GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: EM for Andrew Altman

DATE: April 20, 2004

SUBJECT: BZA Case No. 17143
Marquette University Special Exception

APPLICATION
This application filed by Marquette University requests, pursuant to 11 DCMR 3104, a special exception under Section 206.1 of the Zoning Regulations to continue using the basement of the building located at 502 East Capitol Street, N.E. (Square 840, Lot 846) as a private school for twenty (20) students and two (2) staff persons. The property is in the CAP/R-4 District.

RECOMMENDATION IN BRIEF
The Office of Planning recommends **approval** of the special exception for a period of 10 years.

SITE AND AREA DESCRIPTION
The subject property is in the Capitol Hill Neighborhood of Ward 6, located at 502 East Capitol Street, N.E. (Square 0840, Lot 846). The subject premise is on the north side of East Capitol Street, one structure removed from the intersection of 5th & East Capitol Streets, N.E. The property is improved with a three-story row dwelling with basement. The area surrounding the site is predominantly developed with single–family row dwellings.

HISTORIC PRESERVATION
The subject site is in the Capitol Hill Historic District. The continued use of the basement as a private school is not subject to review by the Historic Preservation Office because there will be no modifications to the interior or exterior of the structure.

BZA
Case No. 17143
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 17143
EXHIBIT NO. 31

HISTORY OF PROPERTY

The subject property is improved with a single-family, three-story with basement row house. Marquette University purchased the property in October 1995 and used the upper three floors of the building as a residence, and the basement for a private club. The applicant considered both uses matter of right use in the CAP/R-4 District. The Capitol Hill Restoration Society (CHRS) disagreed that the private club was a matter-of-right use. The university and CHRS came to an agreement that the university would seek a special exception for the private club use.

In September 1999, the Board of Zoning Adjustment approved the application of Marquette University, (Application No. 16459) for a special exception under Section 206.1 to use the basement of the premises as a private school for the Les Aspin Center for Government program with conditions. (See attached Order BZA 16459)

PROPOSAL

The applicant proposes to continue to operate the Les Aspin Center for Government from the basement in subject dwelling. The Center is the place for scholars in the Marquette University Congressional Internship Program to participate in training seminars, and provides opportunities for the students to come together and share ideals and experiences from the workplace, with members of Congress, visiting dignitaries and Marquette University alumni. Students in the internship program work on Capitol Hill, and in other government agencies in the nearby area.

The Center is confined to the basement portion of the dwelling, and accommodates a maximum of twenty (20) students and two (2) staff members. No center activities are permitted on the upper three levels of the dwelling, which is the residence of the remainder of the premises, is used as the personal residence of the Director of the Center.

The Center operations on Tuesday and Thursday is Tuesday and Thursday afternoon only, between 1:00 and 5:p.m. Occasionally, lectures are conducted after 5:00 p.m., but only infrequently.

About once a quarter, the basement is used to host a meeting for approximately 20 members of the Board of Visitors, a group who contributed to the purchase of the property and the activities of the university. Further, the Director of the Center occasionally has personal receptions at the premises for people affiliated with Marquette University and the school space is utilized. Center space is sometimes used to accommodate reception guests.

Most of the students enrolled in the Center live in the Capitol Hill Community, within walking distance of the school and therefore, no parking spaces are provided for them.

The two full time staff persons use off-street parking at a nearby garage. The Director parks in a garage in the rear of the property.

ZONING ANALYSIS
The subject property is in the CAP/R-4 District, a district designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two are more families. Private schools are allowed, if they meet the requirements of Section 206 of the Zoning Regulations.

206 PRIVATE SCHOOLS AND STAFF RESIDENCES (R-1)

206.1 Use as a private school, shall be permitted as a special exception in a R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The Board of Zoning Adjustment previously approved the Les Aspin Center for Government, in 1999, by BZA Order 16459.

206.2 The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

The use of the basement as a private school is not likely to become objectionable to adjoining and nearby property because all student activities are conducted inside the basement of the house and the maximum number of students the program can enroll is 20. Students in the program are not permitted to have cars. Further, none of the students in the program live in the subject house, but do live within walking distance of the center, and classes are held only twice weekly, Tuesday and Thursday 1:00 p.m. to 4:00 p.m.

206.3 Ample parking spaces, but not less than that required in chapter 21 of this title, shall be provided to accommodate the teachers, and visitors likely to come to the site by automobile.

The applicant does provide one parking space on site, as is required by Section 21 of the Zoning Regulations. The subject dwelling has a garage at the rear of the property that is used by the Director. The two staff persons for the school, park in a nearby parking garage.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?
Will the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Maps?

Yes. The design, height and bulk of the space are in harmony with the existing residential structures in the neighborhood. The applicant provides the required one on-site parking space, and since students in the program are not permitted to have cars, it is unlikely that the students will contribute to dangerous or other objectionable traffic conditions.

Will the special exception tend to adversely affect the use of neighboring property accordance with the Zoning Regulations and Maps?

