

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**Application of Marilyn J. Medrano
1414 Delafield Place, NW (Square 2709, Lot 0009)**

Preliminary Statement of Compliance with Burden of Proof

I. Introduction

Marilyn J. Medrano (the "Applicant") seeks special exception relief under Sections 3104.1 and 205 of the Zoning Regulations to create a Child Development Center permitting the Applicant to provide home-based child care for up to 12 children at certain premises located at 1414 Delafield Place, NW, Washington, DC (Square 2709, Lot 0009) (the "Property").

Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file her Statement of the Applicant with the Board of Zoning Adjustment ("Board") no fewer than 14 days before the public hearing for this application. In her prehearing statement, and at the public hearing, the Applicant will provide evidence and testimony demonstrating her 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 3,578 square foot lot on the corner of Delafield Place, NW, and 15th Street, NW, with public alley access located to the south of the Property. The Property is improved with a single-family home constructed in 1931. Currently, the Applicant operates a Child Development Home with no more than six children pursuant to Home Occupation Permit No. HO0900853. An fenced outdoor play area is located on the southwest corner of the Property for use by the children. No structures will need to be erected or altered in order to accommodate the proposed Center. *See* attached Exhibit A for a drawing of the existing house, play area, and parking spaces on the Property.

III. Compliance with Burden of Proof for Special Exception

Pursuant to Sections 3104.1 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 below, and as will be further demonstrated in her prehearing statement and testimony before the Board, the Applicant satisfies those requirements.

A. Section 3104.1

Granting this special exception for the use of the Property for a child development center to accommodate up to 12 children "will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18468
EXHIBIT NO. 5

Board of Zoning Adjustment
District of Columbia
CASE NO.18468
EXHIBIT NO.5

neighboring property in accordance with the Zoning Regulations and Zoning Maps.” 11 DCMR § 3104.1. A special exception for this use of the Property for this purpose will not change its residential character or that of the surrounding neighborhood. Ms. Medrano and her family will continue to live in the residence, which has already been serving as a child development home for six children for the past four years without disruption to Ms. Medrano’s neighbors or the neighborhood as a whole. Moreover, the child development home already serves and will continue to serve families in Ms. Medrano’s neighborhood.

B. 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 § 3104, subject to the provisions of this section.

The Property is located in an R-1-B district, thus, the Applicant requests relief in the form of a special exception under Section 205 to operate a Child Development Center permitting up to 12 children (the “Center”).

C. 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.

D. 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.

The Center’s students and staff will be drawn primarily from the immediate neighborhood surrounding the Property, as is currently the case. In addition to the parents who will walk their children to and from the Center, the Property is conveniently located within two blocks of six public bus routes (the 52, 53, 54, S1, S2, and S4), which can be used by parents, children, and employees of the Center. There is also an alley behind the Property, from which there is an entrance into the Center, that parents who drive may use when dropping off and picking up children. The alley is used only by those residents on the block who have parking spaces behind their homes and, on certain days in the early mornings, by garbage and recycling trucks. The few vehicles that use the alley typically move slowly, and there is space for cars to pull to the side and load children from the driveway area of the Property. Finally, the Property is located at the intersection of 15th Street, NW, and Delafield Place, NW, and there is ample on-street parking that may be used by parents when dropping off and picking up children from the Center. Thus, granting the requested special exception for the Property will not cause a disruption to the flow of traffic or creation of an unsafe condition.

E. 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.

The Property provides sufficient parking to meet the demand for the Center, as most of the children and staff will be drawn from the immediate neighborhood. A child development center for 12 children must under DC law have five teachers, which in turn requires two parking spots be available at the residence. See Section 2101.1. The driveway behind the Property has two parking spaces. In addition, there is ample, unrestricted parking along 15th Street, NW, which does not require a residential parking permit.

F. 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 Property is on a corner lot and has a large play area in the backyard that is attractively contained behind an eight-foot, wooden fence. This fence blocks from view the children and the toys used by them while at play and minimizes any noise or visual conditions that neighbors could find objectionable. The children are taken directly into the play area through a door from inside the house. The fence is surrounded by trees, shrubs and grass, and is similar to many other fences in the neighborhood. The outdoor play area is currently used by the children at the child development home, as well as the Applicant's own children, and she has never received a complaint from a neighbor about this use of the Property.

G. 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.

It is not anticipated that the proposed expansion of the child development home on the Property will require special treatment because the Property is already self-contained and screened from adjacent properties. If the Board, the Office of Planning, or the ANC should find otherwise, however, the Applicant would be pleased to discuss property improvements that may address any concerns and facilitate the granting of the special exception.

H. Section 205.7

Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center or facility itself.

The Applicant will not require the use of any off-site facilities because, as discussed above, the Property has a large, fenced-in play area.

I. Section 205.8

The Board may approve more than one (1) child/elderly development center or adult day 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.

