GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE February 10, 2003

SUBJECT: BZA Application 16985
Bennett Career Institute – 700 Monroe Street, N.E.

APPLICATION

The applicant is proposing to establish a vocational/technical school, the Bennett Career Institute (BCI) in an R-4 Zone District. The submitted application requests:

- A use variance pursuant to §3103 to allow a technical/trade school in an R-4 residence zone district;
- Variance relief from the provisions of §330.5 (d) to allow an increase in the number of students for the child development center which will be located in the building as an accessory to the trade school; and
- Variance relief from the parking requirements as prescribed by §2101.1

OP believes the request for the child development center could proceed as a special exception under §205 pursuant to §3104.1. §330.5 permits the child development center as a matter of right in an R-4 District, "provided that the center shall be limited to no more than 16 individuals." The applicant is requesting 50 children, between the ages of 2-5 with a staff of 6 persons. §332.1(a) explains that uses not permitted as a matter-of-right under §330.5 shall be permitted in the R-4 District if approved by the Board, in accordance with §3104 and subject to the provisions of §205. Therefore, OP believes that the application for the establishment of the child development center should be addressed as a special exception, and not a variance as submitted by the applicant.

SUMMARY RECOMMENDATION

The Office of Planning **recommends denial** of the use variance to allow the trade school in the R-4 zone District. OP would support the applicant's request to rezone the property to C-1, which is consistent with the Comprehensive Plan and the Generalized Land Use and Map.

BZA
Case No. 16985
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 16985
EXHIBIT NO. 31

OP **recommends approval** of:

- The special exception for the establishment of the child development center for 56 individuals, including no more than 50 children and 6 staff members; and
- The variance request to waive the number of on-site parking spaces for the attendees of the institute, since the site can only physically provide 12 spaces, and the site is within 800 feet of the Brookland Metro Station. OP supports the applicant's attempt to provide off-site parking and shuttle service to accommodate the attendees of the institute.

SITE AND AREA DESCRIPTION

BCI is proposing to relocate its vocational institute to 700 Monroe Street, which is located in Square 3657, lot 827 in the northeast quadrant of the District. The Square is bound by Michigan Avenue to the north, WMATA tracks to the east, Monroe Street to the south and 7th Street on the west. The square is multi-zoned. The subject lot is zoned R-4, the lot to the north C-1, and the property to the east C-M-1. The site is improved with a four-story brick and concrete building with a walk-out basement built in 1957 by Catholic University as a dormitory.

PROJECT DESCRIPTION

The applicant proposes to use the subject property, 700 Monroe Street, as a technical/vocational[1] school, known as the Bennett Career Institute. The institute will also provide a child development center for staff, students and the surrounding community. The existing building will be renovated but no additions will be made to the site. The building was most recently occupied by the District of Columbia as a Social Service Center, as evidenced by a Certificate of Occupancy dated 1979. In the past, the predominant use was a dormitory. The proposed number of students for the career institute is 180 with 25 faculty and staff. The hours of operation will be from 8:30 am to 6:00 pm.

The applicant requires a use variance for the site, since a vocational or trade[2] school is not a use permitted in the R-4 zone District. The Zoning Administrator has provided a written referral for the variances.

A special exception is needed to establish a child development center in an R-4 residence district, if the center proposes an increase in the number of individuals, as requested (50children and 6 staff for a total of 56 individuals) in this application. §332.1(a) explains that uses not permitted as a matter-of-right under §330.5 shall be permitted in

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[1] Relating to, or being in training in a specific skill or trade usually with a view to gainful employment soon after completion of the course (-school-). *Webster's Third New International Dictionary*

[2] A school usually on the secondary level devoted especially to teaching the practice and theory of skilled trades. *Webster's Third New International Dictionary*

the R-4 District if approved by the Board, in accordance with §3104 and subject to the provisions of §205.

The site can only provide 12 legal spaces on the existing lot and therefore a variance from the prescribed parking requirements of §2101.1 is being requested to satisfy the combined parking requirements of the school and child development center.

ZONING REQUIREMENTS

Technical/vocational or trade schools are not allowed as a matter of right in the R-4 zone District. A variance from the use provisions of 11 DCMR 330 is required to establish this use in the former dormitory building.

The provisions of §205 must be satisfied for the special exception to allow the establishment of the child development center for 56 individuals and variance relief from the parking requirements must meet the variance tests pursuant to §3103 and the parking provisions of §2101.

