

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13122 of Christ Lutheran Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to use the basement of the subject premises as a private school consisting of fifteen students and five teachers in an R-1-B District at the premises 5101 - 16th Street, N.W. (Square 2714, Lots 19, 24 and 25).

HEARING DATE: December 19, 1979
DECISION DATE: January 9, 1980

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of 16th and Gallatin Streets, N.W. in an R-1-B zone district at premises known as 5101 - 16th Street, N.W.
2. The site is developed with a one story and basement brick church building.
3. The applicant proposes to use the basement of the building as a private school to be operated by the Washington Hearing and Speech Society for children with speech and hearing impairments. All students are ambulatory.
4. The proposed hours of operation are 8:00 a.m. to 3:00 p.m. Bus transportation is provided for the students through the D.C. Special Education Program.
5. The application as originally filed requested a maximum of fifteen students. At the time of public hearing, the applicant amended the application to request a maximum of twenty students and five teachers.
6. The Washington Hearing and Speech Society is a non-profit organization. It proposes to serve children whose numerical age ranges from four through twenty-one, while the student's mental capacity is limited to that of an average ten year old.
7. The Zoning Regulations require that two off-street parking spaces be provided for the proposed use. The Church parking lot is surfaced with an all-weather impervious surface, that accommodates approximately twelve cars. These spaces are available to the proposed private school.

8. The property is located in a neighborhood which is generally comprised of large houses. Immediately to the south and across the street from Gallatin Street along 16th Street, are located the Capitol Hill Interdenominational Temple, the Buddhist Vihar Zen Meditation Center and doctor's offices.

9. The Carter Barron recreation area is located across 16th Street to the northwest. The applicant proposes to utilize this area for its out-door recreational activities.

10. The Church, in addition, has ample open space on both sides for outdoor activities.

11. There was no report from Advisory Neighborhood Commission 4C on this application.

12. The Carter Barron East Neighborhood Association, at the time of public hearing, indicated its approval of the application, based on the uniqueness and special purpose of the proposed school.

13. The Office of Planning and Development, by report dated December 17, 1979, recommended approval of the application, on the grounds that the proposed facility is needed, and is not likely to have an adverse impact on the neighborhood due to traffic, number of students, or other objectionable conditions. The Board so finds.

14. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 3101.42 of the Zoning Regulations and that the special exception can be granted. The Board is of the opinion that given the small size and the nature of the school, the proposed use will not adversely affect the use of neighboring properties. The special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map. Accordingly, it is hereby ORDERED that this application is GRANTED subject to the following CONDITIONS:

- a. Approval is limited to a school to be operated by the Washington Speech and Hearing Society only.
- b. Approval shall be for a period of THREE years.
- c. There shall be a maximum of twenty students and five teachers.
- d. The hours of operation shall be from 8:00 a.m. to 3:00 p.m.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Connie Fortune, and Leonard L. McCants to GRANT: Walter B. Lewis 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: 24 MAR 1980

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.