

Exhibit B

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- December 16, 1964

Appeal #8017 Church of the Pilgrims, appellant

The Zoning Administrator District of Columbia, appellee

On motion duly made, seconded and unanimously carried the following Order was entered December 22, 1964.

ORDERED:

That the appeal of the Church of the Pilgrims to establish a pre-school group for approximately 50 children at 22nd and P Streets, N. W., lot 825, square 2510, be granted.

From the records and the evidence adduced at the hearing the Board finds the following facts:

(1) The school is to be run on a non-profit basis for pre-school children in the neighborhood. The majority of the children will be coming from the 1700 block of Seaton Place.

(2) The proposed facilities and staff can handle 50 children, however, initial enrollment is expected to be 42.

(3) The children will be brought to the school by bus.

(4) There is no other school of this kind located in the area.

(5) The owners of an apartment building overlooking the proposed play space oppose this appeal on the grounds that noise and traffic would be objectionable and the fear that the school would ultimately expand to accommodate 200 children.

OPINION:

The Board is of the opinion that this school will provide a needed service in the community and that it is not likely to become objectionable to adjoining property because of noise, traffic, the number of children, or other objectionable conditions.

This Order shall be subject to the following conditions:

(a) Permit shall issue for a period of (1) one year but shall be subject to renewal in the discretion of the Board on the filing of a new appeal in the manner prescribed by the Zoning Regulations.

(b) There shall be provided on the same lot with this use not less than 100 square feet of play area for each child.

Before the Board of Zoning Adjustment, D. C

PUBLIC HEARING -- December 15, 1965

Appeal No. 8486 Trustees, The Church of the Pilgrims, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on December 22, 1965.

EFFECTIVE DATE OF ORDER -- June 17, 1966

ORDERED:

That the appeal to continue operation of pre-school training program for approximately 50 children at 22nd and P Streets, NW., lot 825, square 2510, be granted conditionally.

As a result of an inspection of the property by the Board, and from the record and the evidence adduced at the public hearing, the Board finds the following facts:

(1) The pre-school program is now in operation pursuant to Order of this Board. It is conducted in the Fellowship Hall building of the Church of the Pilgrims.

(2) The record in Appeal No. 8017 is incorporated into this record by reference.

(3) Appellants state that there are 3,672 square feet of fenced-in play area outside the church building, and in addition, 1,870 square feet of play area inside the Fellowship Hall.

(4) In Appeal No. 8017, the Board granted appellants permission to utilize this property as a pre-school group for approximately 50 children for a period of one year with the proviso that there should be not less than 100 square feet of play area for each child.

(5) Subsequent to the public hearing, the Board made an exterior inspection of the property of the church and did not find the conditions set forth in fact #13 to be of a serious nature. On the contrary, they found a well run school with adequate play space.

(6) Appellants desire to continue operation of this school to serve disadvantaged pre-school children in the area. The majority of the children come from the 1700 block of Seaton Place, NW.

(7) In the Spring of 1965, the school was recognized by "Operation Head Start" and received a grant to operate an eight-week Head Start school during the summer months.

(8) Appellants propose to operate the school five days a week from 9:00 a.m. to 1:45 p.m.

(9) Appellants state that the present facilities and staff can handle 50 children; however, the enrollment at this time is 36.

(10) The children are brought to the school by bus.

(11) No other school of this type is located in this area.

(12) The children have a supervised play period outside the church building in the church yard, for approximately 1/2 hour each day, weather permitting.

(13) There was objection to the granting of this appeal registered at the public hearing. An attorney representing the owner of 2210 Que Street, NW., stated that there is not sufficient play area; that there is noise from the children, that the children throw objects into the yard of his client; that there is a lack of supervision; and that vehicles supplying the church block the alley.

OPINION:

We are of the opinion that this school performs a legitimate community service. The school is so located and the activities therein are such that the operation of the school will not likely become objectionable to adjoining and nearby property. We are further of the opinion that this school is reasonably necessary or convenient to the neighborhood which it is proposed to serve.

