

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14941 of St. Columba's Episcopal Church, pursuant to 11 DCMR 3108.1 for a special exception under Section 205 to expand an existing child development center from 60 to 90 children of pre-school age and a staff of 4 in an R-1-B District at premises 4201 Albemarle Street, N.W., (Square 1677, Lot 800).

HEARING DATE: February 15, 1989  
DECISION DATE: March 1, 1989

FINDINGS OF FACT:

1. The subject property is located on the north side of Albemarle Street, N.W. and is known as premises 4201 Albemarle Street, N.W. It is located in an R-1-B District. The property is bounded by Butterworth Place to the north, 43rd Street to the west and 42nd Street to the east.

2. The lot area is 73,928 square feet. The average lot width is 278.18 feet. The lot is improved with a large church structure which was built in 1928. The church creates a lot occupancy of only 28 percent of the 60 percent allowed. There is a rear yard of 102 feet and the side yards measure 47.67 feet and 36.5 feet.

3. The R-1-B District in which the subject site is located extends south and west of the site. The R-1-B District also extends to the north of the site one block, to Brandywine Street, N.W. Farther north are R-2 and R-4 Districts. To the east of the site, there is an R-5-A District, as well as a C-3-A District which runs along Wisconsin Avenue and extends westward along the north side of Albemarle Street to 42nd Street. There is a small C-1 District just northeast of the site.

4. Large, detached single-family homes make up the predominant land use characteristic in this area. Other uses in close proximity to the subject area include the Friendship Terrace Apartments for Senior Citizens and the Iona House Senior Service Center. Restricted residential parking is in effect in the area.

5. The structure on the site, St. Columba's Episcopal Church, is a community church serving the surrounding neighborhood, which includes both the District of Columbia and Maryland. St. Columba's provides a variety of services

to the community including making its building available to community groups for a wide variety of activities, special fellowship programs for the elderly, and various outreach programs for the disadvantaged.

6. St. Columba's operates a nursery school designed to serve the surrounding neighborhood and parish, pursuant to BZA Order No. 5557. The nursery school currently has 30 children who are three years of age and 30 children who are four years of age, for a total of 60 children. It operates according to the requirements of the District of Columbia Department of Consumer and Regulatory Affairs. The nursery school has been serving neighborhood children for 30 years, in part because of its development theory, which is to provide a positive attitude for the growth of each individual child at his or her own pace. The emphasis is on the whole child, including physical, social, emotional, cognitive and linguistic development. The nursery school also reserves space for children with special needs, such as children who are physically or mentally handicapped. These children are "mainstreamed" in a setting in which they can learn and grow at their normal pace in the presence of their peer group.

7. St. Columba's Nursery School has experienced an exceptionally high demand for the available spaces over the last several years. This indicates that there is substantial need for additional space, especially in this neighborhood. Many of the children are from families where both parents work, which requires that the children be cared for in this type of center. To accommodate this demand, St. Columba's proposes to expand its nursery school enrollment from 60 to 90 students, and to increase the number of staff from 10 to 14. The proposed increase in staff (which includes two administrators) makes 12 staff members available for 90 children, creating a ratio of two staff members per 15 children. This expansion will allow a new class of 15 children aged three years old and new class of 15 children aged four years old.

8. St. Columba's Episcopal Church started construction several months ago on a matter-of-right expansion of the existing church structure. This expansion was designed to provide more Sunday school classroom space and other needed facilities for the church. During week days, however, this newly constructed area can contain facilities for the expanded nursery school. The expansion will contain two new classrooms, each designed for 15 children, a creative activity room, and office facilities for administration, including a separate sickroom. The facilities in the existing building will remain in use for the other 60 children.

9. By letter dated January 18, 1989, the Department of Consumer and Regulatory Affairs indicated that the

architectural plans had been reviewed and that they meet the requirements of the applicable District of Columbia regulations. Therefore, the Board finds that, pursuant to Sub-section 205.2 the child development center is capable of meeting all code and licensing requirements.

