

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14780, of the District of Columbia, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 206 to increase the enrollment of a private school from 200 to 225 students in pre-kindergarten to 8th grade, and to increase the number of full-time staff from 14 to 27 and part-time staff from 10 to 11, a variance to allow required parking spaces to be 8 feet by 15 feet (Sub-section 2115.1), a variance to allow stacked parking (Sub-section 2117.4), a variance to allow parking without landscaping (Sub-section 2117.11), and a variance to allow parking without screening (Sub-section 2117.12) in a CAP/R-4 District at premises 210 South Carolina Avenue, S.E., (Square 765, Lot 803).

HEARING DATE: March 23, 1988

DECISION DATE: April 6, 1988

FINDINGS OF FACT:

1. The subject site is located in an R-4 District on the northeast corner of South Carolina Avenue and 2nd Street, S.E., with frontage on both streets. The site is known as 210 South Carolina Avenue, S.E.

2. The property consists of approximately 13,058 square feet and is improved with a large three-story building known as the Dent School. The majority of the site not occupied by the building and not located beyond the building restriction line is improved by a paved, impervious surface. The remainder of the lot contains a lawn and several mature trees.

3. The neighborhood immediately surrounding the subject property consists primarily of occupied row dwellings. To the west and east, on F Street and South Carolina Avenue respectively, are two and three story row houses. To the north, across an alley which abuts the property, are row houses and several low-rise apartment buildings. To the south, immediately across South Carolina Avenue, S.E., is Garfield Park.

4. The Dent School building was constructed in 1900. Until 1947, the building was used as a public school for grades kindergarten through seven. Approximately 175 students attended the school in 1945, shortly before it closed. From 1947 until 1978, the structure was used by the

District of Columbia school system as a cabinet and equipment repair shop.

5. The District of Columbia has leased the subject property to the Capitol Hill Day School (CHDS) since 1979. CHDS uses the property to operate a community-based educational private school with a pre-kindergarten, kindergarten, and grades one through eight. The school has twenty-four full-time and twelve part-time employees an enrollment of two-hundred students. The majority of its students and employees live in the Capitol Hill area, but a few commute from Maryland, Virginia, and other parts of the District.

6. CHDS owns the lot at 214 South Carolina Avenue. This lot is adjacent to the subject property.

7. On March 7, 1979, the Board approved application No. 12860 for a special exception to allow the school to operate in an R-4 District. The Board's approval was subject to the condition that enrollment not exceed two-hundred students and the number of full-time and part-time employees not exceed fourteen and ten, respectively.

8. The school wishes to increase its enrollment to allow more students to enter its seventh and eighth grades. The present enrollment in these classes is eleven and six, respectively.

9. To ensure that each student is provided an effective learning environment, the school has set a standard of no more or less than twenty students to enroll in each grade. The school is unable to achieve this goal because it must reduce the number of seventh and eighth grade to compensate for those extra students admitted to the pre-kindergarten and kindergarten. The school admits more than twenty students into pre-kindergarten and kindergarten because of the high rate of student attrition between these classes and the first grade.

10. CHDS must offer a seventh and eighth grade to provide younger students with peer role models.

11. The school has been unable to find a suitable location for expansion, but has found that a few alterations to the interior of the Dent Building will allow them to accommodate the additional students.

12. The school has almost eliminated the traffic and parking congestion caused by vehicles transporting students to and from the school. This has been achieved by placing an employee at the curb to assist students arriving and departing by car and by placing no-parking signs along South Carolina Avenue.

13. CHDS students must use Garfield Park for physical education and recreation, and, while this use creates additional demand for park resources, it has not caused the park any noticeable damage.

14. The noise created by CHDS students has not been the source of any complaint.

15. CHDS would like to provide twenty-five parking spaces for employees and visitors. The spaces must be stacked and measure no more than eight feet by fifteen feet to fit safely on the lot.

16. The school plans to landscape the public space around the western perimeter of the lot to improve its appearance and screen neighboring residential property from automobile headlights. The residential property to the east of the parking lot is at a sufficiently higher elevation to make screening unnecessary.

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

18. The proposed expansion would attract families that would otherwise be lured to other areas by stronger private schools.

