

Before the Board of Zoning Adjustment, D. C.

Application No. 11974 of the Trustees of St. Peter's Evangelical Lutheran Church pursuant to Sub-sections 8207.1 and 8207.2 of the Zoning Regulations for special exceptions under Paragraphs 3101.41 and 3101.42 to permit an increased number of students and teachers for a private primary and junior Montessori school permitted by BZA Order No. 11225 and for a variance from Sub-section 3101.42 (b) and Sub-section 7202.1 for one parking space at premises 1725 Michigan Avenue, N.E., Square 4187, Parcel 158/89 in an R-1-B District.

HEARING DATE: June 16, 1976
DECISION DATE: July 13, 1976

FINDINGS OF FACT:

1. This case came before the Board for a rehearing pursuant to the Board's Order herein of April 1, 1976.
2. The application was amended at the public hearing to withdraw the request for a variance for one parking space since that relief is not required. In Appeal No. 11225, the Board granted applicants a variance for six parking spaces. Since applicants will have a total of eight teachers and other employees, no further variance for parking requirements is necessary under Section 7202 of the Zoning Regulations.
3. Applicants presently have sixty pre-school children, and twenty elementary school children, and six teachers, as permitted in Application No. 11225. Applicants request an increase of ten pre-school children, forty elementary school children, and two teachers. The total scope of the use will be seventy pre-school children, sixty elementary school children for a total of one hundred thirty pupils, and a total of eight teachers and teaching assistants.
4. There will be no articles of commerce for sale.
5. The subject property is bounded on three sides by streets and on the fourth side by a public alley, and therefore, it is separated and buffered from residential areas. On the north, Webster Street abuts the subject property and opposite the subject property on Webster Street are the Safeway and Safeway parking Lot.

6. The school will be open from 8:00 a.m. to 4:00 p.m. with pre-school hours from 9:00 a.m. to 12:00 p.m. and elementary school hours from 9:00 a.m. to 3:00 p.m. There are virtually no after school activities.

7. A school bus brings approximately thirty percent of the students to the school. Approximately twenty-five percent of the students walk to school and the rest arrive in car pools. The school bus and the cars discharge passengers at the main entrance to the school on Webster Street immediately opposite the Safeway and Safeway parking lot and removed from any dwellings.

8. The school provides important services to the neighborhood, including a scholarship program whereby one-third of the students of the school are receiving scholarships and cooperation with the John Boroughs Elementary School in founding the Montessori component at that school.

9. The school is able to meet the requirement of the Zoning Regulations that enrollment of the pre-school be limited primarily to children residing in the neighborhood. The school is seeking to add only ten pre-school aged children and at present from among all of the pre-school aged children on its waiting list there are twelve who live within a ten block radius of the school.

10. The applicants are able to provide one hundred square feet of play area for each pre-school student on the subject property.

11. With the variance granted in the original Application No. 11225, the applicants meet the requirements of Section 7202 of the Zoning Regulations regarding parking.

12. The Advisory Neighborhood Commission for Area No. 5A submitted a statement and a letter in support of the granting of this application.

13. There were numerous letters in support of this application in the record and there were several petitions in support of this application in the record.

14. The owner of premises 1816 Varnum Street, N.E. appeared in opposition to this application at the public hearing.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the applicants have met all the requirements of Sections 3101.41 and 3101.42 of the Zoning Regulations. The evidence of record establishes that the proposed increase in number of students and teachers will not become objectionable to neighboring property because of noise, traffic, or number of students. There is ample on-street parking to satisfy the minor parking needs of the school. The school has proven to be convenient to the neighborhood and has provided a necessary service to the neighborhood, and the Board concludes that it will continue to do so with the requested addition in students and teachers.

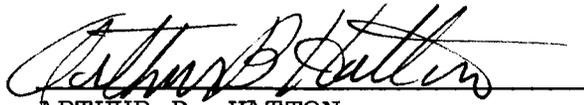
The Board is of the opinion that the special exception may be granted consistently with the intent of the Zoning Regulations and that it will not adversely affect the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED subject to the CONDITION that all ten (10) of the additional pre-school enrollment reside within ten (10) blocks of the school.

VOTE:

3-0 (Lilla Burt Cummings, Esq., Ruby B. McZier, Esq. and William F. McIntosh; William S. Harps not voting, not having heard the case)

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

ATTESTED By:



ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER: 4-21-77

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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Before the Board of Zoning Adjustment, D. C.

Application No. 11974, of the Trustees of St. Peters Evangelical Luthern Church, pursuant to Sub-section 8207.1 and 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to permit an increased number of students and teachers for a private school permitted by BZA Order No. 11225 and for a variance from Sub-paragraph 3101.42 (b) and Sub-section 7202.1 for one parking space to permit a primary and junior Montessori School in the R-1-B District at the premises 1725 Michigan Avenue, N. E. (Square 4187, parcel 158/89.)

HEARING DATE: August 20, 1975

DECISION DATE: September 5, 1975

DISPOSITION: Application DENIED by a vote of 3-0 (Mr. Harps, Dr. Lewis and Mr. McIntosh to deny, Lilla Burt Cummings, Esq. and Mr. Scrivener not voting not having heard the case).

