, N.W., and a short section of Lewis Street, N.W. She continued by stating the proposed waivers were being requested in support of Green Hedges' proposal to construct a 4,108 square foot addition onto the northeast corner of the existing facility, the addition of a new driveway and several parking spaces, removal of several on-site sheds and incorporation of the Kilmer property along with the rear portions of two parcels fronting on Nutley Street, (221 Nutley Street and 227 Nutley Street), both of which are school owned residences, into the Green Hedges campus. Mrs. Nelson further stated Green Hedges School, in lieu of providing sidewalk/public improvements along Windover Avenue, would be providing the installation of a drainage system from the school property to Nutley Street, which would be funded with monies that would have been escrowed for sidewalk public improvements; she indicated that the surrounding residential property owners have indicated their desire for an improved drainage system rather than a sidewalk on Windover Avenue. Mrs. Nelson indicated the estimate for the storm drainage work was originally purported to be approximately \$15,000.00 however, this estimate did not contain the costs for engineering design work.

Mayor Robinson discussed with Mrs. Nelson the proposed drainage system and stated the system would solve the long-standing drainage runoff problem for the property across the street. He further spoke of the concerns expressed by several members of the Planning Commission relative to future sidewalk/public improvements, and of the Commission's recommendation that funds be escrowed for such future installation. The Mayor indicated the recommendation of the Planning Commission was that funds representing the difference between the cost of the storm drainage system along Windover Avenue, approximately \$15,000.00 and the cost to improve the public street that adjoins the subject tract, approximately \$10,148.20, be placed in escrow, and used by the Town in the future to install a meandering sidewalk along Windover Avenue, from the school to Nutley Street. He further indicated that this had been the recommendation of the Planning Commission however, it was his impression that the residents of the area were not interested in having a sidewalk installed; to which Mrs. Nelson indicated that this was also her understanding.

State Delegate, (35th District), George E. Lovelace, 425 Lewis Street, N.W. addressed Council and spoke in support of the project and of the unified agreement obtained between the school and the residential community. Delegate Lovelace stated the Town Council had directed that an amicable agreement be developed and this had been achieved; the plan for additional

Regular Council Meeting  
December 15, 1997  
Page 6

had occurred and meets with the approval of the surrounding residential community. Delegate Lovelace recommended that the application as filed by Green Hedges School be approved by the Town Council.

Mayor Robinson questioned the total enrollment of the school. Delegate Lovelace responded that it was his understanding from his discussions with the school, enrollment was limited to 192 students; and that the school had no future plans to expand the enrollment.

Mr. Paul Sorensen, 213 Nutley Street, N.W., addressed Council and stated Green Hedges School property almost surrounds his entire residential property; that the consolidated school property designated as 415 Windover Avenue, N.W., now goes from Nutley Street to Lewis Street. Mr. Sorensen stated that he is not opposed to the school however, he is opposed to the continuing growth of the school. He indicated that he is surrounded by Green Hedges School, rental properties, and other institutional growth all located within a residential neighborhood. Mr. Sorensen stated that on Nutley Street there exists two schools, the Town property yard, the Elk's Lodge, the Baptist Church, and a private day school. He expressed concern relative to the on-going and future expansion of the school and the reduction of residential property values in the area. Mr. Sorensen stated that over the course of several years, he had witnessed continuing growth of the school, all the while with statements being made that "no further expansion is anticipated." He indicated that there were previously four homes located on the property; now one is the Green Hedges School business office, one is destined to be another business office, and two are rental properties. Mr. Sorensen reiterated that he was not opposed to the school however, he desired some type of assurance that further growth would not take place. He recommended that the Town Council disapprove the proposed expansion.

Councilman Olson questioned the proposed number of new classrooms to be provided. Mr. Sorensen stated that it was his understanding the current application was sixty (60%) percent larger than the proposal submitted last year; and that it would consist of four (4) new classrooms. Mrs. Nelson indicated that the expansion provides for three and one-half classrooms and the library would become the location of the computer thereby, creating the library as the technology center.

Councilman McCormick discussed with Mrs. Nelson the square footage of the proposed new classroom addition and the square footage submitted in the application of last year. In response to Councilman McCormick inquiry relative to the size of the addition, Mr. David Rogers, Business Director, Green Hedges School, handed out a schematic design and site plan, dated December 14, 1995. (Copy attached to Official Minutes.)

Mayor Robinson discussed with Mr. Sorensen his objections to the school, with Mr. Sorensen indicating that it was the "continuing and un-ending" expansion that was of concern. Mayor Robinson inquired if Mr. Sorensen had any knowledge of an unsigned piece of material received by the members of Council through the mail in opposition to the school expansion application. Mr. Sorensen acknowledged that he had sent the material and felt it represented a "flyer" and therefore did not

Regular Council Meeting  
December 15, 1997  
Page 7

place his signature on the document. Mayor Robinson and Mr. Sorensen further discussed the school's site plan modification application and impact upon the community.

