

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13631 of the District of Columbia Department of General Services, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to permit the continuation of a private school and for a special exception under Sub-section 7205.3 to locate required parking spaces other than on the lot where the principal use is located and for modification of CONDITIONS No. 3 and 4 of the prior BZA Order No. 12659 to increase the maximum number of students on the subject premises at any one time and to extend the hours of operation to permit the Capitol Hill Arts Workshop (CHAW) to use former B.B. French School in the R-4 District at the premises 545 7th Street, S.E., (Square 877, Lot 800).

HEARING DATE: December 16, 1981
DECISION DATE: January 6, 1982

DISPOSITION: The Board GRANTED the application SUBJECT to CONDITIONS by a vote of 5-0 (Lindsley Williams, Charles R. Norris, Connie Fortune, William F. McIntosh and Douglas J. Patton to GRANT with conditions).

FINAL DATE OF ORDER: May 25, 1982

ORDER

The counsel for the applicant in the subject application submitted on June 3, 1982, a motion for Reconsideration of Condition No. 1 of the Board's Order. Condition No. 1 of BZA Order No. 13631 reads as follows:

1. Approval shall be for a period of time concurrent with the presently existing lease of the Capitol Hill Arts Workshop, namely until June 30, 1985.

The bases for the request for reconsideration are that the applicant requested approval for five years; there was no opposition to a five-year extension; there was no testimony regarding the length of the lease with CHAW; if the lease is not extended, CHAW will have no authority to occupy the building; the lease term commenced on July 1, 1980, but the lease was not executed until August 21, 1981 and the condition of the Board effectively limited approval to approximately three years; and that the need to reapply to the Board in three years is unnecessarily burdensome and expensive for the applicant.

Upon consideration of the motion and the record, the Board concludes that it committed no error in deciding this application. There was opposition to this application at the public hearing. The Board conditioned the Order in an effort to lessen or eliminate any adverse impacts the approval of this application may cause to the immediate neighborhood. The Board further concludes that the concurrent time periods of the lease and the Order are not unnecessarily burdensome on the applicant and the limited approval period is appropriate for assessment by the Board and neighboring residents of the impacts of the use on the immediate area. Accordingly, it is ORDERED that the motion is DENIED.

DECISION DATE: July 7, 1982

VOTE: 5-0 (Connie Fortune, Lindsley Williams, William F. McIntosh, Douglas J. Patton and Charles R. Norris to DENY).

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

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: AUG 10 1982

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."

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Application No. 13631, of the District of Columbia Department of General Services, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to permit the continuation of a private school and for a special exception under Sub-section 7205.3 to locate required parking spaces other than on the lot where the principal use is located and for modification of conditions No. 3 and 4 of the prior BZA Order No. 12659 to increase the maximum number of students on the subject premises at any one time and to extend the hours of operation to permit the Capitol Hill Arts Workshop (CHAW) to use former B.B. French School in the R-4 District at the premises 545 - 7th Street, S.E., (Square 877, Lot 800).

HEARING DATE: December 16, 1981
DECISION DATE: January 6, 1982

FINDINGS OF FACT:

1. The subject site is located in the R-4 District on the northwest corner of the intersection of 7th and G Streets, S.E., and is known as 545 7th Street, S.E.

2. The property has a lot area of approximately 3,162 square feet, with frontage on both 7th and G Streets. A portion of the site also extends behind adjacent property which fronts on G Street.

3. The property is developed with a large three story building known as the B.B. French School.

4. The subject building was originally known as the French Manual Training School. It was constructed in 1904 and was used for school purposes until 1942. In 1942, the property was leased to the Marine Corps until 1959. The Department of Highways and Traffic used it for storage from 1959 to 1962. The premises was boarded up and vacant from 1962 until 1978.

5. To the north adjacent to the property and continuing north to E Street are row dwellings in the R-4 District. To the east across 7th Street are town houses in the C-2-A District. To the southeast across G Street there are row dwellings in the R-4 District. To the south there is a liquor store. Abutting the property to the southwest is a row dwelling in the R-4 District.

6. In 1978, the Capitol Hill Arts Workshop Inc. (CHAW), received permission from the Government of the District of Columbia to use the premises as a private school. That permission was subject to receiving zoning approval and restoring the building.

