

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13031 of the Sacred Hearts of Jesus and Mary, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to use the basement, first and second floors of the subject premises as an elementary school (boarding and day school) in an R-2 District at the premises 4900 10th Street, N.E., (Square 3786, Lot 809).

HEARING DATE: August 22, 1979
DECISION DATE: September 5, 1979

FINDINGS OF FACT:

1. The subject property is located at the end of Tenth Street, north of Crittenden Street, N.E. and is known as 4900 10th Street, N.E. It is in an R-2 District.

2. The site is developed with a church, an inter-connected classroom/dormitory building, and an inter-connected two-story frame structure. To the north and south of the three building structure on the site are large grassy areas. To the west of the structure on the site there is a paved parking area which can accommodate approximately thirty automobiles.

3. The property was used, between 1947 and 1979, as a seminary for the training of candidates for the priesthood by the Congregation of the Sacred Hearts of Jesus and Mary, a Catholic religious order. In May, 1979, the owner executed a three-year lease/option with the National Youth Development Center for the purpose of establishing a private school for children with special education needs.

4. The lessee is seeking a special exception to use the subject premises as a school which will provide educational and psychological services for up to sixty learning disabled and emotionally handicapped students who are between the ages of nine and fourteen. The school will be known as the Questover School.

5. The staff including full time and part time persons, will number twenty-four. The student teacher ratio is five to one and the pupil-adult ratio is three to one.

6. The lessee testified that the premises will be utilized in the multi-disciplinary program as follows:

- (1) The basement and first floors of the classroom building contain six classrooms, in each of which a special education teacher and a trained aide will teach up to ten children. In addition, this area contains a recreation room, several work rooms for art and occupational therapy, and adaptive physical educational, a large meeting room, two administrative offices, a fully-equipped kitchen and a large dining room.
- (2) The third floor has fifteen dormitory rooms, two counselor rooms, lavatory and shower facilities. These facilities will provide residential facilities for fifteen students with at least two full time live-in residential counselors.
- (3) The attached two story dwelling will provide accommodations for the psychological testing center, including a reading laboratory, speech laboratory, therapy room, testing center and individual counseling rooms for the school.

7. The students will be referred primarily from the District of Columbia through the Board of Education. If the needs of the District of Columbia are not sufficient to provide the school's capacity, there may be referrals from Maryland and Virginia.

8. The school, either directly or indirectly through the District of Columbia, will provide bus transportation to and from the school each day. The bus will arrive at the school at approximately 9:00 a.m. and depart at approximately 3:00 p.m.

9. Off-street parking is provided for teachers and staff in a parking lot on the subject premises which consists of approximately thirty spaces. Under the Zoning Regulations sixteen spaces would be required for a staff of twenty four persons.

10. The lessee held a series of meetings with representatives of neighborhood civic organizations, the Advisory Neighborhood Commission, individual residents of the community and the community as a whole. The applicant presented to the Board a series of petitions and letters signed by residents of the Community speaking in favor of the application. In addition, approximately twenty members of the community personally appeared at the Public Hearing to speak in favor of the application.

11. There was opposition to the application by two neighboring residents who testified at the Public Hearing of August 22, 1979. Their opposition was based primarily on the failure of the lessee to give notice to the neighborhood residents as to his proposed use of the subject premises and accordingly, the opposition was not knowledgeable enough to recommend the application. The Board finds that said opposition was not living within 200 feet of the subject property and the Zoning Regulations and the Supplemental Rules of Practice and Procedures do not require the mailing of notice to them. The Board further finds that the applicant has made a diligent and good faith effort to make the proposed use known to the community.

12. Advisory Neighborhood Commission 5A appeared at the public hearing and spoke to the application. The ANC made no formal recommendation. It noted that it had met with representatives of the school on several occasions to iron out various problems with the proposed use.

CONCLUSIONS OF LAW:

Based on the findings of fact, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 3101.42 of the Zoning Regulations in that the proposed private school is not likely to become objectionable to adjoining and nearby properties because of noise, traffic, number of students, or other objectionable conditions. Ample parking space is provided in the church parking lot to accommodate the teachers and visitors likely to come to the site by automobile.

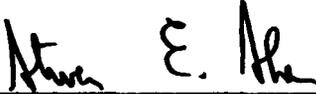
The Board further concludes that the relief sought is in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring properties. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval is limited to the Questover School.
2. Approval shall be for a period of THREE YEARS.
3. Enrollement shall be limited to sixty students and twenty-four staff members.

VOTE: 4-0 (Charles R. Norris, Leonard L. McCants and Chloethiel Woodard Smith to grant, Ruby B. McZier to grant by proxy, William F. McIntosh not voting, not having heard the case).

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

22 OCT 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."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.