Councilman Polychrones discussed with Mr. Sorensen the potential impact upon the area should the school elect to sell the property in the future. Mr. Sorensen stated that he did not mind living next to Green Hedges School, if the school would just remain "as is" and stop "spreading out."

Councilwoman Seeman clarified that the consolidation of the school properties included only a small percentage of the rear yards of the properties located on Nutley Street and therefore, the school could not utilize the homes as part of the school operation.

Councilman McCormick reiterated his question as to the square footage proposed previously and that of the present application. Mr. Rogers stated that the two elementary classrooms, (elementary classroom 3 and 4), that were presented at the second Planning Commission meeting, totaled 1,525 square feet; the proposal currently before the Town Council for consideration is for a total of 4,108 square feet and provides for two (2) new classrooms and three (3) replacement classrooms and thereafter, described the proposed schematic footprint of the site plan.

Councilman Olson discussed with Mr. Rogers the potential for re-use of the replacement areas as classrooms in the future; and questioned what assurances the Town would have to limiting the current student enrollment. Mr. Rogers indicated that the Town has the power to limit the enrollment; that the school could not make a unilateral decision to increase the student enrollment over 190.

Mayor Robinson questioned the Town Attorney as to whether the Town Council had the power to limit future expansion. Mr. Gionfriddo stated that the application before Council for consideration is a request for site plan modification; the Town Council has the authority to place certain restrictions on the request for site plan modification; the Town Council must make the determination in accordance with the Town Code that the property may not be developed in its most practical way, aesthetic way unless modifications are granted by the Council; in granting the modifications, Council may place conditions in order to meet the requirements that the Code does impose upon the governing body. Mr. Gionfriddo further stated the use which the applicant intends to put the property is based upon the decision of the Board of Zoning Appeals for a conditional use permit therefore, conditions may be placed to limit many areas of expansion.

Councilwoman Seeman discussed with the Town Attorney the historical significance of the Kilmer house and thereafter, questioned if the Town Council had any power to prevent the future destruction of the dwelling. Mr. Gionfriddo indicated the power of the Town Council relative to historic preservation is limited and did not provide authority to prevent the owners from future destruction of the home; under the power of eminent domain, the Town Council could petition for a "stay" of action for a period of time and attempt to purchase the property for preservation.

Regular Council Meeting  
December 15, 1997  
Page 8

Mrs. Jeanne P. Rees, 558 Windover Avenue, N.W., addressed Council and indicated she supported Mr. Sorensen in the concerns which he had conveyed. She presented to the Mayor a letter dated December 15, 1997 outlining her objections to the application for increased growth of the school. Mayor Robinson indicated that hearing no objection, he would enter the letter into the record. (Copy attached to Official Minutes.) Mrs. Rees questioned if the school driveway would remain, to which Mrs. Nelson responded in the affirmative. Mrs. Rees stated she felt the school was no longer a residential neighborhood school and is now being operated only on a business basis. She indicated her opposition to the application and stated that children, families and the neighborhood were at stake, which was more important than the school or anything.

Mr. Alvis Lucis, 446 Windover Avenue, N.W., indicated that he was a four year resident of the Town with a growing family. He expressed concern relative to potential expansion of the school, and impact upon the quality of the neighborhood.

Councilman McCormick spoke of the efforts made by the school's Board of Directors to work with the residents to reach an amicable and agreed upon plan. He indicated that he also wanted assurance that any future development would not occur. Mrs. Nelson stated the Board of Directors have agreed to sell one of the rental properties however, the Board has no current plan or future plan for expansion. She also stated that the 190 student enrollment suits the character of the school teacher/student ratio and is in accordance with the charter of the school. Mrs. Nelson also indicated that the acquisition of the Kilmer house was a natural rejoining of the property with the school. To re-emphasize the intent of the Board of Directors of the school, Mrs. Nelson stated they have "no current or future plans beyond that which is before the Town Council this evening."

Mayor Robinson indicated under the current provisions of the conditional use permit, the school enrollment is limited to 190 students; that to increase enrollment the school would have to re-apply to the Board of Zoning Appeals.

Councilman Polychrones questioned if the expansion plans included conformance to ADA regulations. Mrs. Nelson replied in the affirmative.

Councilman McCormick questioned if there were any plans to install a fence at the rear of the rental homes located on Nutley Street. Mrs. Nelson responded the area would remain open.

Councilman Boudreau clarified for the record that there were no plans for future expansion; enrollment would not exceed 190 students, 33 staff members and 16 classrooms after expansion, to which Mrs. Nelson replied in the affirmative. He further discussed with Mrs. Nelson that one of the current rental properties would be sold and that the Kilmer house would be used for office/administrative purposes. Councilman Boudreau questioned if Mrs. Kilmer had occupied the house at any time during the past several years. Mrs. Nelson stated that Mrs. Kilmer had been at the house in the early fall however, she was not able to live in the house by herself. Councilman Boudreau questioned if there were any plans to use the Kilmer house now

Regular Council Meeting  
December 15, 1997  
Page 9

or in the future for educational/institutional purposes, to which Mrs. Nelson responded there were none. He further questioned if the little house facing on Windover Avenue would be used for institutional/educational purposes. Mrs. Nelson stated the house is currently used for educational purposes and it would remain for that purpose. Further discussion took place relative to the residences located on Nutley Street, during which Mrs. Nelson stated that one house would be retained as they feel it would a nice residence for the Headmaster, or other employee, but it would not be utilized for school use. Councilman Boudreau stated he had been concerned relative to future expansion of the school, and would stress the importance to the Board of Directors that further expansion of the school and its enrollment is of major significance; that the record now indicates the assurances of the school that there are no plans for future expansion.

