

COUNTY BOARD OF APPEALS  
FOR  
MONTGOMERY COUNTY

COUNTY OFFICE BUILDING  
ROCKVILLE, MARYLAND 20850

Case No. S-729

Telephone  
Area Code 301  
279-1226

PETITION OF HOLTON-ARMS SCHOOL, INC.

ORDER TO CANCEL AND DISMISS SHOW CAUSE HEARING  
(Resolution adopted September 18, 1980)

The Board has received information by letter dated September 10, 1980, from George E. Hamilton, III, Esq., that "...the Holton-Arms School has terminated the tennis program on School tennis courts. ... I will assume, until further notice, that the Show Cause Order issued by your Board will be withdrawn in view of the School's action in terminating the tennis program."

Based on the foregoing information, the Board finds that the cause for the hearing has been eliminated and the need for the hearing (scheduled for October 16, 1980) has become moot; therefore,

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that the Show Cause Hearing has become unnecessary due to the termination of the tennis program (private club activity), and it shall be, and hereby is dismissed.

The foregoing Resolution was proposed by Mrs. Marjorie H. Sonnenfeldt, Chairman, and concurred in by Mrs. Shirley S. Lynne, Mrs. Doris Lipschitz, Mr. Wallace I. Babcock and Mr. Joseph E. O'Brien, Jr.

Entered in the Minute Book of  
the County Board of Appeals  
this 25th day of September, 1980.

Lollie H. Kyte  
Clerk to the Board



COUNTY BOARD OF APPEALS  
For  
MONTGOMERY COUNTY

Case No. S-729

PETITION OF THE HOLTON-ARMS SCHOOL, INC.  
(Hearing held April 3, 1980)

OPINION OF THE BOARD

This proceeding arises on the petition for a special exception pursuant to Section 59-G-2.19 of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1977, as amended) to permit addition of a library to the existing private educational institution. The subject property consists of approximately 80 acres, at 7303 River Road, Bethesda, Maryland, in an R-200 Zone.

Decision of the Board: Special exception granted,  
as conditioned herein.

Petitioner's Proposal

Spokesmen for the petitioner appeared and agreed to be bound by testimony, exhibits and evidence in the record as follows: James W. Lewis, headmaster of Holton-Arms, testified that the school moved to Montgomery County in 1963 and presently serves approximately 600 students, girls attending grades 3 through 12. Most students live in Montgomery County, although the school draws also from the District of Columbia and Northern Virginia. The school is known for its strong academic program, and has determined that a new library is needed to support that program, since the library built in 1961 has become inadequate to accommodate the number of students and the new uses now required in a library program. Mr. Lewis indicated that a planning committee has carefully considered the long range future needs of the school. They conclude that the proposed location for the new library is the most suitable both in terms of its relationship to the existing classroom building, and the need to preserve space for additional classrooms (to be added at the north end of the present classroom building) and an auditorium (to be constructed adjacent to the existing building, see site plan, Exhibit No. 21). Although these facilities would not be built in the immediate future, the school wishes to reserve the sites for eventual future construction. In the headmaster's opinion, the proposed location is the only workable site in which to construct a library meeting the criteria established by the school: that it be built on a single floor affording easy access for handicapped persons and

others coming to and from the academic building, and that it require no increase in staff. He noted that the wooded area across Booze Creek is covered by covenants barring construction until after 1986.

The headmaster testified that there would be no measurable increase in vehicle traffic on the school site as a result of the library extension, since there would be no increase in the student body. The driveway shown at the rear of the site would be used for access by construction vehicles during the construction period. After completion of the library, this driveway would be used solely for necessary delivery of materials to the library. In his opinion, such use would not constitute a nuisance to residents of the surrounding neighborhood.

Mr. Lewis further testified that he believes the proposed addition is compatible with the architecture of the school: it has been designed to achieve the lowest possible silhouette, and would use building materials blending with those used in the existing classroom buildings, and compatible with those of neighborhood homes. In response to questions, he indicated that he felt that the addition would not adversely affect the use and enjoyment of the home, rear yard and swimming pool area of the Hurwitz' property (immediately adjacent to the north), since the library would be 20 feet from the common property line, and the pool area appeared to be an additional forty to fifty feet inside the Hurwitz property.

