

BEFORE THE BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA

PUBLIC HEARING -- October 2, 1972
October 18, 1972

APPLICATION NO. 11080

Lutheran Council in the United
States of America, Appellant,
on behalf of Antioch College.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, Appellee.

On the motion duly made, seconded and carried, the following Order of the Board was entered as a result of polling the Board on November 14, 1972.

EFFECTIVE DATE OF ORDER: November 14, 1972.

ORDERED:

That the Antioch College Campus Plan, as amended, comprising the properties located at 1701 New Hampshire Avenue, N. W., 1716 New Hampshire Avenue, N. W., 2633 16th Street, N. W., 1624 Crescent Place, N. W. and 1145 19th Street, N. W. be Approved.

FINDINGS OF FACT:

1. The Campus Plan submitted by the Lutheran Church Council on behalf of the Antioch College originally consisted of six (6) properties. They are: 1701 New Hampshire Avenue, N. W., 1709 New Hampshire Avenue, N. W., 1716 New Hampshire Avenue, N. W., 2126 R Street, N. W., 2633 16th Street, N. W. and 1624 Crescent Place, N. W.
2. Two of these properties have been dropped from the Campus Plan. They are located at 1709 New Hampshire Avenue, N. W. and 2126 R Street, N. W.
3. The Amended Campus Plan is now comprised of five (5) properties with the addition of 1145 19th Street, N. W., the temporary office location of the School of Law's administrative offices.
4. All of these properties have received prior BZA approval, or are already properly zoned. The property located at 1701 New Hampshire Avenue, N. W., Application No. 10614, was approved on January 19, 1971. The Order is still in force. Public hearing for this property was held on December 9, 1970.

The property located at 1716 New Hampshire Avenue, N. W., Application No. 10704, was approved on March 23, 1971. The Effective Date of Order was May 4, 1971 and will be in force for a period of three (3) years. The public hearing for this property was held on March 17, 1971.

The property located at 2633 16th Street, N. W., Application No. 11009, was approved on January 18, 1972. The Effective Date of Order was June 28, 1972 and will be in force for a

period of five (5) years. Public hearing for this property was held on December 8, 1971 and January 12, 1972.

The property located at 1624 Crescent Place, N. W., Application No. 11080, was approved on October 24, 1972. The public hearing for this property was held on October 2 and 18, 1972.

The final piece of property, located at 1145 19th Street, N. W. is being used temporarily to house the offices of the School of Law and will be vacated as soon as all departments and activities of the School of Law can be accommodated in the Meyer House and the Lutheran Church Center. This property needs no special approval for use, it being located in a C-3-B District.

5. On motion made by Edgar S. Cahn, Co-Dean of Antioch School of Law, the records of these properties were incorporated into the record of the October 2, 1972 hearing.
6. The testimony of Mary Terrell from the Graduate School of Education and William Warren, Vice-President of Antioch College show that the conditions contained in the Orders approving Antioch's use of 1701 New Hampshire Avenue, N. W. and 1716 New Hampshire Avenue, N. W., with regard to parking, numbers of students, staff and faculty have been adhered to.
7. In its earlier Orders approving use of the properties located at 1701 New Hampshire Avenue, N. W., 1716 New Hampshire Avenue, N. W., 2633 16th Street, N. W. and 1624 Crescent Place, N. W., the Board found that the use of these properties by Antioch College was not likely to become objectionable to neighboring property because of noise, traffic, number of students of other conditions. The Board finds that there have been no detrimental changes since these Orders were issued and that no objectionable conditions now exist.
8. National Capital Planning Commission has recommended approval of the subject Campus Plan, limiting the total maximum student enrollment to 600 students, 20 administrative personnel and 30 full-time faculty members.
9. Mrs. Hubbard and Mrs. McCann of the Dupont Circle Citizens' Association objected to the use of the subject properties by Antioch College because of alleged housing shortages and lack of available parking space.
10. With the exception of Mrs. Hubbard and Mrs. McCann, no continuing opposition to the Antioch College Campus Plan was registered at the public hearings thereon.
11. Appellant alleges the proposed usages would not adversely affect neighboring properties and would be in harmony with the general purposes and intent of the Zoning Regulations.
12. In appeal No. 11009, the Board accepted a drawing of Appellant's proposed parking plan for the Lutheran Church Center, located at 2633 16th Street, N. W. This parking plan was approved by the Department of Highways and Traffic and the National Capital

Planning Commission. The spaces shown on the plan were undersized, but the Board, by its action approving Appellant's application, expressed a willingness to allow a variance from the parking regulations.

