

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14984 of the Marians of the Immaculate Conception, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to establish a private school for research, teaching and seminar facilities with accessory parking in an R-1-B District at premises 3700 Oakview Terrace, N.E., (Square 3926, Lot 821).

HEARING DATE: March 22, 1989

DECISION DATE: April 5, 1989

FINDINGS OF FACT:

1. The property is located on the north side of Otis Street between 12th and 13th Street at the dead end of Oakview Terrace south of Perry Street and is known as 3700 Oakview Terrace, N.E. It is zoned R-1-B.

2. The site contains 93,241 square feet of lot area and is currently improved with a large, three-story brick structure. The existing building was originally constructed as a seminary. The building has a gross floor area of approximately 29,000 square feet and contains thirty-three bedrooms, four two-room suites, eleven offices, a chapel, two lounge areas, a dining room and kitchen facilities. The building can accommodate fifty overnight guests.

3. The site is substantially elevated and is surrounded by detached single family dwellings on all sides. Facing Oakview Terrace are six detached residences and a fenced-in basketball court which is part of the subject site.

4. The only vehicular access to the subject site is via Oakview Terrace. The Brookland Metro Station is located approximately four blocks southwest of the site at 12th and Monroe Streets, N.E.

5. The applicant currently provides for fifteen on-site parking spaces located at the northeast side of the building. The applicant proposes to pave a portion of the northwestern section of the site, including the existing basketball court, to provide thirty-eight additional on-site parking spaces.

6. The applicant, the Marians of the Immaculate Conception, is a Catholic organization with the primary mission of seeking healing, wholeness and spiritual

well-being through individual counseling. In addition, the organization conducts seminars encompassing a wide range of spiritual issues.

7. The building was previously occupied by the Center for Applied Research in Apostolate (CARA), a national Catholic research and planning organization, pursuant to BZA Order Nos. 12773 and 13709. Approval of the use pursuant to BZA Order No. 13709 expired in March of 1987.

8. The applicant is seeking special exception relief in order to operate the Marian Home of Prayer at the subject premises. The operation of the Marian Home of Prayer is similar to that of CARA. The primary emphasis of the organization is one-to-one counseling. In addition, the applicant conducts one to two seminars each month. There are no seminars conducted during the summer months. The average enrollment for these seminars is approximately thirty-five. The maximum enrollment is typically fifty students. However, on approximately six occasions per year, the enrollment for a seminar may reach between fifty and one hundred. The number of staff ranges from fifteen to a maximum of twenty employees.

9. In BZA Order No. 13709, dated April 18, 1982, the Board approved a similar special exception for use of the subject premises by CARA, subject to the following conditions:

- a. Approval shall be for a period of five years from the date of expiration of the previous Certificate of Occupancy.
- b. No permanent use other than CARA's research, seminars and training programs shall be conducted on the premises.
- c. Buses serving CARA's programs shall be restricted from traveling along Oakview Terrace.
- d. The maximum enrollment shall be restricted to fifty participants and twenty full and/or part-time staff employees.

10. The applicant is requesting the Board to modify the earlier limit on enrollment in order to permit enrollment of between fifty and one hundred persons on no more than six occasions per year. The applicant has no objection to the continued limit of twenty for the maximum number of employees.

11. All participants in the applicant's seminars spend their entire day on the subject premises. In the event of overnight seminars, the participants reside in dormitory rooms and have their meals served on the premises.

12. The premises have been used for a private school for approximately ten years. The applicant stated that there have been no objections raised by residents due to noise, traffic, number of students or other effects of the use of the premises as a private school.

13. Section 2101.1 of the Zoning Regulations requires that the applicant provide two parking spaces for each three teachers or other employees. With a maximum of twenty staff, the applicant would be required to provide fourteen on-site parking spaces. The applicant proposes to provide a total of fifty-three parking spaces on the site.

14. The Office of Planning (OP), by memorandum dated March 15, 1989, recommended that the application be approved with conditions. The OP was of the opinion the Board should determine whether the facility can accommodate up to one hundred participants at a given time. In addition the OP recommended that approval be limited to five years; that no other use other than the research, seminars and training programs of the Marian Home of Prayer be conducted on the subject premises; and that buses serving the facility be prohibited from traveling along Oakview Terrace due to the lack of vehicular access and excessive narrowness of Oakview Terrace.

