FORM 121
APPLICANT'S BURDEN OF PROOF FOR VARIANCE AND SPECIAL EXCEPTION

1. Use Variance to establish a Vocational / Technical School and a Variance to exceed the maximum number of individuals for a Child / Elderly Development Center in an R-4 Zone pursuant to Section 330.5 and 330D respectively.

2. Variance for parking from Section 2101.1 for a combined use Vocational / Technical School and a Child Development Center. (Section 3103.2)

1). *The physical characteristics of the property:*
a. Make it difficult for the owner to use the property in compliance with the Zoning Regulations (area variance) - i.e. Shape and size of the property, unusual topographic or slope, soil problems, etc.

Due to the existing size and configuration of the site, full compliance with the required amount of parking spaces cannot be achieved. The required parking is forty-three spaces. Twelve spaces (11 standard and 1 handicapped accessible) are possible within the open site area available. The majorities of the students who will be attending the Bennett Career Institute live within the District of Columbia and do not own cars. Public transportation methods will be promoted to the students, faculty and staff. This site is two blocks from the Catholic University Red Line Metro Station and on several Metro bus routes.

Bennett Career Institute also proposes using the adjacent on street parking. Bennett Career Institute is currently pursuing alternate parking locations in the vicinity and will present these alternatives at the hearing.

b. Creates financial hardship for the owner in using the property consistent with the Zoning Regulations (use variance).

Previously, the existing structure served as a dormitory, classrooms, and a chapel for an adjacent seminary, and currently the building stands vacant. Investing in the community and for cost effectiveness, Bennett Career Institute (BCI) is proposing to reuse the existing building as a new home for their Private Vocational and Technical School (Bennett Beauty Institute) with a Child Development Center component. If this use variance is not permitted it will create undue financial hardship because the Bennett Career Institute will not be able to use this facility for operating their program. The existing building, which is designed to accommodate a program of similar use, would have to be removed with a new structure of approved use constructed. The Bennett Beauty Institute has a long history of investing into their community. They have also spent several years and dollars looking for a new facility. This facility will meet their need and permit them to stay within their neighborhood.

RECEIVED
D.C. OFFICE OF ZONING
2003 JAN -2 PM 1:35

BZA
Case No. 16985
Exhibit No. 7

Board of Zoning Adjustment
District of Columbia
CASE NO. 16985
EXHIBIT NO. 7

2). *Granting the application will not be of substantial detriment to the public good - i.e. Traffic noise, lighting, etc.*

Granting this application will not be detrimental to the public good, on the contrary will meet many needs of this community. BCI will provide a high quality alternative to students for an array of technical programs, and BCI will also provide a local child development center. As part of the curricula, BCI also offers low cost hair styling, haircuts, and manicures. The hours of operation for BCI are in keeping with those of the adjacent Catholic University and Lutheran House of Studies Seminary and as such will not change the living environment of the immediate neighborhood. Due to the proximity and proposed use of public transportation, the traffic in and around the school is expected to be minimum, with the on site parking providing the much of the parking needs. Exterior building lighting will be directed at the building signage areas only, and parking lot lighting will be at the building rear illuminating with minimal light noise. The majority of the site lighting will be the existing city streetlights currently in use.

3). *Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulation and Map.*

700 Monroe Street, NE is located at the exact confluence of several different zoning uses. The site is zoned R4, but the site is bounded by properties zoned R-5-A, C-1 and C-M-1. Monroe Street NE separates the site from the adjacent property zoned R-4, and Michigan Avenue NE separates it from the sites zoned R-5-A. Contiguous land area is zoned C-1 and C-M-1. The use requested within this application is permitted by right under the C-1 and C-M-1 zoned areas. Similar uses, or public schools and child development centers, are permitted within by right or by special exception, within the R-4 and R-5-A zoned areas. The approved previous use for this site was a private school dormitory and classroom building. Due to this evidence, it is our professional opinion that granting of this application would be in complete agreement with the intent and purpose of the Zoning Regulations and Maps.

Speaking with Jennifer Steingasser and Karen Thomas of DC Office of Planning, we were informed that the long-term DC Zoning Comprehensive Plan for this site is for it to be rezone to C-1 use. When this is completed, the Bennett Career Institute will be a permitted use.

