

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18426 of The National Presbyterian Church, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to allow the physical expansion of an existing private school to include a three story addition and increase in the student enrollment cap to 320 and the facility and staff cap to 70 individuals under section 206, and a variance from the side yard requirements for a temporary modular trailer under section 405, in the R-1-B District at premises 4120-4124 Van Ness Street, N.W. (Square 1724, Lot 805).

HEARING DATE: November 2, 2012
DECISION DATE: November 2, 2012

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 3E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted a report in support of the application. The ANC report indicated that at a regularly scheduled and duly noticed meeting on October 11, 2012, with a quorum present, the ANC voted 5-0-0 to support the Applicant’s request. (Exhibit 31.) The Office of Planning (“OP”) submitted a report in support dated October 23, 2012 (Exhibit 30) and testified at the hearing in support of the application. The District Department of Transportation submitted a letter of no objection. (Exhibit 29.) Prior to testimony, the Applicant requested and the Board granted Expert witness status to Bill Spack for Architecture and reconfirmed prior approval to Daniel Van Pelt for Transportation.

Variance Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of

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proving the elements that are necessary to establish the case, pursuant to § 3103.2, for side yard requirements for a temporary modular trailer from § 405, Side Yards. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking a variance from § 405, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 206, Public and Private Schools and Staff Residences. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 206, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, pursuant to Exhibit 28 – Revised Plans, be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Student enrollment shall not exceed 320 from nursery school through sixth grade.
2. The number of staff shall not exceed 70.
3. School hours and days of operation shall be Monday through Friday from 7:30 to 8:30 AM for before-school care; from 8:30 AM to 4:15 PM for academic purposes; and from 3:15 to 6:00 PM for extracurricular classes and after-school care. Interior athletic facilities may be used until 9:00 PM as authorized by the school. Occasional school related evening events are otherwise permitted on campus after 6:00 PM.
4. A minimum 47 parking spaces shall be allocated on-site for school staff and employees.

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5. Generally students shall be dropped off between 7:30 and 8:30 AM and picked-up between 3:15 and 3:30 PM with the following exceptions: children in the half-day program shall depart between 12 noon and 12:15 PM; children in an extracurricular class activity shall depart between 4:15 to 5:30 PM; and children in after-school care shall depart between 3:15 and 6:00 PM.
6. The school shall implement the following Transportation Demand Management (TDM) strategies:
 - a. Designating a TDM coordinator.
 - b. Educating parents on TDM measures available at the beginning of the school year.
 - c. Incentivizing car-pooling through faster drop-off and pick-up.
 - d. Adding a ride-matching component to the school website that integrates Google maps with the School's directory to show ridesharing opportunities. The school may supplement this effort with SchoolPool from the Metropolitan Washington Council of Government (MWCOC) which allows parents to create on-line profiles that can be used to find other parents for trip-sharing.
 - e. Subsidizing public transit and walking/cycling for employees which include:
 - i. SmarTrip Cars (sic) valued at 50% or 100% of the commuting cost via Metrobus or Metro rail, depending on how much the recipient employs transit in their commute.
 - ii. Equivalent stipends for walkers and cyclists.
 - f. Participating in the District's Safe Routes to Schools program.
 - g. Incorporating "semi-regular" walk/bike to school days that incentivize biking and walking for students.
 - h. Monitoring vehicle trip generation and the mode split for students and employees independently, and providing this information to the District Department of Transportation (DDOT) on an annual basis.
7. The use of school play areas and athletic facilities shall be limited to activities supervised and run by the school and/or The National Presbyterian Church.
8. Placement of the planned 36 x 60-foot modular structure shall be in accordance with the approved plans.
9. No more than 30-60 days after issuance of the Certificate of Occupancy for the final phase of the approved construction: the temporary modular building shall be removed from the required side yard setback along the southern boundary; and the variance relief approved under (this application) shall expire.

VOTE: **3-0-2** (Lloyd J. Jordan, Marcie I. Cohen, and Nicole C. Sorg to APPROVE; No other member present and one vacant seat.)

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

The majority of the Board members approved the issuance of this order.

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: November 13, 2012

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.