

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- July 6, 1972

Appeal No. 11173 Neighbors, Inc., appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of July 6, 1972.

EFFECTIVE DATE OF ORDER -- July 14, 1972

ORDERED:

That the appeal from a decision of the Zoning Administrator approving the establishment of a National Training Center for Drug Abuse Prevention at Marjorie Webster Junior College, located at 7775 - 16th Street, N. W., lots 6, 8, 80, 507, and 815, Square 2745-F be granted and the decision of the Zoning Administrator be reversed.

FINDINGS OF FACT:

1. The Board of Zoning Adjustment has heard and decided the following appeals having to do with the Marjorie Webster Junior College:

- a. Appeal No. 4896, filed August 30, 1957, decided on October 23, 1957, conditionally granting permission to use residence for dormitory purposes in connection with the Marjorie Webster Junior College, Inc. at 1636 Kalmia Road, N.W., lot 69, Square 2745-F.
  - b. Appeal No. 5531, filed May 28, 1959, decided on June 23, 1959, granting permission to extend the Marjorie Webster Junior College to include premises 1636 Kalmia Road, N.W., as a dormitory for not more than fifteen (15) students, lot 69, Square 2745-F.
  - c. Appeal No. 6629, filed January 2, 1962, decided on January 29, 1962, granting permission to use premises 1630 Kalmia Road, N.W., lot 670, Square 2745-F for dormitory in connection with the College, housing
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approximately 20 students.

- d. Appeal No. 7740, filed May 1, 1964, decided on June 2, 1964, granting permission to construct dormitory on Marjorie Webster Junior College campus at 1626-1640 Kalmia Road, N.W., lots 809, 570, 69, 568 and 814, Square 2745-F and Parcel 77/64.
- e. Appeal No. 9189, filed March 17, 1967, decided on May 22, 1967, granting permission to utilize premises 1621 - 22nd Street, N.W. for housing facilities for approximately 20 students, lots 9-11 inclusive, Square 2745-A.
- f. Appeal No. 10371, filed April 15, 1970, decided on July 21, 1970, granting appeal for review of campus plan as required by Section 3101.46 of the Zoning Regulations.
- g. Appeal No. 10848, filed June 5, 1971, decided on August 10, 1971 to readvertise and rehear appeal on October 31, 1971. The appeal was decided on October 19, 1971, denying permission to expand college operation to include a private laboratory full service school including remedial and special educational services, 150 students ages 6-17 at 1640 Kalmia Road, N.W., lots 6, 8, 80, 507 and 815, Square 2745-F.

2. The record of testimony and the findings of fact in each of these cases establishes that the Order in each case was predicated on the basic assumption and the representations of appellant that Marjorie Webster has been solely a school for girls offering a two-year curriculum consisting of courses such as art, secretarial, communications and the like.

3. The school so operated has won public acceptance by the neighborhood as is indicated by the lack of opposition to the basic form of the school in the many appeals which have been filed and heard.

4. The modification of the college as approved by the Zoning Administrator will add to the girl's school a specialized course of instruction in drug abuse prevention, a type of instruction totally different from anything offered in the past.

5. The persons who will attend the drug abuse prevention program will be men and women, in distinction to the girls who have been the sole students in the past.

6. The persons who will attend the drug abuse prevention program may or may not be housed in college dormitories and, if they are not, they will constitute a transient student population quite different from the resident and non-resident girl students who constituted the college in the past.

OPINION:

Based on these findings of fact it is the opinion and conclusion of the Board that the proposed drug abuse prevention program is not merely a new curriculum offered to the same type of girl students but constitutes a radical departure from the type of operation of the college which has existed in the past and which has been the subject of many appeals to this Board.

The opinion of the Board that the proposed use is a radical departure from the premises on which we approved the campus plan, is based, not wholly on the fact that the Marjorie Webster Junior College has always been represented as a girls junior college, but also on the provision of Section 3101.46(a) of the Zoning Regulations of the District of Columbia, which states that it is not likely to become objectionable to the neighboring property because of noise, traffic, number of students or other objectionable conditions. The Board is of the opinion that the effect of the proposed new use on noise, traffic, number of students and other objectionable conditions must be determined at an open hearing before the Board of Zoning Adjustment.

The Order of the Board of Zoning Adjustment in Appeal No. 10371, effective March 5, 1971, approving the campus plan of the Marjorie Webster Junior College was based on findings of fact assuming a girl's finishing school.

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The ruling of the Zoning Administrator was based on his view that the proposed institute and its program constituted merely another curriculum offered by the Marjorie Webster Junior College. This would possibly be true if the original pattern of the college were to be continued and the girls were merely to be taught another subject. However, this is not the case and the introduction of this new program with additional types of students participating in it constitutes, in our opinion, a radical departure from the premises on which we have heard previous appeals and on which we approved the campus plan.

The Board, through its counsel, will therefore send a memorandum to the U. S. Court of Appeals to the effect that it believes that the Order of the Zoning Administrator should be vacated and that an appeal should be filed by or on behalf of Marjorie Webster Junior College for an amendment to the original campus plan order to permit the program of the National Training Center for Drug Abuse Prevention to be added to the original program of the college. The hearing on this appeal will be evidentiary and will permit all parties to be heard in support of, and in opposition to, the proposed change.

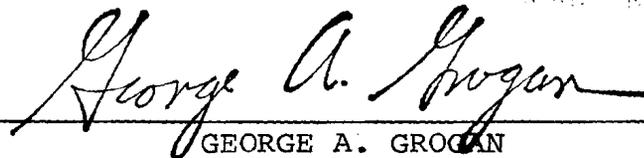
On July 7, 1972, Marjorie Webster Junior College filed an appeal before the Board of Zoning Adjustment for modification and amendment to its campus plan. The Board of Zoning Adjustment, by unanimous vote, has agreed to hear Marjorie Webster's appeal No. 11192 on September 13, 1972.

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

ATTESTED:

By: \_\_\_\_\_

AMERICAN UNIVERSITY OF WASHINGTON



GEORGE A. GROGAN

Secretary of the Board