GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: JLS for Ellen McCarthy, Director

DATE: September 2, 2005

SUBJECT: BZA Application **No. 17376**
1366 Irving Street, N.W.

Application of E.L. Haynes Public Charter School, pursuant to 11 DCMR § 3103.2, for a variance from the requirement that an accessory use be located on the same lot as the principal use as provided by the definition of accessory use in § 199, to allow the lot to be improved for use as a play area for E.L. Haynes Public Charter School, located on an abutting lot, in the C-3-A District at 1366 Irving Street, N.W. (Square 2849, Lot 98).

RECOMMENDATION

The Office of Planning recommends approval of the applicant's request to permit the establishment of a play area as an accessory use on a different lot than where the principal use (E.L Hayes Charter School) is located for a period of no more than three years from the date of approval by the Board.

SITE DESCRIPTION

The property is currently an undeveloped, 2,000 square-foot lot abutting the lot on which the school is located. The school is located on the second floor of the CVS building, which is situated at the corner of Irving Street and 14th Street, N.W. The vacant lot and the CVS building are located in the commercial C-3-A Zone District of the Columbia Heights Neighborhood, opposite the eastern entrance to Metro's Columbia Heights Station.

The immediate neighborhood surrounding the school and the lot are developed with a mixture of row house structures, low-rise, mid-rise and high-rise apartment buildings, with some office, retail and service establishments. The area is experiencing revitalization of its older and neglected structures, as well as new construction on long vacant parcels.

BZA
Case No. 17376
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17376
EXHIBIT NO. 27

PROPOSED DEVELOPMENT

The E.L Hayes Charter School is requesting approval to use the existing vacant lot abutting the lot on which the school is located as an accessory use for its school programs. Specifically, the lot is proposed for use as a play area for students on a temporary basis for a period of no more than three years due to the future relocation and expansion of the school. The applicant and its current owners, Shenandoah Corporation, have entered into a lease agreement granting use of the lot to create a play area with associated landscaping, fencing and playground equipment.

The submitted site plan shows two garden areas, separated by a 20' x 70' play area. Landscaping will be used to screen the row house to the east of the lot, while a seven-foot high vinyl coated fence will enclose the remainder of the play area. (Site Plan attached)

According to the definition of accessory use (Section 199), the public school use is the principal permitted use, and its accessory uses should be contained on the same lot as the principal use. However, since the lot cannot accommodate the accessory use, the applicant would need variance relief from the definitional requirement to locate the play area on a separate lot.

ZONING ANALYSIS

The applicant is requesting variance relief to establish a play area as an accessory use on a different lot than where the school (the principal use) is located for a period of no more than three years.

§ 3103.2 requires that relief must be granted based on the following:

Section 3103
The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition.

The school's location on the 2nd floor of the CVS building could not reasonably accommodate a play area for the students attending the charter school. The only available area on CVS's lot is a 15-foot wide area at the rear/side of the building used as the loading dock and trash facilities for the building. Therefore, an exceptional condition of the lot exists, since there is no meaningful space on the lot to accommodate accessory uses for the school, such as the proposed play area.

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

Since there is no additional land area to locate an accessory use for the school, the school must look elsewhere to accommodate its play area. Currently, students have to walk to another playground at a neighborhood park and the applicant has stated that this creates safety issues in escorting the students to and from that park. Location of a play area at the proposed site would eliminate these safety concerns to an extent and would also allow a more efficient scheduling of classes and rotation of the play area's use by different grades closer to the classroom area. According to the applicant's statement, the play area would be used for the recess period (11:30

a.m. to 1:00 p.m.) for up to 24 students at 20 to 30 minute intervals. Special classes of 12 would also use the play area between 12:30 p.m. and 2:30 p.m. for 30 minute sessions.

A practical difficulty arises for the applicant in the absence of the Board's permission to use the site, since coordination of activities would remain difficult and safety concerns for the students would not be adequately addressed.

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.

OP does not believe that the proposed accessory use would cause substantial detriment to the public good. Currently, the lot is a vacant graveled area providing informal parking. Temporary use as a play area would represent a visual improvement, as well as public good, since most of the attendees of the charter school live in the Columbia Heights and immediate surrounding area. Therefore, the neighborhood would benefit from the lot's conversion into a temporary play area for the children at the school.

While the lot abuts an existing row house, OP has no information regarding the nature of the structure's use. The applicant has stated that it is believed to be a transient home or group home. OP believes that the applicant's stated times regarding the use of the lot between the hours of 11:30 a.m. to 2:30 p.m. should not become a nuisance to the neighboring property.

The lot's proximity to the school, within the same zone district, is ideal since the play area is an incidental use for the school's activities. Therefore, OP does not believe that the Zone Plan will be compromised if temporary use of the vacant lot as a play area for the school's activities is allowed.

