

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 21, 1973

Application No. 11282 - Washington School of Ballet, applicant

On motion duly made, seconded and carried by a vote of 4-0, (Lilla Burt Cummings not having heard the case), the following Order of the Board was entered at the meeting of May 22, 1973.

ORDERED:

That the application for permission to establish a ballet school including student dormitory at 3704 Porter Street, N.W., Lot 806, Square 1911, be DENIED.

FINDINGS OF FACT:

1. Subject property is located in an R-2 District.
2. Subject property is improved by a 3-story residential building consisting of approximately 13 rooms including four bedrooms and three baths. The facility would house approximately 15 students and one house mother.
3. Students will be given instruction in both academic subjects and ballet. The building contain two seminar rooms which will provide classroom space. However, actual ballet instruction will not be taught within the subject premises.
4. The majority of students are girls some of whom travel a great distance to attend this school.
5. The students will occupy the facility during the months of September to June.
6. The school has no other plan for expansion.
7. The Zoning Regulations in Section 3101.42 provide "Other Private Schools, but not including a trade school, and residence for teachers and staff of a private school, provided that:..." as a special exception

8. On March 22, 1973, Mr. Walter N. Tobriner, Esq. wrote to the Board citing the opinion expressed by the Board at the public hearing that "the relief sought would be more properly applied for if the pending application was amended to seek a variance under Section 8207.11 rather than a special exception. Since the Board appeared to be of the opinion that the use of the premises as a dormitory was not sanctioned by the special exception provision of Section 3101.42."

"It is respectfully requested that this letter serve as an amendment to the present application before the Board so that the relief sought will be granted in the nature of a variance rather than as a special exception."

9. The Washington School of Ballet is a truly unique educational institution in that it is the only school in the District of Columbia which teaches both academic subjects and ballet in the same curriculum.

10. While the bulk of the students are day students the school has become nationally known and has thus attracted students from outside this area who require safe and convenient housing while in attendance.

11. The school has endeavored unsuccessfully for several years to purchase other parcels of property that could be used to house students.

12. There was no opposition to the granting of this application.

OPINION:

The Board is of the opinion that this application should be DENIED.

While this institution has existed in the neighborhood for many years with no objection from area residents, and the school has a problem of locating adequate and appropriate housing for boarding students, the applicant has not justified a variance. No evidence has been submitted to show that this property cannot be used for its zoned purpose. Also, although there is mention of a possible variance in the record, a variance was not advertised.

Because of the language of Section 3101.42 the Board cannot grant the special exception without a variance from Section 3101.42 which limits occupancy to teachers and staffs. Therefore, the Board denies the application as filed without prejudice, so the applicant may file a new application for a special exception under Section 3101.42 and a variance from the teacher/staff limitation of Section 3101.42.

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

ATTESTED:

By: _____



ARTHUR B. HATTON
Acting Secretary

June 19, 1973
