

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**



**BZA Application No. 17552-A
Benedictine Foundation and the St. Anselm's Abbey School
4501 South Dakota Avenue, NE (Square 3977, Lot 133)**

HEARING DATE (17552):	January 23, 2007
DECISION DATE (17552):	January 23, 2007
ORDER ISSUANCE DATE (17552):	January 25, 2007
HEARING DATE (17552-A):	October 2, 2024
DECISION DATE (17552-A):	October 2, 2024

**SUMMARY ORDER ON REQUEST FOR
MODIFICATION WITH HEARING**

Pursuant to notice, at its October 2, 2024, public hearing, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for a modification with hearing to BZA Order No. 17552 to allow the construction of an addition to an existing on-campus building which will include new library space, meeting rooms, offices, and a classroom, at an existing private school in the R-1B zone. The Board considered the request for a modification with hearing under Subtitle Y § 704 of Title 11 of the DCMR (Zoning Regulations of 2016, the “**Zoning Regulations**” to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for modification.

ORIGINAL APPLICATION. In Application No. 17552, the Board approved the request by Benedictine Foundation, on behalf of St. Anselm’s Abbey School (the “**Applicant**”) for a special exception to allow the construction of an addition to a private school building, and to increase the number of students from 260 to 280, and the number of employees from 50 to 70. The Board issued Order No. 17552 on January 25, 2007. (Exhibit 8 of the record for Case No. 17552-A.) The approval was subject to three conditions:

1. Total enrollment shall not exceed 280 students.
2. Total number of staff shall not exceed 70.
3. A minimum of 87 parking spaces shall be made available on site for the school’s use.

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PROPOSED MODIFICATION. On June 10, 2024, the Applicant submitted a request for a modification with hearing to Order No. 17552. (Exhibits 1-13.) The proposed modification included the construction of an addition to an existing on-campus building for new library space, meeting rooms, offices, and a classroom. The Applicant submitted revised plans reflecting these modifications. (Exhibits 4A1, 4A2.) The Applicant proposed no changes to the conditions in the original order.

Based on the proposed modification, the Applicant requests:

- Special exception under the private school use requirements of Subtitle U § 203.1(m) and Subtitle X § 104, pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 15.)

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y § 704.5, the Applicant served the request for a modification with hearing on the parties to the original application. (Exhibit 3.) The Board referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

PARTIES. The parties to this case were the Applicant, Advisory Neighborhood Commission 5A, and Advisory Neighborhood Commission 5B.

ANC REPORT. ANC 5A submitted a report that indicated that at a regularly scheduled, properly noticed public meeting on June 26, 2024, at which a quorum was present, the ANC voted to support the modification. (Exhibit 25.) The ANC report raised no issues or concerns.

ANC 5B did not submit a report to the record.

OFFICE OF PLANNING (“OP”) REPORT. OP submitted a report recommending approval of the modification. (Exhibit 23.)

DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT. DDOT did not submit a report to the record.

ORGANIZATIONS IN SUPPORT. The Board received a letter from the Queens Chapel Civic Association in support of the application. (Exhibit 18.)

CONCLUSIONS

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a modification without hearing¹ requires a public hearing and shall be processed as a modification

¹ See, Subtitle Y § 703.7.

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with hearing. The Applicant's request complies with Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications with hearing.

As directed by Subtitle X § 901.2 and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exception and modification with hearing.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for a modification with hearing to allow the construction of an addition to an existing on-campus building which will include new library space, meeting rooms, offices, and a classroom, at an existing private school in the R-1B zone, and for the requested relief:

- Special exception under the private school use requirements of Subtitle U § 203.1(m) and Subtitle X § 104, pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the modification request is **GRANTED** consistent with the plans shown in Exhibits 4A1 and 4A2 of the record, subject to the following **CONDITIONS**, which are unchanged from the original conditions in Order No. 17552:

1. Total enrollment shall not exceed 280 students.
2. Total number of staff shall not exceed 70.
3. A minimum of 87 parking spaces shall be made available on site for the school's use.

In all other respects, Order No. 17552 remains unchanged.

VOTE: 3-0-2 (Frederick L. Hill, Chrishaun S. Smith, and Joseph S. Imamura to APPROVE; Lorna L. John, Carl H. Blake not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: October 8, 2024

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR,

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RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.