



## Memorandum

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

**DATE:** June 4, 2010

**SUBJECT:** BZA Application #18071 -The Washington School of Ballet

### I. APPLICATION

The Washington School of Ballet (WSB) requests, pursuant to Section 199, 11 DCMR 3104.1, variance relief to permit 9 unrelated members to reside at 3704 Porter Street, NW.

The applicant originally filed for special exception and variance relief from Sections 302 and 206 respectively. After consultation with the Office of the Attorney General, The Office of Planning (OP) was advised that the appropriate relief would be a variance from Section 199, definition of a family, to increase the number of unrelated members who occupy the residence at the subject property.

### II. SUMMARY RECOMMENDATION

OP recommends **approval** of an area variance pursuant to § 199 of Title 11 DCMR, to permit 9 unrelated persons to reside at 3704 Porter Street NW, on condition that no vehicles are brought to the home by the student residents.

### SITE AND AREA DESCRIPTION

The subject property is located at 3704 Porter Street, N.W. (Square 1119, Lot 19). The square is bounded by Porter Street on the north, Idaho Avenue to the east and Wisconsin Avenue on the west. The 7,501square-foot property is currently developed with a 2-story plus basement residential structure in the R-2 district and abuts the Washington School of Ballet to its west and a private residence on the east. The area surrounding the property is developed with private single-family detached homes in the Cleveland Park neighborhood and is within the Cleveland Park Historic District.

### Zoning and Vicinity Map



3704 Porter Street



## BACKGROUND

OP researched the school's BZA history and determined that the WSB was established as a private school. The present request involves the use of the abutting property as a residence owned by the school, for seven students, one visiting faculty member and a house mother.

YEAR	CASE NUMBER	REQUEST	BOARD DECISION
1948	# 2015	Permission to establish a school of ballet at 3515 Wisconsin Ave, NW.	Approved w/conditions
1973	BZA 11282	Permission to establish a ballet school, including a student dormitory at 3704 Porter St, NW.	Denied
1974	BZA 11678	Variance from teacher/staff limitation to permit the establishment of a ballet school including student dormitory in the R-2 zone.	Denied
1974	BZA 11705	Permission to extend a non-conforming structure to construct a 2 <sup>nd</sup> story addition.	Approved
1993	<b>BZA 15814</b> <b>BZA 16003</b> <b>(1994)</b>	Special exception under § 206 for a private school, variance from rear yard for an addition to a ballet school in an R-5-A District at 3515 Wisconsin Ave., NW.	<b>Approved w/conditions</b> (Bench Decision)

## ZONING REQUIREMENTS

Section 199 sets the definition of a family as no more than 6 unrelated members living together in a single house-keeping unit. The subject application proposes to exceed the maximum permitted by 3 additional members for a total of nine (9) members.

## ANALYSIS

### Variance to § 199

#### Exceptional Situation and Practical Difficulty

The existing property was owned and occupied by Mary Day, the school's director since its founding in 1944. She continued as the school's director until 2004 and passed in 2006. A year after her death, the school acquired the residence. As resident-owner she also accommodated some students, affording them temporary residence while attending the abutting school. The school's ownership of the residence as a legacy of its former director has created an exceptional situation for the school, as there is no longer an owner arrangement that could conform to the technical residential definitions and the provision of student accommodation is now customary to the school's offerings.

This creates a practical difficulty for the school in its offerings to students who do not live in the Washington area, including younger students who need supervision while attending the school. The school would have to either sell the house or limit its acceptance of exceptional students from outside the area, including those who would be unable to otherwise obtain suitable accommodation during the school year. As a unique ballet school, the school's ability to attract exceptional talent from a nationwide pool of students is dependent on its ability to provide some accommodation to those in need. In this case, OP is of the opinion that the residence has become a customary part of the private ballet school.

#### Impact on the intent of the Zone Plan and Neighborhood

Granting the application would not be inconsistent with the general intent and purpose of the zoning regulations and map, since the building would continue its use as a residence and would not substantially increase the density of that expected within the residential district. The R-2 district allows a one-family semi-detached dwelling on a minimum lot area of 3,000 square feet. The subject land area is greater than twice the minimum area at 7,501 square feet. Theoretically, the site could be subdivided to yield two lots, each with a house that could accommodate a family equivalent of six unrelated individuals. Therefore, the proposed total resident capacity of 9 members could be concluded to have less impact than the R-2 zoning anticipates.

No cars would be brought to the site by students, so no adverse impact to the neighborhood from traffic to and from the residence is anticipated. In fact, having the residence directly adjacent to the school may lessen potential traffic impacts,

if students had to be done to the site from more remote locations. All activities within the residence would continue to be supervised by a house mother. The residence would continue to support the long-established ballet school and is a permitted use in this zone district. Therefore, variance relief in support of the proposed number of residents in the existing home in the neighborhood should not be of substantial detriment to the intent of the zone plan or neighborhood.

### **COMMUNITY COMMENTS**

ANC-3C reviewed the application at its May 17, 2010 meeting and voted to recommend approval of the application.

### **HISTORIC PRESERVATION**

The Office of Historic Preservation had no comments on the application.

### **SUMMARY AND RECOMMENDATION**

The subject property is a residence which abuts the school and is not expected to produce any noise that will adversely affect the neighborhood. The continued use as a residence will not affect the number of students, faculty and staff, traffic, and conditions of previously approved orders. The Office of Planning, therefore, recommends that the Board of Zoning Adjustment **approve** the requested variance relief to permit the continued use of the property as a residence for a family of nine (9) unrelated persons, on condition that no vehicles are brought to the home by the student residents.