Subsection 3103.2:

1). How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map?

700 Monroe Street, NE is located at the exact confluence of several different zoning uses. The site is zoned R4, but the site is bounded by properties zoned R-5-A, C-1 and C-M-1. Monroe Avenue separates the site from the adjacent property zoned R-4, and Michigan Street NE separates it from the sites zoned R-5-A. Contiguous land area is zoned C-1 and C-M-1. The use requested within this application is permitted by right under the C-1 and C-M-1 zoned areas. Similar uses, or public schools and child development centers, are permitted within by right or by special exception, within the R-4 and R-5-A zoned areas. The approved previous use for this site was a private school dormitory and classroom building. Due to this evidence, it is our professional opinion that granting of this application would be in complete agreement with the intent and purpose of the Zoning Regulations and Maps.

Speaking with Jennifer Steingasser and Karen Thomas of DC Office of Planning, we were informed that the long-term DC Zoning Comprehensive Plan for this site is for it to be rezone to C-1 use. When this is completed, the Bennett Career Institute will be a permitted use.

2). How allowing the use will not adversely affect the use of the neighboring property - i.e. traffic, noise, lighting, etc?

Granting this application will not be detrimental to the public good, on the contrary will provide many needed uses to this community. BCI will provide a high quality alternative to students in this community for an array of technical programs. BCI will also provide a local child development center to this community. The owners of operation of the school are in keeping with those of the adjacent Catholic University and Lutheran House of Studies Seminary and as such will not change the living environment of the immediate neighborhood. Due to the proximity and proposed use of public transportation, the traffic in and around the school is expected to be minimum, with the on site parking providing the much of the parking needs. Exterior building lighting will be directed at the building signage areas only, and parking lot lighting will be at the building rear illuminating at approximately five foot-candles with minimal light noise. The majority of the site lighting will be the existing city streetlights currently in use.

Bennett Career Institute also proposes using the adjacent on street parking. Bennett Career Institute is currently pursuing alternate parking locations in the vicinity and will present these alternatives at the hearing.

In addition, since this application is in regards to special exception for a private school in a residential district, the following supplemental information is provided:

1). 206.1 Indicating how granting a special exception for the private school will be in harmony with the general purpose and intent of the Zoning Regulations; and present evidence demonstrating that the private school will not tend to adversely affect the use of the neighboring property.

The previous use for this site was for a private school building, and the proposed use is within complete agreement of this use. The previous use permitted this building to provide dormitory living. The new use will not require dormitory uses, so the new use will reduce the overall hours of operation of this facility. The proposed use will be in harmony with the adjacent uses of Catholic University and will be a complementary use to the immediately adjacent commercial establishment (Pizza Hut). Across Monroe Street is a residential neighborhood and across 7th Street are multifamily dwellings. Since the proposed use will not be modifying the existing building and reducing the overall hours of operations, granting of this application will not adversely affect the use of the neighboring property.

2). Indicates how the location of the private school will not be objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions.

Reusing the existing structure and reducing the overall hours of operation will minimize the impact of granting this application. The students and clientele for the BCI will be college age or older individuals. BCI promotes a rigorous academic environment and does not provide space for exterior or large social gathering spaces. BCI will be providing a chapel for their students and will be promoting non-secular social activities. The students will primarily be traveling via public transportation to the Catholic University Metro stop. From the station students will walk west up Michigan Street between Catholic University and Pizza Hut to the school. The high majority of students will not be in the adjacent residential area. Any automotive traffic will arrive via the Monroe Street parking lot entry. This area is accessed from Monroe Street immediate off Michigan Avenue. The high majority of automotive activity will not be in the adjacent residential area. BCI anticipates an overall student population of around five hundred students, faculty and staff. The current class sizes will permit a maximum of one hundred eighty students (including children in the development center) and twenty-five faculty and staff.

3). Indicates the number of parking spaces being provided and whether the required number of spaces will be provided.

Due to the existing size and configuration of the site, sixteen parking spaces will be provided. This is not the required number of parking spaces for the proposed use. We are seeking a parking variance due to the number of immediately adjacent on street parking spaces and the proximity of public transportation (Catholic University Metro Station - Red Line). In addition, BCI is currently seeking supplemental parking at nearby locations. At the date of this filing, no additional parking spaces have been identified.