Councilwoman Seeman expressed that during her conversations with many of the surrounding neighbors of the school, the amount of traffic on Windover Avenue with parents dropping off and picking up children, was of major importance. Mrs. Nelson indicated that the school is currently working on plans to provide three traffic lanes upon entering the school property; and a program for staggered dismissal times.

Councilman Olson discussed with the Town Manager the tax status of the school.

Mayor Robinson called for anyone else in the audience desiring to speak on the proposed Green Hedges School site plan modification application. Noted for the record, there were none.

Councilman McCormick discussed with Mrs. Nelson the request for waiver of public/sidewalk improvements, during which she indicated that the surrounding residents were not in favor of installing a sidewalk; it was felt a sidewalk would change the character of the neighborhood. She also stated that during hearings conducted last year on the prior application, it was recommended that the school could utilize the public improvement monies to provide corrective storm drainage facilities. Councilman McCormick stated that due to the narrowness of Windover Avenue, he would ask that the school consider installing an asphalt meandering sidewalk for safety purposes.

Mayor Robinson stated that the difference between the cost for storm drainage and the cost of providing public improvements of curb, gutter and sidewalk, would be approximately \$5,000.00. He felt that this sum could be placed in escrow, and would allow the Town to construct an asphalt sidewalk from the school to Nutley Street. He stated the school could not construct a sidewalk on the properties owned by individuals and thereafter, discussed this aspect with Councilman McCormick.

Mr. Andres Domeyko, Engineer, Bowman Consulting Engineers, addressed Council, and stated if the sidewalk were constructed from Nutley Street to Lewis Street, where would it go as there are no connecting sidewalks on Windover Avenue; that such construction served no purpose for the children as none walk to or from the school. Discussion ensued thereafter, regarding the Town and Green Hedges School participating in a cooperative venture of installing an asphalt meandering sidewalk on Windover

Regular Council Meeting  
December 15, 1997  
Page 10

Avenue. During discussion, Mrs. Nelson stated the school had no problem with providing the storm drainage improvements and escrowing the difference in costs for the future sidewalk construction.

Councilman Olson expressed that Windover Avenue was a narrow and hazardous street with heavy traffic due to the location of the school. He felt that Windover Avenue should have curb, gutter and sidewalk improvements from Nutley Street to the school; he also was of the opinion the neighbors were not desirous of such public improvements. However, he felt that in conjunction with the storm drainage improvements as provided on the site plan, an asphalt meandering sidewalk should be installed over and on-top of the drainage pipe, from Nutley Street to the driveway of the school simultaneously, as it will also be within the Town right-of-way.

Mayor Robinson upon discussing with Mr. Domeyko the distance from Nutley Street to the school and estimated costs to provide an asphalt sidewalk, questioned if the school was agreeable to providing an additional \$1,500.00 or \$2,000.00 to complete the sidewalk, should the costs exceed the \$5,000.00 escrowed monies. Mrs. Nelson replied in the affirmative, stating they would be willing to escrow the additional monies into the account, provided the Town was responsible for the installation of the sidewalk.

Mr. Frank Lillis, 313 Windover Avenue, N.W., addressed Council, and stated he had no objection to the Green Hedges School proposal. However, he felt the school was being placed in a bad situation regarding the sidewalk as residents of the area are not desirous of the sidewalk and have not been informed of this aspect; that such asphalt sidewalk has never been an aspect of the discussion between the school and the residential community. Discussion took place with Mr. Lillis regarding the proposed plan, previous discussions conducted between the school and the residential community and the escrowing of monies for the drainage improvements.

Mayor Robinson suggested that perhaps the Town should provide a letter to each of the residents of the area informing them of the proposal for providing a meandering asphalt sidewalk, and ask for a response from the community on this aspect; that the Town will proceed with the sidewalk installation unless the residents object to the proposal.

Mr. Charles Brewer, President, Malcolm-Windover Heights Civic Association, addressed Council and stated that discussion conducted previously within the association was relative to the escrowing of monies for public improvements; that the actual installation of a sidewalk had not been a matter of consideration or discussion. Mr. Brewer stated that he would place the matter on the association agenda scheduled in February.

Mr. Tom Lawson, Attorney, representing Green Hedges School, stated his client was willing to do certain improvements; to take care of the drainage problems existing on the street; that based on estimates developed by the engineer to provide the drainage piping improvements, there will be approximately \$5,000.00 in excess monies. He continued by stating his client is willing to put in the drainage improvements, they are willing

Regular Council Meeting  
December 15, 1997  
Page 11

to provide an additional \$2,000.00 over the excess of \$5,000.00 anticipated to remain from the drainage improvement monies, for a "capped" total amount of \$7,000.00. Mr. Lawson continued by stating his client was not willing to actually construct the meandering asphalt sidewalk, as this was not a part of the school's agreement with the neighborhood, but was willing to provide the "capped" total amount for such project.

