

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12989 of Friends Meeting of Washington, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the first floor of the subject premises as a day care (Pre-School) center consisting of sixteen children, two teachers and four assistant teachers and for a variance from the parking requirements (Sub-section 7202.1) in an R-3 District at the premises 2111 Florida Avenue, N.W., (Square 2515, Lot 47).

HEARING DATE: July 25, 1979
DECISION DATE: August 8, 1979

FINDINGS OF FACT:

1. The subject property is located in an R-3 District on the northwest corner of the intersection of Florida Avenue and Decatur Place, N.W. The property also has frontage on Phelps Place.
2. The subject property is improved with two buildings. The larger structure is the Friends Meeting House located on the Florida Avenue end of the site and is known as 2111 Florida Avenue, N.W. The actual entrance to the building is on Decatur Place. The smaller building is known as Quaker House, and is located at 2121 Decatur Place, to the west of the Meeting House.
3. The applicant proposes to operate a day care center in one room of the Meeting House at 2111 Florida Avenue, N.W. The center would have a maximum of sixteen children, ranging in age from two and one-half to four years old. The center would have two full-time and four part-time staff people. The work shifts would be staggered so that there would normally be no more than three staff people in attendance at any one time. The proposed hours of operation were from 7:30 a.m. to 6:00 p.m.
4. The applicant testified that the majority of the students would come from the immediate neighborhood. The applicant further testified that there would be students coming from areas outside of the neighborhood, including Maryland and Virginia.
5. There will be no articles of commerce for sale from the day care center.
6. The lot is of sufficiently large size that the applicant can provide sufficient play area to meet the requirement of Sub-paragraph 3101.41(d).

7. The site presently has no off-street parking spaces. The area of the lot not improved with buildings is well landscaped and devoted to gardens.

8. The Zoning Regulations require that two parking spaces be provided for each three teachers and other personnel. Since there would be no more than three teachers on the premises at one time, two spaces are thus required for this day care center. Since the applicant proposes to provide no parking spaces, a variance from the requirements of Sub-section 7202.1 is required.

9. The applicant proposes to provide off-street parking spaces at a commercial facility in the area. There was no indication that such spaces would be reserved exclusively for the use, nor that such spaces would be available as long as the use was in existence.

10. Florida Avenue is a major arterial street, which allows no parking during rush hours. Decatur Place is a narrow one-way street which has no parking permitted on its north side at any time except Sundays. The area is covered by the two hour parking limitation program to restrict available on-street parking to area residents.

11. The area is well served by public transportation, including bus service on Florida Avenue and P Street and rail service at Connecticut Avenue and Q Street.

12. The area at present has a high concentration of churches, embassies and private schools. Such uses create a high demand for parking, and also generate traffic beyond the level normally associated with residential uses permitted in the R-3 District. There are also many existing residences in the area which do not provide off-street parking, which creates a high demand for on-street parking. The area is also on the fringe of the high density downtown area, and is subject to high levels of traffic through and around the area. The Board finds that the combination of these factors creates severely strained parking and traffic conditions in the area at present.

13. The Board finds that it is difficult to insure that a majority of the potential students for the school will reside in the neighborhood. It is likely that those students who do not reside in the area would be brought to the school by cars. The traffic generated by the school particularly at the beginning and end of the school day, would add to the already congested conditions, and would worsen congestion on the streets. The Board notes that there are also many circumstances where students residing in the neighborhood would be brought to the school by

cars, particularly on days of inclement weather.

14. Advisory Neighborhood Commission 1D, by statement dated August 25, 1979 and by testimony presented at the hearing, opposed the application. The ANC opposed the introduction of an additional non-residential use in a residentially zoned area which is already occupied by many non-residential uses, including chanceries, clubs and private schools. The ANC further expressed its concern about existing congestion in the area, particularly on Decatur Place, where access for emergency vehicles is often blocked under present conditions. The ANC was concerned about the lack of parking spaces in the area to serve neighborhood residents. The ANC opposed the application on the grounds that it would further worsen congestion and parking problems in the area. The ANC cited specific examples of congestion which now occurs as a result of other private schools in the area.

15. The Ambassador of Costa Rica, which is the owner of property which abuts the subject site, submitted a letter in opposition to the application, citing the presence of the acute parking problems in the neighborhood. The owner of the abutting property to the west on Decatur Place, as well as other neighborhood residents, opposed the application on the same grounds as the ANC.

16. The Board notes the issues and concerns of the Advisory Neighborhood Commission, and the similar concerns expressed by other persons in opposition. The Board has already made findings concerning the existing conditions in the area, and concurs with the reasoning of the ANC that this application should be denied.

17. The application was supported by other residents of the Kalorama area, living several blocks removed from the subject site. The support was based on the general need for child care facilities in the District of Columbia. The application was supported for the same reasons by a representative of the Washington Child Development Council and by a commissioner of ANC 2B. While ANC 2B is located directly across Florida Avenue from the site, the commissioner who appeared at the hearing did not represent ANC 2B, nor did she represent the single member district adjacent to the property.

18. The Board finds that while the need for child care in the District of Columbia is legitimate, the Board must judge this specific application on the basis of the facts in the record regarding this particular property.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the primary relief requested is approval of the special exception under Paragraph 3101.41 to operate the day care center as a private school serving a pre-school group. The Board concludes that the applicant has met some of the specifications listed in Paragraph 3101.41, particularly as to the availability of play space and the lack of articles of commerce for sale. The Board concludes that the applicant has not met all of the requirements of Paragraph 3101.41. Specifically, based on the findings of fact, the Board concludes that the proposed use will be such that it is likely to become objectionable to adjoining and nearby properties because of traffic and parking. The Board notes that existing conditions are serious, and of course cannot be attributed to the proposed use. However, the Board concludes that to permit any significant additional traffic and parking impacts would exacerbate the present situation and would not be in keeping with the intent and purposes of the Zoning Regulations. As to the issue of the necessity or convenience of the center, the Board concludes that the applicant has not demonstrated that the school is necessary or convenient to the neighborhood in which it is located. The Board is further not convinced that the enrollment of the school will come primarily from that neighborhood.

As to the variance requested, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of some exceptional or extraordinary condition or situation in the property which creates a practical difficulty for the owner. The Board concludes that the applicant has not met the burden of proof in this regard. The site is a large site, and the applicant has not proven why parking cannot be provided on the property. The Board notes that the grant of this variance would be of substantial detriment to the public good and would substantially impair the intent and purpose of the zone plan. The Board has previously stated that this is an area which experiences a shortage of parking spaces for a variety of reasons. The Board cannot approve this variance to provide no parking without adding to existing problems in the area.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled.

It is therefore ORDERED that the application is DENIED.

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

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

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

FINAL DATE OF ORDER: 5 NOV 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."