ANALYSIS

Use Variance

Grant of a use variance pursuant to 11 DCMR §3103.2 requires a showing through evidence, that strict compliance with the Zoning Regulations will create an undue hardship upon the owners in their efforts to make reasonable use of property. This hardship must arise out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical condition. The applicant must show that the property **cannot be reasonably used for any purpose for which it is zoned due to some physical or extraordinary condition related to the property itself.** In addition, the Board must find that granting the application will not be of substantial detriment to the public good, and will not substantially impair the intent, purpose and integrity of the zone plan.

The use variance request was reviewed as follows:

(a) *The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;*

OP does not believe that the property is unique in its physical characteristics, such as its shape or other exceptional condition. The property is a regularly shaped lot of single record (originally comprised of a series of smaller rectangular lots), which is larger in dimension (18,570 square feet) than what is prescribed for R-4 zoned properties (1,800 square feet). The 28,880 square foot building existed since 1957 and has been used as a dormitory as a matter-of-right use and a social service center, as a special exception use without any major remodeling to the building.

(b) *By reason of the aforementioned unique and exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.*

OP does not believe there is a unique and exceptional condition of the property, which would prevent the applicant from using the property as zoned. The building was previously used as a dormitory and may be easily remodeled to serve as apartments, a private club, lodge, rooming or boarding house, child development center, or any other use contemplated in the Zoning Regulations under §332.1 through §334. The applicant's proposal for the building as a private technical/vocational institute is not a use contemplated by the Zoning Regulations for this zone. The applicant has not demonstrated that the property cannot be reasonably used for any purpose for which it is zoned **due to some physical or extraordinary condition related to the property itself**. Therefore, the applicant's claim of financial hardship is not attributable to an extraordinary condition of the property itself and should not be considered as a factor for relief from the provisions of the Zoning Regulations.

(c) *The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.*

Grant of the variance will impair the intent of the Zoning Regulations, since there is no claim of undue hardship induced by physical constraints of the property, and the property can be used as prescribed by the Zone Regulations.

Currently, the R-4 zone is inconsistent with the intent of the Generalized Land Use Map for this square (Attachment 2). Permitting a use inconsistent with the Generalized Land Use Map would further impair the intent of the Regulations and Map.
§701.2 addresses the uses permitted as a matter-of right in the C-1 zone as follows:

> **Any use permitted in any R-5 District under §§ 350.4 and 350.5 or in the SP District under § 501, except a community-based residential facility for seven (7) or more persons not including resident supervisors or staff and their families, shall be permitted in a C-1 District as a matter of right.**

§501.1(b) allows a private school, including…secondary trade, or any other school, and §501.1 (g), a child development center as a matter of right in the SP zone. Therefore, the C-1 zone would permit the establishment of the trade school and the child development center as a matter-of-right.

OP has recommended that the applicant apply for a map amendment to the Zoning Commission to request rezoning the property to C-1. OP would support this action, since the abutting property is also zoned C-1 and the Generalized Land Use Map, indicates that the land use is classified as commercial land use (low density) and production and

technical employment which is consistent with the C-1 zone. The C-1 zone represents shopping and service areas that are generally low in scale, character and activity and that provide a limited range of retail goods and services as the predominant uses.

Special Exception
According to §332.1, the Board may allow the establishment of a child development center not meeting the matter-of-right requirement for the zone, through special exception approval subject to the provisions of §205 as follows:

> **205.2** *The center shall be capable of meeting all applicable code and licensing requirements.*

The applicant has indicated that all code and licensing requirements would be addressed. The Department of Human Services (DHS) reviews licensing requirements after the application has been through the zoning process.

> **205.3** *The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children or elderly persons.*

The building has a walk-out basement and the entrance to the proposed center will be located at the rear of the building.. OP discussed the proposed drop-off and pick up at the site with DDOT and they indicated no concerns regarding any unsafe conditions, since this will occur at the rear of the building and not on the public street.

> **205.4** *The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.*

There is sufficient parking for employees of the center, since there are 12 on-site parking spaces available for a staff of six persons. §2101 requires 1 space for each 4 teachers and other employees. In addition, the site is located within 800 feet of the Brookland Metro Station, and is located on a well-served Metrobus route.

> **205.5** *The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.*

The proposed center will be located in the basement of the building. OP does not believe that there will be any objectionable impact due to noise and activity on adjacent or nearby property. The majority of the surrounding property is institutional and the site abuts a commercial property (Pizza Hut) located to the north, and the rear of the property. Additionally, properties in the immediate vicinity are primarily dormitories and open space owned by Catholic University and WMATA. The hours of operation will coincide with the operating hours of the institute and other institutions in the immediate vicinity. No changes to the existing structure are contemplated. The outdoor play area will be

located to the rear of the property and is screened from the adjacent parking area by a brick wall.

205.6 *The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.*

The site is well fenced and screened from adjacent property with existing and well maintained landscaping. OP has seen no request for signage for the institute, but expects the applicant to comply with the District's requirements for signage in a residential zone.

