

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18518 of YMCA Capitol View, pursuant to 11 DCMR § 3104.1, for a special exception for a Child Development Center – Before and After School Program (150 children and eight staff) under § 205, in the R-5-A District at premises 4275 4th Street, S.E. (Square 6242, Lot 834).

HEARING DATE: June 4, 2013
DECISION DATE: June 4, 2013

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated November 8, 2012, from the Zoning Administrator, which stated that Board of Zoning Adjustment (“Board” or “BZA”) approval is needed for a special exception under § 350.4(b), to use the subject premises as a “Child Development Center with one-hundred and fifty (150) children, ages ranging from 3 years to 14 years and eight (8) staff” in a R-5-A Zone, per § 3104.1. (Exhibit 2.)

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”) 8D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8D, which is automatically a party to this application. ANC 8D filed a report, dated May 25, 2013, indicating that a meeting of the ANC was held on that date and at which a quorum was present. The report did not contain a description of what occurred at the meeting or a recommendation of the ANC. (Exhibit 36.) At the hearing, the Applicant testified on the record that she attended the ANC meeting and that the ANC voted unanimously to approve the application.

The Office of Planning (“OP”) submitted a timely report recommending approval of the application, subject to conditions. (Exhibit 27.) By its letter, dated January 22, 2013, the Office of State Superintendent of Education (“OSSE”) recommended that the application be approved. (Exhibit 24.) The District Department of Transportation (“DDOT”) submitted a letter of no objection dated March 19, 2013. (Exhibit 26.)

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18518

EXHIBIT NO. 40

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Letters of support for the application were submitted to the record from Julie Donatelli, Executive Director, Victory Youth Centers c/o Archdiocese of Washington; Carlo Impeduglia, Victory Youth Center Manager, Archdiocese of Washington; Rev. Raymond Moore, Pastor, Saint Thomas More Catholic Church; Kathleen Curtin, Executive Director, Christ Child Society D.C.; Tamika Anderson; and Atiya Anderson. (Exhibits 30 and 31.)

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 OP report, 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. The waiver will not prejudice the rights of any party and is appropriate in this case.

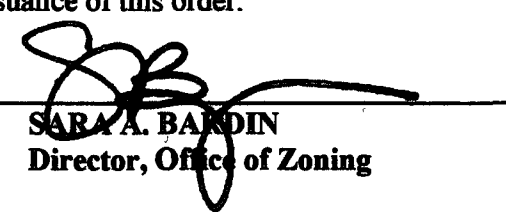
It is therefore **ORDERED** that this application be **GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The number of enrolled children shall not exceed 150.
2. The number of staff shall not exceed eight.
3. The days and hours of operation shall be Monday through Friday from 7:00 a.m. to 9:00 a.m., and from 2:00 p.m. to 6:00 p.m.

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Peter G. May to APPROVE; the third Mayoral appointee seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: June 7, 2013

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 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.