

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12659, of the District of Columbia Department of General Services, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to permit a private school and for a special exception under Sub-section 7205.3 to locate required parking spaces other than on the lot where the principal use is located to permit the Capitol Hill Arts Workshop (CHAW) to use former B.B. French School in the R-4 District at the premises 545 - 7th Street, S.E. (Square 877, Lot 800).

HEARING DATE: June 21, 1978
DECISION DATE: July 5, 1978

FINDINGS OF FACT:

1. The subject site is located in the R-4 District on the northwest corner of 7th and G Streets, S.E., known as 545 - 7th Street, S.E.
2. The property is approximately 3162 square feet, with frontage on both 7th and G Streets. A portion of the site also extends behind adjacent property which fronts on G Street.
3. The property is developed with a large three story building known as the B.B. French School, which is boarded up and vacant at this time.
4. The subject building was originally known as the French Manual Training School. It was constructed in 1904 and was used for school purposes until 1942. In 1942, the property was leased to the Marine Corps until 1959. The Department of Highways and Traffic used it for storage from 1959 to 1962. The premises has been boarded up and vacant since 1962.
5. To the north adjacent to the property and continuing north to E Street are row dwelling's in the R-4 District. To the east across 7th Street are several newly constructed town houses in the C-2-A District; and to the southeast across G Street there are row dwellings in the R-4 District. To the south there is a liquor store. Abutting the property to the southwest is a row dwelling in the R-4 District.

6. The Capitol Hill Arts Workshop, Inc., intends to restore said building , making no major structural changes, to a condition where it will meet code requirements, for use as a non-profit community school for the arts. In addition Capitol Hill Arts Workshop proposes to locate the four required parking spaces in an area other than on the same lot as the private school.

7. The school has been in operation for six years at another location and conducts classes in five major areas of the arts, such as dance, drama, language, music and writing. The school serves all age groups as well as persons from various social-economic backgrounds.

8. Presently the school has an enrollment of 291 students. The maximum enrollment for the B.B. French School would be 500 students.

9. The hours of operation would be from 9:00 a.m. to 9:00 p.m. six days a week. The majority of the classes are scheduled from 3:00 p.m. to 9:00 p.m. in the evening.

10. There would be a maximum of 180 students per day on the premises with a maximum of thirty students on the premises at any one time. There would be a maximum of seventeen faculty members, with not more than three teachers and one administrator (out of a total of three) on the premises at any one time.

11. The Capitol Hill Workshop is presently operating by special exception in the Capitol Hill Presbyterian Church at 201 4th Street, S.E. with no known negative impact or opposition from the neighborhood.

12. Tuition is charged for the classes but a number of scholarships are given out each year to under priviledged youth.

13. The Zoning Regulations require that the proposed use provide four parking spaces. The applicant's site plan shows four regulation size parking spaces located approximately 800 feet away on the Christ Church, Capitol Hill lot, located at 620 G Street, S.E.

14. The rector of the Christ Church testified as to the agreement between the church and the Capitol Hill Arts Workshop for four parking spaces to be provided for a period of three years. At the time of expiration, the contract will have to be renewed. Canon law limits contractual agreements to no longer than three years.

15. The subject property at 545 - 7th Street, S.E., is too small and the existing building occupies too much of the lot for the accessory spaces to be provided on the lot. The applicant has thus proposed to use the church site for parking if that is acceptable to the Board.

16. There are no limitations on the use of the four spaces at the Christ Church throughout the day.

17. The majority of the students and teachers will live in the vicinity of the school and walk to the school.

18. The Capitol Hill Arts Workshop plans to lease the building from the District of Government. The terms of lease have not been determined, pending a decision by the Board.

19. With the investment necessary by Capitol Hill Arts Workshop to restore the building, CHAW would eventually seek to purchase the building from the District.

20. The Municipal Planning Office, by report dated May 16, 1978, and by testimony at the hearing, recommended that the application be granted for a three year period, on the grounds that the granting of this special exception request will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring properties. The Board so find.

21. Advisory Neighborhood Commission 6B, on May 6, 1978, unanimously adopted a resolution which is supportive of both the requested special exception and the proposed parking arrangement.

22. There were numerous letters received into the record in support of the application.

23. There were much testimony from interested citizens and participants of the workshop in support of the application.

24. The Capital Hill Restoration Society voted to oppose the application on the grounds that the four parking spaces would not be adequate, and that the school would create noise and traffic congestion in a residential area.

25. An abutting property owner was in opposition to the application on the grounds that the school would create a noise problem and limit the enjoyment of his patio. In addition to the noise the property owner was concerned over the hours of operation.

26. A property owner within 200 feet opposed the application on the grounds that it would create a noise problem and parking congestion.

27. Two property owners in the neighborhood felt that the school should be used for some purpose to benefit the elderly in the area and in addition, the school will increase the parking problem.

28. As to the concerns raised by the persons in opposition to the application, the Board finds that the problems raised are not likely to occur. The Board notes that the workshop presently operates in another location on Capitol Hill, and while that location is different, there is no indication in the record that the workshop has been objectionable in any way. The Board finds that there is evidence in the record which suggests that the construction of the buildings is sufficient to minimize noise from within the building. The Board further can and will impose conditions to limit the noise impact. On the issue of parking and traffic, Board finds that the majority of people coming to the workshop will come by foot, as supported by surveys of the workshop. The Board finds that the parking proposed is the most reasonable solution to the requirements of the Zoning Regulations.

29. The Board finds that this building is well suited for use as a school, and that the building is not readily adaptable to residential uses.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that, due to the nature of this particular school and the characteristics of the site, the operation of a private school within the R-4 District at this location is not likely in the future to become objectionable. The Board concludes that the four parking spaces being provided at the Christ Church are enough to accomodate the school and notes that these spaces are the minimum number required by the Zoning Regulations. In addition, the Board concludes that the noise to be generated by the students of the school is of such a degree as not to become objectionable to nearby and abutting property owners. Based on the evidence, including the fact that the school is presently operating without apparent negative effects, the Board concludes that the operation of this school will not likely in the future become objectionable to adjoining and nearby property because of noise, traffic, number of students or other objectionable conditions.

The Board notes that there was a great deal of public testimony concerning this application, both for and against the proposal. The Board notes that one major community organization opposed the application, and that the Advisory Neighborhood Commission supported the application. The Board is required by statute to give "great weight" to the issues and concerns of the ANC, and concludes that in granting the application, the ANC has been accorded the weight required by the statute. The Board concludes that the objections raised by persons in opposition are not sufficient to require that the application be denied, for the reasons already stated.

The Board further concludes that the operation of the school will be in harmony with the intent of the Zoning Regulations and Map, if certain conditions are imposed on the granting of the application to insure protection of adjacent properties. Accordingly, it is therefore ordered that the application is GRANTED subject to the following CONDITIONS:

1. Approval shall be for the Capitol Hill Arts Workshop only.
2. There shall be a maximum of 500 students enrolled at the school.
3. There shall be a maximum of thirty students on the premises at any one time.
4. All instructions shall end no later than 9:00 p.m.
5. Those windows in the south and west walls which face abutting property shall be kept closed.
6. Approval shall be for a period of three years.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh to GRANT, Walter B. Lewis to GRANT by PROXY, Chloethiel Woodard Smith and Leonard L. McCants not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER 20 SEP 1978

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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.