

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12556, of Andrew J. McErlean, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 to permit a college or university use (Goddard College) in the R-1-B District at the premises 2901 - 34th Street, N.W., (Square 2118, Lot 36).

HEARING DATE: January 18, 1978  
DECISION DATE: February 1, 1978

FINDINGS OF FACT:

1. The subject property is located on the northeast corner of the intersection of 34th and Garfield Streets and is known as 2901 - 34th Street, N.W. The property is in an R-1-B District.

2. The subject lot is 5,445 square feet in area and is improved with a two-story brick residence with a recessed third level and a two-car garage in the rear.

3. The site is surrounded by detached residences, the Belgian Chancery and the grounds of St. Alban's High School. The grounds of St. Alban's occupies the west side of 34th Street and the north side of Garfield Street where there are tennis courts. The single family residences surrounding the subject building are generally similar in design, size, shape and appearance to the subject site. The area is generally stable and well maintained. The Real Estate Assessment Section of the Department of Finance and Revenue indicated that the average 1977 selling price for homes in the immediate area was \$90,000.

4. The applicant, a leasee, whose lease is contingent upon obtaining a certificate of occupancy for the premises, seeks special exception relief to establish a college for no more than two years and variance relief from the regulations requiring eight off-street parking spaces. The college's proposed staff and student enrollment includes, four teachers, four administrative staff which includes a caretaker who will reside on the property, and sixty students (23-55 years of age). Approximately one-half of the student enrollment will reside in the District and one-half in the suburban jurisdictions of Maryland and Virginia. Class sessions will be conducted every third weekend on Friday evenings from 7-10 p.m. and Saturday from 9 a.m. to 10 p.m. During the week, four administrative staff persons will work in the building and approximately ten student-advisory meetings will be scheduled.

5. The college will conduct its operation within the building in the following manner:

- a. Third floor -- 2 rooms and 1 bath -- caretaker's residence.
- b. Second floor -- three classrooms (with floor areas of 210 square feet, 144 square feet, 120 square feet), two offices and two bathrooms.
- c. First floor -- One classroom (floor area of 336 square feet), a kitchen, a sunroom and bath.
- d. Basement level -- Library and 1 bathroom. The library will sometimes be used for classroom use.

6. The Goddard College was established in 1938 in Plainfield, Vermont. It has been operating experimental programs in further education which lead to the Bachelor of Arts degree in the District since 1973.

7. The College was previously before the Board to establish a college in a large three-story residence at 1719 New Hampshire Avenue and to seek variance relief from the nine parking spaces required by the regulations. The Board, by BZA Order No. 12439 dated October 11, 1977, denied the request and concluded that the use would be objectionable because of the parking needs of the college and the effect it would have on the residential character of the neighborhood. The relief for a variance was concurrently denied because the facts on record failed to indicate anything unique or exceptional about the property in question. A motion that the Board re-consider their decision was also denied by BZA Order No. 12439, dated December 14, 1977.

8. The College thereafter moved and started operations in the subject residence about December 1, 1977 under a 22 month conditional lease which terminates automatically in August of 1979.

9. The premises are occupied illegally, since the Board has not approved use of the property as a college and no Certificate of Occupancy has been issued. After the termination of the lease it is anticipated that the owners of the property will reoccupy the subject premises and use it as a single family residence. The owners are presently out of the city on a two-year employment assignment. There was testimony that all prior efforts to sell or lease the subject residence for the interim period have been unsuccessful. The residence was previously listed on the market for a total price of \$197,000 or a rental price of \$1,100 per month.

The Board finds that price is above the general market range in that area.

10. The Zoning Regulations require ten off-street parking spaces for the three staff members, four teachers, and sixty students who will be enrolled at the college. Since there is a two-car parking garage at the rear of the premises, a variance must be obtained for the remaining eight parking spaces.

11. The applicant's agent, Snider Brothers, Inc., has indicated that the Washington Cathedral or St. Alban's will allocate ten of their off-street parking spaces to the college. However, there has been no documentation on record of either such commitment or where such parking spaces are located.

12. Since one-half of the total enrollment is expected to reside in Maryland or Virginia and evening and weekend classes are scheduled, it is anticipated that the proposed use would result in increased vehicular traffic and increased parking space demands on residential streets.

13. The Municipal Planning Office, in its report dated January 12, 1978, reported that the D.C. Board Education indicated that an average classroom serving twenty students on a high school or college level should have approximately 700 square feet of floor space. Applying this standard, the proposed use, which has approximately 810 square feet of floor space, is 1,390 square feet below the standard.

14. The proposed use, if approved, would not appear to meet D.C. Fire Regulations found in Article 6 of the Building Code in that the stairways are not enclosed, the walls have not been fireproofed, the kitchen has not been closed off from the remaining portions of the building and no separate means of egress are provided for each floor.

15. The MPO, by report dated January 12, 1978, recommended that the application be denied on the grounds that the proposed use would be likely to disrupt the quiet, stable, residential character of the area and the subject building is designed for residential use and is inadequate and unsuitable for the proposed use. The Board so finds.

16. The application was referred to the Department of Transportation for its review and report. Both at the public hearing and by report dated January 27, 1978, the DOT reported that the proposed use of the property for school purposes would create a concentrated, sustained and repetitive use of residential city streets for non-residential parking. Such unusual use of street space is contrary to the DOT off-street parking policy. The DOT further reported that, as reported by numerous citizens in correspondence with the Department concerning the present illegal operations, this competition for curb space is an inconvenience and nuisance to the residential neighborhood. The Board so finds.

17. Councilperson Polly Shackleton, Councilman Jerry A. Moore, Jr., the Citizens for City Living, the Woodley Park Community Association, resident owners of property in the subject neighborhood were opposed to the application. There were also petitions of residents in the neighborhood in opposition to the application. The grounds of the opposition were the increase of problems relating to traffic, parking, pollution and noise, the use of a residence designed for single-family use for a college contrary to the Zoning Regulations for R-1-B Districts, the violation of building, fire and health regulations and the unauthorized use of the premises openly flouting the laws of the District of Columbia.

18. The present illegal use of the premises is already having a negative effect on property in the area, because of the traffic and parking demands generated by the college when it is in operation on weekends.

19. There was no report from Advisory Neighborhood Commission 3C.

CONCLUSIONS OF LAW AND OPINION:

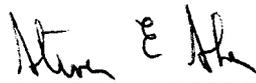
Based on the above findings of fact and evidence of record, the Board concludes that conducting classes for sixty students in a residential neighborhood during Friday evening and throughout the day and evening on Saturday when most residents are home would be likely to disrupt the quiet, stable, residential character of the area. The Board further concludes that the noise, number of students, increased traffic activity and curb parking demands generated by students simultaneously going to and from the college would be some of the foreseeable objectionable conditions. The Board notes that the subject building was designed for single family use and thus is inadequate and unsuitable for classroom use for the enrollment requested in terms of floor space, building code and fire regulations governing the conversion of such use.

The Board concludes that the special exception sought is not in harmony with the general purpose and intent of the Zoning Regulations and Map and will tend to affect adversely the use of neighboring property in accordance with said regulations and maps. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (Chloethiel Woodard Smith, Charles R. Norris,  
William F. McIntosh and Leonard L. McCants to DENY).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 17 FEB 1978