

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18295 of Edward C. Mazique Parent Child Center, Inc., pursuant to 11 DCMR § 3104.1, for a special exception to allow a child development center (205 children, ages six weeks to five years, and 85 staff) under § 205, in the R-4 District at premises 1719-21 13th Street, N.W. (Square 276, Lot 132).

HEARING DATE: January 17, 2012
DECISION DATE: January 17, 2012

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18295
EXHIBIT NO. 32

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated March 25, 2011, from the Zoning Administrator stating that the Applicant's application to use the subject premises in the R-4 Zone District as a child development center with 175 children ages six weeks to five years required Board of Zoning Adjustment ("Board" or "BZA") approval for a special exception under 11 DCMR § 205. (Exhibit 5.)

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 the Applicant, Advisory Neighborhood Commission ("ANC") 2F, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F submitted a timely written report, dated January 12, 2012, in support of the application. The ANC's report indicated that at a duly noticed and regularly scheduled public meeting on January 11, 2012, with a quorum present, the ANC voted unanimously (6:0) to support the application. (Exhibit 29.)

The Office of Planning ("OP") (Exhibit 28), the District's Department of Transportation ("DDOT") (Exhibit 26), and the Office of the State Superintendent of Education ("OSSE") (Exhibit 20) also submitted reports in support of the application. OP recommended approval of the application with four conditions, which the Board adopted in this order. DDOT provided a letter of "no objection" and encouraged the Applicant to offer alternative transportation options for its staff and to provide DDOT with a transportation operations plan.

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

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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.

The Board closed the record at the conclusion of the hearing. 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 requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application be **GRANTED WITH THE FOLLOWING CONDITIONS:**

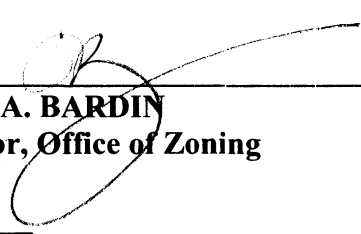
1. The number of students shall not exceed 205 and the number of staff shall not exceed 85.
2. The ages of the children shall be six (6) weeks through five (5) years old.
3. The hours of operation shall not exceed from 7:00 a.m. to 6:00 p.m., Monday through Friday.
4. The Applicant shall provide thirty-three (33) on-site parking spaces.

VOTE: **5-0-0** (Meridith H. Moldenhauer, Lloyd L. Jordan, Nicole C. Sorg, Jeffrey L. Hinkle, and Marcie I. Cohen 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:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: **JAN 30 2022**

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.

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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 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.