

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14330, of the Government of the District of Columbia, 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 7205.4 to locate required parking spaces other than on the lot where the principal use is located 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: November 20, 1985
DECISION DATE: November 20, 1985 (Bench Decision)

FINDING OF FACTS:

1. The subject site of the school is located in the northwest corner of the intersection of 7th and G Streets, S.E. and is known as premises 545 - 7th Street, S.E. It is in the R-4 District.
2. The subject site has a lot area of approximately 3,162 square feet with a frontage of 66.66 feet along 7th Street and 37 feet along G Street. It is improved with a three story brick structure known as the B.B. French School.
3. The R-4 District which is devoted to residential use with the exception of the property owned by the Christ Church, extends to the north and west of the subject site. The C-2-A District is located to the east of the site and the R-5-B District is to the south. A liquor store is located across G Street south of the subject site.
4. Pursuant to Sub-section 8207.2 of the Zoning Regulations, the applicant is seeking special exceptions to continue the operation of a private school and to locate the required parking spaces elsewhere than on the lot where the principal use is located to permit the Capitol Hill Arts Workshop (CHAW) to occupy the former B. B. French School.
5. Sub-section 8207.2 authorizes the Board to grant special exceptions where in the judgement of the Board such special exceptions will be 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 Zoning Regulations and maps.

6. Paragraph 3101.42 permits a private school to be granted as a special exception 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.
- b. Ample parking space, but not less than that required in Article 72 of the Zoning Regulations is provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

7. 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.

8. In 1978, 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.

9. By order dated September 20, 1978, the Board approved BZA application No. 12659 for a special exception to use the subject premises for the Capital Hill Arts Workshops for a period of three years. By Order dated May 22, 1982, the Board approved application No. 13631 for a special exception for the continuation of a private school with increased enrollment and extended hours at the subject site and a special exception to locate required parking spaces on a lot other than that of the principal use until June 30, 1985.

10. CHAW has been assured by the District of Columbia Government that their lease on the B. B. French School will be renewed for a five year period. Since leasing the subject structure in 1978, CHAW has restored the building.

11. At the request of neighbors of the subject site. The enrollment at CHAW will continue to be limited to 500 students. No more than fifty students shall be at the site at any one time.

12. Classes will finish by 9:00 P.M. Special events will be held on Fridays or Saturdays up to twelve times per year and will finish by 10:00 P.M.

13. The windows on the southern and western walls which abut residential property will be kept closed.

14. Windows will be provided with shutters and curtains to reduce light and noise.

15. The drop-off zone in front of the subject structure will have new signs evidencing the prohibition against long term parking.

16. Efforts have been made and will continue to control the noise level of children waiting to be picked-up from or dropped-off at classes.

17. Sub-section 7205.4 states that open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one-family dwelling, provided:

- A. It is not practical to locate such spaces in accordance with Sub-section 7205.2 because of:
 - 1. Unusual topography, grades, shape, size, or dimensions of the lot;
 - 2. The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or,
 - 3. Traffic hazards caused by unusual street grades; or,
 - 4. The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties;
- B. When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, such parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred;
- C. Such parking spaces are so located as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structure which they are designed to serve; and

- D. The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, set backs, fences, the location of entrances and exits, or any other requirement it shall deem necessary to protect adjacent or nearby property. It may also impose such other conditions as it shall deem necessary to assure the continued provision and maintenance of such spaces.

18. It is not practical to locate the required parking on the subject site since the existing structure occupies most of the lot.

19. The four required accessory parking spaces will be located on Christ Church's property at 620 G Street in the same square as the subject lot.

20. The lot for accessory parking is reasonable and convenient to the B. B. French School being less than 350 feet away from the site of the principal use.

21. CHAW has an arrangement with Christ Church to use the accessory parking lot for a period of three years since the church cannot grant encumbrances on the property for more than that period of time. The Rector of the church testified that the arrangement for CHAW's use of the parking lot would be continued at the end of the three years.

22. By letter dated November 12, 1985, Advisory Neighborhood Commission 6B reported that it voted to support the subject application. The ANC expressed concern that the originally requested extension of the hours of operation and number of special events would have negative effects on the neighborhood. The ANC noted the breath of community support for CHAW and the clear desire to see it continue to offer recreational and instructional services.

23. By letter dated November 18, 1985, the Capital Hill Restoration Society reported that its Zoning Committee had voted to support the subject application if the CHAW continues with its present operating hours and restrictions.

24. By letter dated November 19, 1985, Betty Ann Kane, Councilmember At-Large for the District of Columbia reported her support for the subject application as the CHAW provides valuable services to the community and new life to a formerly vacant facility.

25. One neighbor submitted a letter to the record in support of the subject application stating that the CHAW enhances the character of the Capitol Hill area. One neighbor testified in support of the subject application at the public hearing.

26. There was no opposition to the subject application at the public hearing or of record. One neighbor of the subject site testified at the public hearing that he was not opposed to the subject application but, that he would like the conditions of the previous order to continue to be complied with.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking special exceptions, the granting of which requires that the proposal meet the requirements of Paragraph 3101.42 Sub-section 7205.4 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof. The proposed use, as conditioned below in this grant of the application, is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions. The use will not have an adverse affect on the use of neighboring property. Ample parking spaces are provided. It is not practical to locate the required spaces on the same lot as the principal use and the spaces are reasonable and convenient to the principal use.

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

1. Approval shall be for a period of FIVE YEARS from the date of expiration of the prior approval, namely until June 30, 1990.
2. Operation of the facility shall be limited to the Capitol Hill Arts Workshop.
3. 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.
4. In the event that the parking arrangement with Christ Church is discontinued during the period of operation granted by this Board, the applicant shall immediately apply to the Board for alternate relief.

5. There shall be a maximum of 500 students enrolled at the school.
6. There shall be a maximum of fifty students on the premises at any one time.
7. 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 Fridays and Saturdays.

VOTE: 3-0 (Patricia N. Mathews, William F. McIntosh, Charles R. Norris to grant; Carrie L. Thornhill not voting, not having heard the case; 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:

12 MAR 1986

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.

14330order/LJPM