Councilman McCormick inquired as to the anticipated time for construction. Mr. Rogers indicated the project was scheduled to begin after the school year, i.e., June, 1998.

Councilman Polychrones clarified for the record, that the approximate estimate for storm drainage improvements is \$15,000.00; the total amount for public improvements has been estimated to be \$20,148.20 if required to be placed in escrow; leaving a balance of \$5,148.20; that Green Hedges has indicated its agreement to increase this amount by \$2,000.00 for a total of \$7,148.20. Mr. Lawson indicated his agreement to the figures as clarified by Councilman Polychrones.

4. It was moved for the approval of the site plan modification request to increase lot coverage to 34.5 percent.

Motion: Polychrones  
Second: Briglia  
Carried unanimously - Poll vote

Voting Aye: Boudreau, Briglia, McCormick, Olson, Polychrones, Seeman, and Mayor Robinson

Councilman Boudreau stated he desired the record to indicate that the applicant has requested the site plan modification because it cannot do what it desires under the Town Code without the modification. Further, what the applicant desires to do will also require a use permit from the Board of Zoning Appeals. That under Section 18-256 of the Town Code, the Council must make certain findings in order to grant certain modifications. Councilman Boudreau stated that he had no problem with satisfying that requirement and granting the modification based on the applicant's representation of the level of use it will request from the Board of Zoning Appeals. He continued by stating that if that level of use were greater or more intense, he could not and would not support the application.

5. It was moved to Amend the Motion to provide that the modification granted is based on the level of use represented, number of students, staff, classrooms, etc., and should that level ever require an increase, then this site plan must be so modified and the Board of Zoning Appeals be so addressed.

Motion: Boudreau  
Second: Olson  
Carried unanimously - Poll vote

Voting Aye: Boudreau, Briglia, McCormick, Olson, Polychrones, Seeman, and Mayor Robinson

Regular Council Meeting  
December 15, 1997  
Page 12

6. It was moved to Amend the Main Motion, that the Main Motion is approved in reliance on assurances that there are no plans to increase enrollment, staff or facilities at Green Hedges School; and upon the expressed understanding and agreement by school representatives, particularly the Chairman of the Board of Directors during this proceeding, that no additional facilities or enrollment will be requested of or is likely to be approved by the Town in the foreseeable future.

Motion: Mayor Robinson  
Second: McCormick  
Carried unanimously - Poll vote

Voting Aye: Boudreau, Briglia, McCormick, Olson, Polychrones, Seeman, and Mayor Robinson

7. It was moved for the approval of a waiver from public street improvement requirements, and in lieu thereof, construction of a storm drainage system along the northwesterly side of Windover Avenue, N.W., to an existing system near Nutley Street, N.W.

Motion: Polychrones  
Second: Briglia  
Carried unanimously - Poll vote

Voting Aye: Boudreau, Briglia, McCormick, Olson, Polychrones, Seeman, and Mayor Robinson

8. It was moved for the approval for the escrowing of those funds that represent the difference between the cost of the storm drainage system along Windover Avenue, N.W., (some \$15,000.00), and the cost to improve the public street that adjoins the subject tract, (approximately \$20,148.20), plus an additional \$2,000.00 thereby, bringing the total escrowed funds to be no greater than \$7,148.20.

Motion: Polychrones  
Second: McCormick  
Carried unanimously - Poll vote

Voting Aye: Boudreau, Briglia, McCormick, Olson, Polychrones, Seeman, and Mayor Robinson

9. It was moved to Amend the Motion, that all of the escrowed monies being the \$5,148.20 plus the \$2,000.00 are to be used by the Town of Vienna to construct a meandering asphalt sidewalk from the school to Nutley Street, N.W., recognizing that the Malcolm-Windover Heights Civic Association may hold a meeting to discuss this matter before the funds are so expended.

Motion: Mayor Robinson  
Second: Briglia  
(Amendment withdrawn - see below)

Councilman Boudreau discussed with Mayor Robinson the language of the Amendment, and the future consideration and recommendation that will be forthcoming from the Malcolm-Windover Heights Civic Association. Discussion continued relative to approving the sidewalk at this time and the

Regular Council Meeting  
December 15, 1997  
Page 13

potential recommendation of the Association and the surrounding neighborhood. At this time Mayor Robinson withdrew the Amendment, with the agreement of the seconder.

10. It was moved to Amend the Motion, that \$7,148.20 escrowed for sidewalk construction, will be constructed on Town right-of-way over the storm drainage pipe that the school will install, and will be spent for a asphalt sidewalk connecting the school at the driveway on Windover Avenue, N.W. with Nutley Street, N.W.

