GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Ellen McCarthy, Interim Director

DATE: March 8, 2005

SUBJECT: BZA Application No. 17289 - Special Exception/Variance Request (The E.E. Just Collegiate Academy) 1544 5th Street, N.W., Square 478 Lot 811.

APPLICATION

The application filed by The E.E. Just Collegiate Academy requests a special exception pursuant to 11 DCMR 3104.1 and Section 206, to establish a private school for eleven (11) 5th and 6th grade students and one staff person in the R-4 District. The applicant also requests a variance from the parking requirements of one parking space pursuant to Section 3101.2.

RECOMMENDATION IN BRIEF

The Office of Planning recommends **approval** of the application.

SITE AND AREA DESCRIPTION

The Third Baptist Church is located 1544 5th Street, N.W., on the southwest corner of 5th and Q Streets, (Square 478 and lot 811). The Miles Educational Annex building adjoins the church on the south side. The church is on the corner and covers the depth of the lot. The annex is a three-story building on the same building line as the church. The E.E. Just Collegiate Academy is on the third floor of the annex building and serves 11 students and the head master. To the rear of the annex is a 500 square foot courtyard.

The subject property is in the Shaw Neighborhood of Ward 2. Moderate-density row houses are the predominant land use in the subject area. The Scott Montgomery Elementary School is to the east of the church at the intersection of 5th and P Streets. The

BZA
Case No. 17289
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17289
EXHIBIT NO. 24

subject site is within a 10-minute walk of the Shaw/Howard University Metro Rail Station.

BACKGROUND



The Third Baptist Church was founded in 1857 and has been at the subject site since 1885. Regular worship services, Sunday school and community outreach programs are operated from the church building. During the late 1950's, the church acquired the adjoining properties on its south side where the Miles Educational annex building was constructed for the purpose of providing an educational building for youths. The annex building was formally used for Sunday school services and outreach programs. The E.E. Just Collegiate Academy started operating from the third floor of the annex building in September 2004 and is currently the only use in the annex building.

POPOSAL

The applicant proposes to operate a private school for eleven (11) 5th & 6th grade students, 9 –11 years of age and one staff person at the E.E. Just Collegiate Academy. The school is operated Monday through Friday between 7:00 a.m. and 6:00 pm. All of the students are dropped-off by private vehicles in the morning between 7:30 and 8:00 am, and picked-up in the afternoon between 3:30 and 6:00 pm. There are no school buses serving the school.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST

330 R-4 Districts: General Provisions

330.1 The R-4 District is 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 (2) or more families.

206 Private Schools And Staff Residences

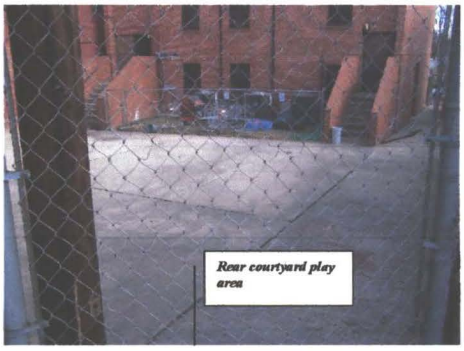
206.1 Use as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

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

The E.E. Just Collegiate Academy is not likely to become objectionable to adjoining property because of noise, traffic, number of students, or otherwise objectionable conditions.

Noise

The school is located so that it is not likely to become objectionable to adjoining property because of noise. The E.E. Just Collegiate Academy is located on the third floor of the church annex building and there are only eleven (11) students attending the school. Most school activities take place inside the building.


Rear courtyard play area

The play area is also used in a manner that is not objectionable to neighboring properties. The courtyard at the rear of the annex building is the outside play area for students. Outside recreation is scheduled each day for only a half hour period, generally from 12:30 to 1:00 pm. On occasions, the time is changed to 1:00 to 1:30 pm. The site has been used for outside recreational purposes (without complaints from neighbors) since the school opened in September 2004. The courtyard is a 500-square foot space that is enclosed on three sides and is inaccessible for parking purposes. The Third Baptist Church buffers the courtyard on the north, the rear of the annex building to the east, and there is a 5-foot wire fence along the south property line, and an additional 6-foot high wooden fence on the adjacent property line with a vacant row house. There is also a 20-foot high brick structure on the west property line. The nearest residential properties to the play area is the vacant row house on the south side of the annex, and two row dwellings behind the courtyard on 6th Street. The 6th Street dwellings are buffered from the play area by the 20-foot structure at the west end of the courtyard. These physical barriers are adequate to buffer the children's voices on the play yard.

Traffic

Most student activities take place inside the school building. Sometimes students are taken away from the school on learning excursions, field trips or for other educational or cultural pursuit. Metro Rail is the means of transportation for off-site activities. The Shaw/Howard University Metro Rail Station is within a ten-minute walk of the school. There are no school buses serving the subject school.

