

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13786 of District of Columbia Association for Retarded Citizens, pursuant to Section 8207.2 of the Zoning Regulations, for special exceptions under Paragraph 3101.42 to permit the establishment and construction of a private school and under Sub-section 7205.3 to permit accessory parking spaces to be located in front of the school building in an R-5-A District at the premises 900 Varnum Street, N.E., (Square 3894, Lot 808).

HEARING DATE: May 19, 1982  
DECISION DATE: May 26, 1982

FINDINGS OF FACT:

1. The Board, at the Public Meeting of April 7, 1982 granted, for good cause shown, the applicant's request for an expedited hearing. The application was heard on May 19, 1982.

2. The subject site is located on the north side of Varnum Street between Providence Hospital to the east and Brady Hall, a residence hall for Catholic University, to the west. To the south of the property on the other side of Varnum Street are nine rowhouses in groups of three. To the north is vacant land and a parking lot for Providence Hospital. The premises are known as 900 Varnum Street, N.E. and are in an R-5-A District.

3. The area surrounding the site is generally devoted to religious, university, medical, other institutional and residential uses.

4. The subject property comprises approximately 2.5 acres of undeveloped land.

5. The applicant proposes to construct on the site a private school for mentally retarded persons, thirteen years of age and older. Programs offered on the site will be educational and social services for assisting mentally retarded students. Principal services will include evaluation and testing, remedial academics, activities of daily living, recreation, training in fundamental work habits and attitudes and counseling.

6. It is proposed that the facility will have a maximum enrollment of 300 students. Sixty full time staff

members, including all teachers and administrative employees, will serve the facility. The hours of operation will be from 9:00 A.M. to 3:00 P.M. for the regular day school program.

7. A similar facility for the site was approved by the Board for the same use for the subject applicant in May, 1977, under BZA Order No. 12324. The Order expired because the applicant did not seek a building permit as it was not able to arrange funding for the project within the expected time frame. A new approval for the facility is therefore needed.

8. The building proposed to be erected by the applicant is a one-story structure, except in the rear, where a partial basement at a lower grade will create a two-story portion of the building. A gymnasium is proposed to be added to the rear of the building in the future. The proposed facility, including the future gymnasium, conforms to all applicable height, floor area ratio, yard and lot coverage requirements of the Zoning Regulations. The maximum height allowed for an R-5-A District is forty feet. The proposed facility will be twenty-two feet in height. Three stores are permitted. There will be two stories, in part, only. The floor area ratio permitted is 0.9. As proposed it will be .41. The maximum percentage of lot occupancy permitted is forty percent. As proposed it will be thirty-four percent. The minimum side yards required are eight feet. They will be twelve feet. The minimum rear yard required is twenty feet. It will be eighty-three feet.

9. The proposed facility is substantially similar to the one previously approved by the Board in 1977. Notable differences between the two proposals are that the current facility is approximately 7,000 square feet smaller than the earlier proposed building, including the completion of the gymnasium. The redesigned building is located essentially on one floor rather than two and is set back approximately sixty feet farther from Varnum Street than the earlier building. The revised site plan provides for screening and landscaping by a five foot high berm located between Varnum Street and the parking spaces in front of the building.

10. Approximately ninety percent of the students will utilize public transportation in traveling to and from the school. There are two bus routes within one block of the subject property. The Fort Totten and Brookland Metrorail stations are located nearby and connect with the two bus routes which will serve the proposed facility. The students, who arrive at the school by special buses, will be transported in small buses having a capacity of twenty-eight people. At the point where the bus would turn in, Varnum Street is thirty feet wide. With a nine foot wide parking lane along one side of Varnum Street, there would be

twenty-one feet of maneuverable space for the bus. There would be no turning radius problems upon entrancing and exiting the facility since all entrances and exits must meet the standards of the Department of Transportation.

11. Forty-three parking spaces will be provided on the site. This number of spaces exceeds the minimum requirement of forty spaces and will allow for three parking spaces for visitors to the facility. Most of the parking was placed on the west side of the site to minimize the number of parking spaces in front of the site. Ten spaces out of the total forty-three spaces will be in front of the facility.

12. The subject site is a plateau, even with Varnum Street until about the mid-point in the site, where it falls off four to six feet into a lower plateau which extends for several hundred yards out with open fields and parking lot to the rear of the site. The site itself is irregular with eight sides all of different lengths and/or widths. The unusual shape of the site and its topography limits the location of parking space normally located in the rear or side yards. The ten spaces in front of the site were so located because of these conditions, in addition to the fact that handicapped students would require direct access to the front door of the facility.