Motion: Olson  
Second: Seeman  
Motion fails: 4/3 - Poll vote

Voting Aye: McCormick, Olson, Seeman  
Voting Nay: Boudreau, Briglia, Polychrones, Mayor Robinson

11. It was moved to Amend the Motion, that the escrowed funds up to the necessary amount, not to exceed \$7,148.20 will be used by the Town of Vienna for the construction of a meandering asphalt sidewalk from Green Hedges School to Nutley Street, N.W., recognizing that prior to the initiation of construction, the Malcolm-Windover Heights Civic Association will hold a meeting to discuss the matter and recognizing that the Town will accept input on this matter from property owners directly abutting the proposed sidewalk.

Motion: Mayor Robinson  
Second: Briglia  
Carried unanimously - Poll vote

Voting Aye: Boudreau, Briglia, McCormick, Olson, Polychrones, Seeman, and Mayor Robinson

12. It was moved for approval to support the Planning Commission recommendation to the Board of Zoning Appeals that the conditional use permit be subject to the specification that the Kilmer house may be used as a residence only until Mrs. Kilmer vacates the premises.

Motion: Polychrones  
Second: Briglia  
Carried unanimously - Poll vote

Voting Aye: Boudreau, Briglia, McCormick, Olson, Polychrones, Seeman, and Mayor Robinson

13. It was moved to Amend the Motion, that use of the Kilmer house be limited to administrative services only upon the vacation of the premises by Mrs. Kilmer.

Motion: Boudreau  
Second: Briglia  
Carried unanimously - Poll vote

Voting Aye: Boudreau, Briglia, McCormick, Olson, Polychrones, Seeman, and Mayor Robinson

At this time 11:00 P.M., Mayor Robinson declared a ten minute recess.

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Conditional Use Permit Application Submitted by Andres Domyeyko, agent, for construction of a playing field at the Green Hedges School, 415 Windover Avenue, NW

**ORDER**

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on September 20, 2000, for a conditional use permit in accordance with Sections 18-209:216 of the Code of the Town of Vienna, Virginia. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

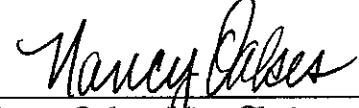
1. The Town Council, on December 15, 1997, approved a number of site plan modifications to permit the construction of a 4,108-square-foot classroom addition and certain driveway and parking lot improvements for Green Hedges School. Certain public improvements were also required, including the installation of a storm drainage system along Windover Avenue, NW, and the escrowing of funds for future sidewalk construction. The former Kilmer home was also incorporated into the Green Hedges campus with a proposal to utilize the space for school offices after vacation by Mrs. Kilmer.
2. After review by the Planning Commission on December 9, 1997, the Board of Zoning Appeals approved an amendment to the existing conditional use permit for the 3.794-acre property on December 17, 1997 and subject to the Town Council's decisions. Subsequent to the approval process, building permits have been obtained and construction has proceeded on the project.
3. Further consideration of outdoor playground facilities has caused Green Hedges to propose the regrading of an area across the driveway/parking lot area from the school and the creation of a more formalized playing field. The former playing field area, to the west of the school, is now occupied by several play structures, including a swing set, "jungle jim," and climbing bars.
4. The creation of the 6,750-square-foot (approximate) playing field will require relocation of an existing dumpster, site regrading and storm water improvements to prevent runoff from draining over the field itself. The proposed field is located adjacent to two residential properties, one that is owned by Green Hedges at 227 Nutley Street, NW, and a second parcel, at 221 Nutley Street, NW, that is separated from the property by a six-foot stockade type fence.
5. The Zoning Administrator determined, after a conversation with the Town Attorney in April 2000, that this change was significant enough to require an amendment to the existing conditional use permit.
6. The Planning Commission considered this matter at its regular meeting of August 23, 2000, and recommended approval subject to the use of the field, by the school, being limited to the school's hours of operation between 8:00 AM and 6:00 PM daily.

AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:

1. Granting of the requested conditional use permit will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and will be in accord with the Master Plan of the Town of Vienna.
2. Testimony from the applicant indicated that the new field is important to the school and to children from neighboring properties as a recreational use. It was noted that this is a project that is generally supported by the surrounding area. It was also stated that the limitation on hours of operation did not preclude use of the field after hours by area children.

Conditional Use Permit Application for Green Hedges School Playing Field  
Page 2

IT IS, THEREFORE, ORDERED, this 21 day of September, 2000, that the application as submitted by Andres Domeyko, agent, for construction of a playing field at the Green Hedges School, 415 Windover Avenue, NW, for a conditional use permit in accordance with the above-referenced Code sections shall be approved subject to the use of the field, by the school, being limited to the school's hours of operation between 8:00 AM and 6:00 PM daily.

