

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18079 of Church of the Pilgrims, pursuant to 11 DCMR § 3104.1, for a special exception for a child development center (50 children and 12 staff) under section 205, in the R-3 District at premises 2201 P Street, N.W. (Square 2510, Lot 827).¹

HEARING DATE: July 13, 2010

DECISION DATE: July 13, 2010

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The Application was accompanied by a memorandum, dated October 16, 2009, from the Zoning Administrator stating that a review of the Applicant's plans for the subject property indicated that Board of Zoning Adjustment ("Board") approval was required for a special exception pursuant to § 205.1 to permit the proposed load increase within an existing child development center. (Exhibit 4).

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") 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B filed a timely report, dated May 13, 2010, in support of the Applicant's project. The ANC's letter indicated that at a duly-noticed public meeting with a quorum present, the ANC voted to approve the motion by a vote of 7:0:1, with one Commissioner abstaining as he is a member of the Applicant's organization. (Exhibit 28). The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 32). The Office of State Superintendent of

¹ The Applicant amended the application and requested an increase in the number of children from 48 to 50 and staff from 10 to 12. There would be no change in the site condition of the existing school. The space that would be used for the proposed classroom is currently being used as an office. The Applicant currently has a Certificate of Occupancy to house 37 children at the subject property; the application would increase the number by 13 children. Ten staff members currently work at the property; the number would be increased by two. (Exhibit 31).

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Education recommended that the application be approved and indicated that all licensing requirements had been met. (Exhibit 30).

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 a special exception under § 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 ANC and OP 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 WITH THE FOLLOWING CONDITIONS**:

1. This approval shall be for a term of **TEN (10) YEARS**, beginning on the date upon which the order became final.
2. The Applicant's enrollment shall be limited to 50 children and its staff shall be limited to a maximum of 12 persons.
3. The Applicant's days and hours of operation shall be Monday through Friday, 8:00 a.m. to 6:00 p.m.
4. The Applicant shall provide a "right-turn-only" sign on Florida Avenue.
5. The Applicant shall maintain in good condition the fence around the property and do all that is possible to limit any infringement on neighboring properties.
6. The Applicant shall provide commercial trash and garbage collection.
7. The Applicant shall provide traffic monitoring for pick-up and drop-off of the children, having one monitor on the outside and one on the inside of the building, and a traffic assistant.

VOTE: 4-0-1 (Meridith H. Moldenhauer, Shane L. Dettman, Nicole C. Sorg, Anthony J. Hood to APPROVE. The third Mayoral appointee (vacant) neither participating, nor 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: JUL 20 2010

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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.

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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As Director of the Office of Zoning, I hereby certify and attest that on **JUL 20 2010** 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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ATTESTED BY:

A handwritten signature in dark ink, appearing to read "Jamison L. Weinbaum", is written over a horizontal line.

JAMISON L. WEINBAUM

Director, Office of Zoning