



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 120 - APPLICATION FOR VARIANCE/SPECIAL EXCEPTION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

Pursuant to §3103.2 – Area/Use Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations,
an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zone District(s)	Type of Relief Being Sought	
				Area Variance Use Variance Special Exception	Section(s) of Title 11 DCMR - Zoning Regulations from which relief is being sought
3418 4th Street S.E.	5969	169-187	R-4	Area Variance	DCMR §11-2116.4

Present use(s) of Property: Vacant and unimproved.

Proposed use(s) of Property: Child development center

Owner of Property: Southwest Church of Christ

Telephone No:

202-997-3802

Address of Owner: 3100 13th Street N.W. Washington, D.C. 20010-2408

Single-Member Advisory Neighborhood Commission District(s): 8C07

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:

Application for area variance for parking lot.

EXPEDITED REVIEW REQUEST (If interested, please select the appropriate category)

I waive my right to a hearing, agree to the terms in Form 128 - Waiver of Hearing for Expedited Review, and hereby request that this case be placed on the Expedited Review Calendar, pursuant to §3118.2 (CHOOSE ONE):

- ☐ A park, playground, swimming pool, or athletic field pursuant to §209.1, or
☐ An addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to §223

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date: 9/24/14

Signature*:

To be notified of hearing and decision (Owner or Authorized Agent*):

Name: Erica Leatham

E-Mail:

leathame@ballardspahr.com

Address: 4800 Montgomery Lane 7th Floor Bethesda, Maryland

Phone No(s): (301) 664-6254

Fax No.:

(301) 664-6299

* To be signed by the Owner of the Property for which this application is filed or his/her authorized agent. In the event an authorized agent files this application on behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany this application.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

FOR OFFICIAL USE ONLY

Exhibit No. 1

Case No. _____

Board of Zoning Adjustment
District of Columbia
CASE NO.18830
EXHIBIT NO.31



BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 126 – BOARD OF ZONING ADJUSTMENT FEE CALCULATOR

Per §3180 of the Zoning Regulations, at the time of the filing of an application or an appeal with the Board of Zoning Adjustment, the applicant or appellant shall pay a filing fee in accordance the fee calculator below. In the case of an application combining two (2) or more actions, or for an application requesting consideration of more than one alternative, the fee shall be the total of the amounts for each action or alternative computed separately. However, for applications involving owner-occupied, one-family dwellings or flats, regardless of the number of variances, special exceptions, or alternatives requested, the fee is three hundred and twenty-five dollars (\$325.00). A department, office, or agency of the Government of the District of Columbia shall not be required to pay a filing fee where the property is owned by the agency and the property is to be occupied for a government building or use.

APPLICATION OR APPEAL TYPE:	FEE	UNIT	TOTAL
VARIANCE:			
Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040	1	\$1040
TOTAL FOR VARIANCES:			\$1040

SPECIAL EXCEPTION:			
Parking Lot/Garage/Accessory Parking (per space)	\$104		
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560		
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325		
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%		

TOTAL FOR SPECIAL EXCEPTIONS:

APPEAL:

NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		

TOTAL FOR APPEALS:

GRAND TOTAL: \$1040

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Name: Erica Leatham

Signature: 

Exhibit No. _____

Last Revised (10/18/10)

Case No. _____

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pouyesn@ballardspahr.com

September 24, 2014

By Electronic Filing

Sara Benjamin Bardin, Director
District of Columbia Office of Zoning
441 4th Street N.W. Suite 210-S
Washington, D.C. 20001

Re: Second Amendment to Special Exception Application # 18830
Square 5969 Lots 169-187; 3418 4th Street S.E.

Dear Ms. Bardin:

On behalf of Bright Beginnings, Inc. (the "Applicant"), we submit the enclosed second amendment to Special Exception Application #18830 (the "Second Amendment").

On July 14, 2014, the Applicant submitted a request for Special Exception that proposes a child development center designed to serve the needs of homeless children and parents in Wards 7 and 8 (the "Center") and to further Applicant's mission of providing safe, nurturing and developmentally-appropriate childcare for homeless infants, toddlers and preschoolers (the "Original Request for Special Exception"). On September 18, 2014, the Applicant submitted an Amendment to the Original Request for Special Exception from the retaining wall requirements under D.C. Municipal Regulations ("DCMR") § 11-3103.

The Applicant now submits this Second Amendment to request an Area Variance to the parking lot requirements pursuant to DCMR § 11-3104 and the guidance implemented thereunder.

The property, known as Square 5969 Lots 169-187 (the "Property"), is located on the southeast corner of 4th and Trenton Streets, S.E. in the R-4 Zone, in which the proposed Center is permitted, via a Special Exception, subject to certain restrictions.