FINAL DATE OF ORDER: November 26, 1975

MOTION FOR RECONSIDERATION: December 9, 1975

DECISION DATE: February 11, 1976

DISPOSITION: Motion for Reconsideration DENIED by a vote of 3-0 (Dr. Lewis, Mr. McIntosh and Mr. Harps to deny, Lilla Burt Cummings, Esq., and Mr. McCants not voting)

FINAL DATE OF THE ORDER: March 4, 1976

ORDER

Upon consideration of the applicant's Motion for Reconsideration and/or Rehearing, dated March 16, 1975, the Board finds that the motion does state an acceptable basis of error and that the motion does identify new issues which would warrant further hearings. It is therefore ordered that a rehearing on this case be set, be noticed and advertised in

accordance with the Supplemental Rules of Practice and Procedure before the Board.

VOTE: 3-0 (Mr. William F. McIntosh, Mr. Leonard L. McCants, and Mr. William S. Harps to rehear, Lilla Burt Cummings, Esq., and Mrs. Ruby B. McZier not present, not voting).

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

ATTESTED By: Steven E. Sher
STEVEN E. SHER
Acting Secretary to the Board

FINAL DATE OF THE ORDER: APR 1 1976

Before the Board of Zoning Adjustment, D. C.

Application No. 11974, of the Trustees of St. Peter's Evangelical Lutheran Church, pursuant to Sections 8207.2 and 8207.1 of the Zoning Regulations, for a special exception to permit an increased number of students and teachers for a private school permitted by BZA Order No. 11225 as provided by Section 3101.42 of the regulations and variances from Sections 3101.42 (b) and 7202.1 of the regulations for a waiver of one (1) required parking space, as provided by Section 8207.11 of the regulations, in the R-1-B Zone, to permit a primary and junior Montessori School composed of 130 students, and 8 teachers, at the premises 1725 Michigan Avenue, N. E., Parcel 158/89, Square 4187.

HEARING DATE: August 20, 1975

DECISION DATE: September 5, 1975

FINDINGS OF FACT:

1. Applicant proposes to increase the student enrollment and number of teachers at the existing Montessori school located in the R-1-B Zone.

2. Applicant was granted a variance from two (2) required off-street parking spaces and a special exception in BZA Case No 11255 to establish the now existing Montessori school operated by New City Montessori School, Inc.

3. Applicant proposes to increase enrollment from 80 to 130 students consisting of 70 pre-school students and 60 elementary students. The increased enrollment also requires the addition of two (2) teachers for a total of eight (8).

4. The proposed expansion is based upon applicant's waiting list of students seeking to be enrolled.

5. Approximately one-third (1/3) of the students currently enrolled are delivered by a bus under contract to the school and the balance of students are delivered by automobile or arrive on foot.

6. There is ample play area of not less than one hundred (100) square feet available for each pre-school student on the subject property as the church owns most of the square.

7. The subject property is surrounded by a primarily single family residential neighborhood and approximately 20% of the students currently enrolled live within a ten (10) block radius of the school.

8. The proposed increase of student enrollment is not anticipated to draw any number of students from the immediate neighborhood consisting of the ten (10) block radius although applicant stated priority would be given such students.

9. There is no off-street parking available on the church premises.

10. There will be no articles of commerce for sale on the subject property.

11. There have been no complaints from the neighboring property owners regarding the existing school and there is no opposition of record to the subject application.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact and the evidence of record the Board finds that while the proposed increased number of students and teachers is not likely to become objectionable to neighboring property because of noise, traffic or number of students. The use will not be reasonably necessary and convenient to the neighborhood. The additional students are not anticipated to be from the immediate area of a ten (10) block radius but will be drawn principally from other areas of Washington and from Maryland. The Board therefore is of the opinion pursuant to Section 8207.2 of the Zoning Regulations that the special exception is not in harmony with the general purpose of the Zoning Regulations by not being reasonably necessary and convenient to the neighborhood, there would be an adverse affect on neighboring property.

Application No. 11974

Page 3

ORDER: It is hereby ordered that the above application be DENIED.

VOTE: 3-0 (Mr. Scrivener and Lilla Burt Cummings, Esq. not voting, not having heard the case.)

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

ATTESTED By:



JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER:

November 26, 1975

Before the Board of Zoning Adjustment, D. C.

Application No. 11974 of the Trustees of St. Peters Evangelical Lutheran Church, pursuant to Sub-sections 8207.1 and 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to permit an increased number of students and teachers for a private school permitted by BZA Order No. 11225 and for a variance from Sub-paragraph 3101.42 (b) and Sub-section 7202.1 for one parking space to permit a primary and junior Montessori School in the R-1-B District at the premises 1725 Michigan Avenue, N.E. (Space 4187, Parcel 158/89).

HEARING DATE: August 20, 1975

DECISION DATE: September 5, 1975

DISPOSITION: Application denied by a vote of 3-0 (Harps, Lewis and McIntosh to deny, Cummings and Scrivener not voting, not having heard the case).

FINAL DATE OF THE ORDER: November 26, 1975

ORDER

Upon consideration of the applicant's Petition for Reconsideration or Rehearing, dated December 9, 1975, the Board finds that the motion fails to state an acceptable basis of error on the part of the Board to support a motion for reconsideration, to identify new evidence which is the basis of a motion for rehearing and to raise substantial questions of fact which would warrant rehearing of this matter. It is therefore ORDERED that the motion for reconsideration or rehearing be DENIED.

DECISION DATE: February 11, 1976

VOTE: 3-0 (Lewis, McIntosh and Harps to deny, Cummings and McCants not voting).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Acting Secretary to the Board

FINAL DATE OF THE ORDER: MAR 4 1976