

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12746, of St. Paul's English Lutheran Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to use part of the first floor and all of the second floor as a Montessori Primary and Elementary School in the R-1-B District at the premises 3600 Everett Street, N.W. (Square 1983, Lot 64).

HEARING DATE: September 20, 1978

DECISION DATE: September 20, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the intersection of 36th and Everett Streets, N.W., and is known as 3600 Everett Street, N.W. It is in an R-1-B District.
2. The surrounding uses are mostly large, detached R-1-B type single family dwellings.
3. The subject lot is improved with a large church known as St. Paul's English Lutheran Church.
4. The "Education Wing" of St. Paul's English Lutheran Church is located adjoining the church building on the westerly side and has access from Ellicott Street and also from an alley to the west. The "Education Wing" is a two story building and is presently used by the Church for its religious education services on Sunday. Two of the ground level rooms are also used for a nursery school operated by the Church.
5. The applicant proposes that part of first floor and all of the second floor of the Education Wing of the Church will be used for primary and elementary Montessori School operated by the Montessori Society of Chevy Chase, Inc., a non-profit corporation in the District of Columbia.
6. Certificate of Occupancy Number B-75536 was issued for a period of three years on September 6, 1970 under BZA Order No. 10417 to use the premises as a private day school, grades one through five consisting of 200 pupils. This certificate of occupancy expired in 1973. The French School which was located at the premises has moved else where. The applicant is requesting permission to occupy the same space.

7. The subject school will enroll 100 children who are between the ages of two and one-half years and twelve years. Fifty-five of the children will be pre-school children. Forty-five per cent of the children will be from the immediate neighborhood. Seventy-five per cent of the students will be from the District of Columbia. There will be six teachers.

8. The classes will operate five days a week between 8:45 a.m., and 3:30 p.m., September through June. The children will arrive between 8:00 a.m., and 8:30 a.m. The pre-school children are dismissed at 11:45 a.m. The school closes at 4:00 p.m.

9. The parents use car pools to transport the children. Entrance is from Ellicott Street where the children are met by assistants and escorted to the school building.

10. Three parking spaces will be required for six teachers in the proposed school. There are nine spaces available on the church property which are accessible from the alley off Everett Street.

11. There will be sufficient space in the building to be used as play space for pre-school children. There is approximately 3250 square feet play area inside the building and approximately 2,700 square feet play area outside the building on Ellicott Street to accommodate the needs of the pre-school children. Public park facilities in the immediate neighborhood will also be used.

12. The Municipal Planning Office by report dated September 19, 1978, stated that the proposed school is not likely to become objectionable to the neighborhood and if approved would be in harmony with the Zoning Regulations. The Municipal Planning Office recommended that the application be approved with the condition that arrangements be made to provide appropriate student drop off points along Ellicott Street near 36th Street at a convenient location so that the neighboring residential properties are not affected adversely.

13. Many persons testified on behalf of the application and there were many letters on file in support of the application.

14. Two neighbors objected to the application on the grounds there was no guarantee that the subject applicant would not continue the same adverse impact in the neighborhood as did the previous occupant, the aforementioned French School. These neighbors objected to the use of the alley to the rear of the school as ingress and egress for the school children; destruction of equipment and littering of the immediate public parks used as play areas for the students; and lack of supervision of students at play-time. It was urged that the applicant provide its own play ground on its own property.

15. A Commissioner from Advisory Neighborhood Commission 3F06, single member district, opposed the application on the grounds that the neighborhood's concerns about the use of the alley to the rear of the school for the picking-up and discharging of the students were valid and that a traffic hazard was created.

16. The Board, in addressing the "issues and concerns" of the ANC, to which, by statute, great weight be given, and the similar issues raised by the neighborhood, will impose conditions on the granting of this application which will alleviate the problem issues voiced. With the conditions imposed, including a limited time period, hereinafter listed, both the neighborhood and applicant, will be able to monitor this grant.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant has satisfied the requirements of Paragraph 3101.42 of the Zoning Regulations, and that, with the conditions imposed on the granting of the application, the subject use is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions. The Board further concludes that the use 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 property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of ONE YEAR, which may be renewed at the discretion of the Board upon the filing of a proper application.
- b. Approval shall be for the Mater Amoris Montessori School only.

- c. There shall be a maximum of 100 students enrolled at the school, of which there shall be a maximum of fifty-five pre-school or kindergarten students.
- d. There shall be no discharging or pick-up of students from the School from the alley at the rear of the property.
- e. All play activity, either on or off the subject property, shall be supervised.

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

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

FINAL DATE OF ORDER: 28 SEP 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.