I. Waiver of Notice Requirements

As a preliminary matter, the Applicant requests a waiver of the notice requirements under DCMR § 11-3113.14. DCMR § 11-3113.14 requires the Applicant to provide public notice of the Board of Zoning Adjustment ("BZA") hearing by posting the Property with notice at least 15 days in advance of the hearing. The Applicant's hearing date is October 7, 2014. The Applicant, through its counsel,
DMEAST #19886813 v1

was advised by Office of Planning of the need to file this Area Variance on September 23, 2014, the day on which notice of such Area Variance would have needed to be posted at the Property to meet the October 7, 2014 hearing date. The Applicant will add the Area Variance to the already posted notices on September 24, 2014 upon submission of this Area Variance. For the reasons stated herein, the Applicant requests a two day waiver of the notice requirements.¹

II. Conformance with D.C. Municipal Regulations – Parking Lot Variance

Pursuant to DCMR § 11-2101.1, the Center must provide one parking space for each four teachers and other employees at the Center. The Center proposes 38 teachers and staff which results in 10 required parking spaces. The Center provides 20 parking spaces in a parking lot located at the northern part of the Property. See Exhibit A.

DCMR § 11-2116.4, however, requires that parking spaces may not be located between a building restriction line and a lot line abutting a street. Pursuant to DCMR § 3103.2, the BZA may approve an area variance when the following conditions are met:

(1) The physical characteristics of the property make it difficult for the owner to use the property in compliance with the DCMR – ie. shape and size of the property, unusual topography or slope, soil problems, etc. Similarly, pursuant to DCMR § 11-3103.7(a) for area variances, the Applicant must prove that as a result of attributes of a specific piece of property, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of the Property.

Due to the topography and odd shape of the Property, the northern portion of the Property is the only location that can appropriately accommodate the parking spaces. While the northern portion of the Property is relatively flat, there is a 13 foot grade change from the north to the south along the western portion of the Property at the right-of-way. This grade change increases to as much as 20 feet at the southeasterly Property line, resulting in the unprogrammed green space left on the southern portion of the Property. Because of the steep condition, the parking spaces cannot be placed at the southern portion of the Property. Further, the parking spaces cannot be placed in the middle of the Property because that would leave no other suitable location for the building: the northern portion of the Property is too narrow to accommodate the building and the southern portion presents topographical concerns.

(2) Granting the area variance will not be of substantial detriment to the public good – ie. traffic, noise, lighting, etc.

Granting the area variance will not have a negative impact on traffic, noise, lighting, or activities of the surrounding properties. The Property is bounded by Trenton Street, S.E. on the north, 4th Street, S.E. on the west, and residential uses on the east. The Applicant will provide landscaping surrounding the parking lot to serve as a visual buffer between the parking lot and the neighboring

¹ Although the Applicant requests a waiver of the notice requirements, the Advisory Neighborhood Commission and all interested parties have been advised of and are in support of this Second Amendment.

properties and streets. Additionally, the whole Property will be fenced-in with a six foot fence to further minimize any impact on neighboring properties. As such, the parking spaces will not have any negative impact on noise, lighting, or activities of the surrounding properties.

Based on the plans for the Center, the Applicant was notified by the D.C. Department of Transportation ("DDOT") that it did not have to provide a traffic study or report due to the nominal traffic expected to be generated from the Center. DDOT based this conclusion, inter alia, on the parking spaces being placed at the northern portion of the Property. Therefore, the parking spaces will not have any negative impact on traffic.

(3) Granting the area variance will not be inconsistent with the general intent and purpose of the DCMR and Zoning Map.

The intent and purpose of the DCMR and Zoning Map is to develop a Center that provides adequate parking and does not interrupt the neighboring properties or create parking shortages for neighboring properties. The Applicant seeks to provide as much parking for parents, teachers/staff in accordance with Advisory Neighborhood Commission ("ANC") and community concerns. As discussed above, there is no other suitable configuration on the Property to accommodate both the parking spaces and the building in accordance with District and Federal requirements. As provided in the Original Request Special Exception and Amendment previously filed, the Center complies with all other applicable parking requirements. Therefore, granting this Area Variance is consistent with the general intent and purpose of the DCMR and Zoning Map.

III. Community Outreach

Per the Original Request for Special Exception and Amendment, the Applicant engaged the community, including the Advisory Neighborhood Commission ("ANC"), to ensure that the Center is sympathetically designed and adds to the neighborhood fabric. In light of this Second Amendment, the Applicant had conducted additional outreach to ensure the community remains in support of the Center. The ANC is expected to testify in support of the Center, including this Second Amendment, at the hearing.

IV. Conclusion

The Applicant respectfully requests that the BZA approve this Second Amendment to its Original Request for Special Exception, thereby permitting the Applicant to develop a Center to meet the needs of homeless and low-income populations in the District. As explained above and in the Original Request for Special Exception and Amendment, the Center satisfies all of the requirements of the DCMR. The Center is a significant improvement over the current vacant and unimproved Property.