COMMUNITY COMMENTS

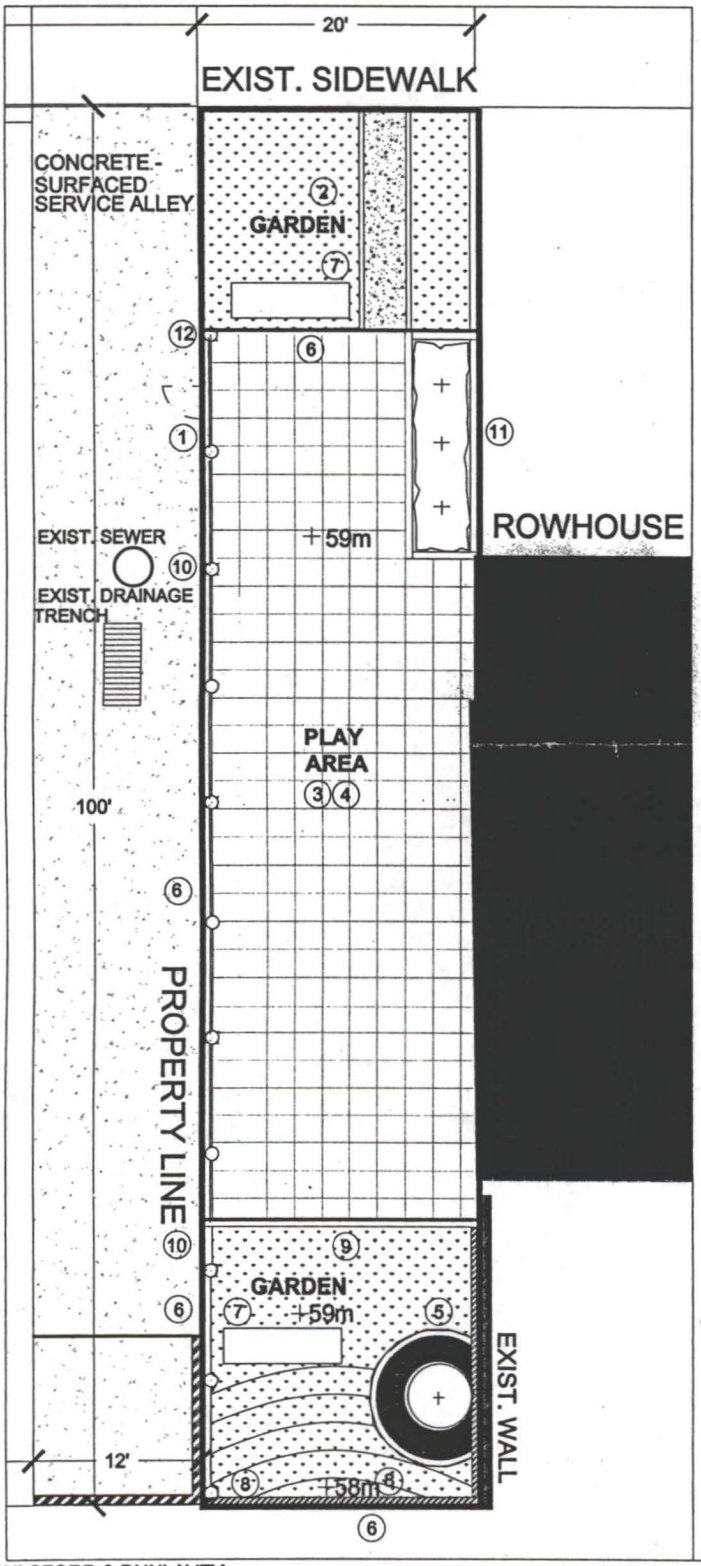
On July 13, 2005 Advisory Neighborhood Commission ("ANC") 1A considered the application and unanimously voted its support. The applicant has stated that the abutting property owner is also in support of the application.

RECOMMENDATION

Based on the above analysis, the Office of Planning believes that the temporary use of the vacant lot as a play area for the abutting E.L. Hayes Charter School is a valid accessory use of the principal use as defined by Section 199. The use would remove an eyesore in the neighborhood which currently seems to provide unregulated/informal parking. No substantial detriment to the public good would be created, nor would the integrity of the zone plan as embodied in the Zoning Regulation be compromised, since the playground is a commonly associated accessory use to a school.

Therefore, OP recommends approval of the applicant's request for the establishment of a play area for use by the school for a period of three years from the date of the Board's approval.

E.L.Haynes Public Charter School
Playground @ 1366 Irving Street NW
Landscape Plan



LEGEND:

1. 7' ENTRY GATE
2. COMMUNITY GARDEN W/ TIMBER BORDE
3. UNITARY SURFACING MATERIAL: RUBBER SAFETY TILE SEE MANUFACTURER CUT SHEET
4. DESIGNATED PLAY AREA
5. EXISTING TREE TO REMAIN W/ NEW MULCH COVERED PLANTING BED & TILE SURROUND
6. 7' HIGH VINYL FENCE @ PERIMETER SEE FENCE DTLS.
7. OUTDOOR BENCH
8. 36" HIGH HORIZONTAL TIMBER RETAINING WALL
9. SCHOOL LEARNING GARDEN W/ TREATED - TIMBER BORDER
10. POST-MOUNTED SOLAR SECURITY LIGHT @ 14' O.C., SEE ENCLOSED MANUFACTURER SPECIFICATIONS
11. HEDGE PLANTINGS - NATIVE SPECIES
12. ADJ. CONCRETE CURB OF LOT 108

N

BRAILSFORD & DUNLAVEY
DRAWN: NRA
DATE: MARCH 17, 2005

Scale: 1/8" = 1'-0"

S.1



View of subject lot from north (Irving Street), with CVS building at the right, high-rise apartment house in the rear, townhouse to the left. The driveway is on the CVS lot. The vacant lot would be the Play Area