205.7 *Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.*

No off-site play area is proposed for attendees of the center.

205.8 *The Board may approve more than one (1) child/elderly development center in a square or within one thousand feet (1,000 ft.) of another child/elderly development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.*

OP has no evidence that another child development center is located within 1,000 feet of the proposed center. There is no child development center within the square.

205.9 *Before taking final action on an application for use as a child/elderly development center, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.*

OP has not received any official reports from these agencies pertaining to this request. OP's discussions with DDOT indicated no objections to the proposal if the applicant adopts measures to ensure that on-street parking is not increased, by encouraging attendees to use Metro and other means of public transportation. The applicant has indicated that most attendees do not own a car and BCI is proposing a shuttle bus to and from the Rhode Island Shopping Center's parking lot.

205.10 *The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia.*

DHS reports that requests for licenses are typically not reviewed before zoning requirements are met.

Variance - Parking
The combined parking spaces for the child development center and the trade school is determined based on the requirements of §2101.1 as follows:

- For a child development center (All Districts) – 1 for each 4 teachers and other employees
- For a trade school (All other districts except C-4, C-5/PAD) – For each building, 2 for each 3 teachers; plus either 1 for each 10 classroom seats or 1 for each 12 stadium seats or 1 for each 10 auditorium seats, whichever is greater, except as provided in §2106.

The amount of on-site spaces needed based on the above requirements include:

Use	Number of Staff	Number of Students	Required Parking
Bennett Institute	24	180	16+18 = 34
Child Dev. Center	6	50	2

The total number of spaces required to satisfy this provision is approximately 36 spaces. According to the applicant, the site can accommodate up to 12 spaces. OP believes the applicant's hardship is justified based on the following:

(a) The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition.

There is no additional space on the property to accommodate the required number of parking spaces. To maintain the standards required for drive aisles and parking space dimensions (9'x19'), no more than 12 spaces can be re-striped on site. The existing L-shape of the building and its location on the site hinders the addition of more on-site spaces. This creates an exceptional situation with respect to the on-site parking, since the building cannot be moved to accommodate the required number of on-site parking spaces.

(b) By reason of the aforementioned unique and exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

The lack of space creates a practical difficulty for the applicant to provide for the extra 24 spaces needed. There is no other on-site alternative to parking, and there is no underground parking available. Open space to the rear of the property will be dedicated to the child development center's play area.

(c) The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The 12 on-site parking spaces can accommodate the majority of staff for the combined child development center and the institute. The applicant submits that the majority of attendees/students of their current program use public transportation, including Metro and Metrobus. BCI is currently seeking supplemental off-site parking at nearby locations, including leased spaces at their current location (Rhode Island Shopping Center), where there is ample and under-utilized parking. BCI proposes to provide a shuttle bus service to transport attendees to and from this lot to the new location at Monroe Street.

In addition, while on-street parking will not be encouraged, there is available but limited on-street parking in the immediate vicinity of the proposed site. The location is well served by Metro's Red Line (Brookland/Catholic U) and a number of Metrobus routes.

OP believes that granting the variance will not impair the intent of the Zone Regulations and Map as it is currently zoned (R-4) or if a consistency action was adopted and the site was re-zoned to C-1 or C-M-1.

COMMUNITY COMMENTS

OP has not received the ANC 5 report but notes that the application has received support from various members of the community, including the Edgewood/Brookland Family Support Collaborative and the Greater Mt. Calvary Holy Church.

CONCLUSION

The Office of Planning concludes that the applicant has not met the burden of proof, pursuant to 11 DCMR 3103.2, for a use variance to permit a vocational/technical school at 700 Monroe Street N.E. OP believes that the building has been previously used for permitted uses, and that the proposed use while minimal in comparison to other permitted uses, would impair the intent of the Zoning Regulations and Map by promoting an inconsistency with the Generalized Land Use and Map.

OP recommends **denial** of the variance because there is no "undue hardship" induced by the physical nature of the property that may be claimed by the applicant. The property can be, and has been used in the past for that which it was zoned.

However, OP has encouraged the applicant and would support the applicant's attempt to rezone the property before the Zoning Commission, since it would be a consistent action as prescribed by Generalized Land Use and Map.

OP believes that the child development center will not tend to adversely affect the use of neighboring property, in accordance with the Zoning Regulations and Map. It is a permitted use within the R-4 zone (by special exception), as well as the C-1 or C-M-1 zone as a matter-of-right. OP's observation of the site concluded that there is sufficient parking for staff and adequate accommodation for the drop-off and pick-up of children at the center, and the site in general met the physical and safety provisions of §205.