Students are dropped off in the morning and picked-up in the afternoon by their parents. During the morning drop-off, the head master meets the students at the entrance of the building and directs them inside the building to the school space on the third floor (by elevator). A parent volunteer receive the students, once they reach the school space. During the afternoon pick-up, parents call when they are arriving in front of the school,

or ring the bell at the security entrance. Two of the older students escort younger ones to the security doors and only open the doors when the waiting parents acknowledge their child's presence. At no time do the escorts go beyond the security doors. This process is repeated until all students have been picked-up. The head master views the pick-up activity from a third floor window. The last student is escorted out of the building by the head master.

Number of Students
The subject private school is located so that it is not likely to become objectionable to adjoining property because of the number of students. There are only eleven (11) students and the head master at the school.

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

Pursuant to Chapter 21 of the Zoning Regulations, elementary and junior high schools are required to provide 2 parking spaces for each 3 teachers and other employees. The subject private school has only 1 teacher. Therefore, the applicant is required to provide one off-street parking space. The existing lot configuration makes it nearly impossible to meet the on-site parking requirements on the subject lot, because buildings occupy a large portion of the lot area. There is a court area at the rear of the annex building, but it is inaccessible from the adjacent streets. The head master parks on 5th Street, across from the church/annex structures. There is adequate parking space on the public street around the subject site for visitors and parents.

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 Map?

Yes. Special exception uses are uses considered compatible with the underlining uses in a particular zone district, but which the Board must review. This application is consistent with the standards of Section 206 of the Zoning Regulations. Private schools are permitted by special exception in the R-4 District, if they can meet the requirements in Section 206. The requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map. Further, Comprehensive Plan polices support the establishment of schools in residential areas.

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

No. The requested special exception will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The referenced private school has been operating at the subject location since September 2004 without compliant from neighboring property owners, because of noise from the play

area. Nor have there been objections on the block because of traffic generated because of activities at the school.

VARIANCE
The applicant needs a variance from the requirements of Section 2101.1 because it does not meet the on-site parking requirements.

Is the property unique due to exceptional narrowness, shallowness, or shape at the time the original Zoning Regulations were adopted?

Yes. The building configuration on the subject lot creates an exceptional situation for using the property in a manner consistent with the requirements in the Zoning Regulations. According to §2101.1, the applicant is required to provide one on-site parking space. That is not possible because the Third Baptist Church and the adjoining Miles Educational Annex occupy almost all of the subject lot. There is a 500 square-foot courtyard at the rear of the annex, but physical barriers on three sides and the narrow space between the two church structures result in the courtyard being inaccessible for parking purposes. The courtyard is used as an outside recreation area for students. The Third Baptist Church and the annex were located on the property prior to 1958, when the current Zoning Regulations were adopted.

Will the uniqueness result in peculiar and exceptional practical difficulties to the owner?

Yes. There is only one teacher at the E.E. Just Collegiate Academy. Accordingly, the applicant is required to provide one off-street parking space. However, due to the configuration of the two buildings on the lot, and physical barriers around the rear courtyard, is would be an undue hardship on the owner to provide vehicular access to the courtyard in order to satisfy the requirements for one parking space. Further, the courtyard is already used for student recreational purposes, and cannot accommodate a parking space.

Will the variance substantially impair the intent purpose and integrity of the zone plan?

No. The head master has been parking on 5th Street opposite the church since the school opened in September 2004, with little impact on surrounding properties and no negative effect on the zone plan

The subject site is within the boundaries of the proposed Residential Parking Program (RPP) for the area around the Convention Center. Once the RPP plan is approved, parking restriction will not be placed on street frontage immediately adjacent to church facilities. Therefore, there are at least 3 parking spaces in front of the church/school that will be available when the RPP is in affect.

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject area in the Moderate Density Residential Land Use Category. Row houses and garden apartment are the predominant uses, and low-density houses are also included in this category. Schools are a permitted non-residential use in a residential neighborhood.

Policies in Support of Residential Neighborhoods Objective:

Section 1104.1 (k): Control the external negative impact of new non-residential uses that are permitted in residential areas to provide sufficient parking, loading areas, pick-up and drop-off access consistent with the activity level of the non-residential uses. With respect to permitted non-residential uses, including schools, hospitals, churches, and clinics, this policy is designated to reduce the possible adverse impact of the non-residential uses on residential areas.

The applicant is faced with an almost impossible challenge. There is an inability to prove the required number one (1) parking space on a property because of physical barriers that prevent access to the only portion of the property that can accommodate a parking space. As a result, the head master park on the public streets. However, there are adequate parking spaces in proximity of the school and. the impact of one additional vehicle parking on the street has a negligible impact of a non-residential use on a residential area.

COMMUNITY COMMENTS

The applicant un-officially presented the project to Advisory Neighborhood Commission ANC 2C in November 2004. Preliminarily, the ANC had no objections. The application will be formally presented to the ANC at its February 2005 meeting.

District Division of Transportation (DDOT)

The Office of Planning requested that DDOT review the application. The DDOT report will be transmitted separately.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by E.E. Just Collegiate Academy, requesting a special exception to permit a private school, with eleven (11) students and one teacher in a R-4 district, and a variance form the off-street parking requirements, the Office of Planning recommends that the Board **approve** the application. OP finds that the applicant has satisfactorily met all the tests specified in Sections 3103.1 and 3104.1, and subsections 206 of the Zoning Regulations. OP concluded the use 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. OP concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the

intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.



