

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14739, of Capitol Hill Day School, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to establish an elementary school, basement through the second floor, in a CAP/R-4 District at premises 214 South Carolina Avenue, S.E., (Square 765, Lot 802).

HEARING DATE: January 27, 1988  
DECISION DATE: February 10, 1988

FINDINGS OF FACT:

1. The subject property is located in an R-4 District at 214 South Carolina Avenue, S.E.

2. The subject property is improved with a two-story and basement townhouse and is presently devoted to residential use. The rear of the lot is vacant and undeveloped.

3. The buildings around the subject property are primarily occupied row dwellings. To the north, across an alley which abuts the property, are row houses and several low-rise apartment buildings. To the east, on the opposite side of a party wall shared with the subject dwelling, is a townhouse presently used as a single-family residence. To the west, across a side yard, is the Dent School, a large three-story building leased to the applicant. Garfield Park is across South Carolina Avenue to the south.

4. The applicant wishes to complement its existing facilities at the Dent School by using the subject property to house a staff library, a conference room, and additional classrooms.

5. The applicant predicts that its use of the subject property will be limited:

- a. Only sixth, seventh, and eighth grade students would meet for classes in the house.
- b. When school is in session, classes in the house would be held between 8:00 A.M. and 3:00 P.M. An after school program would meet between 3:00 P.M. and 6:00 P.M.

- c. A summer program would begin in mid-June and end in mid-August. Classes would end no later than 6:00 P.M.
- d. Only thirty students would meet in the house at a time.
- e. Only those classes least likely to produce noise and vibration would meet in the house.
- f. The house would occasionally be used for evening board meetings and parent-teacher events.
- g. The house would not be used on weekends.
- h. The rear of the property would be landscaped to permit access to the house from the side yard of the existing school. Students would maintain a small garden at the rear of the lot.

6. The proposed use would generate more noise and vibration than would result from ordinary residential use.

7. The proposed alterations to the subject property may succeed in preventing some noise from passing through the party wall, but will do little to prevent the transmission of vibrations into the adjoining residence.

8. On March 7, 1979, the Board approved application No. 12860 for a special exception to operate a private school at the Dent site. The Board's approval was subject to the condition that no more than two-hundred students enroll at the school. The proposed expansion would allow more than two-hundred students to attend classes at the two sites, but the prior order would still limit the number of students permitted in the Dent Building. The applicant has filed application No. 14780 to increase, inter alia, the number of students that may assemble at the Dent site, but the Board will consider that application separately.

9. Many vehicles use the surrounding streets to transport children to school in the morning and back home in the afternoon. These vehicles are partially responsible for traffic congestion and parking shortages. When spaces close to the school are not available, many vehicles are parked illegally and left unattended.

10. Many of the older children that could attend the school because of the proposed expansion would walk to and from school with younger siblings. If they could not walk with older students, many of the younger children would travel by car.

11. The school helps to preserve the residential character of the neighborhood by attracting young families to Capitol Hill.

12. The proposed expansion would attract families who might otherwise be lured to other areas by stronger private schools.

13. The proposed expansion is not essential to the school's continued existence on Capitol Hill.

14. As a condition to its approval of application No. 12860, the Board prohibited the school from hiring more than ten part-time and fourteen full-time employees. The school now has thirty-six full and part-time employees.

15. The property is in the area served by Advisory Neighborhood Commission (ANC) 6B. ANC - 6B filed a report opposing the proposed use because it is objectionable to most neighborhood residents and would generate noise and vibration which the residents of the adjoining house would find disturbing. The ANC also based its opposition on the grounds that the expansion is unnecessary to the school's continued success and would exacerbate the traffic and parking problem. The Board concurs with the ANC's findings as to the necessity of the expansion and its effect on noise, but does not believe that the proposed use would exacerbate the traffic or parking problem.

16. The applicant filed a motion requesting that the Board refuse to accept the ANC report or afford it "great weight" in its decision. The motion was based on the applicant's contention that the report was filed less than seven days before the hearing and failed to reflect the ANC's actual recommendation or the concerns upon which it was based. At the hearing the Board waived the seven day filing deadline as permitted under Sub-section 3301.1. Because the Board is not required to consider the legitimacy of the report or the circumstances surrounding its approval, the Board finds that the report satisfies all the requirements of Sub-section 3307.1 and is entitled to the "great weight" required by Sub-section 3307.2.

17. A large number of local residents and school friends appeared at the hearing and submitted letters to support the proposed use. The supporters contend that the school will continue to enforce restrictions and work closely with the District to eliminate traffic congestion and parking shortages. The Board disagrees with the supporters inasmuch as they might contend that the school does not contribute to the parking and traffic problems, but believes that the proposed expansion would not significantly affect the situation. The supporters also contend that the noise created by the proposed use would be

less obtrusive than that generated by residential use because the house would not be used at night or on weekends. The Board disagrees because the daytime noise would so effect the use of the adjoining townhouse as to substantially reduce its residential character. The supporters also contend that the school helps to maintain the residential character of the area and that its continued success is limited by the space available for its growth. The Board finds that the school is important, but does not believe that expansion into the subject site is appropriate.

18. A large number of local residents appeared at the hearing and wrote letters to protest the proposed use. The opposition focused on the noise, traffic congestion, and parking shortages likely to result from the use and their effect on the enjoyment of their property. The Board concurs with the opponents' concern about noise, but finds that the expansion would have no significant impact on traffic or parking.

#### CONCLUSIONS OF LAW AND OPINION:

The applicant is requesting a special exception pursuant to Sub-section 3108.1 to allow the operation of a private school in a residential district. To qualify for an exception, the applicant must show that it has satisfied all the requirements of Section 206 and Sub-section 3108.1.

The Board concludes that the applicant has failed to satisfy the requirements of Section 206. Although the proposed use would not create any objectionable traffic conditions and sufficient parking exists for the teachers and visitors who would drive to the site, the noise and vibration caused by the proposed use would be objectionable to the adjoining property owners. The expansion is unlikely to have much impact on parking or traffic because the school does not plan to hire additional staff and because many of the students attending classes in the new facility would walk to school with younger siblings.

The Board also concludes that the applicant has failed to satisfy the requirements of Sub-section 3108.1. The expansion would be inconsistent with the purpose of the Zoning Regulations and Maps because it is ill-suited to the residential district for which it has been proposed and would adversely affect the use of adjoining property. The Board has accorded to the ANC the "great weight" to which it is entitled. It is therefore ORDERED that the application is DENIED.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell, John G. Parsons and Carrie L. Thornhill to deny).