

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 21247
Jewish Primary Day School of the Nation's Capital, Inc.
4715 16th Street, NW (Square 2707, Lot 33)

HEARING DATE: May 21, 2025¹
DECISION DATE: May 21, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to increase the number of students to 150 and the number of staff members to 37, at an existing private school in the R-1B zone:

- Special Exception from the minimum vehicle parking requirements of Subtitle C § 701.5 pursuant to Subtitle C § 703.5 and Subtitle X § 901.2 (*25 spaces minimum required; 7 spaces proposed*)
- 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 14.)

PRIOR APPLICATIONS. The Applicant has been the subject of two prior BZA approvals. In 1989, Order No. 14919 granted relief to establish a private school use at the subject property. In 2012, Order No. 18399 granted variance and special exception relief to increase the number of students and staff as well as a reduction in the required amount of off street parking spaces. That approval was subject to 10 conditions. (Exhibit 12.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 4E, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (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.

¹ The public hearing was postponed from the March 19, 2025 hearing at the Applicant's request.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 25, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 23.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 25.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District's transportation network. (Exhibit 26.) DDOT's recommendation was subject to several conditions regarding pick up and drop off operations as well as a transportation demand management plan. The Board adopted these conditions as part of the order.

PERSONS IN OPPOSITION. The Board received one letter from a neighbor in opposition to the application. (Exhibit 31.)

Kurt Shickman testified in opposition to the application at the Public Hearing.

CONCLUSIONS

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.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

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 the requested relief:

- Special Exception from the minimum vehicle parking requirements of Subtitle C § 701.5 pursuant to Subtitle C § 703.5 and Subtitle X § 901.2 (*25 spaces minimum required; 7 spaces proposed*)
- 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 application is **GRANTED** consistent with the plans shown in Exhibit 6 of the record, as required under Subtitle Y §§ 604.9 and 604.10, subject to the following **CONDITIONS**:

1. The number of students shall not exceed a maximum enrollment of 150.
2. The number of faculty and staff shall not exceed 37 individuals.
3. The hours of operation shall not exceed 7:45 am to 4:45 pm, Monday through Friday. Faculty and staff may arrive earlier and remain on campus later. Up to 20 weekend, evening, or later afternoon educational events associated with the School's academic activities are also permitted annually.
4. Use of the on-site play area during the school day shall be limited to a maximum of 60 children at a time to minimize impacts from the noise of children at play. The playground may be utilized by larger groups of students up to twice a month to meet the School's curricular needs.
5. Seven on-site parking spaces shall be provided on the Property. Eighteen spaces shall be provide off-site and within a half-mile of the Property. Four of the on-site parking spaces shall be reserved for faculty and staff who carpool.
6. Drop-off and pick-up of children shall be from the existing driveway on Decatur Street. Bus drop-off and pick-up operations shall take place from 16th Street and/or Decatur Street, as coordinated with DDOT.
7. Parking for large extracurricular events shall occur at Carter Barron, with shuttle service provided to the Property.
8. The Applicant shall maintain landscaping at the property generally in accordance with the existing conditions improvement site plan dated May 16, 2013, approved pursuant to Building Permit No. B1308250, entered into the record as Exhibit 29B of the record.
9. All faculty and staff shall be permitted to ride the school's buses for free.
10. The Applicant shall comply with the Transportation Demand Management ("TDM") plan included in the DDOT Report (Ex. 26, pp. 2-3), except for the requirement to sign up for and promote SchoolPool.

VOTE: 3-0-2 (Carl H. Blake, Chrishaun S. Smith, and Anthony J. Hood to APPROVE;
Frederick L. Hill not present, not participating; one Board seat vacant)

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: June 2, 2025

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, 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.