7. In BZA Application No. 12659, by Order dated September 20, 1978, the Board approved an application for a special exception to use the subject premises for the Capitol Hill Arts Workshop, subject to the following conditions:

1. Approval shall be for the Capitol Hill Arts Workshop only.
2. There shall be a maximum of 500 students enrolled at the school.
3. There shall be a maximum of thirty students on the premises at any one time.
4. All instructions shall end no later than 9:00 p.m.
5. Those windows in the south and west walls which face abutting property shall be kept closed.
6. Approval shall be for a period of three years.

8. The CHAW has operated at a number of locations on Capitol Hill since 1972. Since receiving the Board's approval and renovating the building, the CHAW has been in operation at the subject location. The school conducts classes in five major areas of the arts, such as dance, drama, language, music and writing. The school serves all age groups as well as persons from various social-economic backgrounds.

9. Presently the school has an enrollment of approximately 250 students.

10. The hours of operation have been from 9:00 A.M. to 9:00 P.M. six days a week. No activities are held on Sundays. The majority of the classes are scheduled from 3:00 P.M. to 9:00 P.M. in the evening.

11. There has been a maximum of 180 students per day on the premises with a maximum of thirty students on the premises at any one time. The average number of students on the premises at one time has been twenty. There has been a maximum of seventeen faculty members, with not more than

four teachers and one administrator out of a total of three on the premises at any one time.

12. The windows in the south and west walls of the building which face abutting property have been kept closed.

13. The Zoning Regulations require that the proposed use provide four parking spaces. With the Board's approval, the applicant has used four regulation size parking spaces located less than 800 feet away on the Christ Church, Capitol Hill lot, located in the same square at 620 G Street, S.E.

14. The CHAW proposes to continue to use the premises for its programs for a period of five additional years. The CHAW proposes to continue in the manner as previously approved by the Board, with the following changes:

- a. The school proposes to increase the maximum number of students on the premises at any one time from thirty to fifty.
- b. The school proposes to increase the hours at which certain activities will take place in the building.

15. The building contains four classrooms, each approximately thirty feet by thirty feet. The classroom space can accommodate the increased number of students to be present.

16. The class instruction will continue to end at 9:00 P.M. The CHAW proposed to have certain activities such as Board Meeting's, open houses and performances extended beyond the 9:00 P.M. hour. After several modifications, the CHAW proposed that such activities would occur no more frequently than twelve times per year, and that all such activities would end no later than 10:00 P.M.

17. A representative of Christ Church testified at the hearing and submitted a record from the proceedings of the Vestry. The Church has agreed to provide up to six parking spaces for use by the CHAW at such hours that the school is operating or conducting activities.

18. There are no limitations on the use of the four spaces at the Christ Church throughout the day.

19. The subject property at 545 7th Street, S.E., is too small and the existing building occupies too much of the lot for the accessory spaces to be provided on the lot. The applicant thus proposed to continue to use the Church site for parking.

20. The majority of the students and teachers live in the vicinity of the school and walk to the school. The school also has excellent accessibility by mass transit.

21. The Capitol Hill Arts Workshop has leased the building from the District of Columbia Department of General Services for a five year period ending on June 30, 1985, as set forth in Exhibit No. 4 of the record.

22. The Office of Planning and Development, by memorandum marked as Exhibit No. 23 of the record and by testimony at the hearing, recommended that the application be approved with conditions. The OPD reported that the circumstances regarding the application and the conditions in the area upon which the Board had based its decision to approve the original application had not changed. The OPD recommended that the application be approved with conditions that would limit the use of the building as to hours, number of students and operating conditions. The Board agrees with the OPD.

23. There was substantial support for the application from members of the surrounding community, both by testimony at the hearing and letters in the record. City Councilmembers Nadine Winter and Betty Ann Kane and member of the Board of Education John Warren submitted letters to the record in support of the application. Such support evidences that the use provides valuable services to the area, that the use does not create excessive or objectionable noise and that the use does not significantly contribute to neighborhood parking or traffic problems.

24. By letter dated December 14, 1981, and by personal appearance at the hearing, Advisory Neighborhood Commission 6B asked that the record remain open so that a written report from the ANC could be submitted. The Board kept the record open for such report. No written report from the ANC was received.

