

Before the Board of Zoning Adjustment, D. C.

Application No. 11678, of the Washington School of Ballet, Inc., pursuant to Sections 8207.2 and 8207.1 of the Zoning Regulations, for a variance from the teacher/staff limitation of Section 3101.42 of the Regulations to permit the establishment of a ballet school including student dormitory in the R-2 zone, located at 3515 Wisconsin Avenue, N.W., Lot 806, Square 1911.

HEARING DATE: Submitted on the Record June 19, 1974  
EXECUTIVE SESSION: July 23, 1974

FINDINGS OF FACT:

1. Subject property is located in an R-2 District.
2. Subject property is improved by a three (3) story residential building consisting of approximately 13 rooms including four bedrooms and three baths. The facility would house approximately fifteen (15) students and one house mother.
3. Students will be given instruction in both academic subjects and ballet. The building contains two seminar rooms which will provide classroom space. However, actual ballet instruction will 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. The applicant would need a use variance in order to use the subject property as a residence for students and a special exception to use the premises for a ballet school.
9. The brief filed in this case asserts that the applicant ballet school is a unique educational institution in that it is the only one of its kind in the District of Columbia.
10. The subject property is located in the R-2 zoned district which adjacent to the R-5-A zone which boundary extends along the 3500 block of Wisconsin Avenue.

11. The subject premises is comprised of two and one half story residential building. The third floor accommodates an attic which can be used as living space. The subject building is larger than the majority of single family houses in the area and contains four bedrooms on the second floor, and living room and dining room on the first floor. The size of the bedrooms on the second floor is approximately 12' x 75'.

12. The applicant proposed to use all of the subject property as a residence except for one room which will be used as a classroom.

13. The applicant has attempted to purchase other properties in the District of Columbia to use as a residence for students, without success.

14. The subject property is located immediately next to the building which houses the Washington School of Ballet.

15. It is expected by the applicant that students who would be residing in the proposed dormitory facilities will not have their own automobiles, so that any additional parking requirements due to the increased density of residence using the subject property would not likely occur.

16. The Board finds that the subject property can be used for an R-2 zoned district use.

17. There was no opposition at public hearing regarding this application which was submitted on the record.

OPINION AND CONCLUSIONS OF LAW:

Based upon the above findings, the Board is of the opinion that the applicant has not carried its burden of proof of showing a hardship as a basis for this use variance as required by Section 8207.11 of the Regulations. The Board concludes that the applicant has not, as a matter of law, factually shown the existence of an exceptional topographic condition on the subject property or other exceptional or extraordinary situation or con-

dition of the subject property, which as a result of strict application of the Zoning Regulations would cause exceptional and undue hardship upon the owner/applicant. Therefore, in the opinion of the Board, granting of this variance would violate the intent, purpose, and spirit of the Zoning Regulations.

ORDERED:

That the above application be DENIED.

VOTE: 4-1 (Lilla Burt Cummings, Esq., dissenting.)

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

ATTESTED BY: *James E. Miller*  
JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER: **SEP 19 1974**