13. In its order approving Appellant's application (No. 11080) for use of the property located at 1624 Crescent Place, N. W., the Board suspended its action on Appellant's Campus Plan for thirty (30) days during which time a revised parking plan for the property located at 2633 16th Street, N. W. had to be submitted to the Board for approval.
14. Appellant submitted a revised parking plan for the above-mentioned property on November 10, 1972. This revised plan provides for a total of eighteen (18) parking spaces, the dimensions of which are in compliance with Zoning Regulations.
15. Appellant introduced testimony which showed that a great number of faculty and students would use public transportation or ride bicycles.
16. The Board has the authority under §7203.1 to vary or modify the amount of parking spaces required for non-residential uses by §7202.
17. The Board has previously granted to Appellant in Application No. 10704 a modification in the amount of parking spaces required for non-residential uses by §7202 when it was shown that many students and staff members would be using public or other means of transportation.
18. The proposed modification in the amount of required parking spaces at 2633 16th Street, N. W. is consistent with the spirit and purpose of the Zoning Regulations.
19. The Board has the authority under §7206.2 to reduce the number of parking spaces in total extent after their provision by prior order.
20. The number of students using the building at 2633 16th Street, N. W. at any one time will be reduced because of the Board's recent approval for use of the building located at 1624 Crescent Place, N. W. in Application No. 11080.
21. Many residents in the immediate neighborhood and the Adams-Morgan Community signed statements and petitions indicating their support of Appellant's application, recognizing the need for such a community-oriented academic institution.
22. Marion Barry, President of the District of Columbia Board of Education, and Co-Executive Director of Pride, Inc., located at 16th and U Streets, N. W., testified that he welcomes the presence of Appellant in the community in both of his aforementioned capacities.
23. Sgt. Shirley O'Neil, of the Metropolitan Police Department's

Third District, testified that he did not foresee any problems for the area because of the school and its students' presence. He also stated that the new School of Law would provide needed help to the community.

24. The overwhelming weight of the testimonial and documentary evidence shows that Appellant's proposed use of the subject properties is not likely to become objectionable to neighboring property because of noise, traffic, numbers of students, or other objectionable conditions.
25. Proposed use of all properties comprising the Campus Plan would not adversely affect the neighboring properties and would be in harmony with the general purpose of the Zoning Regulation.
26. Appellant alleges that the properties comprising the Campus Plan are not likely to be objectionable because of noise, traffic, numbers of students or other objectionable conditions, and that the requested uses are reasonable, necessary and convenient to the neighborhood.
27. This Board is authorized to grant permission for such use in accordance with §§8207.2 and 3101.46 of the Zoning Regulations.

OPINION:

The Board here considers the Composite Campus Plan of Appellant, Antioch College. After having reviewed the whole record, we are of the opinion this Plan should be approved subject to the conditions listed below. Ample testimony and documentary evidence was presented which showed that many of the residents in the areas where Appellant's properties are located support and welcome Appellant's presence and have no objections to proposed use of the properties. The only opposition at the public hearings came from Mrs. Hubbard and Mrs. McCann of the Dupont Circle Citizens' Association. They objected to Appellant's presence because of alleged housing shortages and inadequate parking space in the area. However, the overwhelming weight of the evidence presented shows that Appellant's presence and proposed uses of the subject properties are not likely to become objectionable to neighboring properties because of noise, traffic, numbers of students or other objectionable conditions.

All properties in the Campus Plan needing the Board's approval have received it. As to these four properties, located at 1701 New Hampshire Avenue, N. W., 1716 New Hampshire Avenue, N. W., 2633 16th Street, N. W., and 1624 Crescent Place, N. W., the Board finds no reason on the record to revoke its earlier approvals. There was testimony from Appellant that the conditions contained in the Orders approving the use of these properties with regard to parking, numbers of students, staff and faculty have been adhered to. The Board concludes that no detrimental changes have taken place since these orders were issued, that no objectionable conditions now exist and that its prior Orders shall remain in full force and effect subject to any modifications stated in this Order.

The Board also finds the revised parking plan for the property

located at 2633 16th Street, N. W. to be acceptable. Appellant presented testimony that many of its staff members and students will be using public or other means of transportation so that the parking need will not be as great. Moreover, with the approval for use of the property located at 1624 Crescent Place, N. W., the number of students using the property at 2633 16th Street, N. W. at any one time will be less. Therefore, we hereby modify our earlier Order, No. 11009, approving the use of this property to require eighteen (18) parking spaces. The Board is authorized to take such action under §§7206.2 and 7203.1

The Board is of the opinion that Appellant's use of all properties comprising the Amended Composite Campus Plan would not adversely affect neighboring properties and would be in harmony with the general purpose and intent of the Zoning Regulations.

