

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18781 of Mana Bilingual Child Development, LLC, pursuant to 11 DCMR § 3104.1, for a special exception under section 205 to continue the operation of an existing child development center (12 children and 4 teachers), last approved by BZA Order No. 17975, dated March 16, 2010, and to continue the existing special exception under section 2116.6 allowing two required parking spaces to be located off-site, in the R-1-B District at premises 6524 8th Street, N.W. (Square 2973, Lot 81).¹

HEARING DATE: June 17, 2014

DECISION DATE: June 17, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

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”) 4B, and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4B, which is automatically a party to this application. ANC 4B submitted a letter in support of the initial application to expand the child development center (“CDC”) use. The Office of Planning (“OP”) through its report and testimony at the hearing also recommended approval of the original relief requested. Since the Applicant withdrew the request for relief actually reviewed by the ANC and OP (*see* footnote 1), their recommendations were not relevant to the relief ultimately considered by the Board.

¹ The caption has been amended to reflect the relief granted under the amended application. Initially, the Applicant sought to expand the child development center (CDC) use, requesting Board approval to increase the maximum number of children from 12 to 36, and the maximum number of staff from 4 to 9. Although not styled as such, the initial application would have been treated as a request to modify BZA Order No. 17975, pursuant to section 3129.7. However, at the end of the public hearing, the Applicant withdrew its request for the expansion of the CDC, and amended its application to request permission to continue the existing operations beyond the expiration of its current term.

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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 amended application pursuant to § 3104.1, for a special exception under section 205 to continue the existing CDC (12 children and 4 staff) and a special exception under sub-section 2116.6 allowing for two off-site parking spaces to serve the property.

Based upon the record before the Board, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 205 and 2116.6, 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 to continue the status quo, with conditions, will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

No requests for party status in opposition were submitted. Accordingly, a decision by the Board to grant the amended application would not be adverse to any party. Therefore pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, as amended be **GRANTED, SUBJECT to the following CONDITIONS:**

1. The application is approved until March 26, 2020 (*i.e.* five years after the expiration of the approval granted in BZA Order No. 17975).
2. Two off-site parking spaces shall be provided: at 6520 8th Street, N.W. and 6512 8th Street, N.W.
3. The Applicant is to provide on-site landscaping and maintain the property in a neat and orderly condition.

VOTE: **4-0-1** (Lloyd J. Jordan, Robert E. Miller, S. Kathryn Allen, and Marnique Y. Heath to Approve; Jeffery L. Hinkle being necessarily absent.)

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: June 20, 2014

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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 § 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.