



CAPITOL HILL RESTORATION SOCIETY

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November 21, 2008

RECEIVED
DC OFFICE OF ZONING

Jerrily R. Kress, FAIA
Director, Office of Zoning
Suite 210
441 4th Street, NW
Washington, DC 20001

RE BZA# 17842

Dear Director Kress,

The Capitol Hill Restoration Society Zoning Committee (CHRS) at a meeting held on November 13, 2008 considered the above case. The case involves the application of the DC Teacher's Federal Credit Union for a use variance to allow the continued use of the former Edmonds public school for general office use in the R-4 District at 901-903 D Street, NE. The applicant did not appear and make a presentation at the meeting.¹ The Committee voted unanimously to oppose the application.

The applicant wishes to put a general office use of a credit union in a former public school located on both C Street and 9th Street, NE. The property is zoned R-4 and does not allow for office uses. CHRS believes that this use is not consistent with the Comprehensive Plan and does not meet the test for a use variance.

I The Comprehensive Plan

The application is inconsistent with the Comprehensive Plan goals and objectives. There are two parts of the Comprehensive Plan that are ignored:

- A. The application ignores EDU-1 5.2 on the priorities to determine the reuse of surplus public schools. The priorities are reuse for educational purposes, reuses by DC government to strengthen families, and reuses that provide a public benefit such as DC government office or affordable housing. All of these uses are either DC government uses or public charter schools. The application is for use by the District of Columbia Teachers Federal Credit Union.²

¹ A notice of the meeting was e-mailed to the applicant's authorized agent, William Maiden, at wjmaiden@aol.com

² DC Teachers Federal Credit Union was originally chartered by the District of Columbia. Today it's a federal credit union. Like other credit unions, its not-for-profit, service-oriented, member-focused approach to business distinguishes it from other types of financial institutions, as do its low interest rates on loans.

BOARD OF ZONING ADJUSTMENT
District of Columbia

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EXHIBIT NO.28

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This use is neither a DC government use, a public charter school, nor affordable housing but a strictly privately run uses contrary to this Policy in the Comp Plan

“Policy EDU-1.5.2: Reuse of School Surplus Space

Consistent with the DC Municipal Regulations, use the following priorities to determine the future use of schools that are deemed surplus and turned over to the DC Office of Property Management:

- a. First priority should be re-use for direct educational purposes, including Public Charter schools
- b. Second priority should be for other District agency facilities that strengthen families, such as day care and early childhood development centers, job training, libraries, recreation centers, or health care
- c. Third priority should be for other uses that provide a public benefit (such as District government administrative offices or affordable housing) ”

B. The application ignores the policy CH-1.1.9 that, for Capitol Hill, the use must protect the architectural resources and the reuse must be consistent with the density of surrounding uses and be for housing

“Policy CH-1.1.9: Conversions of Non-Residential Structures

Allow the conversion of obsolete or vacant non-residential structures (including schools, churches, warehouses, and institutional uses) to housing, provided that important architectural resources are conserved and the resulting development is consistent in density with surrounding uses ”

The applicant does not propose to use the property as housing as is required by the Comp Plan

II The Test for a Variance

For the BZA to grant variances the applicant must show an exceptional condition or uniqueness of the property, practical difficulties or exceptional and undue hardship upon the owner in complying with the zoning regulations arising out of the uniqueness, and no detriment to the public good or impairment of the zone plan

and high interest rates for savings accounts. Members are employees, pensioners and annuitants of The American Federation of School Administrators, The American Federation of Teachers, AFL-CIO (Washington, D.C.), The Council of School Officers, Local 4, AFL-CIO; D.C. Public Schools; D.C. Public Charter Schools; D.C.P.S. Board of Education, The University of the District of Columbia; Washington Teachers' Union, Local; University of the District of Columbia faculty, students and alumni, Prince Hall Masons and Eastern Stars, District of Columbia Jurisdiction Urban Family Institute; and The Way of the Cross Church Daycare <http://www.dctfcu.org/about.htm>

Even if one concedes that there is an exceptional condition on the property, the applicant does not make the more difficult showing of "undue hardship," which applies to use variances

As a practical matter, the applicant has no difficulty in complying in all ways with the zoning regulations without a variance, and can put the property to sufficient economic use. We have many similar sized public schools that have been converted to residential and the applicant has not shown that it cannot do so. In addition, the CHRS Zoning Committee believes that granting this application would undermine the R-4 zoning on Capitol Hill

III The previous BZA order offers no support

The previous BZA order regarding this property (No. 16466) is a summary order, offers no finding of fact and conclusions of law. For this reason, the previous order offers no support for this application and is not precedent

For these reasons the committee voted unanimously to oppose the application. We urge the Board to deny the application

Respectfully,



Gary M. Peterson, Chair
Capitol Hill Restoration Society
Zoning Committee