This Order shall be subject to the following conditions:

- A. The total enrollment in all properties comprising Appellant's Campus Plan is limited to six hundred (600) students, thirty (30) full-time faculty, and twenty (20) administrative personnel;
- B. Any conditions contained in the Orders approving the individual pieces of property comprising the Amended Campus Plan shall remain in full force and effect except that the Order (No. 11009) approving the property located at 2633 16th Street, N. W., be modified to require a minimum of eighteen (18) parking spaces; in lieu of additional parking spaces, Appellant shall install bicycle racks at the properties located at 2633 16th Street, N. W. and 1624 Crescent Place, N. W.

C. Any parking facility operated by Antioch College as part of this Campus Plan must comply with the following conditions:

1. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface;
2. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space;
3. Bumper stops shall be erected and maintained for the protection of all adjoining buildings;
4. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space;
5. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance;
6. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structures are otherwise permitted in the zoning district in which the parking lot is located; and
7. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of this Order have been violated.

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

ATTESTED:

BY:

George A. Grogan, Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Before the Board of Zoning Adjustment, D.C.

October 2, 1972

PUBLIC HEARING -- October 18, 1972

Application No. 11080 Lutheran Council in the United States of America, Appellant, on behalf of Antioch College

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried, the following Order of the Board was entered as a result of polling the Board on October 24, 1972.

EFFECTIVE DATE OF ORDER -- October 24, 1972

ORDERED:

That the application for permission to establish an academic institution of higher learning at 1624 Crescent Place, N.W., lots 806 and 808, Square 2568, be GRANTED as an emergency measure, but that the approval of the Antioch College Campus Plan, as amended, comprising the properties located at 1701 New Hampshire Avenue, N.W., 1716 New Hampshire Avenue, N.W., 2633 16th Street, N.W., and 1145 19th Street, N.W., be suspended for thirty (30) days during which time a revised parking plan for the property at 2633 16th Street, N.W., must be submitted to the Board for approval.

FINDINGS OF FACT:

1. The subject property is located in R-5-B District.
2. The subject property, consisting of approximately two acres, is bordered on the West by the Meridian House International, on the North by a cooperative apartment building on Crescent Place, N.W., on the East by 16th Street, N.W., and on the South by vacant land on Belmont Street, N.W.
3. The present use of the property is for a single-family dwelling which is owned by the Meyer Foundation. This building was vacant for three (3) years prior to the signing of a lease with Antioch College.

4. The Appellant proposes to use the property as a non-profit institution of higher learning devoted to a clinical approach to the teaching of law.

5. The subject property involved will be a part of the campus of Antioch College.

6. Appellant alleges the proposed usage would not adversely affect neighboring properties and would be in harmony with the general purposes and intent of the zoning regulations.

7. The property is located approximately 1-1/2 blocks from the Antioch School of Law classroom building located at 2633 16th Street, N.W., Lot 32, Square 2574. Which property was granted a zoning adjustment by the Board in Appeal No. 11009. The classroom building property provides 24 off-street parking spaces.

8. In considering a Campus Plan, parking at a nearby location on the campus can satisfy the parking needs of other buildings on the campus.

9. The proximity of the parking lot at 2633 16th Street, N.W. to the subject property is such that one parking lot will adequately serve both the buildings.

10. The subject property will be used to house the law library, certain administrative offices and meeting rooms, and a caretaker.

11. The library in the subject property has seating capacity for a maximum of 125 students.

12. The Department of Highways and Traffic offered no objection to the changing of the property from a single-family dwelling to a non-profit institution of higher learning and found that the proposed use of the building would create no undue traffic or parking problems.

13. National Capital Planning Commission recommended approval of the application provided that no structural changes are made to the exterior of the building.

14. Four property owners residing at 1661 Crescent Place, N.W. appeared at the public hearing and testified that they welcomed the addition of the Antioch School of Law to their community because it will have a stabilizing effect on the neighborhood. They also testified that it was their understanding that the exterior appearance of the subject property would not be changed by the law school.

15. Many residents in the immediate neighborhood and the Adams-Morgan Community signed statements and petitions indicating their support of appellant's application, recognizing the need for such a law school in the community.

16. Marion Barry, President of the District of Columbia Board of Education, and Co-Executive Director of Pride, Inc., located at 16th and U Streets, N.W., testified that he welcomes the addition of Antioch School of Law to the community in both of his aforementioned capacities.

17. Sgt. Shirley O'Neil, of the Metropolitan Police Department's Third District, testified that he did not foresee any problems for the area because of the school and its students' presence. He also stated that the new school would provide needed help to the community.

18. Opposition was registered by Mrs. Hubbard and Mrs. McCann of the Dupont Circle Citizens' Association to the overall Campus Plan; however, no specific objections were raised as to the Meyer property regarding noise, parking or other objectional conditions.

19. The overwhelming weight of the testimonial and documentary evidence shows that Appellant's proposed use of the subject property is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions.

