



MEMORANDUM

2013 SEP -3 PM 3: 54

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review
DATE: September 3, 2013
SUBJECT: BZA 18541, 620 Southern Avenue, S.E.

I. APPLICATION AND RECOMMENDATION

Ms Lubertha Paye, on behalf of Bert's Family Day Care (applicant) request, pursuant to § 3104.1, § 302.1 and § 205, special exception for the expansion of an existing child development home, permitted by-right, to a child development center. The applicant will continue to use the building as her home. The applicant proposes to increase the enrollment from six to eleven (11) children and increase the number of staff from one to two (2). The hours of operation would be 6.30 am to 5.00 pm.

The proposal also stated that in order to accommodate the expansion to the child development center, an existing rear porch would be demolished and replaced with a new one-story addition. From the information provided by the applicant, it seems that the proposed addition would meet the Zoning Regulations relating to lot width, lot area, lot occupancy, and side yard requirements.

The Office of Planning (OP) recommends **approval** of the requested special exception subject to the following conditions:

- 1 Approval shall be for a period of seven (7) years
2. The hours of operation shall be from 6.30 AM to 5.00 PM
- 3 The number of enrolled children shall not exceed 11
- 4 The number of staff shall not exceed 2

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18541

EXHIBIT NO. 34

II. LOCATION AND SITE DESCRIPTION

Address	620 Southern Avenue, SW
Legal Description	Square 6250, Lot 11
Ward	8, 8D
Lot Characteristics	The subject property is a rectangular, 1,967.36 square foot lot (21.83 feet x 70 0feet) along Southern Avenue, SE. The lot abuts a 16-feet wide public alley to its rear.
Zoning	R-3 – semi-detached single family dwellings. A child development center is permitted by special exception in this zone.

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Existing Development	The lot is developed with a single-family, semi-detached, residence with the main building having two stories and a one-story rear addition. Since 2004, the owner has operated a child development home for six children.
Adjacent Properties	Adjacent properties are all single-family, semi-detached homes on lots of approximately the same area.
Surrounding Neighborhood Character	Mostly single-family semi-detached homes in the R-3 District.

III. MAPS



Photograph of Property



Site Location

IV. APPLICATION IN BRIEF

The applicant has requested special exception under § 302.1 and § 205 to allow a child development center for up to 11 children (6 months to 12 years) and two staff persons.

V. ZONING

	Regulation	Existing ¹	Proposed ¹	Relief
Height § 400.1	40 ft , 3 stories	25.3 ft	25.3 ft	None Required
Lot Width § 401.3	30 ft minimum	21.83 ft	21.83 ft	Existing non-conformity
Lot Area § 401.3	3,000 sq. ft minimum	1,528.1 sq. ft	1,528.1 sq. ft	Existing non-conformity
Lot Occupancy § 403.1	40% maximum	26%	35%	None Required
Rear Yard § 404.1	20 ft	36.7	24.4 ft	None Required
Side Yard § 405.8	For a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased, and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).	5.53 ft.	6.6 ft.	Existing non-conformity

¹ Information provided by Applicant

VI. ANALYSIS

Section 205, Special Exception for the Child Development Center

The proposal meets the requirements of Section 205 for the child development center as follows.

205.1 Use as a child/elderly development center or adult day treatment facility shall be permitted as a special exception in an R-3 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

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

The Office of the State Superintendent of Education, Division of Early Childhood Education, Compliance and Integrity Division, Child Care Licensing Unit (OSSE/ECE/CID/CCLU) in its February 11, 2013 memorandum recommends that the requested increase in the number of children and staff be granted

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.

According to the applicant, the children would continue to be generally dropped off between the hours of 6:30 AM and 8 00 AM and picked up between 3 30 PM and 5:00 PM. The children would be dropped off on Southern Avenue, except in cases when there may be activities which necessitate that they enter from the alley. The children would be taken into the center by their parents and therefore would not create any unsafe drop off and pick up conditions. Southern Avenue has parking on both sides with no restrictions. In their report dated February 21, 2013, the DC Department of Transportation (DDOT) states that the proposal will have no adverse impacts on the travel conditions of the District's transportation network.

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 parking requirement for a child development center is 1 space per 4 teachers/employees, with two staff persons, one parking space is required. Two parking spaces are provided on-site which would meet the requirement. When a parking space is needed by a visitor or parent it would be provided in the driveway of the property or on the street. Street parking is available along Southern Avenue without the need for a parking permit. Parking in the area is further addressed in the DDOT Report.

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 applicant states that outdoor play time on the subject property will be limited as the children would be taken off-site to public play areas/parks where there is a variety of play equipment available. Since the children are taken off-site for more intense play, there would be minimal objectionable impact on the adjacent or nearby properties due to noise, activity and other visual impact.

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 application does not propose any new signs, screening of the building, plantings or new parking areas and therefore OP does not recommend any special treatment or screening.

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 children would be transported to off-site play areas via cars instead of walking and therefore there would be no endangerment between the center and the play areas.

205.8 The Board may approve more than (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.

According to GIS records, there are no other child development centers within the square or within 1,000 feet of the property

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 application was submitted to the appropriate agencies and DDOT and OSSE have submitted reports under separate cover

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 Office of the State Superintendent of Education, Division of Early Childhood Education, Compliance and Integrity Division, Child Care Licensing Unit (OSSE/ECE/CID/CCLU) recommends that the applicant be granted. The January 22, 2013 memorandum has been submitted to the record

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation and OSSE have submitted comments under separate cover. Both agencies recommended approval of the proposed child development center

VIII. COMMUNITY COMMENTS

The application was reviewed by ANC-8D at a meeting on April 25, 2013. The applicant stated that the ANC requested additional information on the proposed addition. The applicant has also provided letters of support for the child development center from the adjacent neighbor at 618 Southern Avenue, SE