10. The applicant's architect testified that the area under construction in which the nursery school will be located has been designed to blend with the existing architecture of the church building. It was indicated that the center will be designed so that there will be no objectionable impact upon adjacent or nearby properties.

11. The nursery school operates, and will continue to operate, from 9:00 A.M. until 12:00 noon. The children are presently dropped off and picked up on Albemarle Street in front of the church. This area is a no parking zone during school hours to facilitate the safe transfer of children. The drop-off area will be maintained under the proposed expansion, and the applicant will request that the no parking zone be extended to 42nd Street so as to provide an even safer drop-off site. Also, pursuant to the neighbors' request, the applicant will implement a "split" drop-off, so that half of the children will be dropped off on Albemarle Street and the other half will be dropped off at the parking lot under construction just south of Butterworth Place, N.W.

12. The applicant's traffic consultant testified that the design and location of the nursery school and the drop-off sites will create no objectionable traffic conditions and no unsafe conditions for picking up and dropping off children. He indicated that cars which are stopped to handle the children are actually in what would otherwise be a parking lane, making this a safe area. Also, the proposed split drop-off system will help to minimize any traffic impact.

13. The applicant's architect testified that a parking lot is being constructed which will provide 24 parking spaces. The parking lot will have a privacy fence on the south and west sides. Evergreens will be planted at the north side of the lot and along the fence. Curbing will be installed at the western and southern portions of the lot. Pursuant to the neighbors' request, the parking lot will not have separate lighting facilities, but will be lit by the existing street lights and small fixtures on the walls of the existing building.

14. The traffic consultant testified that the applicant will provide sufficient off-street parking spaces to meet the reasonable needs of the teachers, other employees and visitors. The 24 parking spaces that will be provided far exceed the four spaces required by the Zoning Regulations.

15. Because of the large lot and low lot occupancy on the subject site, St. Columba's Nursery School has a large play area, with playground equipment, located on church property to the south and west of the existing church. This play area will be retained. A fence will be erected near the south and west property line. Plantings will also be added if the adjoining neighbors desire. This will adequately protect those neighbors from any adverse impact of the nursery school play area due to noise, activity, visual or other objectionable conditions.

16. The Board finds that the applicant has submitted substantial evidence to meet the requirements of Sub-section 205.2 through 205.5.

17. The Board finds that, pursuant to Sub-section 205.6, no special treatment in the way of design, screening of buildings, plantings and parking areas, signs or other requirements, aside from those already proposed by the applicant, will be necessary to protect adjacent and nearby property. The Board finds that the plantings surrounding the parking lot, as well as the offered plantings on the western property line, are sufficient to protect the adjacent neighbors from adverse impact.

18. The Board finds that the provisions of Sub-section 205.7 relating to the safety of off-site play areas is inapplicable as the applicant has a large play area located on the property.

19. The Board finds that there is no other child development center within 1000 feet of the applicant's facility. Therefore, the provisions of Sub-section 205.8 are inapplicable.

20. Pursuant to Sub-section 205.9, the application was submitted to the District of Columbia Department of Public Works, the Department of Human Services and the Office Planning for review and written report. Only the Office of Planning submitted a report. The Office of Planning (OP), by memorandum dated February 8, 1989 and through testimony at the hearing, recommended approval of the application. The OP report noted that the outside play area has not generated any complaints from the neighborhood regarding children's activities and it concluded that an additional 30 children would not create any additional adverse noise impact on the immediate community. OP further concluded that there will be adequate parking to meet zoning regulations and that the proposed expansion will not have an additional adverse impact on traffic conditions. The Board agrees with the recommendation of the Office of Planning.

