

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12614 of Carl H. Richmond, Jr., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from offices of a computer service company to a private school and for a variance from the parking requirements (Sub-section 7202.1) in the R-1-B District at the premises 2461 Wisconsin Avenue, N.W., (Square 1299, Lot 959).

HEARING DATE: March 22, 1978

DECISION DATE: April 5, 1978

DISPOSITION: Application GRANTED with conditions by a vote of 5-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants)

FINAL DATE OF ORDER: April 18, 1978

O R D E R

Upon consideration of applicants request dated July 18, 1978 for modification of Application No. 12614 as to the parking layout, to reduce the number of parking spaces from sixteen (Scheme No. 3) marked as Exhibit No. 22 in the record to thirteen (Scheme No. 5) marked as Exnibit No. 29 in the record, the Board is of the opinion that the reduction in parking spaces along with the school's efforts to encourage students to use surface transportation and car pooling does not materially change the circumstances as previously determined by the Board, will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

The applicant in his request also stated that the parking scheme originally approved by the Board could not be implemented because it provided parking on public space.

It is therefore ORDERED that Condition "a" of BZA Order No. 12614 dated April 18, 1978 be amended to read as follows:

- a. The open space of the lot east of the building shall be cleared, paved with an impervious surface, and marked off with 13 parking spaces according to Scheme No. 5 proposed by applicant, and used for parking by students and faculty.

BZA No. 12614

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In all other respects the Approval Granted in BZA Order No. 12614 dated April 18, 1978, remain unchanged.

VOTE:

4-0 (Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh and Theodore F. Mariant to approve modification)

DECISION DATE: August 2, 1978

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: 15 AUG 1978

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12614, of Carl H. Richmond, Jr., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from offices of a computer service company to a private school and for a variance from the parking requirements (Sub-section 7202.1) in the R-1-B District at the premises 2461 Wisconsin Avenue, N.W., (Square 1299, Lot 959).

HEARING DATE: March 22, 1978  
DECISION DATE: April 5, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District and is situated at the southeast corner of Wisconsin Avenue and Calvert Street, N.W., known as 2461 Wisconsin Avenue, N.W.
2. The property consists of a triangular lot abutting the south side of Calvert Street for approximately 232 feet and the east side of Wisconsin Avenue for approximately 80 feet.
3. The sole improvement is a two story and basement office building located at the west end of the lot. The usable area of each floor is approximately 4,000 square feet and that of the basement is approximately 3,500 square feet.
4. The unimproved part of the lot is a triangular space to the east of the building having an area of approximately 3,237 square feet. Part of this is now paved with concrete and part is in grass.
5. The only abutting property, which is to the south, is the Guy Mason Recreation Center, which is operated by the District of Columbia Department of Recreation. The area north of Calvert Street and east of Wisconsin Avenue is zoned R-1-B, developed primarily with single family dwellings, and this zoning district extends south of Calvert Street and east of Wisconsin Avenue to include the subject property and the Guy Mason Recreation Center. The east side of Wisconsin Avenue south of Calvert Street is zoned C-2-A and is occupied by a variety of commercial uses. The west side of Wisconsin Avenue south of Calvert Street is zoned C-2-A and is occupied by a variety of commercial uses.

6. The subject building has been used in the past, in each case by Order of this Board, as offices and sales of safes, sales and service of electronic equipment, automobile sales, dance studio and computer service company.

7. The applicant proposes to use the subject building as a school named the Georgetown School of Arts and Sciences, Ltd. The school will offer paramedic courses leading to a career as a medical assistant, medical laboratory technician, dental assistant, dental laboratory technician and medical secretary. All program offerings are accredited by the National Association of Trade and Technical Schools, which is listed by the U.S. Office of Education as a nationally recognized accrediting agency.

8. The students must be high school graduates. The school has terms which start in January, April, July and October of each year. The courses require six or twelve months attendance.

9. The maximum enrollment of the school at any one time would be 300 students, of which approximately 250 would be day-time students and the remainder would be in attendance in the evening. The maximum number of students on the premises at any one time would be 250 to 260. There would be a maximum total of nineteen faculty members, sixteen during the day and three in the evening.

10. Since its founding in 1964, the school has occupied rented space in an office building on Wisconsin Avenue two blocks south of the proposed location. No complaints respecting the operation of the school or the conduct of the students at that location have ever been received by the school.

11. The last recorded Certificate of Occupancy for the property was for the offices of a computer service company, No. B81672, dated April 18, 1972. Such a use is first permitted in a C-1 District. The proposed use, that of a private school, is first permitted as a matter-of-right in an SP District and is also permitted as a matter-of-right in a C-1 District.

