

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARINGS - Oct. 12 and Nov. 16, 1966

Appeal No. 8966 Protestant Episcopal Cathedral Foundation,
appellant.

On motion duly made, seconded and unanimously carried, with Mr. Samuel Scrivener, Jr. not participating, the following Order was entered at the meeting of the Board on April 18, 1967.

EFFECTIVE DATE OF ORDER - April 18, 1967

ORDERED:

The appeal to establish a private school including a new building with additional facilities for the National Cathedral School which will connect with existing Whitby Gymnasium, and contain a student center with refectory and lounge, and additional gymnasium space and storage facilities, at the southwest corner of the intersection of 36th and Lowell Streets, NW., formerly known as 3112 - 36th Street, NW., the new building to be constructed primarily on former lot 803, square 1922, and partially on former lot 806, square 1922, be denied.

From the records and evidence submitted in this appeal, the Board finds the following facts:

(1) All of square 1922 is now combined into one lot known as lot 17, having become one lot on May 25, 1966.

(2) On September 9, 1966, following a hearing in BZA #8859, on August 24, 1966, the Board denied without prejudice a similar appeal by the Episcopal Cathedral Foundation at the same location. The Board's Order in the aforementioned appeal No. 8859, is made a part of this Order by reference.

(3) At the hearing on Appeal 8966, appellant requested the same land use at the same location as in Appeal 8859. However, new building plans were submitted in Appeal 8966.

(4) Appellant contends that the 3.5 FAR of the R-5-C land and the 0.4 FAR of the R-1-B portion of the site combine to provide for an allowable floor space within the existing and proposed buildings of 105,657 square feet. The total development, following the revised plan, will have 74,852 square feet of floor area. On the R-5-C portion of the lot it proposes to have only 37,786 square feet of floor space out of a potential of 89,000 square feet. However, on the R-1-B portion of the lot it proposes

to have 37,066 square feet of floor space where only 16,657 square feet would be permitted on the basis of an FAR of 0.4.

(5) The site has a total area of 67,097 square feet. Of this total, 25,453 square feet is zoned R-5-C and 41,644 square feet is zoned R-1-B. Proposed development will cover 33,576 square feet of land of which 16,073 square feet is zoned R-5-C and 17,501 square feet is zoned R-1-B. This means that, 50% of the total lot will be occupied, whereas, 63% of the R-5-C portion of the lot will be occupied and 42% of the R-1-B portion of the lot will be occupied. Normal permitted lot occupancies are 75% in the R-5-C District and 40% in the R-1-B District.

(6) Appellant contends that the Board should apply the standards of Section 3101.46 to its campus. This would permit an overall FAR of 1.8 and lot occupancy of 60%. The proposed development would have a total FAR of 0.70 and lot occupancy of 50%. In support of this contention, appellant state that the plans submitted at the hearing represent its plan for the ultimate development of the campus.

(7) Appellant further requests a, "waiver", variance to permit the proposed development in the event the Board cannot justify approval of the appeal on the basis of either the prorata or campus plan approach.

(8) Appellant also request approval of accessory parking to be provided within 800 feet of lot 17 and located at various points on the Cathedral Close across Woodley Road.

(9) The facilities of the Cathedral School have been located in square 1922 for many years.

(10) Square 1922 is a level rectangular property and appellant does not claim the existence of any adverse soil or topographic conditions.

(11) Opposition to the granting of this appeal was registered at the public hearing, by petition and by letter.

OPINION:

In the opinion of the Board, the provisions of Section 7514 preclude any prorating of either the FAR or Lot Occupancy. These provisions only apply to a lot in single ownership on the effective date of the regulations. Further, subsection 7514.12 limits the use of any FAR or Lot Occupancy credit or carry-over to

within 35 feet of the zoning district boundary line.

In the opinion of the Board, the provisions of subsection 3101.46 do not apply. This is not a, "college or university which is an academic institution of high learning." Private schools below the level of college or university are provided for in subsection 3101.42.

The Board does not consider the proposed parking to be acceptably located. The appellants have based their appeal on subsection 7205.33 which extends for 800 feet, the area within which accessory parking may be located. However, this subsection does not apply since the prerequisite conditions of subsection 7205.31 do not exist. In the opinion of the Board, parking can be provided on the same lot with the structure if the proposed construction is reduced. For the same reasons, subsection 3101.411 does not apply.

In conclusion, the Board cannot find a basis for granting a variance under the provisions of subsection 3207.11 since the only hardship is of the appellants' own making.