

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18198-A of the Vestry of St. Columba's Episcopal Church, pursuant to 11 DCMR § 3104.1, for a special exception to permit a child development center (90 to 120 children, ages two years-six months to five years and 25 staff) under section 205, in the R-1-B District at premises 4201 Albemarle Street, N.W. (Square 1677, Lot 7).¹

HEARING DATE: April 12, 2011

DECISION DATE: April 12, 2011

CORRECTED SUMMARY ORDER²

SELF-CERTIFIED

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR § 3113.2. (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") 3E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E filed a letter report, dated April 5, 2011, to which was attached its resolution in support of the Applicant's project. The ANC's letter and resolution indicated that at a duly noticed public meeting with a quorum present, the ANC voted to approve the motion unanimously by a vote of

¹ In her testimony before the Board at the hearing, the Director of St. Columba's Nursery School ("Applicant" or "Center") clarified that the relief being sought involved increasing the Center's enrollment from 90 to 120 children, extending the hours of operation, and extending the age range for admittance from two and one-half years old to five years old, thereby allowing children through their fifth year to remain enrolled in the Center. She specified that the Center did not intend to first admit children when they were five years old into its program, but wanted to be able to permit already-enrolled students to remain enrolled at the Center through their fifth year, if warranted.

² Language that was mistakenly left out of one of the conditions was added in this corrected order.

BZA APPLICATION NO. 18198-A
PAGE NO. 2

5:0.³ (Exhibit 32.) The Office of Planning (“OP”) submitted a timely report recommending approval of the application to expand the existing child development center, as requested, subject to six conditions. (Exhibit 31.) The Office of State Superintendent of Education also recommended that the application be approved. (Exhibit 27.)

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. The number of children shall not exceed 120 between the ages of two and one-half through the fifth year.
2. The number of staff shall not exceed 25.
3. The hours of operation shall not exceed 7:30 a.m. to 6:30 p.m., Monday through Friday.
4. At least six parking spaces shall be reserved for the school’s use during operating hours.
5. The children shall be escorted into the building by a staff member when they are dropped off.
6. All outdoor activities shall take place under staff supervision.
7. St. Columba’s Nursery School (the “Center”) will make a good faith effort to minimize commuter traffic associated with the Center’s operations. To that end the Center will give

³ The ANC also entered into a voluntary agreement with the Applicant upon which the ANC conditioned its resolution of support. (Exhibit 30.) The Board acknowledged the voluntary agreement between the Applicant and the ANC, noted that it was enforceable by the ANC, and chose to include Paragraph 3 of the agreement in the conditions in this Order.

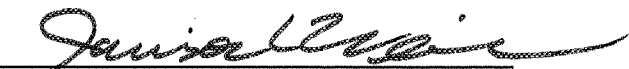
preferential waitlist treatment to children who live within 0.5 miles of the Center as well as to children who have a parent employed within 0.25 miles of the Center. The Center will provide free stroller parking for parents who wish to drop their children at the Center and continue on to use public transit. Also, the Center will provide bicycle racks for staff and parents. The Center likewise shall provide a transit benefit to its staff for use in commuting to the Center for work or work-related events. The Center shall mention these commitments in the next version of its staff and/or parent handbooks and all future versions.

VOTE: 5-0-0 (Meridith H. Moldenhauer, Lloyd J. Jordan, Nicole C. Sorg, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE.)

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: MAY 18 2011

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, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THEREOF, 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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 18198-A

As Director of the Office of Zoning, I hereby certify and attest that on **MAY 18 2011**, 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:

George R. Keys, Jr., Esq.
Jordan & Keys, PLLC
1400 16th Street, N.W.
Washington, D.C. 20016

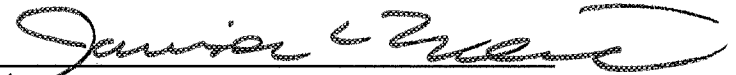
Chairperson
Advisory Neighborhood Commission 3E
c/o Winthrop
3706 Appleton Street, N.W.
Washington, D.C. 20016

Single Member District Commissioner 3E03
Advisory Neighborhood Commission 3E
4411 Fessenden Street, N.W.
Washington, D.C. 20016

Mary Cheh, Councilmember
Ward Three
1350 Pennsylvania Avenue, N.W.
Suite 108
Washington, D.C. 20004

Melinda Bolling, Esq.
Acting General Counsel
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W., 5th Floor
Washington, D.C. 20024

ATTESTED BY:


JAMISON L. WEINBAUM
Director, Office of Zoning

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

BZA APPLICATION NO. 18198-A
PAGE NO. 4

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.