12. There was discussion at the hearing as to whether the proposed use would be considered a private school or a trade school, neither of which is defined in the Zoning Regulations. The Board finds that such issue is not relevant to a change of non-conforming use, since both uses are first permitted in an SP District.

13. The great majority of students use public transportation in going to and from the school. Only a very few use an automobile which must be parked during school hours. Most of the faculty use their cars for transportation. The proposed location of the school is well served by public bus routes.

14. Under Sub-section 7202.1 of the Zoning Regulations, a total of thirty-three parking spaces are required.

15. The applicant has proposed three parking schemes:

- a. Scheme No. 1 provides 20 parking spaces but has no open driveway east of the building and contiguous to it.
- b. Scheme No. 2 provides 18 parking spaces and has an open driveway east of the building and contiguous to it.
- c. Scheme No. 3 provides 16 parking spaces and has a driveway through the parking area. According to this scheme only 1 parking space is enclosed by other parking spaces. Additionally, space 16(a) of this scheme would be suitable for a small car.

16. A representative of the Massachusetts Avenue Heights Citizens Association appeared at the public hearing and suggested that the school provide off-street parking. The organization did not basically oppose the location of the subject school.

17. Advisory Neighborhood Commission 3B, in its letter dated March 23, 1978, reported it voted unanimously to support both the requested change in use and the requested variance from the parking requirements on the grounds that the change in use from offices to a private school returns the property to a use that is allowed under R-1-B. The ANC is in favor of the principle of the using residential land for uses allowed under residential zoning. From the community's standpoint a private school is not as desirable as residences. However, given the existing building and given the fact that the proposed school is for post-high school study, the ANC feels that the proposed use is entirely suitable for the property.

The ANC further reported that the parking requirements under the Zoning Ordinance for this school are unreasonable and undesirable. Although the neighborhood does suffer from non-residential parking on the streets (even with residential sticker parking plan), ANC feels that better enforcement is the proper way to combat that problem rather than by trying to accommodate the enormous demand for parking. The neighborhood is much more severely affected by the amount of traffic in the area, and ANC therefore opposes any increase in parking supply for daytime use of non-residents. The property in question already has six to eleven parking spaces (depending on density of use). These spaces are unsightly and create some measure of inconvenience and hazard to sidewalk users. The last thing ANC would like to see is expansion of that parking lot. ANC would prefer to have the school put that part of the property to a more productive use, but if they insist on using that space for parking, ANC requests that they at least assign the space to carpools of students and faculty rather than to individuals of high rank. The bus service to the property is entirely adequate and the combination of buses and carpools should meet the transportation needs of the school.

CONCLUSIONS OF LAW:

The Board concludes that the change of non-conforming use from offices to a private school can be granted, as the proposed use is permitted in the most restrictive zone in which the previous use was permitted. The Board concludes that the present operation of the use has shown it has not objectionable and that it would not affect adversely the present character or future development of the neighborhood. The Board notes that there are commercial uses directly accros Wisconsin Avenue to the west and further along Wisconsin Avenue to the south.

The requested variance is an area variance, the granting of which requires the showing of a practical difficulty.

The subject property is a triangular lot, has a past history of commercial uses and is surrounded by commercial uses, but is zoned R-1-B. The Board concludes that the lot is therefore unique in this area. These circumstances create an extraordinary or exceptional situation or condition imposing practical difficulty upon the owner of the property and the use to which the building can be put.

The Board is aware that basically there was no opposition to the creation of the school at the subject location. As to the issue of parking the ANC supports the variance sought and the Board feels that the applicant has presented a reasonable solution to the problem through parking Scheme "No.3", Exhibit No. 22 and though the school's efforts to encourage students to use surface transportation and car pooling thus furthering the current policy of the city's Department of Transportation. The Board concludes that the relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following Conditions:

- a. The open space of the lot east of the building shall be cleared, paved with asphalt, marked off with 16 parking spaces according to Scheme No. 3 proposed by applicant and used for parking for students and faculty.
- b. One parking space shall be provided in the basement of the building.
- c. The school shall at all times designate a person or persons who shall be available at all times to move cars on the parking lot in order to permit free movement to and from the parking area. The name and address of such person(s) shall be available to the Chief, Zoning Regulation Division at all times.
- d. The school shall formulate a car pooling program for students and faculty and at all times, but especially at the beginning of each school term, such program shall be made known to students and faculty. The school shall manage the program and keep it active at all times. The program shall be available at any time to the Chief, Zoning Regulation Division.
- e. The school shall in its catalog and other brochures set forth its policy of discouraging students from bringing an automobile to school.

- f. There shall be a maximum of 300 students enrolled at the school.

VOTE: 5-0 (Walter B. Lewis, William f. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants).

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

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 10 APR 1978

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.