

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13737, of the Vestry of St. Monica's Parish, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to operate an elementary school with a maximum enrollment of thirty-five students, ages four to seven years, two teachers and one teacher's aide and for a variance from the off-street parking requirements (Sub-section 7202.1) in an R-4 District at the premises, first floor parish hall, 1340 Massachusetts Avenue, S.E., (Square S-1036, Lot 11).

HEARING DATE: April 28, 1982
DECISION DATE: April 28, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The Board in BZA Order No. 13296 dated December 11, 1980 granted to the Rust Christian Academy, the subject operator, permission to use the same subject premises for a period of three years as an elementary school.

2. The applicant proceeded to operate the school but failed to apply for a Certificate of Occupancy within the six months period prescribed in the Board's Order and the Zoning Regulations.

3. The Zoning Administrator, by letter of January 7, 1982 advised the applicant that it was operating without a Certificate of Occupancy.

4. The applicant now requests the Board to reinstate Order No. 13296. Testimony at the public hearing, including a report of the Office of Planning and Development, evidenced that the owner of the subject premises has changed its name from the Episcopal Diocese of Washington to the Vestry of St. Monica's Parish, the enrollment is now a maximum of thirty-five students rather than the fifty previously approved, there are two teachers rather than five and there is one teacher's aide rather than five. In all other respects the school is being operated under the conditions set down by the Board in the previous Order.

5. The operator of the school testified that the enrollment continues to diminish and there is serious concern that the school will not function after the current term expires in June, 1982.

6. Advisory Neighborhood Commission and the Capitol Hill Restoration Society recommended approval of the subject application and noted that the circumstances had not changed in the interim.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the material facts and conclusions of law set forth in BZA Order No. 13296 are essentially still valid, except as specifically modified in the Findings of Fact herein. Accordingly, it is ORDERED that BZA Order No. 13296, dated December 11, 1980 is hereby reinstated and incorporated herein and the subject application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS from the effective date of BZA Order No. 13296, that is until December 11, 1983.
2. Permission is granted only to the Rust Christian Academy to operate the school.
3. The enrollment shall be limited to thirty-five children and the staff to two teachers and one teacher's aide.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh and Charles R. Norris to GRANT; Douglas J. Patton not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JUL 29 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.