

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- April 12, 1967

Appeal No. 9151 Francisco Lopez, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on April 18, 1967.

ORDERED:

That the appeal for permission to establish a private school (Instituto de Cultura Espanola of Washington, D.C.) at 4839 Colorado Avenue, NW., parcel 71/91, square 2655, be denied.

FINDINGS OF FACT:

- (1) The subject property is located in an R-1-B District.
- (2) The area of the property consists of approximately 28,500 square feet and is improved with a large dwelling having ten (10) rooms and a three (3) car attached garage.
- (3) It is proposed that the building be used by a non-profit organization furnishing schooling for Spanish speaking people of the Washington, D.C. area. The curriculum would be composed in part of courses teaching Spanish culture, Spanish dance, Spanish music, literature and poetry, and the appreciation of the Spanish world.
- (4) It is proposed that the classes be held in the early evening and on weekends. There would be no day classes. Classes would be limited to ten students.
- (5) There would be a maximum of twenty (20) to twenty-five (25) students and four teachers. There ages would range from elementary school to junior high school. The school would be open to University students for research.
- (6) The property is next to the Embassy of Sierra Leone. The Carter Barron Amphitheater is opposite the subject property.
- (7) The owner of the property now resides on the premises and may continue to so reside.
- (8) It was asserted that there is space for ample parking spaces on the lot.
- (9) This appeal is opposed by the Rock Creek East Neighborhood League and the record contains several letters from residents of the neighborhood stating their opposition. The record also contains petitions with 147 signatures of residents who oppose this appeal. Several persons appeared at the public hearing to express their opposition.

(10) The major objections were that the proposed school would create a hazard, the use was not a neighborhood use, deteriorate the values of surrounding property, and destroy the strictly residential character of the neighborhood.

(11) The record also contains a letter dated July 20, 1964 from the Department of Licenses and Inspections concerning their investigation of an alleged private club at 4839 Colorado Avenue, NW. That letter concludes that "There was no zoning violations found to be existing at the time of inspection."

(12) Another letter dated July 15, 1966 reports an investigation of the subject premises by the Department of Licenses and Inspections on July 14, 1966. That letter states: "Inspection of the above mentioned premises *** disclosed this is a two-story, basement, wood joist, brick and stone building which is being used in its entirety as a private club trading as Clyb D'Spana. There was a bulletin board located in the main lobby on which was written in Spanish Sra-Dana Carmen H. De Egge, President, Sr. D. Francisco Lopez, Vice President.

"There was a lady present at the time of inspection who informed me that she did not speak much English. I was able to determine that the building is being used as a private club.

"The records of the Permit Branch will disclose that this building is located in the R-1-B Residential Zone and that no certificate of occupancy has been approved or pending for the use of the building as such."

(13) By letter dated July 29, 1966 appellants attorney states that he had spoken to the owner with reference to the complaint lodged with Licenses and Inspections. The attorney related: "While there is a great amount of social activities and private parties given by Mr. Lopez on these premises he is not operating as a private club as such is defined in the Zoning Regulations." I conduct such activities in a quiet manner so as not to antagonize adjacent property owners and generate more complaints."

OPINION:

The R-1-B classification is the second most restrictive residential zoning in the District of Columbia. The applicable regulations require a finding that the school "is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions." In an R-1-B District, this limitation should be strictly interpreted. We cannot find that an influx of students, during the early evening hours and on weekends will not create objectionable conditions in this residential neighborhood. Except for embassies, this area is developed with large single family residences. The size and value of the homes in this neighborhood demand that there be maintained a quiet residential character. It is "likely" that the proposed school will create objectionable conditions.

OPINION Cont'd

It has been asserted that certain activities have been taking place at the residence which are purely social and analagous to a private club which is not permitted in this zoning district.

We conclude that the establishment of a school at this proposed location would not be in harmony with the general purpose and intent of the Zoning Regulations and maps and would tend to affect adversely the use of neighboring property which is zoned and developed with single family residences.

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

ATTESTED:

By: James E. Bess
JAMES E. BESS
Secretary of the Board