25. There was opposition to the application from Mr. Earl Godfrey, the owner of property at 541 7th Street, which abuts the subject property on the north. Mr. Godfrey complained that noise emanates from the building particularly from windows facing the street which are sometimes left open. He further noted that the parking spaces on the Church lot are more than 800 feet away and are insufficient. He argued that seven parking spaces are required under the Regulations. Mr. Godfrey advised that he would withdraw his objections to the application if the school was limited to fifty students on the premises at one time, classes were to end at 9 P.M. approval was limited to 1985, and extra hours were limited to 10 P.M. no more than twelve times per year. The Board will so condition approval in this Order.

26. Ms. Viola Wheeler, the owner of property at 648 G Street, which abuts the subject school on the west and south, appeared and testified at the hearing. She stated no objection to the school, and found no objectionable noise from the building. She advised that the parking problem in the area does not appear to be caused by the school.

27. Ms. Margaret Jess, the owner of property at 529 7th Street, to the north of this subject site, testified to a general parking problem in the area. She testified that the school contributed to the problem in the evening. She opposed any expansion of class hours beyond 9 P.M. She advised that limitation as noted by Mr. Godfrey in Finding No. 25 above, would be acceptable.

28. As to the issues raised by the persons in opposition, the Board finds as follows:

- a. The regulations do not specify that any noise is prohibited, but only that the level of noise not be objectionable. Any use, including that of a dwelling, is likely to generate noise incidental to its operation. Notwithstanding the objection of Mr. Godfrey, the weight of evidence in the record suggests that there is no substantial or significant negative impact as to noise.
- b. As to parking, in application No. 12659, the Board determined that four parking spaces would be required. Since there is no change in the number of teachers, which is the unit of measurement that the regulations refer to in Sub-section 7202.1 for a private school, four spaces are still required.
- c. Review of the Baist Atlas, Volume II, Page 17, reveals that the parking spaces are within 800 feet of the subject school. The Board has consistently ruled that the 800 foot distance can and should be measured as a straight line distance between the two properties.
- d. The substantial weight of testimony and evidence in the record is that the school has not been objectionable. The evidence suggests that the vast majority of persons going to the premises do not use cars, and that the impact of the school on the availability of parking is not significant. A large variety of factors influence parking supply. The small number of vehicles generated by the school do not in and of themselves cause objectionable conditions.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking two special exceptions. In order to be granted such exceptions, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.42 and Sub-sections 7205.3 and 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied.

The Board concludes that, due to the nature of this particular school and the characteristics of the site, the operation of a private school within the R-4 District at this location has not been and is not likely in the future to become objectionable. The Board concludes that the four parking spaces being provided at the Christ Church are enough to accommodate the school and notes that these spaces are the minimum number required by the Zoning Regulations. In addition, the Board concludes that the noise to be generated by the students of the school is of such a degree as not to become objectionable to nearby and abutting property owners. Based on the evidence, including the fact that the school is presently operating without apparent significant negative effects, the Board concludes that the operation of this school will not likely in the future become objectionable to adjoining and nearby property because of noise, traffic, number of students or other objectionable conditions.

As to the parking location, the Board concludes that all of the requirements of Sub-section 7205.3 have been met. The size, shape and dimension of the lot including the existing building on the lot preclude the spaces from being located thereon. The parking spaces are in the same square, and are less than 800 feet away. They are reasonably and conveniently located to the school.

The Board further concludes that with appropriate conditions, the special exceptions can be granted as 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 property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

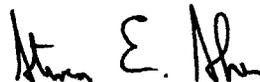
1. Approval shall be for a period of time concurrent with the presently existing lease of the Capitol Hill Arts Workshop, namely until June 30, 1985.
2. Approval shall be for the Capitol Hill Arts Workshop only.

3. There shall be a maximum of 500 students enrolled at the school.
4. There shall be a maximum of fifty students on the premises at any one time.
5. All instruction shall end no later than 9:00 P.M. Special events, including all open houses, receptions, special presentations and similar events, shall end no later than 10:00 P.M. and such special events shall occur no more often than twelve times per year and only on Friday and Saturday.
6. Those windows in the south and west walls which face abutting properties shall be kept closed.
7. The Workshop shall have provided for its use four parking spaces at the Christ Church parking lot at 620 G Street, S.E., during the period of the grant of this application. Such spaces shall be reserved for exclusive use by the Workshop at all hours that the Workshop is in operation.

VOTE: 5-0 (Lindsley Williams, Charles R. Norris, Connie Fortune, William F. McIntosh and Douglas J. Patton to GRANT with conditions).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

MAY 25 1982

FINAL DATE OF ORDER: _____

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.