The Board need not consider whether there would be a “cumulative effect . . . on the neighborhood” as result of granting the requested special exception relief because there is no other child/elderly development center or adult day treatment facilities within 1,000 feet of the Property. Moreover, as described above, the Center will be in harmony with the residential nature of her neighborhood and will not cause objectionable traffic, activity, or noise.

J. Section 205.9

Before taking 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 understands that the application will be referred to the appropriate agencies.

K. 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.

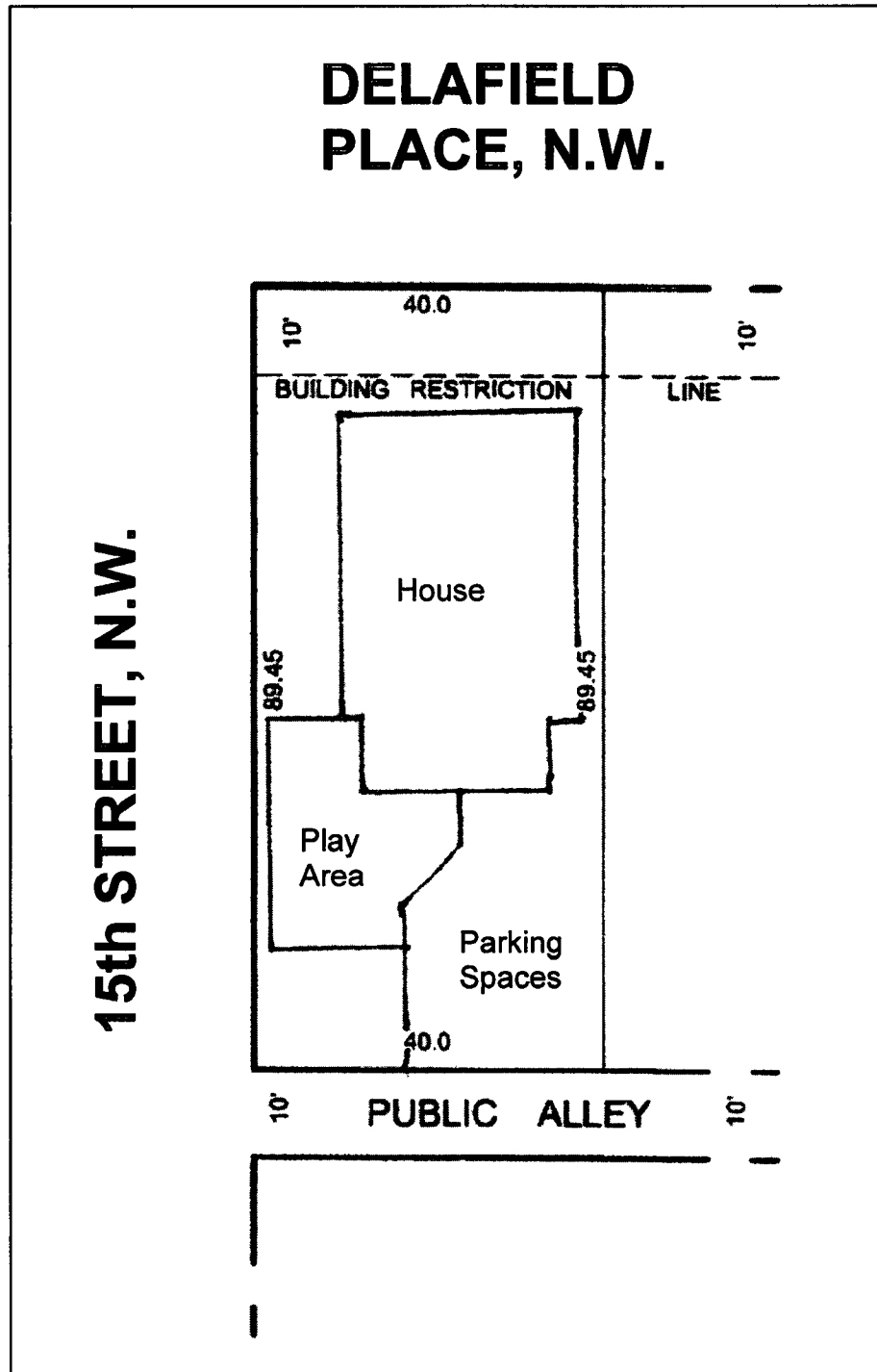
The Applicant understands that the application will be referred to the appropriate agencies.

IV. Conclusion

As documented above, the Applicant meets the standards of Sections 3104.1 and 205 to permit the operation of a child development center at the Property. The Applicant requests that the Board grant the requested special exception relief for a period of not less than ten years.

EXHIBIT A

Drawing of existing house, play area, and parking spaces at 1414 Delafield Place, NW



RECEIVED
D.C. OFFICE OF ZONING
2013 AUG 27 AM 10:59