

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14310, of the Christian College Coalition, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to use the subject premises as a private school in an R-4 District at premises 14 - 4th Street, N.E., (Square 786, Lot 833).

HEARING DATE: July 17, 1985
DECISION DATE: September 4, 1985

FINDINGS OF FACT:

1. The subject property, known as premises 14 - 4th Street, N.E., is located on the west side of 4th Street between East Capitol Street and A Street, N.E. It is in an R-4 District.
2. The lot is rectangular in shape and approximately 21.6 feet wide and approximately 90 feet deep.
3. The site is improved with a three story brick attached townhouse with a finished basement and two regulation size parking spaces in the rear of the building.
4. Access to the parking is gained by way of an alley which is 30 feet wide and runs through the entire square. The alley entrance on East Capitol Street runs past a medium size apartment building. Further down, the alley accommodates alley dwellings on "Miller's Court". The alley feeds into A Street which is one way going west.
5. The site is located within the Capitol Hill Historic District.
6. To the immediate north of the lot the remaining street frontage is residential. To the south of the lot the street frontage is residential until 4th Street meets East Capitol Street. At this intersection, stands a pharmacy, a neighborhood market and on the adjacent corner stands professional offices. Other uses in the immediate vicinity include large, multi-family buildings such as apartment houses and condominiums and attached and semi-detached townhouses used as residences.
7. The applicant, the Christian College Coalition, Inc., is a District of Columbia nonprofit corporation

comprised of over 70 fully accredited, nonprofit liberal arts colleges located throughout the United States.

8. The Coalition is organized and operated for the purpose of administering an American Studies Program (ASP), a cooperative, multidisciplinary educational program for selected college juniors and seniors. The Coalition's operation of the program is centered around three basic principles: a high standard of educational excellence; the incorporation of religious values within liberal arts training; and a living environment and experience that promotes both personal and intellectual growth.

9. The Coalition acts as the Washington campus for its constituent schools, providing the faculty, administration, and facilities for these undergraduates to study American culture, politics and policy-making from a Christian perspective. In addition to carrying a heavy academic load, students are required to live and dine together in ASP provided housing and to perform 20 hours of nonpaid internship service per week at an approved placement.

10. The ASP is open to interested and academically qualified pupils from member as well as nonmember colleges. Approximately 30 to 44 students enroll in the ASP during the fall and spring semesters. No growth is expected or planned in the program.

11. For the past four years, the subject structure has been used without a valid certificate of occupancy to house some of ASP's academic functions. A certificate of occupancy was applied for October 19, 1981, but was not properly pursued.

12. The applicant seeks a special exception to continue to use the subject site as a private school which is permitted by Paragraph 3101.42 of the Zoning Regulations provided that:

- a. It is so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions; and,
- b. Ample parking spaces, but not less than that required to accommodate the students, teachers, and visitors likely to come to the site by automobile.

13. The Consortium's activities are limited to indoors, and consists mainly of seminar classes, conferences with teachers, and studying. The study area has four desks and accommodates about six students at one time. There is also a kitchen and utility room with washer/dryer on the premises.

They are never used for any group activity, but students do have access to their use.

14. The first floor of the subject structure consists of a foyer, combination living/dining room which is used for periodic seminars and small discussion groups, half bath and kitchen. A back door in the kitchen also leads to the rear of the townhouse and two parking spaces. The second floor houses a bathroom and four faculty/administrative studies where the teachers prepare lessons and engage in pedagogic pursuits.

15. A "house mother" lives on the site and is responsible for the daily operation and maintenance of the building. A bedroom for the "house mother" and three bedrooms containing a total of six beds for occasional visitors and participants in the program are also located on the second and third floors of the subject structure.

16. The ASP's large, formal classes are held at Markward Hall at premises 232 - 2nd Street, N.E. approximately four blocks from the subject site. Dormitory housing for the students is also at this location.

17. The administrative offices for the coalition are located at 1776 Massachusetts Avenue, N.W.

18. The academic program is organized into seminar classes which are conducted three times a week at the site by the faculty. Several times per week students meet individually with a faculty member in small discussion groups, or the entire class meets for lectures and or to hear guest speakers. Between one and ten students visit the site during the day for faculty conferences.

19. Seminars and Bible study once a week attract between fifteen to twenty-five students.

20. Hours of operation are from 8:00 A.M. to 6:00 P.M. Monday through Friday.

21. In addition, the townhouse is open to students for studying from 5:00 P.M. to 11:00 P.M., Monday through Friday and from 9:00 A.M. to 11:00 P.M. on Saturdays and Sundays.

22. The subject structure is constructed of masonry materials which provide for sound attenuation. The academic uses of the building are limited to quiet functions.

23. Students in the program are not allowed to bring automobiles into the District and must walk or take public transportation to their seminars, internship sites, and residences.