  
\_\_\_\_\_  
Nancy Oakes, Vice-Chairman  
Board of Zoning Appeals  
Town of Vienna, Virginia

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

2007 Conditional Use Permit Application submitted by Green Hedges School, 415 Windover Avenue, NW

ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on March 21, 2007, for a conditional use permit in accordance with Sections 18-209:216 of the Code of the Town of Vienna, Virginia. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

- A. Green Hedges has been a part of the Town of Vienna's learning environment since 1955. The school has grown steadily over the years with a number of conditional use permits (set out in detail in the staff's report to the Board of Zoning Appeals) being granted—the most recent in the year 2000 for the relocation and expansion of an athletic field.
- B. The Green Hedges School parcel is situated in northwest Vienna on some 4 acres of land that adjoins Windover Avenue, NW, and includes a number of parcels formerly used as single-family residences. The RS-12.5 zoned parcel is part of Block 17 in what was Solsbury's Windover Heights subdivision and is situated on a relatively-flat and elevated portion of the topography that ranges from 408 to 420 feet above sea level. The existing facility is comprised of four buildings: the administrative center or Kilmer House, the Stable, the Rice Arts Center and the School, or Kilmer Hall, itself. Parking, according to the 2000 plans, is provided for 56 vehicles. The subject property is completely surrounded by single-family residential dwellings with RS-12.5 zoning, save and except a 190-foot portion of the Vienna Commons townhouse development which is zoned RTH, situated on the southwest side of Nutley Street, NW, and is directly opposite of the existing entrance driveway into the private school.
- C. In conjunction with this development proposal, Green Hedges has received approval for a consolidation plat that adds the former residential lot at 227 Nutley Street, NW, into the overall Green Hedges property. This increased the lot area to 177,758 square feet or 4.08 acres. An easement plat (also an administrative action) was also filed with the Town to place a 15-foot wide easement along the centerline of an existing 8-inch water main that extends from Nutley Street, NW, to an existing fire hydrant on the south side of Kilmer Hall.
- D. Proposed construction narrative on page 2 of the plan set indicates that the project consists of demolition, utility installation and building and parking lot construction. This narrative indicates that the existing 3,830-square-foot one-story Stable building would be demolished along with the existing residence, shed and rear deck at 227 Nutley Street, NW, and new additions would be constructed on both one and two story platforms at the existing one-story Kilmer Hall (4,254 square feet on the first floor and 6,368 square feet on a new second floor as of the Planning Commission review date of February 28, 2007). Other proposed improvements include the new 8,964-square-foot two-story-tall underground athletic center that would be constructed at the northwest corner of the existing school (along with a proposed free-standing stairwell—partially above ground—some 65 feet away from the existing wall of Kilmer Hall), the 54-space parking lot would be realigned and restriped, and the existing athletic field would be relocated to the site of the former Nutley Street, NW, residence. Total gross square footage for all improvements—as of February 28, 2007—would increase from 25,718 to 41,508 square feet.
- E. According to information provided along with the initial submittal, the proposed expansion of existing facilities is envisioned to take place as part of a three-part process. This will include the demolition of existing structures and expansion of school programs into newly-configured or newly-constructed areas within Kilmer Hall. Staff notes that the current proposal for Kilmer Hall (main school building) contemplates a maximum height of 30 feet, 10 inches and a total area of 26,748 square feet.
- F. Sheet 2 of this same plan set clearly states that the maximum number of students—190—would not change as part of this proposal. The maximum number of staff is proposed to increase from the current 33 to 37. Similarly, staff notes that neither the existing Kilmer House (administrative) or the Rice Arts Center would experience any change in conjunction with this proposal.

- G. A new entry sign is proposed in the same general location as the existing sign near Nutley Street, NW. Page 15 of the plan set indicates that the 36-square-foot sign would be framed by brick pilasters and have a matching post on the opposite side of the brick driveway. The sign has been created with the provisions of § 18-185.F. of the Town Code in mind and will require Board of Architectural Review approval along with all proposed building and landscaping revisions.
- H. Lot coverage—a major issue in the 1997 approval—would decrease from 34.5 percent (as approved by the Mayor and Town Council in the 1997 submittal) to a proposed coverage of 32.2 percent.. This reduction is accomplished, in large part, through the consolidation of the subject tract and the aforementioned parcel that was addressed as 227 Nutley Street, NW. All other site plan provisions have been determined to meet the criteria of the Town Code as set forth in §§ 18-250:257 thereof.
- I. The placement of the athletic facility underground—with a proposed “new 12-inch woodcarpet play surface on drain mat on gym roof slab” (translated = playground)—benefits existing lot coverage calculations (as quantified at § 18-15F in the Town Code) on the subject property. Several mature trees near the northwesterly property line and around the existing residence to be demolished at 227 Nutley Street, NW, however, will have to be removed as a result. Tree coverage calculations, as found on page 11 of the plan set, indicate that the combination of existing trees to remain and newly-planted trees will provide the mandated tree canopy of 20 percent (after 20 years maturity) as set forth in § 18-252.E of the Town Code. A significant quantity of shrubbery is proposed along the southwest and northwest sides of the relocated athletic field to serve in part as a screen from adjoining properties. A proposed 4-foot tall chain line fence (requiring a separate fence permit) would also border these same two sides of the field and serve, we presume, to keep kicked balls and players from leaving school grounds.
- J. The proposed expansion/realignment of the Green Hedges “physical plant” requires the amendment of the existing conditional use permit in accordance with § 18-22 (by reference from § 18-13) and § 18-209:216 of the Vienna Town Code. All property previously outside the consolidated parcel must also be incorporated into the conditional use permit as a part of this approval process.
- K. The Planning Commission considered this matter at its regular meetings of June 28, 2006 and August 9, 2006. Upon the conclusion of some 7 hours worth of review during two separate meetings, the Planning Commission recommended denial of the proposed conditional use permit amendment by a vote of 6-2 (Attanasi and Chase voted nay; Commissioner Creed voted “present”). Proponents for Green Hedges then submitted a request that the matter be removed from the agenda of the Board of Zoning Appeals to permit time to address issues related to building massing, the underground athletic facility and rental activities.
- L. The Planning Commission again considered this matter at its meeting of February 28, 2007, and recommended approval of the request by a vote of 6-2 (Miller and Womack voting nay). Planning Commissioners also recommended the adoption of the following proposed development conditions:
  - 1. Enrollment shall be limited to 190 students (no change).
  - 2. A maximum of 37 full-time employees shall be permitted.
  - 3. The hours of school activities shall be as follows:
    - For normal school activities, including daily physical education classes and after school classes - 7:00 AM to 6:00 PM Monday through Friday (this includes extended day, which ends at 6:00 PM).
    - For extracurricular activities, special school events, and similar infrequent or intermittent activities, the hours of use may be extended to 9:00 PM during the week and between 9:00 AM to 5:00 PM on Saturdays and 10:00 AM to 2:00 PM on Sundays. With