21. Advisory Neighborhood Commission (ANC) 3E by letter dated February 6, 1989, as well as by testimony at

the hearing, stated that it had taken extensive testimony from citizens who were generally supportive of the requested expansion. Concern was expressed, however, relating to traffic, safety, parking and visual and noise impacts on the surrounding residential neighborhood. Following negotiations between the ANC, the applicant and the affected neighbors, the ANC became satisfied that the issues and concerns had been resolved. As a result of written promises made by the applicant to the ANC and neighbors, as set forth in a letter from the applicant to the ANC dated January 18, 1989, the ANC voted to support the proposed expansion provided that the Board conditions its approval upon the promises made by the applicant. The Board concurs with the recommendation of the ANC.

22. The issue of neighborhood enrollment at the nursery school was also raised by the ANC. The Board will not require the applicant to have 75 percent of the children come from a 10 block radius, as this requirement has been eliminated from the Zoning Regulations.

23. A neighbor in support testified that the residents in the area need more nursery facilities of the quality offered by the applicant. For the Board to approve the proposed expansion would serve the needs of the community.

24. Citizens for the Preservation of Residential Neighborhoods submitted a statement and testified at the hearing in support of the proposal to expand the nursery. The organization stated that the nursery school expansion is part of a larger development project being conducted by the applicant, and asked the Board to consider the application as such. In the alternative it was asked that the Board incorporate into its Final Order the agreement reached between the ANC, the neighbors and the applicant. The Board noted that the organization was concerned about the impact that the entire project would have on the neighborhood. The Board finds, however, that its decision is limited to the proposal as it is submitted by the applicant.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a special exception to expand an existing child development center by increasing the number of children and staff. The granting of such a special exception requires a showing through substantial evidence that the proposed use is in harmony with the general purpose and will not tend to affect adversely the use of neighboring property. The applicant must also meet the requirements of Section 205 regulating child development centers.

The Board concludes that the applicant has met the standards for granting the requested special exception. The child development center will be capable of meeting all code and licensing requirements. No objectionable or unsafe traffic conditions will result from picking-up or dropping-off children. The drop-off points, as proposed by the applicant, will provide the safest and least objectionable method of handling the children.

The Board concludes that the site is located so that the nursery school, including the outdoor play area, will have no objectionable impact on adjacent or nearby property due to noise, activity, visual or other objectionable conditions. The site is surrounded on three sides by public streets, and at its west side, where it abuts neighboring property, there will be sufficient screening to protect nearby properties.

The Board concludes that the 24-space parking lot provides sufficient off-street parking to meet the needs of the nursery school employees and visitors.

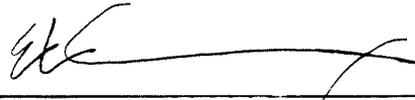
The Board further concludes that expanding the nursery school is in harmony with the general purpose and intent of the Zoning Regulations and Maps and that the expansion does not tend to adversely affect the neighboring property. The Board concludes that it has afforded the ANC the great weight to which it is entitled. Accordingly it is ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS from the date of this Order.
2. The number of children shall not exceed ninety. The number of staff shall not exceed fourteen.
3. The hours of operation shall not exceed from 9:00 A.M. to 12:00 Noon.
4. On-site parking and landscaping shall be in accordance with the revised plans marked as Exhibit No. 33 of the record.
5. The applicant shall comply with all the provisions of its agreement with the ANC and Citizens for the Preservation of Residential Neighborhoods as listed in the letter dated January 18, 1989 and marked as Exhibit No. 28A of the record.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh,  
Paula L. Jewell and Carrie L. Thornhill to  
grant; Elliott Carroll to grant by proxy).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER:           AUG 7 1989          

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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.

14941order/BHS7

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14941

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated AUG 7 1989, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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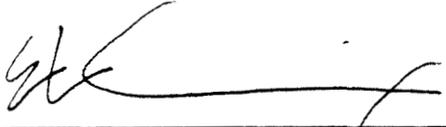
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EDWARD L. CURRY  
Executive Director

DATE: AUG 7 1989