15. Advisory Neighborhood Commission (ANC) 5A, by letter dated March 20, 1989, supported the granting of the application subject to the following conditions:

- a. Provision of thirty-five to forty on-site parking spaces in addition to the existing fifteen parking spaces.
- b. Proper surfacing of new parking area.
- c. Proper drainage to prevent runoff onto 12th Street properties and to ensure runoff into existing catch basins on Perry Street.
- d. No buses on Oakview Terrace.
- e. Landscaping of the new parking area to provide aesthetic and sound buffer.

16. Representatives of the owner of 3723 Oakview Terrace appeared at the public hearing in opposition to the application. The opposition was generally based on the following:

- a. The increased number of students will result in an increase in the level of noise and will interfere with the quiet enjoyment of the residents of the area;

- b. There is some concern over whether the types of persons served at the facility include the homeless and whether other unrelated events occur on the premises such as wedding receptions.
- c. The influx of pedestrian and traffic flow into the area to attend events at the facility may affect the level of criminal activity and traffic accidents in the area.
- d. Persons attending events at the facility use the parking spaces in front of residences on Oakview Terrace depriving residents of easily accessible on-street parking and often block driveways to individual homes.
- e. The proposed additional parking area is not large enough to provide the proposed number of parking spaces.
- f. Drainage from the site onto Oakview Terrace would have an adverse impact on the already excessive drainage onto properties on Oakview Terrace.

17. In response to the issues raised by the opposition and OP's concern relative to the ability of the facility to accommodate more than fifty persons, the applicant testified as follows:

- a. The events at which the applicant expects attendance of more than fifty persons do not involve overnight sessions.
- b. There will be no change in the type of events and number of participants from what has existed for the past three years.
- c. The provision of an additional thirty-eight parking spaces on-site should help alleviate parking congestion on Oakview Terrace.
- d. The plans on file clearly show the location and dimensions of the proposed thirty-eight parking spaces on the northwest portion of the site.
- e. There are no programs for the homeless provided at the subject premises.
- f. The proposed drainage plan would provide for runoff onto the surface of Oakview Terrace to the catch basins on Perry Street, not onto residential properties in the area.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Section 3108.1 and 206.1 of the Zoning Regulations. The Board concludes that the applicant has met the requisite burden of proof. The proposed facility complies with the criteria set forth in Section 206.1 of the Zoning Regulations, in that its location and its 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 ample parking to accommodate students, staff and visitors likely to come to the site by automobile.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and that, as hereinafter conditioned, it will not affect adversely the use of adjoining and nearby properties. Accordingly it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FOUR YEARS from the date of the issuance of the Certificate of Occupancy.
2. No permanent use other than the Marian Home of Prayer and its individual counseling and seminars shall be conducted on the premises.
3. Buses serving Marian Home of Prayer's programs shall be prohibited from traveling along Oakview Terrace.
4. The maximum enrollment shall be restricted to fifty participants with the exception that on six occasions each year enrollment may reach a total of one hundred participants. There will be a maximum of twenty full and/or part-time staff employees.
5. The Marian Home of Prayer shall appoint a staff member as a liaison between the community, Advisory Neighborhood Commission and the Marian Home of Prayer. Members of the immediate neighborhood shall be provided with the name of the staff member and shall use this staff member as the point of contact in discussing any issues or problems relating to the use.
6. The Marian Home of Prayer shall appoint a staff

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.

14984order/BHS8

member to monitor the vehicles parked on Oakview Terrace on the days that Marian Home of Prayer conducts individual counseling and/or seminars to ensure that none of the persons seeking counseling or attending seminars park on Oakview Terrace. In the instance of unauthorized parking, the Marian Home of Prayer staff member will contact the car owner to arrange for the removal of the car.

7. The Marian Home of Prayer shall include in all documentation sent to persons seeking counseling and seminar participants a notice of the complete prohibition against parking on Oakview Terrace.
8. The Marian Home of Prayer shall post a sign prominently in the lobby of its building notifying all seminar participants that their cars must not be parked on Oakview Terrace.

VOTE: 5-0 (Charles R. Norris, Carrie L. Thornhill, William F. McIntosh and Paula L. Jewell to grant; John G. Parsons 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 3

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14984

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 _____, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Allison M. Carney, Esquire
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W.
Suite 1100
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Robert Artisst, Chairperson
ANC 5A
Slowe School Demountable
14th & Irving Street, N.E.
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Julia C. Cook
637 - 3rd Street, N.E. #401
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Ogbonia F & Lisa C Alexis
444 M Street, S.W.
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Brother Leonard Kovopka
3700 Oakview Terrace, N.E.
DC 20017

A handwritten signature in black ink, appearing to read "E. Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

AUG 31 1988

DATE: _____

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