

BEFORE THE DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

Application of Roslyn Taylor

4428 Ord Street, N.E., Washington, D.C.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

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I. Introduction

Roslyn Taylor (the "Applicant") seeks special exception relief under Sections 3104.1 and 205 of the Zoning Regulations to establish a Child Development Center permitting the Applicant to provide home-based child care for up to twelve (12) children between the hours of 7:00 a.m. and 6 a.m., Monday through Sunday, at certain premises located at **4428 Ord Street, N.E., Washington, D.C.** (Square 5117, Lot 838) (the "Property"). Currently the Applicant operates a Child Development Home ("Lia's Rainbow") with no more than six children, pursuant to Home Occupation Permit No. HO 1200386. However, in an effort to help meet the needs of parents working and attending school, the Applicant proposes to expand the number of students from six to 12.

Students range in age from newborns to six years old and the schedule is designed to provide care for a variety of work schedules, including those parents who attend school during the day and evening, as well as those who work evening and overnight shifts. Existing programs are:

Program	Hours	Days	Student Ages
Pre-School Care	7 a m - 8.15 a.m.	M - F	5 - 6 yrs.
General Day Care	7 a.m. - 6 p.m.	M - Su	Newborn - 6 yrs.
After-School Care	3:15 p.m. - 7 p m.	M - F	5 - 6 yrs
General Evening Care	5 p m. - 11 p.m.	M - Su	Newborn - 6 yrs.
Overnight Care	7 p.m. - 6 a.m.	M - Su	Newborn - 6 yrs

Presently three teachers care for the children attending Lia's Rainbow but if the Special Exception is approved, at least three more teachers will be hired.

Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board of Zoning Adjustment ("Board" or "BZA") no fewer than 14 days prior to the public hearing for the present application. In its prehearing statement, and at the public hearing, the Applicant will provide evidence and testimony demonstrating its compliance with

the special exception standards of Section 205. This preliminary statement of compliance is submitted in accordance with the Board's application process.

II. Property Description

The Property is an approximately 7,100 square foot lot fronting Ord Street, NE at its intersection with 45th Place, NE. The Property is zoned to the R-1-B district and is improved with a semi-detached house (the "Residence") which contains approximately 5,117 square feet. See Exhibit A. Lia's Rainbow is located in the lower level of the Residence See Exhibits B and C. The lower level contains approximately 2,080 square feet and includes a walk-out door to the yard. The Applicant created a play area in the yard which will be expanded pursuant to approval of the Special Exception See Exhibits D and E. Given the size of the lot, there is ample room for off-street parking and an outdoor play area as further described in this preliminary statement

III. Compliance with Burden of Proof for Special Exception

Pursuant to Sections 310.1 and 205 of the Zoning Regulations, the Board may grant special exception relief to allow a child development center in a residential district, provided that certain requirements are met. As discussed herein, and as will be further demonstrated in its prehearing statement and testimony before the Board, the Applicant satisfies the requirements of Section 205

A. Section 205.1: Use as a child/elderly development center or adult day treatment facility shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under Section 3104, subject to the provisions of this section.

The Property is located in an R-1B District, and therefore the Applicant requests relief in the form of a special exception under Section 205 to operate a Child Development Center permitting up to twelve (12) children ("Lia's Rainbow Center").

B. Section 205.2: The center or facility shall be capable of meeting all applicable code and licensing requirements.

The Applicant will comply with all code and licensing requirements. A copy of the existing permit for Lia's Rainbow is attached hereto as Exhibit F.

C. Section 205.3: The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.

Lia's Rainbow Center's students and staff will continue to be drawn from within the greater Kenilworth area and other Washington, D.C. neighborhoods, as is currently the case. The Property is centered in what is known as the Eastland Gardens neighborhood, so parents who live within the neighborhood often walk their children to and from the Center, however, the Property also is located two (2) blocks from the Deanwood metro station which provides an easy and convenient transportation option for those who live and work outside of the Eastland Gardens and Kenilworth neighborhoods. Finally, there is abundant space on the Property for off-street parking and on-street public parking can be safely used by parents or guardians when

dropping off and picking up children from Lia's Rainbow Center without disruption to the flow of traffic in front of or near the Property.

D *Section 205.4: The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees and visitors.*

Regulations require one parking space for every 4 teachers. Currently there are three teachers (including the co-owner of the Residence) so a total of one space is required. Pursuant to approval of the Special Exception application and employment of three more teachers, a total of two parking spaces for teachers will be required. There are two (2) on-street public parking spaces in front of the Property which may be utilized by employees or customers and the Property contains sufficient area to provide abundant room to meet the parking requirements as well as the construction of an outdoor play area, as set forth in Section E below. See Exhibit G.

E. *Section 205.5: The center or facility, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions.*

The location and attributes of Lia's Rainbow and its proximity to neighbors will allow the Applicant to operate Lia's Rainbow Center with no objectionable impacts on adjacent and nearby properties due to noise, activity, visual or other objectionable conditions. As noted, Lia's Rainbow is located in the lower level of the Residence and consists of approximately 2,080 square feet. It includes a kitchen and bathroom which serve students and teachers exclusively. This location and interior facilities minimize noise and activity on nearby properties that might result from frequent activities by teachers and children. The Property is a 7,100 square foot lot which provides a buffer from neighbors, as well as ample room for parking and the outdoor play area. Landscaping is adequately placed around the perimeter of the property to visually block the play area. Accordingly, Lia's Rainbow Center meets the standards of section 205.5.

The Permanent Outdoor Play Area will not create any objectionable impacts on adjacent or nearby properties.

F. *Section 205.6: The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs or other requirements as it deems necessary to protect adjacent and nearby properties.*

The Residence is already fenced, self-contained, screened and at a comfortable distance from adjacent properties but, the Applicant acknowledges the Board may require additional, special treatment

G. *Section 205.7: Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center or facility in travelling between the play area and the center or facility itself.*

The play area on the Property is sufficient so that the Applicant will not require the use of any off-site play facilities. Additionally, as previously noted, the Applicant intends to expand the play area subsequent to the Board's approval of the special exception.

H. ***Section 205.8: The Board may approve more than one (1) child/elderly development center or adult treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.***

To the best of the Applicant's knowledge, here are no other child/elderly development centers or adult treatment facilities within one thousand (1,000) feet of Lia's Rainbow Center.

I. ***Section 205.9: Before taking any final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.***

The Applicant acknowledges that the application will be referred to the appropriate agencies.

J. ***Section 205.10: The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.***

The Applicant acknowledges that the application will be referred to the appropriate agencies.

IV. Conclusion

Based on the foregoing, the Applicant meets the standards of Sections 3104.1 and 205 to allow for the operation of Lia's Rainbow Center at the Property. The Applicant requests that the Board grant special exception approval for a period of not less than ten (10) years.