The continuance of this school will not adversely affect the public good or substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

This Order shall be subject to the following condition:

Permit shall issue for a period of (1) one year but shall be subject to renewal in the discretion of the Board on the filing of a new appeal in the manner prescribed by the Zoning Regulations.

Before the Board of Zoning Adjustment, D.C

PUBLIC HEARING -- September 13, 1967

Appeal No. 9335 Trustees, The Church of the Pilgrims, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on September 19, 1967.

EFFECTIVE DATE OF ORDER -- May 8, 1968

ORDERED:

That the appeal for permission to continue operation of pre-school training program for approximately 50 children at 22nd and P Streets, NW., lot 825, square 2510, be conditionally granted.

FINDINGS OF FACT:

- [1] The subject property is located in an R-3 District.
- [2] The pre-school program is now in operation pursuant to Order of this Board. It is conducted in the class rooms of the educational building of the Church and on the surrounding grounds of the Church of the Pilgrims.
- [3] The record in Appeal No. 8017 and No. 8486 are incorporated into this record by reference.
- [4] The facts remain essentially the same as existed at the time of the previous hearings held by this Board.
- [5] The pre-school program is conducted as a part of the Head Start Program of the District of Columbia. The staff consists of nine persons -- three teachers, three teachers' aides, one food service manager, one bus driver, and one custodian.
- [6] Subsequent to the public hearing, the Board again made an exterior inspection of the property of the church during the period of the day when the pre-school was in session. The property was well kept and there did not appear to be any serious noise problem. There appeared to be adequate play space and the children were under supervision.

[7] A tree which had held a swing for the children had been fixed so that the children no longer could swing from the tree and affect the adjacent property.

[8] The school operates during the hours 9 a.m. to 11:15 a.m., Monday through Friday.

[9] By letter dated September 15, 1967 (BZA Exhibit No. 14) Mr. Hugh B. Carter, Jr., agent for the Trustees of the Church of the Pilgrims stated that there is available : 1,421 square feet of classroom space; a recreation room containing 2,600 square feet; a fenced playground and other space totaling 3,990 square feet; and a paved parking area containing 4,940 square feet. All of this space is available to the children attending the school.

[10] The airline distance from Seaton Place, where the children reside, to the church is not more than .7 miles.

[11] At the time of the public hearing there were 35 children registered at the school. There are three classes of children, each containing no more than 15 children with a teacher and a teacher aide.

[12] There was objection to the granting of this appeal registred at the public hearing. An attorney representing the owner of 2210 Q Street, NW. stated the same objections that were noted in Appeal No. 8486. There is another letter in the file opposing the appeal. By letter dated September 13, 1967 (BZA Exhibit No. 12) the Dupont Circle Citizens Association Zoning Committee supports the granting of this appeal. One other letter appears in the file supporting the appeal.

OPINION:

We are of the opinion that this school performs a community service and is so located and the activities therein are such that the school will not likely to become objectionable to adjoining and nearby property. We further believe that this school is reasonably necessary and convenient to the neighborhood which it is proposed to serve.

OPINION Cont'd

The continuance of this school will not adversely affect the public good or substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

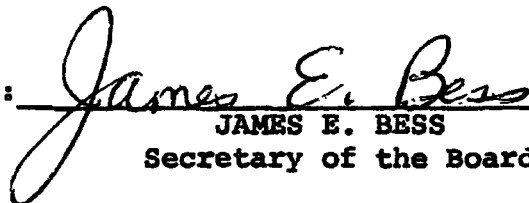
This Order shall be subject to the following conditions:

- (a) Permit shall issue for a period of one (1) year but shall be subject to renewal in the discretion of the Board on the filing of a new appeal in the manner prescribed by the Zoning Regulations.
- (b) Appellant shall maintain in good repair the fence around the abutting property and do all that is possible to limit any possible infringement on the property of the abutting neighbor.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:


JAMES E. BESS
Secretary of the Board

Before the Board of Zoning Adjustment, D.C

PUBLIC HEARING - June 18, 1969

Appeal No. 10060 Trustee, The Church of the Pilgrims, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried with Arthur P. Davis dissenting, the following Order of the Board was entered at the meeting on June 24, 1969.

