STATEMENT OF REASONS IN SUPPORT OF THE APPLICATION OF MARQUETTE UNIVERSITY FOR A SPECIAL EXCEPTION TO CONTINUE THE OPERATION OF A PRIVATE SCHOOL IN A RESIDENTIAL ZONE AT 502 EAST CAPITAL STREET; SQUARE 840, LOT 23

This Statement of Reasons is submitted on behalf of the applicant, Marquette University (the "Applicant").

The Property. The property, which is improved with a four-story brick townhouse, occupies Lot 23 in Square 840 and has a premises address of 502 East Capital Street, N.E. (the "Property"). The Square 840 is bounded by East Capitol Street on the south, 5th Street on the west, A Street on the north and 6th Street on the east.

Current and Proposed Use. The Les Aspin Center for Government (the "Center") is used for student training seminars in the Marquette University congressional internship program. These scholars work on Capitol Hill and in other government agencies and the Center provides an opportunity for the scholars to share their experiences and ideas with each other and members of Congress, visiting dignitaries and Marquette University alumni. The Center occupies only the basement portion of the premises, which comprises approximately one-quarter (1/4) of the improvements on the Property, and accommodates, on average, twenty (20) students and, two (2) full-time staff members. The remainder of the Property is used as the personal residence of Rev. Timothy J. O'Brien, the Director of the Center.

Classes are held at the Center for approximately 3.5 hours twice a week. The Center's hours of operation are Tuesday and Thursday afternoons between 1:00 and 5:00 p.m., and all classes are confined to the basement area. Occasionally, a lecture is given to students in the basement after 5:00 p.m., but on an irregular basis.

Additionally, about once a quarter, the basement is used to host a meeting for visits from the board of visitors (20 or so persons who helped contribute to the purchase of the building and the activities of Marquette University). Father O'Brien, who heads the Center, occasionally has a personal reception persons affiliated with Marquette University at the Property.

Students enrolled in the Center do not live at the property but, rather, they reside at a separate residence provided to them within walking distance of the School. None of the School's students are permitted to have cars in the District of Columbia. The two staff persons currently use off-street parking at a nearby garage and driveway. The Center does host infrequent receptions for Marquette University persons once approximately every three (3) months wherein street and/or off-street parking is utilized.

The applicant proposes to continue this use.

Zoning. The Property is zoned CAP/R-4.

BZA
Case No. 17143
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17143
EXHIBIT NO. 4

Required Relief. A special exception pursuant to Section 206.1 was granted in BZA Order No.16459, thus authorizing a private school at the Property. The Center is currently operating under the special exception granted in BZA Application No. 16459. In accordance with that order, the use is condition on the following:

1. Enrollment at the School shall be limited to an average of 20 students over the year and two full-time staff persons.

2. The Les Aspin Center shall be operated between the hours of 1:00 and 4:00 p.m., but shall be permitted, on an irregular basis, to have lectures for students in the evening.

3. The applicant shall not assist any student in obtaining a zone six residential permit or temporary parking permit.

4. The applicant shall not permit any part of the Premises to be used for other than official receptions for the Les Aspen Center on a yearly basis or for any functions that are not attended by students and their guests; nothing herein shall be misconstrued to prohibit the resident of the Premises from using the residential portions in a manner consistent with such residential use. There shall be no garden parties associated with the Les Aspen Center.

5. The applicant shall establish a liaison with Advisory Neighborhood Commission 6A to maintain a working relationship regarding the school use and attend, through its representative, ANC 6A meetings at least once a year in furtherance of this liaison.

6. The applicant shall use its best efforts to supervise the conduct of its students.

7. Approval shall be for four years.

See Attached Order. The Center proposes to continue this use under the same conditions, with exception to the time limitation set forth in condition number 7.

Criteria for the Special Exception. Under § 206 of the zoning regulations, the Board may approve a special exception for use as a private school, provided that the applicant meets the conditions specified in § 3104 of chapter 31 of the zoning regulations, and provided that (1) 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 and (2) ample parking space, but not less than that required in chapter 21 of the zoning regulations, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile. 11 DCMR §§ 206.2 & 206.3.

The Center has operated at the Property for almost four (4) years without incident. Thus, as the Board found in BZA Application No. 16459, the continued use of the Property for the Center will not adversely affect the neighborhood and the Center meets the requirements of section 206.

The applicant will rely on the testimony of Father Timothy O'Brien, as well as any other representative of Marquette University and/or the Les Aspin Center for Government, in support of its application in the hearing on the matter.

For the foregoing reasons, it is respectfully submitted that, upon receipt of all of the applicant's proof and all other support of record for the variances requested, such relief be granted.

Respectfully submitted,
ROBINS, KAPLAN, MILLER & CIRESI, LLP

By: _____
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