Arther Keyes, the project architect, testified that his firm had conducted extensive studies considering the future needs of the school as outlined by the school's planning committee. After considering various possible locations, they concluded that the only practical site for the library was on the west side of the upper school building, since other potential sites were better suited for future classroom or auditorium additions, or "difficult" for building. In his judgment, the area at the north end of the existing classroom building (which opponents cited as a possible site for the library) is not large enough to accommodate a one-story building, since that would impinge upon present play fields and would require taking additional trees. He stressed that a plan for a one-story library (rather than a multi-story building) was an essential criterion established by the school.

The proposed library would be constructed according to plans entered into the record as Exhibits Nos. 4(c) through (e), 17 and 18. The structure would be an irregularly-shaped building comprised of an octagonal core area (the central library room, 18 feet high), with "wings" extending from four corners.

Only one of these (the southwest corner closest to the driveway) would be two stories high. This structure would be linked to the existing school building by a 30-foot-long "bridge," which would extend from a point midway between the first and second levels of the classroom building. The architect emphasized that the connection at this elevation is essential; due to the design of the stairwell and elevator in the existing building, the passageway to the library must take off from a landing area of the stairway to allow for unimpeded passage. This plan allows easy access to all floors of the school building for both persons and equipment, since the elevator is available to assist in moving handicapped persons or heavy loads of books or equipment.

The architect testified that the library building "digs itself into the hill" so that the bookstacks would be underground, but library, faculty and meeting rooms could get natural light. The highest point of the library structure would reach approximately to the level of the rain gutter at the base of the roof of the existing school. Air-handling equipment would be installed on the roof above the 18-foot-high central library room, and would be concealed from view by masonry walls. He stated that fans can function most efficiently at roof top level, and enclosure behind masonry is the best way to restrict sound transmission. The architect does not anticipate that the noise of the fans would cause disturbance to nearby property owners, since the fans would be installed in the corner of the library building nearest the school and shielded by the masonry wall. In his opinion, any noise would be more disturbing to persons on the school site than to residents of nearby properties.

The building would be approximately 12 feet above grade at the corner of the structure nearest the property line; from this point the roof would angle upward to a point approximately 18 to 20 feet above grade. Exterior walls would be constructed of a rose-colored brick similar to those in the existing school building; the roof would be painted a light neutral gray. These colors were selected to achieve greatest possible harmony with existing surroundings.

In response to questions, the architect indicated that the 30-foot-long bridge between the existing school and the library structure was necessary in order to retain the natural drainage swale between the existing building and the addition, to allow enough light and air to reach windows in the existing classroom building, and to avoid the necessity for significantly more expensive materials and construction techniques which would be required by the building code if the addition were less than 30 feet from the existing building. He testified that it would not be feasible to build the bridge directly from



the first level of the classroom building, because design of the existing stairwell would foreclose access to the bridge. In reply to a question concerning the feasibility of installing the bridge on a slight slope, so that the library addition could be depressed five or six feet further into the ground, the architect replied that this could be done, but it would make it "somewhat harder to push carts of books" through the passageway between the library and classrooms.

Mr. Keyes testified that the location of the service road had been redesigned (see Exhibit No. 19) in order to save trees. He acknowledged that construction of the library would require removal of trees on the library site itself, but stated that some trees now on-site include a mixture of old evergreens (some of which appear to be dying) and small new growth. In his opinion, it would be possible to preserve many trees in the area between the building and property line. He noted that it is only the northwest corner of the structure which would extend to within 20 feet of the property line; from this point the building would drop back from surrounding property lines. The architect testified that additional screening would be installed along the property line at the point closest to the library, to screen the view of the structure from the Hurwitz home and yard. He proposed installation of twelve white pine trees, 10 feet high at time of planting, in a staggered pattern on 10-foot centers; he felt this complied with recommendations of the Maryland-National Capital Park and Planning Commission (MNCPPC) technical staff. In his opinion, additional landscaping is not needed to screen view of the school site from the home adjacent to the Hurwitz'. He introduced photographs taken from the point on the school site which would be the closest point from the library extension to the property line. These pictures show numerous trees, both old and new growth, on both the school property and the Hurwitz property. In the architect's opinion, the view of the building from the Hurwitz property would be adequately shielded by existing and proposed trees; he noted that white pines grow rapidly and in a few years would be as tall as the building itself. He indicated that the highest point in the new building (parapet wall surrounding the central core) would be some 70 feet from the property line. In response to Dr. Hurwitz' concern that the proposed screening would be inadequate because his home is built at a higher elevation than the library site, Mr. Keyes testified that he believes the first floor level of the Hurwitz home is approximately the same elevation as the proposed school driveway.

