

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13639, of the Catholic University of America, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 to amend the previously approved Campus Plan to approve the use of part of three floors of the subject premises as administrative offices of the President of the University, in an R-5-A District at the premises 3901 Harewood Road, N.E., (Square 3663, Parcels 122/4, 122/59, 122/69 and 122/70).

HEARING DATE: January 13, 1982
DECISION DATE: January 13, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-5-A District on the east side of Harewood Road between Michigan Avenue and Taylor Street, N.E. The land is immediately adjacent to the main campus of Catholic University.

2. The land within the campus boundaries is zoned R-5-A, except for Square 3654, which is zoned R-4. Surrounding zoning includes R-5-A, R-4, C-M-1 east of the B & O Railroad tracks and C-1 zoning near the intersection of Michigan and Brookland Avenues.

3. The subject property was included within the planning boundaries of the Campus Plan, 1975-2000, as approved by the Board in Application No. 12002, Order dated October 6, 1975. The plan did not designate a use for the building at that time since it was not in University ownership. The building was formerly used as the Vincentian Fathers' "House of Studies," one of many "Houses of Study" independently owned by various religious orders whose members taught at the University.

4. In Application No. 12308, by Order dated April 13, 1977, the Board approved an amendment to the Campus Plan which deleted the Varnum Campus, approved the existing University uses as interim uses and included within the effect of the Campus Plan, Lots 813 and 809 in Square 3821. Again, no use was listed for the subject building.

5. In the Spring of 1979, the University purchased the subject building from the Vincentian Fathers and in the Summer of 1979, began using the building as administrative

offices. Since the building had been included within the boundaries of the approved Master Plan, the University was not aware that this change in use required Board approval.

6. In the Spring of 1981, upon converting part of the three floors of the building for use as the residence of the President of the University, the University learned that Board approval was required to permit use of the remainder of the building as administrative offices. Since the building was not owned by the University at the time of adoption of the Master Plan, an amendment to the plan is required to permit the proposed use. The amendment is needed to enable the University to control the development of properties within the planning boundaries of the main campus.

7. The testimony presented at the public hearing indicated that the proposed amendment will have virtually no effect on the Master Plan. Allowing the property to be used for administrative as well as residential use will alleviate the shortage of office space and allow both the remainder of the building and the Master Plan to continue unchanged. The offices proposed to be located in the subject building were formerly located in the library. That space is now being used for library purposes.

8. This amendment to the approved Campus Plan meets the requirements of Paragraph 3101.46 of the Zoning Regulations. The entirety of the Campus Plan as amended, as well as the specific use of this property, are not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions. The subject property is located on the main campus and the proposed use will not significantly increase the amount of traffic or noise resulting. Ample parking will be provided. Of the eleven persons who will be occupying the building, only seven drive to work. The parking lot across from the property accommodates approximately thirty to thirty-five cars and will have these spaces available during the day. Further, there are no adjacent neighborhood uses that will be adversely affected by the proposed office use. The building abuts University property on three sides and the fourth side faces a tract of vacant, wooded land owned by the U.S. Soldiers' Home.

9. The density resulting from the amendment to the Campus Plan will provide a scale consistent with the neighborhood.

10. There are no exterior changes or additions to the existing structure proposed.

11. The applicant has complied with the requirement of Sub-paragraph 3101.463. All information specified therein

was previously submitted to the Board at the time of approval of the Master Plan and previous amendment. Copies of those documents were filed for the record in this case as Exhibit A and B to the applicant's statement. This minor amendment necessitates no redrafting of those documents.

12. The Office of Planning and Development, by memorandum dated January 8, 1982 and by testimony at the hearing, recommended that the application be approved. The OPD reported that the property is already located within the campus boundaries. The OPD found that the proposed use of the premises is not likely to become objectionable to neighboring property because of noise, traffic or other conditions. The Board so finds.

13. The Department of Transportation, by memorandum dated December 30, 1981, reported that the proposed use would generate no new vehicle trips, because eleven staff persons to be located in this building are already included in the total of University employees. The DOT noted that the site is approximately 1,400 feet away from the nearest non-university residential use to the north along Taylor Street. The DOT concluded that the proposal will have no perceptible adverse impact on surrounding properties or the surrounding street system. The Board so finds.

14. There was no report from Advisory Neighborhood Commission 4D.

15. There was no opposition to the application at the public hearing or in the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.46 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The use proposed is of relatively low intensity and is in keeping with normal university uses. The use will not become objectionable to neighborhood property because of noise, traffic, number of students or other objectionable conditions. The proposed amendment to the previously approved Master Plan is minor and is in harmony with the general purposes and intent of the Zoning Map. The amendment will enable the University to make better use of the land in a consolidated manner and will permit effective utilization of property already located within its planning boundaries.

The Board further concludes that the special exception 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.

VOTE: 5-0 (William F. McIntosh, John G. Parsons, Connie Fortune, Charles R. Norris and Douglas J. Patton to GRANT).

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

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: APR 14 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."

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.