

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18850 of Parkmont School, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to allow a private school (65 students and 12 Staff) under § 206, and a variance from the off-street parking provisions under § 2101.1, in the R-1-B District at 4842 16th Street, N.W. (Square 2654, Lot 34).¹

HEARING DATE: November 5, 2014
DECISION DATE: November 5, 2014

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated May 19, 2014, from the Zoning Administrator, which stated that Board of Zoning Adjustment (“Board” or “BZA”) approval is required for special exception relief. (Exhibit 4.)

The Board of Zoning Adjustment (“Board” or “BZA”) 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”) 4A and 4C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4A, which is automatically a party to this application.² ANC 4A submitted a resolution of support for the application, indicating that at a public meeting at which a quorum of Commissioners were present, the ANC voted 6-0-1 in support of the application. (Exhibit 34.) ANC 4C submitted a report in support of the application, indicating that at a properly noticed public meeting on

¹ The Board previously approved the special exception and variance relief for the school to operate in BZA Case Nos. 13985, 15176, 16473, and 17209. This application was for a renewal of these previous approvals with no time limit.

² The Applicant mistakenly identified the affected ANC as 4C and the Single Member District as 4C02, believing that the school is located between ANC 4C02 and ANC 4A08. Upon learning that it is actually within ANC 4A08, the Applicant provided a copy of its application to ANC 4A08. (Exhibits 32 and 33.) The Office of Zoning had sent a Notice of Public Hearing to both ANC 4A and 4C, which are the current and former ANCs for the subject property. At the public hearing, the Applicant testified that it met with both ANCs and that both ANCs supported the application. (Exhibits 30 and 34.)

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October 8, 2014, at which a quorum was present, the ANC unanimously voted to support the application for a permanent special exception and variance by the Applicant with conditions. (Exhibit 30.) No party in opposition appeared at the public hearing.

The Office of Planning ("OP") submitted a timely report dated October 28, 2014, recommending approval of the application with conditions, (Exhibit 35), and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report on October 29, 2014, indicating that it had no objection to the Applicant's requests for variance and special exception relief for the continued operation of the school. DDOT made two recommendations for additional transportation demand management measures, including adding four bicycle racks and providing Smartrip cards for employees. (Exhibit 36.) The Applicant testified that it already had bicycle parking and had applied for Metro Smart Benefits for its staff. Three letters of support were submitted by residents and neighbors. (Exhibits 24, 25, and 29.)

Variance Relief

The Board closed the record at the conclusion of the hearing. As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for an area variance from § 2101.1. No parties appeared at the public hearing in opposition to the 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 ANC and OP reports filed in this case, the Board concludes that in seeking a variance from § 2101.1 the Applicant has met the burden of proof 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 required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from requirements of § 206 to allow a private school. No parties appeared at the public hearing in opposition to the 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 ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 206, and 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

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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. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Operation of the school shall be limited to Parkmont School.
2. The number of students shall not exceed sixty-five (65) and the number of faculty shall not exceed twelve (12).
3. There shall be no non-school-related activities on the subject premises.
4. Landscaping shall be in accordance with the site plan marked as Exhibit No. 44A of the record of BZA Application No. 13985, as detailed by the letter marked as Exhibit No. 44 of the record.
5. Three parking spaces shall be provided on the site.
6. There shall be no enlargement of the existing paved area on the site.
7. The Applicant shall maintain its student lunch policy that prohibits students from leaving the campus to purchase lunch offsite.
8. The Applicant shall monitor student and staff parking to ensure compliance with the school parking policy, as described in Exhibit No. 8 of the record.
9. The Applicant shall notify the community of major school-related events.
10. The Applicant shall monitor trash collection services and encourage its vendor to commit to appropriate collection times in accordance with the District of Columbia regulations.

VOTE: **3-0-2** (Lloyd J. Jordan, Marnique Y. Heath, and Michael G. Turnbull to APPROVE; S. Kathryn Allen and Jeffrey L. Hinkle, not present or participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A 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 6, 2014

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.

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,

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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.