In the opinion of the architect, the structure as designed is in harmony with the existing school and the surrounding neighborhood, in scale, size, and use of materials. Use of the

building would cause no unusual noise, vibrations, dust or glare, nor any disturbing on-site activity. No additional parking would be required since there would be no enlargement of the student body. The only exterior lighting would be recessed soffit fixtures in the building, and small low-level fixtures along the driveway; no light or glare would be cast on adjacent properties. In his opinion, the building is "very residential in character," thanks to its low profile and choice of materials; admittedly it would not possibly "match" the nearby homes. The extension closest to the Hurwitz property is not essential to the structural soundness of the building, but was planned to accommodate programmed needs indicated by the school and (in the opinion of the school librarian) essential features of the new addition.

In response to questions by the attorney for the opposition, the architect agreed it would be possible to build a library at other locations on the site, but stressed that alternate locations were not as suitable for a library of the type dictated by the school needs. Moreover, construction at these other sites would foreclose use of those sites for future classrooms or auditorium. He pointed out that the proposed auditorium location was chosen on account of the sloping topography, and the relationship to existing locker room areas and parking areas on that side of the building. Construction of the library at the north end of the existing classroom building would foreclose future classroom expansion in this area. He emphasized that the school had always intended to build in the area selected for the library addition, as indicated by existing water and sewer connections already installed within 50 to 60 feet of the proposed building site. With respect to the suggestion of the Montgomery County Planning Board that the library structure might be moved somewhat further north (Exhibit No. 9(a)), Mr. Keyes stated that he was not sure exactly what the Planning Board had in mind, but observed that moving the building north would bring the structure even closer to the Hurwitz property and would disturb more of the existing screening.

Mrs. Anna Smink, head librarian at Holton-Arms, testified that she had participated in an extensive planning project to determine needs for a new library which would meet current educational standards. The existing school library does not meet standards required by the Maryland State Department of Education for a school of the size of Holton-Arms. Since it was not constructed as a media center, it lacks necessary electrical outlets, conference space, and other facilities needed for a library program. She stressed the necessity to have all facilities on one level, for easy access and transfer of heavy equipment between library and classrooms, as well as for security purposes.

In her opinion, the meeting room and faculty area proposed in the corner of the library closest to the Hurwitz property are essential to the school program, and could not function successfully in any other part of the library.

### Opposition

Residents of three nearby properties appeared to testify in opposition. Dr. and Mrs. Byron Hurwitz, owner of the homesite at 7314 Burdette Court, the property closest to the proposed addition, expressed concern that construction of the addition and removal of much of the existing screening during construction would adversely affect their use and enjoyment of their home, whose family room and bedroom windows overlook the Holton-Arms site, as well as their yard and swimming pool area. Since their home is oriented to the rear, and includes some floor-to-ceiling windows, they believe the new building would be readily visible from both the exterior and interior of their home. Dr. Hurwitz introduced pictures showing the view of the school property from his home; he acknowledged that even in winter, trees partially shield the view of the existing school building, while in summer that building is now invisible. The witness stated that only 10 to 15 feet of the trees in these photographs are on his own property, however; the remainder are on the Holton-Arms site and many of these would be removed to make way for construction. Dr. Hurwitz noted his home is built at a higher elevation than the site of the proposed addition; in his opinion this would make it even more difficult to screen out the view of that addition. He believes his pool area is some 40 feet from the property line, and feels the new building would be "visually in our rear yard." He expressed concern that persons on the school property would be able to look into his yard and even into windows of his home.

Dr. Hurwitz' attorney introduced a letter from an architect, Edward Payne, which expressed concern that the construction of the library as proposed would adversely affect the use and enjoyment of the Hurwitz property, particularly considering the large areas of glazing at the rear of the Hurwitz home. The letter stated that the use of the existing swimming pool area would be particularly affected (Exhibit No. 13(b)).

William Davis of 7312 Burdette Court (adjacent to the Hurwitz' and also adjacent to the Holton-Arms property) stated that he believes that the library could be constructed between the classroom building and River Road, or elsewhere on the school site where construction would not adversely affect nearby residential properties. In his opinion, school activity is not



compatible with a residential area, and the view of the existing facilities from Burdette Road is "institutional." His home is also built at a higher elevation than the school property, and he felt that the view of the new addition would adversely affect the use and enjoyment of his property.

Thomas Dougherty, of 7308 Burdette Court, appeared to testify and subsequently wrote a letter in opposition (Exhibit No. 23). He expressed concerns similar to those noted above.