EFFECTIVE DATE OF ORDER - June 25, 1969

ORDERED:

That the appeal for permission to continue pre-school (Headstart) for five years at 22nd and P Streets, NW., Lot 825, Square 2510, be granted conditionally.

FINDINGS OF FACT:

1. The subject property is located in an R-3 District.
2. A pre-school program is operated pursuant to Order of this Board under BZA Appeals No. 8017, 8486, and 9335 which are hereby incorporated and made part of this proceeding by reference.
3. The pre-school program is conducted as part of the Headstart Program of the District of Columbia. It is conducted in the classrooms of the church educational building and on the surrounding grounds of the Church of the Pilgrims.
4. The facts remain essentially the same as existed at the time of the previous hearings held by this Board.
5. In order that breakfast and lunch may be provided in the program, appellant proposes to change the hours of operation from 9 a.m. to 11:15 a.m. to a beginning time of 8:30 a.m. and and ending time of 12:30 p.m.

6. There is available 1,421 square feet of classroom space; a recreation room containing 2,600 square feet; a fenced playground and other space totaling 3,900 square feet; and a paved parking area containing 4,940 square feet. Such space is available to children attending this school.

7. Opposition alleges that trash and garbage has been allowed to accumulate creating a health problem, that the school does not operate for neighborhood children, and that the hours of operation violate previous Board Orders.

8. Other objections to the granting of this appeal are noted to be the same as registered in previous appeals.

OPINION:

It is presently our opinion that this school performs a community service and is so located and the activities therein will be such that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or other objectionable conditions. We further believe that this school is reasonably necessary and convenient to the neighborhood which it is proposed to serve.

The continuance of this school will not be detrimental to the public good or substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

This Order shall be subject to the following conditions:

- [a] No more than fifteen (15) children are to be permitted in the play area at any given time;
- [b] The school bus shall not be parked in the public alley;
- [c] A commercial trash and garbage collector shall be provided;
- [d] The subject church has total responsibility for the operation of the pre-school program; and

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OPINION Cont'd:

(Conditions)

[e] Permit shall issue for a period of six months.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: 
CHARLES E. MORGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14172, of the Church of the Pilgrims, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use part of the second floor of the subject premises as a child development center by the School for Friends of Washington, D.C. for twenty-four children, ages two through four years, in an R-3 District at premises 2201 P Street, N.W., (Square 2510, Lot 825).

HEARING DATE: September 19, 1984
DECISION DATE: October 3, 1984

FINDINGS OF FACT:

1. The applicant requested an expedited hearing. The request was denied by the Executive Director of the Zoning Secretariat. The time required to advertise applications under the Zoning Regulations and the Supplemental Rules of Practice and Procedure before the BZA prohibited the application from appearing on any agenda prior to September, 1984.

2. The subject premises, known as 2201 P Street, N.W. is located on the west side of 22nd Street north of the intersection of 22nd and P Streets, N.W. The property is located in an R-3 District.

3. The subject site occupies approximately fifty percent of the square within which it is located. It is improved with a stone church, known as the Church of the Pilgrims, and an adjoining two story plus basement structure used as church offices and an educational facility. The remainder of the site is devoted to parking for approximately twenty-five cars. The parking areas of the site are accessed from 22nd Street.

4. The subject square is located in an R-3 District. Aside from the church, other uses in the square include row dwellings and a moderate density apartment house. North of the site, along Massachusetts Avenue, is a D/R-3 District. This District is characterized by row, semi-detached and occasional detached structures used as embassies. East of the site, portions of the surrounding area are zoned SP-1, R-5-D, and C-2-C. The SP-1 District runs along Florida Avenue and includes the Cosmos Club at the intersection of Florida Avenue and 22nd Street, N.W. The R-5-D District in proximity to the subject site is developed with both a high

and a moderate density apartment structure. The C-2-C District is characterized by mixed uses with retail uses predominating at street level. A small C-2-A District containing a gasoline service station is located at the intersection of 22nd and P Streets, N.W. West of the site, across 23rd Street, N.W., is the Rock Creek and Potomac Parkway.