No. The Les Aspin Center of Marquette University has been located in the basement of the subject dwelling for approximately four years, without any reported adverse impact on the community. Students attend classes at the Center for four hours, twice a week, (Tuesday & Thursday 1:00 p.m. to 4:00 p.m.). Further, because none of the students enrolled in the Center live on-site, and classes are held during mid-afternoon twice a week, it is not likely that neighboring properties will be adversely affected by activities at the center.

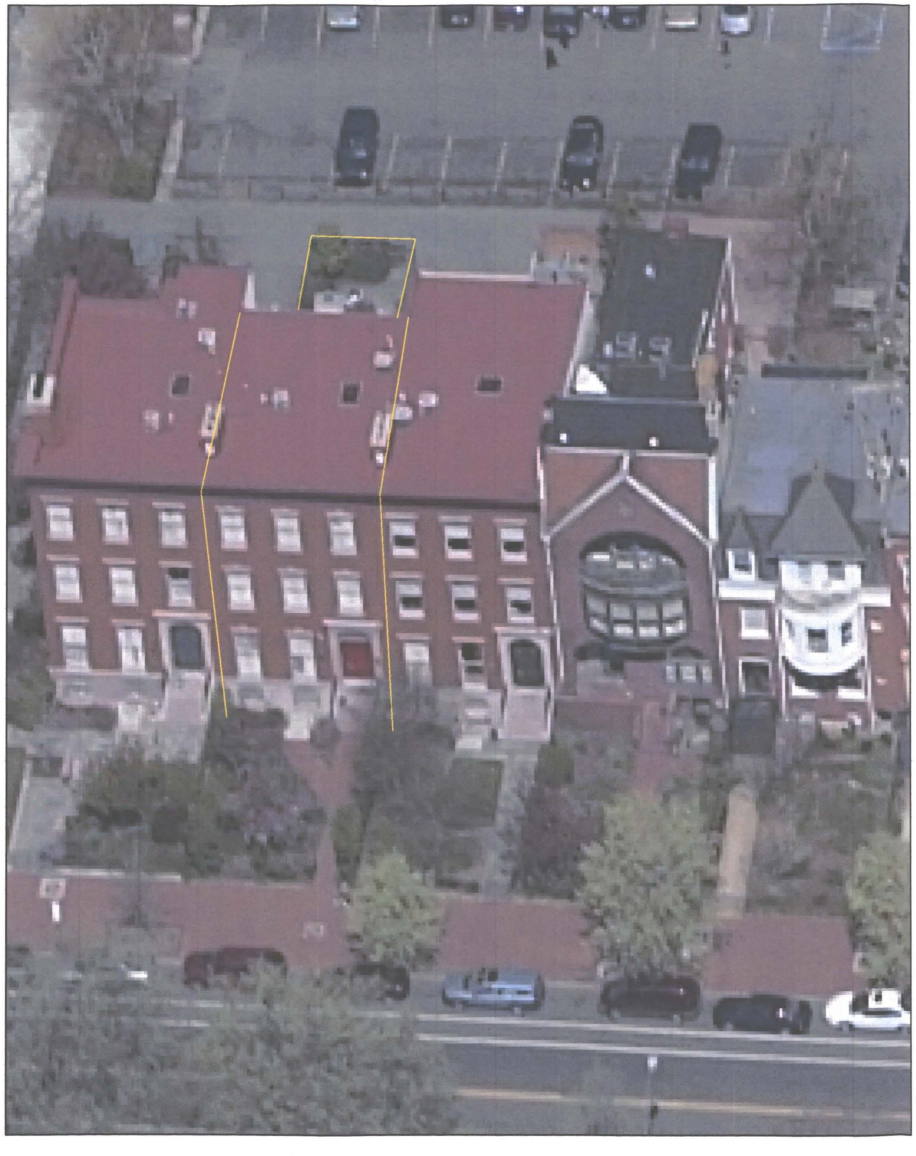
COMMUNITY COMMENTS

The project was presented to ANC 6C on March 16, 2002. The ANC voted unanimously to support the project, with the seven conditions previously agreed upon by the applicant, ANC 6C and the Capitol Hill Restoration Society.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by Marquette University, requesting a special exception to permit the continuation of a private school, with up to 20 students in the CAP/R-4 District, the Office of Planning recommends that the Board **approve** the application. The Office of Planning finds that the applicant has satisfactorily met all the tests specified in Section 3104.1, and 206 and concluded the application 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.

The subject private school use has been in the community, in the basement at 502 East Capitol Street, N.E., for approximately four years without adverse impact to other neighboring properties. The applicant met and complied with all the conditions in the previous BZA Order 16459. OP recommends that the conditions be retained including a modification of condition 7 to allow the term of the special exception to be 10 years.





BZA Application - 17143
Special Exception, Private School
502 East Capitol Street, N.E.

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Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning – March 16, 2004

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