

## **E. FINDINGS OF FACT**

### The Subject Property and the Application

1. The Applicant holds a special exception to operate a private school at 4842 16th Street N.W., Square 2654 Lot 34, and a variance from the strict application of the minimum parking space requirements imposed by the zoning regulations. The special exception and variance were first granted by this Board to Somerset School, the Applicant's predecessor, in Order No. 13985 (1983). The Board granted continuances in Order No. 15176 (1991), Order No. 16473 (1999) and Order No. 16473 (2004).
2. The Applicant is located on a triangular shaped lot bounded by 16th Street and Blagden Avenue, N.W., which is zoned R-1-B. The lot is improved with a large three-story structure of 8,700 square feet and a paved area to the south and rear of the property, which provides 3 on-site parking spaces. The building was constructed as a private dwelling and was subsequently occupied by a church, which in turn sold the property to the Somerset School in 1983. Parkmont School and Somerset School merged in 1991.
3. The Applicant's building contains 3 second floor classrooms, 2 first floor classrooms, and 2 basement classrooms. The school's main office is on the first floor and the director's office is in the basement. There are 5 bathrooms in the building.
4. The Applicant's current special exception and variance are scheduled to expire on October 15, 2014. There is no requested change to the existing structure, or for an increase in the student enrollment or numbers of faculty and staff members.
5. In view of the Applicant's long-term use of the property and its intention to continue its operations consistent with its special exception and variance, the Applicant hereby requests that the Board grant a permanent special exception and variance. A permanent special exception and variance would reduce the burden on both the Board and the Applicant of more frequent applications for renewal.

### Special Exception and Variance Requirements 11 DCMR Sections 3104, 206 and 3103

6. Section 3104.1 permits the Board to grant a special exception where a proposed use will be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps."
7. Section 206.1 permits the use of property located in an R-1 district for a private school if the requirements of section 3104 are met.
8. Section 206.2 requires as a condition of a special exception under section 206.1 that the private school be "located so that it will not likely become objectionable to adjoining or nearby property because of noise, traffic, number of students, or otherwise objectionable conditions."

9. Section 206.3 requires as a condition of a special exception under section 206.1 that “[a]mple parking space, but not less than that required in chapter 21 of [Title 11] shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.”
10. Section 2101.1 requires that high schools provide “2 [parking spaces] for each 3 teachers and other employees, plus 1 for each 20 classroom seats . . . .
11. The Board is authorized under 11 DCMR 3103.2 “where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reasons of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application to as to relieve the difficulties or hardship; provided, that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the plan as embodied in the Zoning Regulations and Map.”

Impact on neighboring properties — 11 DCMR Sections 3104.1 and 206.2

*Applicant’s use of the subject property*

12. The Applicant currently accommodates a student enrollment of up to 65 and a staff of 12. The school is in session from early September until mid-June each year. Regular school hours are weekdays from approximately 8 am until 4 pm. The Applicant generally has not offered after-school or evening programs.
13. In some years the school has provided a summer session to allow students to accumulate additional credits toward their diplomas. When summer school has been offered, it has been held during weekday mornings and has attracted up to 18 students.
14. The Applicant has not allowed the use of its facility to outside organizations for non-school activities. The Applicant’s facility does not contain any large meeting rooms that could accommodate functions of any substantial size.
15. The Applicant occasionally holds school-related events, such as a poetry festival, in the evening or on a weekend, but fewer than 5 times annually.
16. The Applicant currently operates in conformance with the conditions of Order No. 16473, and has effectively anticipated and controlled student enrollment during its decades of operation.
17. Since its inception, the Applicant has agreed to work with the community, including its neighbors and Advisory Neighborhood Commission District 4C02, with whom the Applicant has committed to contact and discuss this application to address any concerns with respect to parking and other issues in the neighborhood, with a statement of such

efforts provided no less than 14 days before the scheduled public hearing/meeting to address this application.

18. The school has not become objectionable to its immediate neighbors due to traffic or noise in the course of its existence.

Parking requirements — 11 DCMR Sections 206.3, 2101.1 and 3103.2

*Applicant's parking situation*

19. The Applicant currently has 3 on-site parking spaces, which is less than the number required by section 2101.
20. The irregular shape and slope of the Applicant's site and the large size of the building on the lot restrict the number of parking spaces available on the site to three.
21. The Applicant has been restricted by prior Orders from expanding its on-site parking. This restriction was imposed because of neighbor concerns that additional paved space would change or be inconsistent with the character of the neighborhood.
22. Since 1989, staff and students who could not be accommodated by the Applicant's parking capacity have used the publicly available parking space at the Carter-Barron amphitheatre. The Carter-Barron lot, which is one block from the subject premises at the corner of 16th Street and Colorado Ave., contains 336 parking spaces. On an average day only approximately 25 of those spaces are used at all, and only approximately 6 are used by the Applicant's staff and students. Use of the Carter-Barron lot has been restricted only once per year, for a summer tennis tournament, when the Applicant is not in session.
23. The majority of the Applicant's students, who range in age from 12-18, travel to and from school via public transportation. The school's location is well served by public transportation (Metrobus), including a stop located at the corner of 16th Street and Blagden Avenue, N.W. with Metrobus service connecting directly to the Metrorail system.
24. The Applicant is not aware of any complaints of "spillover" or overflow parking into the residential neighborhood.
25. The parking needs of the Applicant's students and staff persons have been adequately accommodated by the existing 3 parking spots as well as the nearby parking lot for Carter-Barron Amphitheatre.