prior notification and approval from abutting neighbors, one-time events outside these time periods shall be permitted to continue on Sunday evenings.

4. The rental of the school's facilities, including the underground athletic facility, when completed, shall be limited to:
  - The hours from 3:30 PM to 9:00 PM during the week, and between 9:00 AM to 5:00 PM Saturdays and 9:30 AM to 2:00 PM Sundays.
5. The School shall continue to mitigate any negative impact on the surrounding neighborhoods from traffic and parking for all events and activities, including private groups or individuals renting the school's facilities.
6. Green Hedges will provide priority scheduling of facilities to neighborhood youth teams, clubs and organizations. Green Hedges will also charge a reduced, neighborhood rate to these groups.
7. Rental policies will be reviewed annually or on an as-needed basis with abutting neighbors and the Town's Zoning Administrator.
8. The maximum occupancy of the underground athletic facility shall be the lower of 375 individuals or the limit as set by the Fire Marshal.
9. Construction of improvements may be phased. The first phase of construction shall begin within 18 months of the approval of this conditional use permit.
10. Existing contracts shall remain in place until the end of the 2006-2007 school year.

AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:

- AA. Granting of the requested conditional use permit—with the specified development conditions as noted in paragraph DD below—will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and will be in accord with the Master Plan of the Town of Vienna.
- BB. A majority of the Board determined that Green Hedges School reacted to a series of very real concerns through their planning process and had made an extraordinary effort to prepare a set of plans that will be compatible with the adjoining properties, an asset to the community and to the Town. The majority also determined that the surrounding neighborhood is changing through the construction of larger homes along with new home construction and the school needs to be more up-to-date as well through the provision of a gymnasium and improved classroom facilities. It was noted that this proposal would continue a sense of openness in this part of Vienna and—and through the removal of an existing dwelling—would provide useful and playable open space.
- CC. A minority of the Board determined that the identifiable problems associated with rental activities, potential damage to trees—both on the subject property and on adjoining properties, along with storm drainage concerns, prevented it from joining the majority in supporting the motion for approval.
- DD. The majority of the Board of Zoning Appeals approved the conditional use permit in accordance with the plan set as recommended by the Planning Commission at its February 28, 2007 meeting and as presented to the Board of Zoning Appeals on March 21, 2007, and in accordance with the following development conditions:
  1. Enrollment shall be limited to 190 students (no change).

2. A maximum of 37 full-time equivalent employees shall be permitted.
3. The hours of school activities shall be as follows:
  - Normal School Activities (including daily physical education classes and after school classes): from 7:00 AM to 6:00 PM Monday through Friday—including extended day, which ends at 6:00 PM.
  - Extracurricular Activities, special school events, and similar infrequent or intermittent activities: the hours of use may be extended to 9:00 PM during the week, and between 9:00 AM to 5:00 PM on Saturdays, and 10:00 AM to 2:00 PM on Sundays. With prior notification to abutting neighbors, one-time events, outside of these hours, may be allowed. The Board of Trustees meetings shall be permitted to continue on Sunday evenings.
  - The rental of the School's facilities, including the underground athletic facility, when completed, shall be limited to 3:00 PM to 9:00 PM Monday through Friday; from 9:00 AM to 5:00 PM on Saturday; and from 9:30 AM to 2:00 PM on Sundays.
4. The School shall continue to mitigate any negative impact on the surrounding neighborhoods from traffic and parking for all events and activities, including private groups or individuals renting the School's facilities. The school shall provide and enforce off-street parking for all such activities.
5. The School will provide priority scheduling for use of facilities to neighborhood youth teams, clubs and organizations. The School will also charge a reduced rate to these neighborhood groups.
6. Rental policies and one-time events will be reviewed annually, or on an as-needed basis with abutting neighbors and the Town's Director of Planning & Zoning.
7. The maximum occupancy of the underground athletic facility shall be 375 individuals, or the maximum limit as set by the Fire Marshal.
8. Construction of improvements may be phased; the first phase of construction shall begin within 18 months of the approval of this conditional use permit amendment.
9. Contracts for extracurricular activities or other use of the School's facilities may remain in effect until the end of the 2006-2007 school year.
10. Green Hedges School will use their best efforts to preserve the existing trees on neighboring properties.