OP **recommends approval** of the child development center for no more than 56 individuals, including 6 staff and 50 children, aged 2-5 years.

Similarly, OP **recommends approval** of variance relief from the parking requirements of §2101, since the location is well served by Metro and Metrobus and the majority of the institute's attendees use public transportation.

Attachments

1. Aerial Photo of Site
2. Generalized Land Use Map



Feature Key

- Zoning Boundaries
- Square Index

Board of Zoning Adjustment

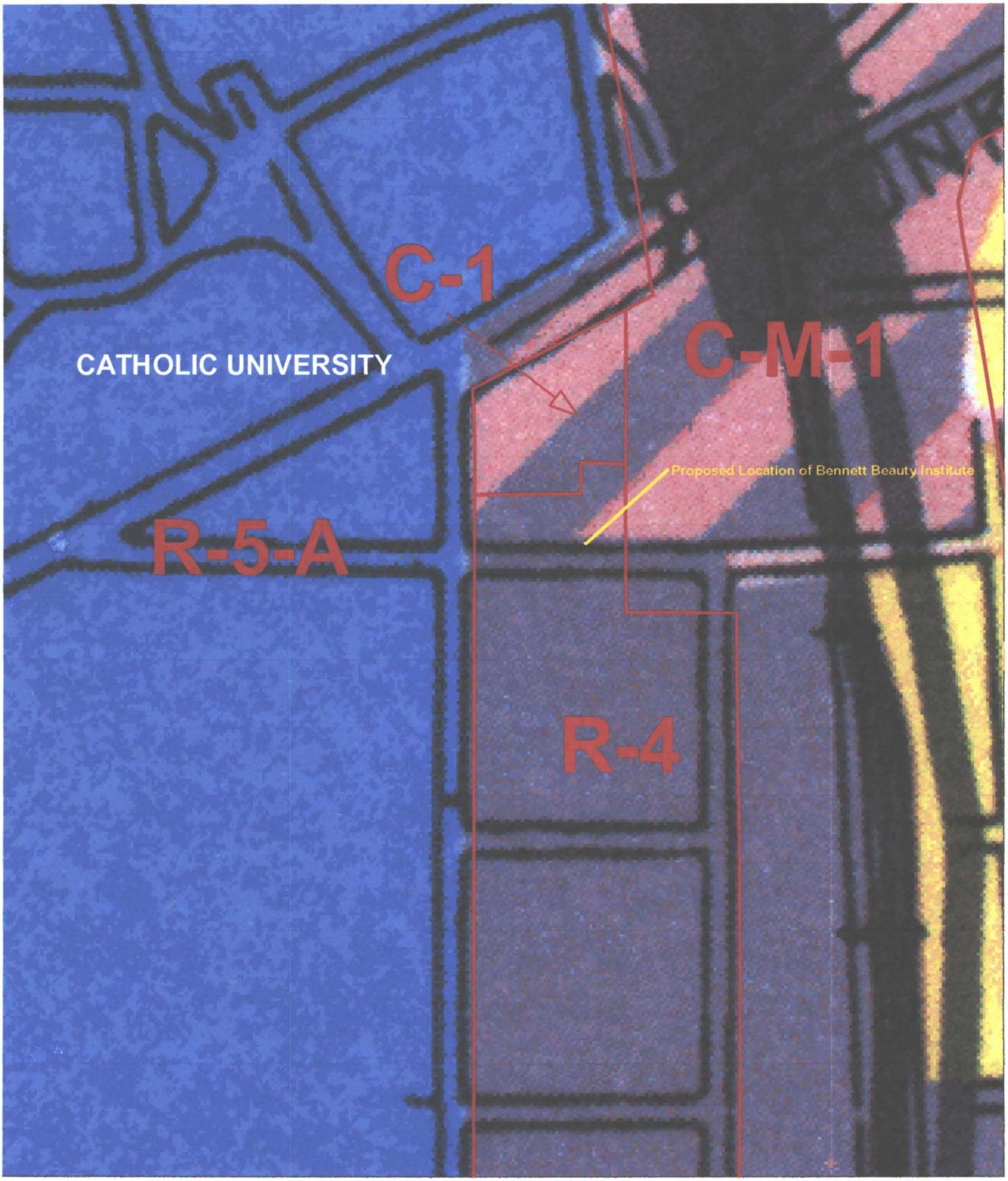
Application No. # 16985
Bennett Beauty Institute

DC Office of Planning
February 11, 2003

Scale 1:2051

25 0 25 50 75 100 Feet

Attachment 1



Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment

Comprehensive Plan Landuse

DC Office of Planning
February 25, 2002

Scale 1:2051

100 0 100 Feet

Attachment 4