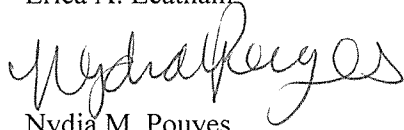
Sara Benjamin Bardin, Director
September 24, 2014
Page 4

It provides high-quality day care services that will further the Applicant's efforts to stabilize and transition families out of homelessness.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Erica A. Leatham', with a stylized, flowing script.

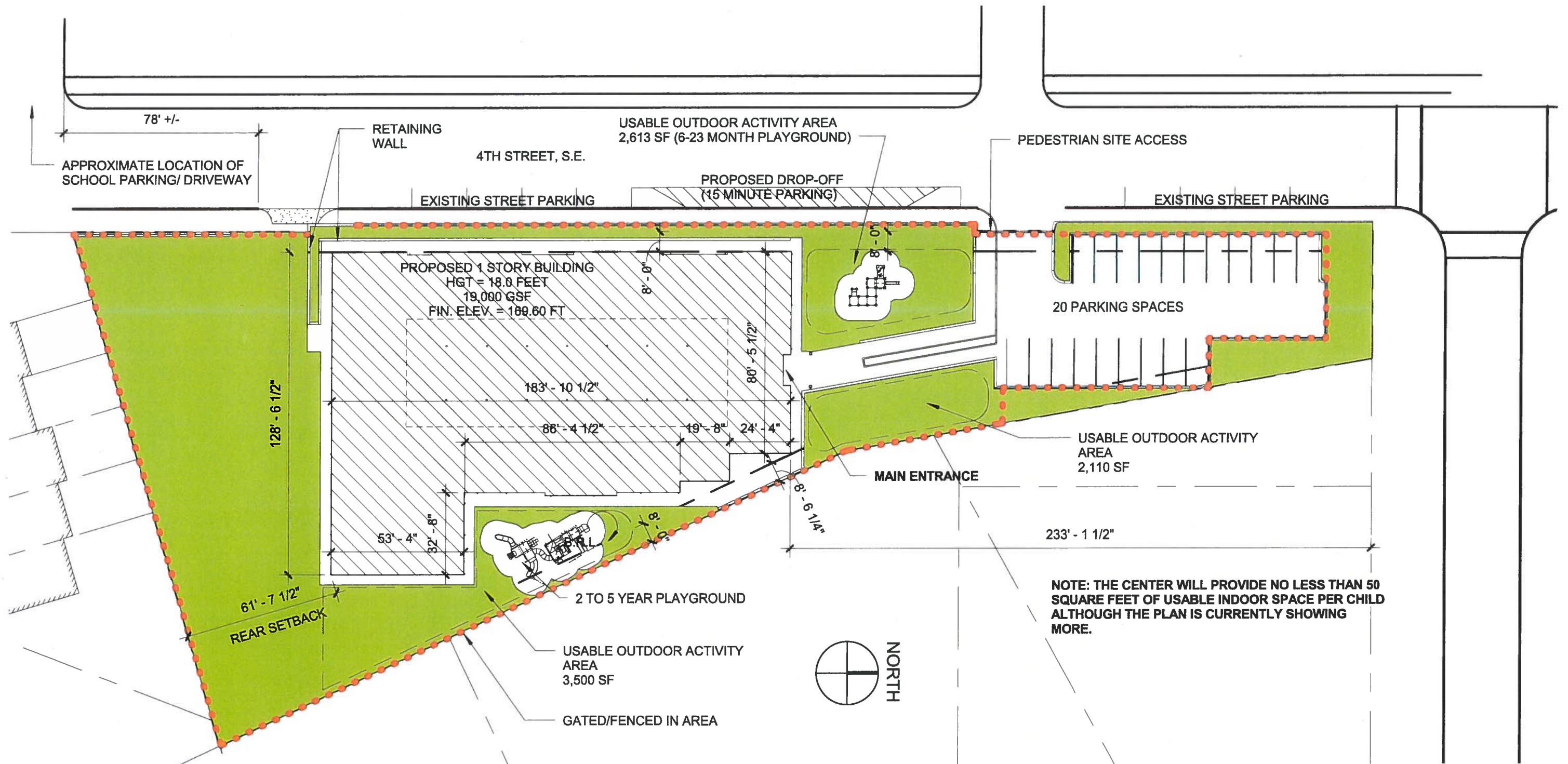
Erica A. Leatham

A handwritten signature in black ink, appearing to read 'Nydia M. Pouyes', with a stylized, flowing script.

Nydia M. Pouyes

EAL/rp
Enclosures

Exhibit A
Site Plans, Elevations, and Architectural Plans



1 ARCHITECTURAL SITE PLAN

A-101 SCALE 1" = 40'-0"

BZA Application Set

A-101 ARCHITECTURAL SITE PLAN

JUNE 19, 2014



HAMILTON ASSOCIATES, LLC



BRIGHT BEGINNINGS DAY CARE CENTER, EAST OF THE RIVER

3418 4TH STREET, S.E.
WASHINGTON, DC 20032