# STATEMENT OF EXPLANATIONS AND REASONS

## SUPPORTING AN APPLICATION

## TO THE BOARD OF ZONING ADJUSTMENT

## OF THE DISTRICT OF COLUMBIA

## FOR A SPECIAL EXCEPTION

## PURSUANT TO SECTIONS 205 and 3108

## OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

**The Washington Ethical Society**
**And the Oneness Family School**
**7750 16th Street, N.W.**

**(SQUARE 2745F, LOT 81)**

OFFICE OF ZONING
DISTRICT OF COLUMBIA

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BZA
Case No. 16590
Exhibit No. 8

Board of Zoning Adjustment
District of Columbia
CASE NO.16590
EXHIBIT NO.8

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Certification by Stephen N. Gell, Esq.

Photographs of the Site

List of Property Owners within 200 feet of the subject property

Site plan with building outlined (Sanborn)

Building plat prepared by the Surveyor of the District of Columbia

Current Certificate of Occupancy

## INTRODUCTION

This is a Statement of Explanation and Reasons supporting the application of the Washington Ethical Society and the Oneness Family School for a special exception pursuant to Sections 205 and 3108 of the Regulations of the Zoning Commission, (11 DCMR §§205 and 3108) (hereinafter, "Regulations"). The Applicant seeks a special exception to permit the establishment of a nursery school/child development center on the premises.

## DESCRIPTION OF THE APPLICANT

The applicants are the Washington Ethical Society, owner of the property at 7750 site of the child development center c/o Donald Montagna, Senior Minister, and the Oneness Family School, a private elementary school in Bethesda, Maryland, c/o Andrew Kutt, Director, 6701 Wisconsin Ave, Chevy Chase, Md., which will operate a portion of the facility as a Montessori nursery school.

## THE SUBJECT PROPERTY

A. Location and Description of the Property

The property which is the subject of this Application is at 7750 16th Street, N.W., Square 2745F, Lot 81. The lot is 19,092.0 square feet in the Northwest area of Washington. It contains two institutional buildings, one of which will be the site of the nursery school. The building housing the nursery school is a two-story building comprising 5,000 square feet. The nursery school will occupy approximately 2000 square feet of gross floor area in the basement. (The property slopes downward from Sixteenth Street to the rear of the property. Accordingly, the nursery school, whose entrance is adjacent to the alley, is at ground level.) Up to 40 children, ages 3 to 6, will be accommodated both in the nursery school program and in the before and after school program.

B. Area Surrounding the Property

Surrounding the property are mostly single family residential structures. However, bordering the Washington Ethical Society to the West is the campus of the Lowell School. 1 to 2 blocks to the South on Sixteenth Street are two synagogues, Congregation Tifereth Israel and Ohev Shalom Talmud Torah. Two blocks to the east is the Shepherd School. The structure is located in ANC 4A.

C. Zoning History and Use History

The area is zoned R-1-A which permits a church building. The Washington Ethical Society built the building in 1966 and it has been in continuous use as a facility for church functions for 34 years. Since 1968, a private high school for up to 40 students has existed on the site with a valid certificate of occupancy which was renewed in 1993. The high school plans to move into new quarters on Georgia Avenue in July 2000 and will be vacating the space.

## REASONS IN SUPPORT OF THE APPLICATION FOR SPECIAL EXCEPTION

A. Compliance with D.C. Zoning Regulations

The applicant satisfies the requirements for grant of the Special Exception. A child

development center is permitted in an R-1-A Zone District with approval of the Board of Zoning Adjustment. The nursery school will be located so that it is not likely to become objectionable to nearby property because of noise, traffic, number of students, or other objectionable conditions. The Special Exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

B. The Proposed use will not create dangerous or other objectionable traffic conditions or noise.

**Traffic**

The use of the property for a nursery school is likely to generate less traffic than the previous use. The school hopes to draw many of its students from the neighborhood and presumably, some of those children will arrive on foot. Those needing transportation will arrive and leave during the morning and evening hours. Traffic patterns will be efficiently arranged so that neighbors will not be inconvenienced. For instance, the nursery school begins at 9:00 am so most parents are unlikely to drive up before 8:45 am, well after the time when most neighbors will be leaving for work. By contrast, other nearby schools on Sixteenth Street expect students to arrive between 8:00 and 8:25 am.

**Noise**

The building is currently being used as a private high school and the change to a nursery school will reduce markedly any effect on the neighborhood. During its more than 30 years, the high school generated few complaints by neighbors and these were handled satisfactorily. Of necessity, nursery school students are far more closely supervised by teachers and if any objectionable conditions arise, they can be addressed quickly.

**Safety**

In the dropping off and picking up of children, all efforts will be made to ensure that no unsafe conditions will be created. Children will be dropped off at the alley entrance to the school, will be met by teachers and aides, and will be escorted into the school. In the evening, children will be similarly escorted to the parents cars.

**Parking**

There is sufficient parking on the site for the nursery school staff. There are 10 spaces at the rear of the facility. Under Zoning Regulations, one space must be provided for each 4 staff-persons of the nursery school. Accordingly, a staff of 2-4 will require only one space. The Church requires no parking since it was built under zoning regulations that specified no parking requirements for churches in all districts. Moreover, the change from a high school to a nursery school will substantially reduce the need for parking spaces on the neighborhood streets.

**BENEFITS OF PROPOSED USE**

The Washington Ethical Society and the Oneness Family School plan to develop a nursery school to accommodate up to 40 children. There are no plans to alter the general landscape or build additional buildings. The center will have a substantial positive impact on the

well-being of the community, since it will permit parents to attend their jobs knowing their pre-school age children will be well cared for. We are told that the nursery school/day care center at Tifereth Israel Synagogue will close down shortly to make room for the Jewish Primary Day School. The nursery school was very popular in the neighborhood and its loss will leave the neighborhood with one less facility for small children.

## COMMUNITY OUTREACH

There were two neighborhood meetings at the Washington Ethical Society on April 4 and April 11. Flyers were mailed or delivered to all residents in the immediate neighborhood. While attendance was not high, those who came were very supportive of the school and reported that they understood the other nearby neighbors to be generally satisfied with the change in the use of the property from a high school to a nursery school. Moreover, over the last few years, the Washington Ethical Society has made special efforts to take part in neighborhood issues, attend neighborhood meetings, and be responsive to any complaints about its operations. The conversion of the high school to a nursery school is part of a comprehensive effort to reduce the Society's impact on the residential neighborhood and be a good neighbor. It was understandably gratifying that neighbors who attended the recent meetings confirmed that the Washington Ethical Society's efforts have been noted and appreciated by neighborhood residents.

## COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. Appropriate Use

A nursery school/child development center is an appropriate use in a residential neighborhood. It is permitted under the Zoning Regulations as a compatible use, with BZA approval.

B. Historic Preservation

Historic Preservation regulations and laws do not apply to this site. The building is neither a landmark nor in a Historic District.

## CONCLUSION

In conclusion, the application by the Washington Ethical Society and the Oneness Family School should be approved. The use for a child development center is consistent with the residential uses in the area. The applicant satisfies the requirements for grant of the Special Exception: the Special Exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

Respectfully submitted,



Stephen N. Gell, Esq.