13. The parking lot itself will be illuminated by three twelve foot-high standards, with color corrected sodium vapor light which is focused down on the paving. There is very little spill light that will go out onto any of the surrounding property, be it institutional, vacant land, or residential. Along the front of the building, there is no need for parking lot lighting, because the drive is so narrow at this point that the spill light from the covered canopy area will sufficiently illuminate this area. There is also security illumination around the back of the building to assure no malingering during the night-time hours. The parking lots are to be chained during the hours when the building is not utilized. There will be two three-foot-high poles, one on each side of each of the two drives, and there will be a galvanized chain of sufficient strength to prevent entry. The lots will be locked at the closed of business, or the close of staff operation, during the day, and then opened before the operation in the morning. The recreational field to the rear of the site is fenced with a cyclone fence of seven feet in length.

14. The proposed gymnasium will be closed and will be locked. There is no playground contemplated on the property. The recreational field will be available for outdoor recreation by the students. The recreation is unstructured. There will be no organized sports such as football or soccer. Neither the gymnasium nor the

recreation field will be available to children in the neighborhood as a play site.

15. Existing trees along the east, south and west property lines of the subject site will screen the proposed building from buildings near or along the property line. A five foot high berm located along Varnum Street in front of the proposed building will be heavily planted with azaleas and other shrubbery in order to screen the front portion of the parking lot and much of the building from view by persons on Varnum Street.

16. The Office of Planning and Development, by report dated May 14, 1982 and by testimony at the public hearing, recommended that the application be approved. The Office of Planning and Development concluded that the subject application is substantially similar to the one previously approved by the Board in 1977. It further reported that conditions in the area of the site have generally remained the same since that date and that the redesigned building proposed by the applicant is a reduction in the size of the building previously approved. The Board so finds.

17. There were several letters of support for the application in the file.

18. There was opposition to the application on behalf of property owners on Varnum Street whose residences are located directly opposite the proposed facility. The ANC commissioner in whose single member district the facility will be located also testified in opposition but his testimony reflected only the concerns of the aforementioned property owners. The grounds for the opposition were security problems on the parking lot, landscaping, night activities, traffic impact in a residential area and that the immediate neighborhood was saturated with institutional facilities. The Board in addressing these concerns states that, as further conditioned in the granting of this application, the security program presently in operation at the applicant's facility on Riggs Road shall be instituted at the proposed facility. In addition to the lighting of the parking lot, fencing and cables, the applicant shall continue with the services of a protective service to patrol the buildings and grounds. The landscaping and night activities will be specifically conditioned with this Order. The Board finds that based on Finding Nos. 10 and 11, there will be no adverse traffic impact. As to the issue of a saturation of the neighborhood with institutional types of buildings. The Board finds that the applicant seeks its remedy through special exception and not a use variance. The applicant has no burden to prove that the site cannot be used for residential purposes.

19. Advisory Neighborhood Commission 5A made no recommendations on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking two special exceptions the granting of which requires that the applicant prove through substantial evidence that it has met the requirements of Sub-section 8207.2, Paragraph 3101.42 and Sub-section 7205.3 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The proposed use sought herein is so located that it is not likely to become objectionable to adjoining and nearby properties, is so designed that noise, traffic, light and other potentially adverse conditions will be eliminated or controlled, and is so developed that ample parking spaces will be provided to accommodate all students, teachers and visitors who are likely to come to the site by automobile. The Board further concludes that the parking spaces located in the front of the lot are required in order to accommodate physically handicapped individuals and because of the unusual shape and topography of the subject lot. The Board further concludes that the special exceptions sought herein are in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of the neighboring properties in accordance with the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be limited to the operation of the facility by the D.C. Association for Retarded Citizens.
2. The maximum number of students shall be 300.
3. The hours of operation for classes shall not exceed from 9:00 A.M. to 3:30 P.M.
4. Development shall be in accordance with the plans submitted as Exhibit Nos. 22, 23 and 24 of the record.
5. The entrances to the parking lot shall be secured by a chain or cable during all hours when the facility is not in use.
6. Extracurricular activities shall be limited to no later than 9:00 P.M., Monday through Friday.
7. The security program presently in operation at the applicant's facility on Riggs Road shall also be instituted at this facility.

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

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

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

FINAL DATE OF ORDER: JUL 13 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.