

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