20. The dedication convocation of the Antioch Law School has been scheduled for November 13, 1972 and will be attended by the Chief Justice of the United States Warren Burger, the President of the American Bar Association, Mayor Walter E. Washington, the President of Notre Dame University Father Hesburgh, and 800 honored guests. In addition, the preliminary accreditation visit of the American Bar Association has been scheduled for Antioch School of Law on November 14, 15, 16 and 17, 1972. Accreditation will require that the School of Law have an operating law library. This will be impossible unless the property at 1624 Crescent Place, N.W. which is the school's library can be utilized immediately. The failure to obtain emergency approval of the Crescent Place property would impose an undue hardship on the appellant, Antioch College.

21. Mrs. Hubbard and Mrs. McCann of the Dupont Circle Citizens' Association objected to the use of the property at 1624 Crescent Place, N.W. by implication since they objected to the entire campus plan, due to alleged housing shortages and lack of available parking space.

22. This Board is authorized to grant permission for such use in accordance with Sections 8207.2 and 3101.46 of the Zoning Regulations.

OPINION:

This application concerns a two-acre plot located at 1624 Crescent Place, N.W. The property is being presently used as a single-family dwelling owned by the Meyer Foundation. It has been leased by Appellant, Antioch College, which proposes to use the property for housing a non-profit institution of higher learning, more specifically, a law school library. While seeking a special exception under zoning regulations 8207.2 and 3101.46 to use the subject property for educational purposes, Appellant, at the same time, is asking for ultimate approval of its overall Campus Plan submitted in accordance with Section 3101.46.

The record is replete with evidence of support for Appellant's presence and proposed use of the Crescent Place property. Four property owners residing at 1661 Crescent Place, N.W. testified that they welcomed the addition of Appellant's law school to their community because it would have a stabilizing effect on the neighborhood. Many residents in the immediate area and in the Adams-Morgan Community signed statements or a petition indicating their support for Appellant and recognizing the need for such a law school in the community. In addition, Marion Barry, President of the District of Columbia Board of Education and Co-Executive Director of Pride, Inc., and Sgt. Shirley O'Neil of the Metropolitan Police Department's Third District stated that the law school would be good for the area by providing needed services for its residents. Sgt. O'Neil also testified that he did not foresee any problems for the area because of the school's presence.

On the other hand, the record is almost totally devoid of evidence of any local resident's opposition. Mrs. Hubbard and Mrs. McCann of the Dupont Circle Citizens' Association registered objection to the composite Campus Plan, but failed to point out specific or likely objectionable conditions to Appellant's proposed use of the subject property.

The Board believes Appellant's use of the subject property is not likely to become objectionable because of parking inadequacies. Appellant has stated that many of its students would be utilizing public transportation and riding bicycles and the Department of Highways and Traffic indicated in its report that the proposed use of the building would create no undue traffic or parking problems. There are no classrooms or faculty offices located in the subject property.

The overwhelming weight of the evidence shows that Appellant's proposed use of the subject property is not likely to become objectionable to neighboring properties because of noise, traffic, numbers of students and other objectionable conditions.

The Board is of the opinion that Appellant's proposed use of the subject property at 1624 Crescent Place, N.W. would not adversely affect neighboring properties and would be in harmony with the general purpose and intent of the Zoning Regulations. The Board is further of the opinion that the Appellant would be seriously damaged if it were unable to obtain use of the property at 1624 Crescent Place, N.W., prior to November 13, 1972, in order to proceed with its scheduled dedication and the American Bar Association accreditation visit. The Board sees no reason why the property at 1624 Crescent Place, N.W. cannot be approved for use on its merits as an emergency matter, subject to the requirement that the Appellant submit to the Board within thirty (30) days a revised parking plan for the property at 2633 16th Street, N.W. We also conclude that the properties are not likely to become objectionable because of noise, traffic, numbers of students, or other objectionable conditions and that the proposed uses are reasonable, necessary and convenient to the neighborhood. This Board is authorized to grant permissions for such use in accordance with Sections 8207.2 and 3101.46 of the Zoning Regulations.

In view of these facts the Board grants this Order subject to the following conditions:

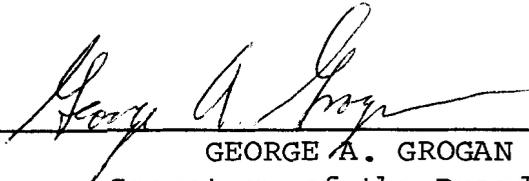
- a. No structural change is to be made to the subject property, located at 1624 Crescent Place, N.W., nor is the exterior appearance to be altered.
- b. Within 30 days of the date of this order the Appellant, Antioch College, must submit to the Board for its approval a revised parking plan for the property at 2633 16th Street, N.W.

The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of this Order have been violated.

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October 24, 1972
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BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

BY: 

GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.