5. The applicant is seeking a special exception under Paragraph 3101.41 to establish a child development center in the Church of the Pilgrims' educational building. The proposed center is for twenty-four children ages two to four. The center's hours will be from 8:00 A.M. to 6:00 P.M. It will be operated by the School for Friends of Washington, D.C. The School for Friends currently operates a child development center at the Washington Friends Meeting House, located approximately two blocks away at Decatur Place and Florida Avenue, N.W. The School for Friends must relocate because it has outgrown its facilities.

6. The granting of a special exception requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3101.41. The applicant also must demonstrate under Sub-section 8207.2 that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

7. Paragraph 3101.41 of the Zoning Regulations provides that a child development center may be permitted in a Residential District if approved by the BZA provided that:

- A. The center shall be capable of meeting all applicable code and licensing requirements.
- B. The center shall be so located and designed as to create no objectionable traffic condition and no unsafe condition for picking-up and dropping-off children.
- C. The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees and visitors.
- D. The center, including any outdoor play space provided, is so located and designed that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions. The Board may require such special treatment in the way of design, screening of buildings, planting and parking areas, signs or other requirements as it

shall deem necessary to protect adjacent and nearby properties.

- E. Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between such play area and the center itself.
- F. The Board may approve more than one child development center in a square or within 1,000 feet of another child development center 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.
- G. Before taking final action on an application for such use, the Board shall submit the application to the D.C. Department of Consumer and Regulatory Affairs, D.C. Department of Public Works and the D.C. Office of Planning for review and written reports. The referral to the Department of Consumer and Regulatory Affairs shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia.

8. The Service Facilities Regulation Administration (SFRA) of the Department of Consumer and Regulatory Affairs, has conducted a preinspection of the subject premises. The preinspection revealed minor deficiencies, e.g. peeling paint, damaged bathroom tiles, etc., which must be corrected before a license can be issued. Based on its preinspection, SFRA staff concluded that upon correction of the noted deficiencies, the subject premises will be suitable for the proposed child development center. The applicant testified that it is in the process of correcting the deficiencies and that the corrections will be finished prior to the final licensing inspection.

9. Approximately eight-five percent of the children live in the immediate neighborhood within walking distance of the proposed center. The remaining fifteen percent will be picked up and dropped-off by cars on site in the parking lot adjacent to the rear entrance to the educational building. This lot is accessed from 22nd Street, N.W. Children will walk through the playground to the building entrance. Entry No. 8, which is the door to be used to get into the classrooms, is on the west side of the Church, and is accessible only through the parking lot. Each family will have a key to Entry No. 8, and parents must bring their children inside the building for drop-off. There will be no "meet and greet" curbside service. Twenty-second Street is a busy southbound street with no parking allowed at any time

of the day on the west side. The Church parking lot is the most convenient way to enter the school.

10. A staff of five will be employed to operate the proposed center, only one of whom will drive to work. Parking is available on-site in an existing parking lot containing approximately twenty-five spaces. The applicant stated that an arrangement has been made with the Church to reserve five spaces for the exclusive use of the center during school days. The remaining staff will walk or use public transportation.

11. The educational building containing the proposed child development center is separated from all but two properties in the square. The separation results because of the educational building's rear yard setback, an intervening twenty foot public alley, and the rear yard setback of nearby properties. The two properties most directly impacted are alley dwellings directly bordering the Church's rear property line. The proposed play area is located between the property line of the alley dwellings and the rear wall of the educational building. The play yard is screened by a wooden stockade type fence approximately five feet high on the north and west sides. The south and east sides are bounded by the walls of the church.

12. The applicant will not be using any off-site play area.

13. There is no other child development center in the square or within 1,000 feet of the subject center other than the Headstart program on the first floor at the Church of the Pilgrims. The School for Friends met with representatives of the Headstart facility as well as Capital Headstart, and has worked out a cooperative use agreement for the outdoor play area. The Headstart program's hours are from 9:00 A.M. to 3:00 P.M. All drop-off and pickup is done via a D.C. school bus which parks on 22nd Street. Headstart uses Entry No. 6, to which the School for Friends does not have access. The Headstart program is a Federally funded community action program designed to give low-income pre-school children preparation for school. The School for Friends is primarily a neighborhood daycare and nursery school.

