

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13203, of Delores T. Conrad, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) to use the first floor of the subject premises as a nursery through fifth grade school for 160 students, age three through ten years, with fifteen permanent employees and two part-time employees in a C-2-A District at the premises 308 - 15th Street, S.E. (Square 1074, Lot 818).

HEARING DATE: April 16, 1980
DECISION DATE: May 7, 1980

FINDINGS OF FACT:

1. The subject site is located on the east side of 15th Street between C and D Streets, S.E. and is known as 308 - 15th Street, S.E. It is in a C-2-A District.
2. The subject site is 146.58 feet deep and 71.50 feet wide, It is improved with a building, formerly a Safeway store, that occupies approximately the entire site. There is a fifteen foot wide public alley to the south of the site. A thirty foot public alley is to the rear of the site.
3. The applicant proposes to use the first floor of the subject premises as a nursery through fifth grade for 160 students, age three through ten years, with fifteen permanent employees and two part-time employees. The use is permitted as a matter-of-right in the subject C-2-A District.
4. The applicant has a current Certificate of Occupancy No. B-83774, dated August 1, 1973, to use the subject premises for a day nursery for thirty children and three teachers.
5. Under the Zoning Regulations, the applicant is required to provide six off-street parking spaces for the proposed use.

6. The applicant is the owner of lot 819 which is immediately south of the subject site separated only by a fifteen foot public alley. Lot 819 is larger than the subject site. It had been used by the former owner for the parking of trucks. It can accommodate over forty cars. The surface is paved, spaces are marked off and there is a curb-cut from 15th Street.

7. The application was amended at the public hearing. The applicant no longer seeks a variance from the parking requirements but rather a special exception under Sub-section 7205.3 of the Zoning Regulations to provide accessory parking on a site other than the site where the principal use is located.

8. There was no opposition to the application at the public hearing or of record.

9. Advisory Neighborhood Commission - 6B by letter of April 9, 1980, recommended that the application be approved on the grounds that the building covers almost the entire subject lot and it would be impossible to supply parking on the lot itself. The applicant owns the adjoining lot, separated only by a fifteen foot alley in which six cars could park comfortably. The Board so finds. The ANC had a concern about the increase in the enrollment and the staff and whether the improvements were sufficient in size to accommodate all. It reasoned that the proper department of the D.C. Government should investigate. The Board concurs.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant, in the amended application, is seeking a special exception under Sub-section 7205.3 of the Zoning Regulations. The Board concludes that the applicant has substantially complied with the requirements of Sub-section 7205.3 in that the applicant cannot provide the parking on the subject site since the improvements therein occupy almost the entire site. The accessory parking site is separated from the principal site only by a fifteen foot wide public alley. The Board will impose conditions upon the maintenance and set-up of the accessory lot. The Board further concludes that the application can be granted as in harmony with the intent, purpose and integrity of the zone plan and the relief requested will not tend to affect adversely the use of neighboring property.

The Board has addressed the issues and concerns of the ANC.

Accordingly, it is ORDERED that the application, as amended, is GRANTED SUBJECT to the following CONDITIONS:

- a. The application is approved as amended to request a special exception under Sub-section 7205.3 of the Zoning Regulations.
- b. The accessory parking shall be provided as long as the principal use is in existence.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh and Leonard L. McCants to GRANT; Charles R. Norris not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: 7 JUL 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.