BZA Application - 17289
Variance relief from parking
1544 5th Street, NW

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

Office of Planning January 6, 2005

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Oblique imagery ©2003 Pictometry International



Zoning and Land Use Map
BZA Application #17289
1544 5th St, NW

N

Feet
0 100 200

Land Use Legend

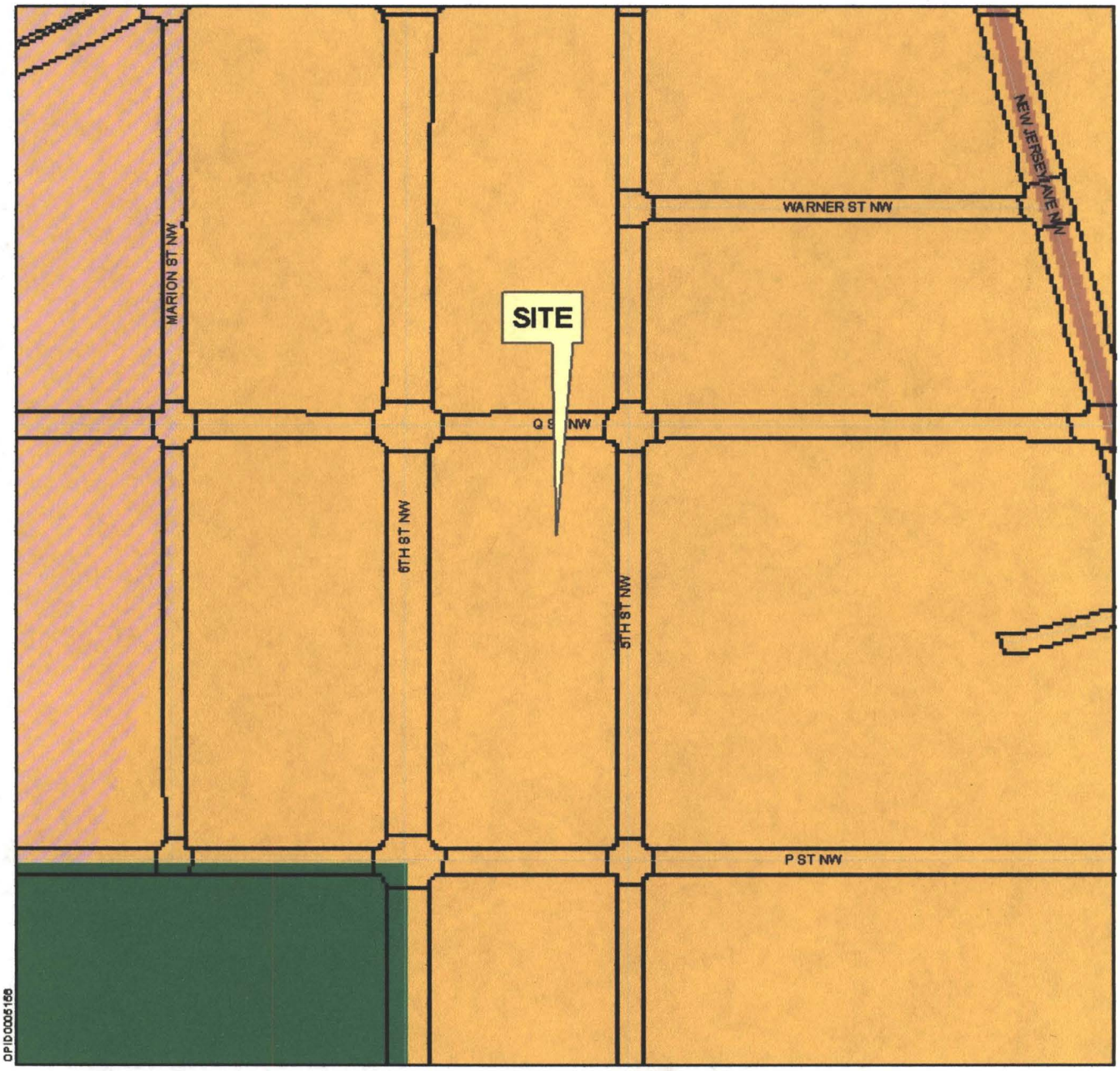
- Non-conforming SF Use
- Rowhouse
- Single-Family Detached
- Single-Family Semi-Detached
- Resid. Garage
- Resid. Mixed Use
- Multi-family
- Multi-Resid. Garage
- Hotel - Small
- Hotel - Large
- Club
- Resid. Transient
- Store
- Restaurant
- Office
- Vehicle Service Station
- Parking - Special Purpose
- Warehouse
- Religious
- Educational
- Embassy or Chancery
- Museum, Library, Gallery
- Recreational
- Health Care Facility
- Memorial
- Special Purpose
- Vacant

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

Office of Planning ~ February 7, 2005

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Attachment 1



Comprehensive Plan Map
BZA Application #17289
1544 5th St, NW

N

Feet

0 100 200

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Office of Planning ~ February 7, 2005

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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

Attachment 2