Maryland-National Capital Park and Planning Commission Recommendation

The technical staff of the MNCPPC recommends approval of the petition, subject to installation of additional screen plantings at the northwest corner of the proposed library building, such planting to be subject to review and approval by the technical staff (see Exhibit No. 9(b)).

The report notes, "The Community Planning West staff have reviewed the subject application for a library at the Holton-Arms School. Since it would appear that the new facility will not significantly increase the student population, staff feel the proposal will not have any adverse effect on the master plan for that area. A library, by its nature, is a relatively unobtrusive activity, particularly in this instance, where there will be little or no outside traffic coming in. Staff therefore believe the proposed use will not have a detrimental effect on the neighborhood."

The Urban Design staff notes that "... the library building will come to within 20 feet of the property line of the adjacent homes on Burdette Court and will necessitate removal of all of the existing tree cover up to the property line at this point. Therefore, the staff recommendation is to require screen plantings at the northwest corner of the library building between it and the property line."

The Planning Board questioned the compatibility of the structure with the adjacent property, and raised questions whether the library building might be moved slightly to the north, or the structure built farther into the ground (Exhibit No. 9(a)).

Findings of the Board

The Board has carefully considered all testimony, evidence and exhibits in the record. Members of the Board visited the

property and viewed the site from various angles, including in particular the view from the adjacent residential properties. After considering all evidence in the record, including plans, exhibits and testimony binding upon the petitioner, as well as observations at the site, the Board finds that the use as conditioned herein meets both the general standards for the grant of the special exception and the particular requirements for a private educational institution set forth in Section 59-G-2.19, in the following manner: the proposed building is appropriately scaled to the existing school and is harmonious in design, scale and materials with other buildings in the surrounding neighborhood. Construction and use as proposed is consistent with the adopted area master plan, and will cause no increase in vehicle traffic, parking, or noise on the site which would adversely affect the use, enjoyment or value of nearby properties, since no increase in enrollment or faculty is contemplated in connection with the construction of the library. The facility would be served by adequate public services and facilities, including water and sanitary sewer which are already available, and would not adversely affect traffic on the school site or on streets in the surrounding area. The building meets all setback and height requirements in the R-200 Zone, and the school population is well within the limitation of 87 pupils per acre (in this case, approximately 600 students on a 98-acre site).

The primary concern expressed by nearby residents (and uppermost in the minds of the members of the Board) is the matter of the proximity of the proposed structure to nearby residential properties, in particular, to the Hurwitz property. The Board is persuaded by a preponderance of the evidence in the record, and particularly by the testimony of the project architect, that the location selected is the most appropriate site for a library to serve the needs of the school. While the Board is sympathetic to concerns of nearby property owners regarding construction to within 20 feet of the property line, and consequent loss of much of the existing tree screening on the site, the Board finds that such construction is clearly permitted by the Zoning Ordinance (the required setback is only 12 feet). Moreover, as conditioned herein, the Board finds that the school building will be adequately shielded from view from the nearby residences, and requisite privacy to the residential properties will be provided by the construction and landscaping requirements imposed by this Board.

Therefore, the special exception petition is granted, subject to the following conditions:

1. Construction shall be according to plans entered in the record as Exhibits Nos. 4(c) through (e), 17 and 18.

2. Special exception holder shall prepare a detailed landscape screening plan for review and approval by the technical staff of the MNCPPC. The plan shall make special provision for screening the library building from view from nearby residential properties, and shall include shrubs and/or trees not only along the property line, but near the building foundations and in the area between the library and the property line.
3. Special exception holder shall obtain a use and occupancy permit from the Department of Environmental Protection prior to inaugurating use of the library.
4. All windows in the proposed structure from which the Hurwitz property may be viewed by persons within the proposed building shall be baffled in such manner as to totally obscure the view of the Hurwitz property by persons within the building.

The Board adopted the following Resolution:

"BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition."

The foregoing Resolution was proposed by Mrs. Marjorie H. Sonnenfeldt, Chairman, and concurred in by Mrs. Shirley S. Lynne, Mrs. Doris Lipschitz, Mr. Joseph E. O'Brien, Jr., and Mr. Wallace I. Babcock.

I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 30th day of April, 1980.

*Sollie H. Kyte*  
Clerk to the Board

NOTE: See Section 59-A-4.53 of the Zoning Ordinance regarding the twelve-months' period within which the right granted by the Board must be exercised.

Any decision by the County Board of Appeals may, within thirty days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.

