

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12439 of Darja Pagel, pursuant to Sub-section 8207.2 of the Zoning Regulations to establish an institution of higher learning, Goddard College (Sub-section 3101.46) and pursuant to Sub-section 8207.11 for a variance from the parking requirements (Sub-section 7203). The property is in the R-5-C District at 1716 New Hampshire Avenue, N.W., (Square 153, Lot 69).

HEARING DATE: June 28, 1977
DECISION DATE: July 15, 1977

DISPOSITION: Application DENIED by a vote of 3-2 (Ruby B. McZier, Charles R. Norris and William F. McIntosh to deny, Chloethiel Woodard Smith and Leonard L. McCants to grant).

ORDER

Upon consideration of the Applicant's Motion for Reconsideration/Rehearing dated October 25, 1977, 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 and/or rehearing. It is therefore ORDERED that the Motion for Reconsideration and/or Rehearing be DENIED.

DECISION DATE: December 6, 1977

Vote: 4-1 (William F. McIntosh, Walter B. Lewis, Charles R. Norris, Leonard L. McCants to Deny; Cloethiel Woodard Smith to grant motion.)

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

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

14 DEC 1977

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12439 of Darja Pagel, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations for a special exception under Paragraph 3101.46 to establish an institution of higher learning (Goddard College) and for a variance from the parking requirements (Sub-section 7202.1) in the R-5-C District at the premises 1716 New Hampshire Avenue, N.W., (Square 153, Lot 69).

HEARING DATE: June 28, 1977
DECISION DATE: July 15, 1977

FINDINGS OF FACT

1. The subject property is located on the southwest corner of Riggs Place & New Hampshire Avenue, N.W.
2. The lot has 2,104 square feet, is triangular in shape and is improved with a three story plus basement and attic, semi-detached building.
3. At the rear of the property, abutting the alley, there are two parking spaces.
4. The immediate area has a mix of land uses including apartments, flats, and single family residences as well as colleges, schools, office buildings, chanceries, and fraternal organizations.
5. Public transportation serving the general area includes various Metro bus routes and a Metro rail station at Dupont Circle, four blocks south of the premises. Metrorail service does not operate on evenings and weekends, and bus service operates at low levels during those hours.

6. The Goddard College of Plainfield, Vermont, proposes to use the subject premises for its Washington-based Goddard Experimental Program in Further Education. The program will offer courses on the undergraduate level.

7. The maximum number of students to be enrolled would be seventy of which no more than thirty-five will be on the premises at any one time. There would be a maximum of six teachers and four administrative persons.

8. Classes will be scheduled only on weekends on Friday evening (7-10 P.M.) and Saturday (9 A.M. to 10 P.M.). There will be eight weekend classroom sessions per semester which will meet every third week. Remaining coursework will be conducted off the premises. Students may come during the week for adviser meetings which are held on an individual basis at which time there would be no more than three students in the building with three staff people.

9. There will be no changes in the building structure.

10. By BZA Order No. 8767, dated June 20, 1966, the Board granted permission to the International Cultural Center to establish a private school at the subject premises for two years, limited to 120 students, contingent upon execution of acceptable covenant for 20 parking spaces to be located on other property.

11. By BZA Order No. 10704, dated May 4, 1971, the Board granted permission to Antioch College to use the subject premises for three years as an institution of higher learning for thirty-five students, six teachers and four administrative staff persons and that there would be no further expansion by Antioch College in this neighborhood.

12. The current Zoning Regulations, based upon fifty classroom seats, six instructors and four administrative staff persons, require a total of eleven parking spaces. If the two available parking spaces at the rear of the subject premises are adequate then the applicant must obtain a variance for nine parking spaces. The applicant testified that most of the students and personnel will walk or use public transportation. As to those who would require parking, the applicant testified that the college has made arrangements with the American Personnel and Guidance Association, located in the immediate neighborhood, to use twenty available parking spaces on Friday nights and

Saturdays.

13. The MPO, by report dated June 21, 1977, and by testimony at the hearing, recommended approval of the application for three years based upon the Board's prior approval in Order No. 10704 of a use similar to the present application, the size of the subject building which militates against single family residential use, the mixed use character of the immediately surrounding area, the proposed weekend scheduling of classes, the maximum enrollment proposed, the availability and access to public transportation and the fact the building occupies most of the lot.

14. The Department of Transportation, by memorandum dated July 15, 1977, reported that, based on the applicant's statements that most of the staff and students of the college would walk or use public transportation and that parking would be provided elsewhere for those who drove, the parking needs of the use will be satisfied. The Department therefore had no objections to the granting of a variance from the required number of off-street parking spaces. The Department also reported that the intended use of the site should have no adverse traffic effect on the surrounding street system.

15. The North Dupont Community Association, the Dupont Circle Citizens Association, the ANC-2B, the Neighborhood Planning Council No. 13 and resident property owners of the immediate neighborhood area opposed the granting of the application on the grounds that the subject area of the Dupont Circle Community has a critical shortage of low and middle income rental and residential property; that the subject premises could be used for the purposes for which it is zoned and that a residential use would add to the tax roles of the city and ease the housing crisis. The opposition also stated that the neighborhood has more than its share of institutes of learning and other tax-exempt institutions. The opposition further stated that the applicant has failed to show a hardship based on the uniqueness of the property to qualify it for a variance. The opposition also stated that the area has a severe parking shortage and that this use would contribute to that shortage.

The opposition stated that there is not enough space for two cars on the subject premises and that the plan to use available parking at the American Personnel and Guidance Association was deficient, in that those spaces would not be identified.

CONCLUSIONS OF LAW AND OPINION

Based on the above findings of fact and evidence of record the Board is of the opinion that there is a preponderance of educational institutions in the immediate subject neighborhood, and that the number of such uses is detrimental to the residential character of the area. The Board is of the opinion that traffic and parking are problems in those areas and that applicant's plan for solving the parking needs of its proposed use are not adequate. The Board concludes that the proposed use will be objectionable because of parking and its effect on the residential character of the area. The Board concludes that there is nothing in the record to suggest that the subject property is unique or exceptional so that it would qualify for a variance. The Board concludes that the proposed use would substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations. Accordingly, it is therefore ORDERED that the application is DENIED.

VOTE: 3-2 (Ruby B. McZier, Charles R. Norris, and William F. McIntosh to deny; Chloethiel Woodard Smith and Leonard L. McCants to grant).

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



STEVEN E. SHER
EXECUTIVE DIRECTOR

FINAL DATE: 11 OCT 1977