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

20. The subject property is under the jurisdiction of Advisory Neighborhood Commission (ANC) 6B. ANC representatives filed a written report and appeared at the hearing to recommend that the Board grant the application. The ANC made its recommendation having considered the proposed number of students and their impact on noise, traffic, and Garfield Park. The ANC is favorably disposed to a covenant in the deed to the property at 214 South Carolina Avenue which would prevent the school from buying additional residential property in the area with and converting it to non-residential use.

The Board does not have the authority to make any policy or predeliction which would affect the use of property which is not the subject of the case before it. The proposed covenant not only affects a large number of property owners, but forces the Board to consider the impact of proposals which are not a part of the applicant's request. In the absence of rule-making authority or a specific proposal relating to the affected property, the Board may not condition its approval on the terms of the proposed covenant.

21. A number of local residents wrote letters and appeared at the hearing to oppose the proposed increase in the size of the school and the proposed changes to the school parking lot. The opposition was based on concerns that the increase would add to noise and traffic congestion, but reduce the parking available to local residents. The Board finds that the school has been the source of problems in the past, but has rectified them through its efforts to eliminate traffic and parking congestion in the morning and mid-afternoon. Additional concern was expressed as to the impact the additional students might have on Garfield Park. The Board finds that these concerns are legitimate but unsubstantiated: the record does not reflect that CHDS students have caused any deterioration in the condition of Garfield Park or that the addition of thirty students threatens to damage park facilities. Opponents expressed additional concern that the stacked parking would be unsightly and that the landscaping would not prevent the light from vehicles on the lot from disturbing neighborhood residents. The Board agrees with the opponents' contention that some residents will find the lot unsightly, but finds that the landscaping and the difference in elevation will effectively screen them from the light produced by vehicles on the lot.

22. A number of local residents and a representative from the Office of Planning appeared at the hearing to support the applicant's proposal on the ground that the lot would have no objectionable impact on neighboring property. The Board concurs with this finding.

CONCLUSIONS OF LAW AND OPINION:

The applicant requests variances pursuant to Sub-section 3107.2 to allow stacked parking (Sub-section 2117.4) in spaces less than nine by nineteen feet (Sub-section 2115.1) in an unscreened (Sub-section 2117.12) and unlandscaped (Sub-section 2117.11) lot. The applicant also requests a special exception to increase the number of students and employees permitted under the conditions previously imposed by the Board.

The applicant is entitled to the requested variances if it can show that it suffers from exceptional practical difficulties resulting from the unique nature of the lot and that the variances will not harm the public good or the purpose, intent, or integrity of the zone plan. On the basis of the foregoing Findings of Fact and conditions hereinafter imposed, the Board concludes that the applicant has met all the requirements of Sub-section 3107.2 and is entitled to the variances requested. The applicant is confronted with exceptional practical difficulties in its efforts to provide sufficient parking for school employees and visitors because of the restriction to on-street parking and the exceptionally small size of the lot.

Although the lot may be unsightly to a few nearby residents it will not substantially harm the public good or the intent, purpose, or integrity of the zone plan.

The applicant is entitled to a special exception if it can show that it has met all the requirements of Sub-section 3108.1. Because the applicant has requested permission to expand the operation of a perviously-approved private elementary school in an R-4 District, it must also satisfy the requirements of Section 206.

Based on the foregoing Findings of Fact and conditions hereinafter imposed, the Board concludes that the applicant has satisfied all the requirements of Section 206 and Sub-section 3108.1. The proposed increase will have little effect on neighboring property and is unlikely to damage Garfield Park. The school has provided the minimum number of spaces required by Sub-section 2101.1. When combined with on-street parking, these spaces will provide the ample parking required by Sub-section 206.3.

By drawing families to the Capitol Hill area, CHDS helps to preserve the residential character of the neighborhood. The expansion is not essential to the school's continued existence, but is important to its ability to serve families who might otherwise move away from the Hill to attend more district schools. Consequently, the proposed expansion is consistent with the purpose, intent, and integrity of the Zoning Regulations and Maps. The Board has accorded to the ANC the "great weight" to which it is entitled. It is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The number of students shall not exceed 225, pre-kindergarten through eighth grade.
2. The number of faculty and staff shall not exceed thirty-eight.
3. The applicant shall provide on-site parking spaces to accommodate twenty automobiles and three school buses.
4. The hours of operation shall not exceed from 8:00 A.M. to 6:00 P.M., Monday through Friday.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: AUG 12 1988

UNDER 11 DCMR 3103.1, "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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