

## 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