14. The Board finds that the existence of both facilities in the subject structure will have no adverse cumulative affect on the immediate neighborhood because of the cooperative use agreement.

15. The Office of Planning, by report dated September 12, 1984, recommended approval of the application. The Office of Planning reported that the center complies with the requirements set forth in Paragraph 3101.41. Also, the

potential adverse impacts of the center appear to be nonexistent. Thus, the center will not tend to affect adversely the use of neighboring properties. Finally, the proposed center provides a neighborhood service for which there is a need both in the subject neighborhood and citywide. The Board concurs with the reasoning and recommendation of the Office of Planning.

16. The Department of Public Works, by memorandum dated August 30, 1984, reported that the property fronts on 22nd Street a one-way southbound minor arterial in the vicinity of the site. The roadway is thirty-two feet wide and parking is prohibited on both sides at all times between P and Q Streets. Parking is available on site in an existing parking lot containing approximately twenty-five parking spaces. An arrangement has been made with the Church to reserve five spaces for the exclusive use of the center during school days. The primary hours of operation for the center will be between 8:00 A.M. and 6:00 P.M. Eighty-five percent of the children live in the immediate neighborhood, within walking distance of the center. The remaining fifteen percent will be picked up and dropped off by car on-site in the parking lot. In the estimation of the DPW, the proposed child development center would not have a significant effect on transportation conditions in the surrounding area. The Board concurs with the recommendation of the DPW.

17. The Dupont Circle Citizens Association (DCCA), by letter dated September 18, 1984, and by testimony at the public hearing, recommended approval of the application. The DCCA reported that its Zoning Committee had reviewed this application and found it consistent with the zoning objectives of DCCA. The Association appreciated the need to preserve the integrity of the Zoning Regulations and to provide proper and safe facilities for the children that reside in the Dupont Circle area. There is desperate need to provide day care facilities for the children of working parents. Addressing the needs of these young families is essential in maintaining the residential character of the neighborhood as mandated in the Zoning Regulations. The granting of this request will help to provide an important social need and help to benefit the entire city by keeping young families in Washington. The Board concurs with the recommendation of the DCCA.

18. Advisory Neighborhood Commission 1D, by letter dated September 5, 1984, reported that on March 22, 1984, Sheridan-Kalorama ANC 1D met in a Commission and Town Hall Meeting to consider the special exception requested in this application. The full Commission was present. After discussion and a brief presentation by representatives of the School for Friends, the Commission voted unanimously to

support the application. The main reasons for supporting Application No. 14172 were as follows:

- A. The School for Friends agreed to give priority to children of residents of Sheridan-Kalorama, thus fulfilling the requirement of service to the neighborhood.
- B. There is more than adequate off-street parking available on the site at the Church of the Pilgrims

The Board concurs with the ANC recommendation.

19. Ms. Berna Osnos, a property owner residing at 2210 Q Street, N.W., which is adjacent to the applicant's premises, objected to the application on the grounds that the applicant violates the D.C. health regulations governing trash disposal and collection. The Church has placed a trash dumpster in the public alleyway which borders the subject site and Ms. Osnos' property. The dumpster is located in the alley. The placement of the dumpster on public property violates D.C. health regulations, which provide that trash receptacles may be placed on public property on the days of collection. Except for this permission, there is no authority to place dumpsters on public property. Additionally, Ms. Osnos alleged that the Church dumpster represents a health hazard. Ms. Osnos testified that she has seen rodents in the vicinity of the dumpster. The dumpster is left open on occasion. Photographs were submitted to the record reflecting these conditions and also to show mattresses discarded allegedly by the applicant. It was the opposition's fear that expanded use of the applicant's premises as a child development center would result in increased trash problems, unless the applicant removed its dumpster onto its own property. The applicant has a large parking lot on its own premises, with easy access to 22nd Street. There is a gently sloping driveway exiting from the applicant's parking lot onto 22nd Street. The Church has ample space on the parking lot for the dumpster, and would have no difficulty moving the dumpster to 22nd Street for pick-up on trash collection days. Ms. Osnos requested the Board to condition granting of the application on removal of the applicant's dumpster onto its own private property. The Board concurs with the opposition and will so condition below its grant of this application.