24. Two faculty members who work at the subject site live within walking distance of the property.

25. Visitors to the subject property are an occasional guest lecturer, prospective student or a visiting dean or other academician from a member college, all of whom generally utilize public transit.

26. There are two regulation size parking spaces in the rear of the property which are used by two faculty members who do not reside nearby. No other parking spaces are necessary to fulfill a need for parking by the staff. The subject property is easily accessible by subway and bus.

27. The subject property is governed by Section 7201.21 of the Zoning Regulations, which obviates the necessity for additional parking spaces since the State Historic Preservation Officer has determined that the building contributes to the character of the Capitol Hill Historic District.

28. The Office of Planning, by memorandum dated July 9, 1985, and through testimony at the public hearing, recommended approval of the application. The OP reported that the proposed use will not be objectionable to the neighborhood. Ample parking is available at the rate of two parking spaces per each three teachers as required by Article 72 of the Zoning Regulations. Negative traffic impacts are not expected since students are discouraged from bringing cars into the District of Columbia. Office of Planning recommended that a five year time limitation be placed on the use to allow the Board an opportunity to review the future impact of the school. The Board concurs with the reasoning and recommendation of the OP.

29. Advisory Neighborhood Commission 6A, by letter dated June 18, 1985, informed the Board that it adopted a resolution at its June 6, 1985, public meeting to conditionally support the application. The ANC reported that there have been no complaints about the operation of the school, that the school has a residential component, and that parking and traffic problems should not be affected if the application is approved. The ANC recommended the Board's condition approval of the application for the applicant's use only, for a period not to exceed five years. The ANC further recommended that the Board should impose whatever other conditions it deems appropriate to prevent future changes of the non-conforming use.

30. The Board is required by statute to give "great weight" to the issues and concerns of the ANC that are reduced to writing and upon which a recommendation is formulated. In the instant case, the Board concurs substantially with the reasoning and conditioning of the ANC except

to one issue. The proposed use is not a non-conforming use. It is a use deemed compatible for a R-4 District provided that the applicant meets the requirements of the Zoning Regulations under which the applicant seeks its relief.

31. Several letters of support were received from adjacent and nearby property owners. The neighbors noted that the Coalition is a fine neighbor, the staff and students are well behaved, the use is quiet, the site is well maintained, and that there have been no problems related to the use.

32. The Capitol Hill Restoration Society, Inc., (CHRS), by letter dated July 15, 1985, opposed the application. The CHRS was of the opinion that the facility was not a neighborhood facility or a school but rather it is an office use which would intrude on the residential area having adverse effects on neighboring properties. The Board finds that a private school is a use which is predeemed compatible in the R-4 District if it meets the requirement of Sections 3101.45 and 8207.2 of the Zoning Regulations. The location of the school at the site does not constitute a commercial or office use of the property nor does it imply that office uses will be allowed to locate in residential areas where they are not permitted.

33. One resident who lives two and one half blocks away from the subject site testified in opposition to the subject application on the grounds that the premises have been used for several years without a valid certificate of occupancy. He further testified that in his opinion the President of the Coalition was disingenuous and aware that the school was operating unlawfully. The resident did not believe that the Coalition intends to use the property as stated in the application. In the opposition's opinion, the subject use is an undesirable incursion into a residential area and will remove an additional property from the tax base. The resident had not noticed that the school has had an adverse effect on the neighborhood in terms of vehicular traffic, noise or litter.

34. The Board finds that the President of the Coalition acted less than prudently in operating the site without a certificate of occupancy still, this does not affect the merits of this case, nor does the removal of the property from the tax base. Special exceptions are decided on criteria mentioned in Finding No. 12. The Board finds that the school has not had and will not have any adverse affect on the neighborhood.

35. The Stanton Park Neighborhood Association opposed the subject application by letter dated July 16, 1985. No reasons were given for its opposition.

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, the granting of which requires substantial evidence that the applicant has complied with the requirements of Paragraph 3101.42 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The location and the program are not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions and that the site has sufficient parking spaces to accommodate the students, teachers and visitors likely to come to the site by automobile. The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property.

The Board concludes that it has accorded to Advisory Neighborhood Commission 6A the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The use of the subject premises as a private school shall be limited to the Christian College Coalition, Inc.;
2. Approval shall be for a period of FIVE YEARS subject to renewal at the discretion of the Board;
3. The hours of operation of the facility shall not exceed from 8:00 A.M. to 6:00 P.M. Monday through Friday.
4. The number of employees shall not exceed four persons;
5. The two existing parking spaces located at the rear of the site shall be used exclusively for staff parking; and
6. The number of students at the subject premises shall not exceed twenty-five persons at any given time.

VOTE: 4-0 (Charles R. Norris, Maybelle T. Bennett, William F. McIntosh and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting)

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

ATTESTED BY:



CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 06 DEC 1985

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 CONSUMER AND REGULATORY AFFAIRS.

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