

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12762, of C.H.R. Associates, Inc., pursuant to Sub-section 8707.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from a school, all floors and basement, to an apartment house consisting of ten units, in the R-3 District at the premises 2115 and 2117 S Street, N.W., (Square 2532, Lots 808 and 809).

HEARING DATE: September 27, 1978  
DECISION DATE: October 4, 1978

FINDINGS OF FACT:

1. The subject site is located on the north side of S Street, N.W., just west of Connecticut Avenue in the R-3 District.
2. The property is improved with two five story row-type structures, containing approximately 11,000 square feet, which are one building within the meaning of the Zoning Regulations.
3. The applicant herein proposes to change the use of the premises from a private school to a condominium apartment containing ten units having an approximate area of 1,100 square feet each. The property has been used for non-residential purposes since approximately 1925.
4. The most recent Certificate of Occupancy for the structure located at 2115 S Street, N.W. is No. B51207, issued April 13, 1965 and permits use as a school of the subject premises by the United States National Student Association. The most recent Certificate of Occupancy for the premises at 2117 S Street, N.W. is No. B53455, issued September 24, 1965, and permits use of the subject premises as a school by the United States National Student Association.
5. Private school use permitted at premises 2115-17 S Street, N.W., is a non-conforming use in an R-3 zone. A private school is first permitted as a matter-of-right in the SP Zoning District.
6. The applicant's proposed use as condominium apartments of the site is first permitted as a matter-of-right in the R-5-B District.

7. The proposed development is a neighborhood facility, since the apartment users, as residents of the neighborhood, become a part of that neighborhood.

8. The proposed use is much less intense in nature than the previous use of the site as a school. The school facility operated by the United States National Students Association had a core staff of sixty persons, and it is estimated that 200 persons could have entered the premises on any given day. The Holton Arms School had a peak enrollment of 450 students. The proposed use, on the other hand, of ten apartment units is anticipated to house approximately twenty-two to twenty-four persons and, therefore, will significantly reduce the impact of the use on this site and on surrounding properties.

9. The subject square as well as surrounding squares are mixed in use containing many institutional uses as well as multi-family dwellings. The subject site is within one block of an area designated for high density residential development on the Zoning Maps and converts a prior S-P type use to a residential use. The proposed use would be consistent with the Comprehensive Plan for the District of Columbia as expressed in the Zoning Regulations, and would be a change more in conformity with the Zoning Regulations than the present use.

10. The character of the area within 300 feet of the subject site is a mixture of uses containing many institutional and multi-family uses. Immediately east of the subject site is a private residence and further east, commercial development along Connecticut Avenue. West of the site is a Montessori School, the Founding Church of Scientology, the English-Speaking Union and the Kingsbury Lab School, which was approved by the Board. South of the subject premises, across S Street is the Quaker Friends Meeting House. To the north of the site across the alley are private residences. The proposed apartment use is in keeping with the character of this neighborhood.

11. There are no planned external architectural changes to the subject structure. The applicant intends to perform maintenance work such as cleaning and repainting the exterior facade and installing new windows.

12. The applicant does not intend to display any signs at this site.

13. Since the proposed use does not involve use outside the existing building, there will be no need for special screening or protective measures in this case.

14. The lot occupancy of the structures located on the subject site and the lack of rear yard area make it impossible for the applicant to provide on-site parking or loading facilities for this project. No parking or loading berths are required for the proposed use. However, the applicant has arranged for owners of units in the proposed project to lease up to ten spaces from the nearby Universal Building located on Connecticut Avenue and thereby provide parking of one space per dwelling unit beginning in June, 1979. With ten residential units, the number of vehicular trips will be substantially reduced. Additionally, the parking permit program in effect assists in the availability of spaces on public streets.

15. The Municipal Planning Office, by report dated September 20, 1978 and by testimony at the hearing, recommended that the application be approved, on the grounds that the proposed change of use and conversion to condominium apartments would not be likely to adversely affect the present character or future development of the neighborhood. The Board so finds.

16. Advisory Neighborhood Commission 1D, by letter dated September 25, 1978 and by testimony at the hearing, supported the application on the grounds that it preferred residential use of the site to institutional use.

17. The abutting property owners submitted a petition in favor of the application.

18. The Sheridan-Kalorama Neighborhood Council and one individual resident of the area did not oppose converting the building from institutional to residential use, but suggested that the number of units be limited to four, on the grounds that ten units would exacerbate a congested on-street parking situation. The Board finds that such a restriction would be unreasonable in view of the size, nature of construction of the building and market conditions. The Board further finds such a restriction to be unnecessary in that the intensity of use of the building is being greatly reduced from previous uses, and that ten units would not have a significant impact on the overall parking demand.

CONCLUSIONS OF LAW AND OPINION:

Pursuant to Sub-section 7104.2, a Class II non-conforming use may be changed to a use which is permitted in the most restrictive district in which the existing non-conforming use is permitted. The use of premises 2115-17 as a private school is a non-conforming use in an R-3 District. A private school is first permitted as a matter-of-right in the SP District. The proposed use of condominium apartments is first permitted as a matter-of-right in the R-5-B District, which is a more restrictive use than the SP use. Accordingly, the Board concludes that the proposed use is permitted, in the most restrictive district in which the previous use is permitted, and that the application thus meets the requirements of Sub-section 7104.2.

The Board further concludes that applicant meets the provisions of Section 7109. The proposed use will be essentially a neighborhood facility, and will not adversely affect the present character of the neighborhood, is a less intensive use than the prior use as a private school and is compatible with the mixed nature of other uses in the area. The relief can be granted as in harmony with the Zoning Regulations and Maps and will not tend to adversely affect neighboring properties. Accordingly, it is ORDERED that the application be GRANTED.

VOTE: 4-1 (Walter B. Lewis, Chloethiel Woodard Smith, William F. McIntosh and Charles R. Norris to GRANT, 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: \_\_\_\_\_

**14 NOV 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.