

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17996-A of the Protestant Episcopal Cathedral Foundation of the District of Columbia, pursuant to 11 DCMR § 3104.1, for a special exception under § 205 to establish a child development center as a principal use for a maximum of 60 children who are siblings of students at the National Cathedral Elementary School (Beauvoir) or children of employees of the Foundation, and a maximum of 21 employees in the R-1-B District at premises 3500 Woodley Road, N.W. (Square 1944, Lot 25).¹

HEARING DATE: November 24, 2009
DECISION DATE: November 24, 2009 (Bench Decision)

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6).

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 3C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. ANC 3C filed a report, dated October 21, 2009, indicating that, at a

¹ This application was originally filed as BZA No. 17996, but was amended and bifurcated to reflect that the Applicant sought special exception relief for two different principal uses (private school under section 206 and child development center under section 205) at a single site. The child development center, which is the subject of this order, had been operating as an accessory use to the private school. The Applicant is now seeking to establish the child development center as a separate principal use at the same location, as well as to increase both the number of children and employees at the child development center.

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BZA APPLICATION NO. 17996-A
PAGE NO. 2

publicly-noticed meeting held on October 19, 2009, at which a quorum was present, the ANC voted unanimously to support the application with conditions. The ANC's report was filed on a timely basis and met the requirements of section 3115.1 of the Zoning Regulations. (Exhibit 28). The Office of Planning (OP) submitted a timely report recommending approval of the application with conditions and subject to the recommendations of the District Department of Transportation (DDOT). (Exhibit 29). DDOT recommended conditional approval of the application. (Exhibit 27). The Office of the State Superintendent of Education (OSSE), Compliance Care Licensing Unit, recommended that the application be granted. (Exhibit 24).

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 205. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 205, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED AS CONDITIONED**:

- 1) The number of children at the child development center (CDC) shall not exceed 60. Only siblings of current matriculating Beauvoir students and children of active Protestant Episcopal Cathedral Foundation (PECF) employees shall be authorized to be accepted into the CDC program.
- 2) The number of faculty and staff of the CDC shall not exceed 21.
- 3) The CDC shall not offer any conferences, training sessions, or other large programs for outside groups, except for those already scheduled as of November 24, 2009.

BZA APPLICATION NO. 17996-A

PAGE NO. 3

- 4) The Applicant shall provide 126 parking spaces, 5 of which shall be designated for the CDC and 48 of which shall be shared between Beauvoir School and the CDC, and shall comply with the submitted parking plan.
- 5) On an annual basis, starting October, 2010, the Applicant shall submit a report to ANC 3C showing the location of all the parking spaces on the entire PECF Close together with any changes to the 126 parking spaces that constitute the parking "bank" of Beauvoir School and the CDC. The annual report shall also indicate the total number of children enrolled in the CDC and specify the number of that total enrollment figure who are children of PECF employees and who are siblings of current matriculating Beauvoir students.

VOTE: 4-0-1 (Marc D. Loud, Shane L. Dettman, Meridith H. Moldenhauer, Anthony J. Hood to APPROVE. No other Board members present, or voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

ATTESTED BY: 
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: DEC 22 2009

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, 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.

BZA APPLICATION NO. 17996-A
PAGE NO. 4

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, STATUS AS A VICTIM OF AN INTRAFAMILY OFFENSE, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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BZA APPLICATION NO. 17996-A

As Director of the Office of Zoning, I hereby certify and attest that on DEC 22, 2009, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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PAGE NO. 2

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Director, Office of Zoning