IT IS, THEREFORE, ORDERED, this 22<sup>nd</sup> day of March, 2007, that the application as submitted by Green Hedges School, 415 Windover Avenue, NW, for a conditional use permit in accordance with the above-referenced Code sections shall be approved subject to the development conditions as set out in subparagraphs 1-10 of paragraph DD of the Conclusions of Law section above.



Robert W. Dowler, Vice-Chairman  
Board of Zoning Appeals  
Town of Vienna, Virginia

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Conditional Use Permit Application for expansion of an existing conditional use permit for more staff members and to create an educational garden located at 415 Windover Ave NW and 202 Lewis St NW and in the RS-12.5, residential zoning district. Filed by Lynn J. Strobel, Walsh Colucci Lubeley & Walsh PC on behalf of Green Hedges School, Inc. owner.

**ORDER**

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on March 15, 2017, for a conditional use permit in accordance with Sections 18-22 of the Code of the Town of Vienna, Virginia. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

The Green Hedges School parcel is situated in northwest Vienna on 177,758 square feet of land that adjoins Windover Ave NW and includes a number of parcels formerly used as single-family residences. The School recently acquired an adjacent property addressed 202 Lewis St NW.

The existing facility is comprised of several buildings: the administrative center, the Rice Arts Center, Wiechelt Stable building and Kilmer Hall. Parking for 54 vehicles was approved as part of the 2007 site plan, but only 46 spaces exist on the grounds.

The recently acquired property at 202 Lewis St NW was previously developed with a single-family detached dwelling which has now been razed. The School proposes to use the additional land to enhance the experience of its students by establishing a educational garden on a portion of the former residential lot. The garden will be used by students and staff and provide an opportunity to learn sustainable gardening techniques; none of the plants will be sold or otherwise used for commercial purposes.

The School proposes to utilize a portion of 202 Lewis St NW to provide additional parking. The applicant originally requested to resurface the existing driveway to accommodate three parking spaces, but in response to citizen concern, reduced the request to two parking spaces. This would increase their existing parking to 48 spaces, with a future plan for 56 parking spaces, based off the approved 54 spaces in 2007 CUP.

In conjunction with the previously stated requests, the school initially requested to increase the number of allowed full-time-equivalent employees (FTE) from 37 to 45. However, after a number of meetings with the Planning Commission and the surrounding neighbors, the applicant reduced the request down to 42 FTE.

The Planning Commission considered this item during its regular meeting on February 22, 2017. Upon the conclusion of their analysis, the commissioners voted 5-3 to recommend approval of the CUP expansion without the requested two parking spaces. The commissioners voted 8-0 to recommend approval of the requested additional five FTE.

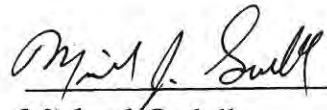
AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:

The Board of Zoning Appeals voted 5-0 to approve the request for an expansion of the CUP at Green Hedges School to construct an educational garden and increase staff to 42 full-time-equivalent employees and add two additional parking spaces at 415 Windover Ave NW and 202 Lewis St NW with the following conditions:

1. The two parking spaces located at 202 Lewis St NW shall be used by maintenance, custodial and administrative personnel of Green Hedges School and not be available for public or visitor parking. Signs notifying individuals of this limitation will be posted.
2. The two parking spaces located at 202 Lewis St NW shall be screened with landscaping consistent with that shown on Sheets 10 and 11 of the Site Development Plan.
3. The total number of parking spaces at 415 Windover Ave NW and 202 Lewis St NW shall not exceed 56.

Reasons Board members gave for supporting the motion include the fact that if a residence were built on the Lewis St property, it would be entitled to a driveway, garage and parking spaces. The spaces are being limited to two, with restrictions, which limits the impact on the surrounding neighborhood and the School is providing landscape screening. Board members also felt the ability to turn around, rather than back out of the driveway, provided increased safety. It's in the best interest of the School and the surrounding neighborhood to provide adequate parking as to keep parking off the street.

IT IS, THEREFORE, ORDERED, this 29 day of MARCH, 2017 that the application requesting expansion of an existing conditional use permit for more staff members and to create an educational garden located at 415 Windover Ave NW and 202 Lewis St NW and in the RS-12.5 residential zoning district be approved.



Michael Gadell

Board of Zoning Appeals, Vice Chair  
Town of Vienna