20. Harriett Hubbard appeared in opposition to the application as a representative of the Residential Action Coalition (RAC). By letter of September 22, 1984, the President of the RAC advised the Board that Mrs. Hubbard had no authority to represent the RAC. In view of the unauthorized appearance of the witness, the Board did not consider the merits of her testimony.

CONCLUSIONS OF LAW AND OPINION:

Based upon the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3101.41 and that the relief requested under Sub-section 8207.2 can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met its burden of proof under Paragraph 3101.41. The proposed center is capable of meeting licensing requirements. There will be no objectionable or unsafe traffic conditions created. There are sufficient parking spaces available in the Church parking lot. As conditioned below, there will be no objectionable impact from the proposed use.

The Board further concludes that as conditioned below the relief can be granted as in harmony with the general purposes and intent of the Zoning Regulations without any adverse affect on neighboring property. The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is granted subject to the following CONDITIONS:

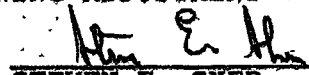
1. Approval shall be for a period of two years from the date of this Order.
2. Operation of the facility shall be limited to the School for Friends.
3. The number of children at the facility shall not exceed twenty-four.
4. Outdoor play times shall be staggered so that the center operates in compliance with the square foot per child play area requirements of the licensing regulations.
5. The applicant's trash dumpster, presently located in the alley in public space, shall be relocated onto the applicant's property. The dumpster shall be kept closed and the area surrounding the dumpster shall be kept free of refuse and debris at all times.
6. The applicant shall provide five on-site parking spaces, exclusively for use by the School for Friends, during all hours of operation of the facility. Those spaces shall be marked as reserved for the School for Friends.

7. The facility shall meet all applicable code and licensing requirements.

VOTE: 4-0 (Maybelle T. Bennett, William F. McIntosh, Douglas J. Patton and Carrie L. Thornhill to grant; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 9 NOV 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14172order/LJP11A

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14518 of the Church of the Pilgrims, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41, to continue to use part of the second floor of the subject premises as a child development center by the School for Friends of Washington, D.C. for twenty-four children, ages two through four years, in an R-3 District at premises 2201 P Street, N.W., Square 2510, Lot 825).

HEARING DATE: December 17, 1986

DECISION DATE: December 17, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The subject premises, known as 2201 P Street, N.W. is located on the west side of 22nd Street north of the intersection of 22nd and P Streets, N.W. The property is located in an R-3 District.

2. The subject site occupies approximately fifty percent of the square within which it is located. It is improved with a stone church known as the Church of the Pilgrims, and an adjoining two story plus basement structure used as church offices and an educational facility. The remainder of the site is devoted to parking for approximately twenty-five cars. The parking areas of the site are accessed from 22nd Street.

3. The subject square is located in an R-3 District. Aside from the church, other uses in the square include row dwellings and a moderate density apartment house. North of the site, along Massachusetts Avenue, is a D/R-3 District. This District is characterized by row, semi-detached and occasional detached structures used as embassies. East of the site, portions of the surrounding area are zoned SP-1, R-5-D, and C-2-C. The SP-1 District runs along Florida Avenue and includes the Cosmos Club at the intersection of Florida Avenue and 22nd Street, N.W. The R-5-D District in proximity to the subject site is developed with both a high and a moderate density apartment structure. The C-2-C District is characterized by mixed uses with retail uses predominating at street level. A small C-2-A District containing a gasoline service station is located at the intersection of 22nd and P Streets, N.W. West of the site,

across 23rd Street, N.W., is the Rock Creek and Potomac Parkway.

4. BZA Order No. 14172 dated November 9, 1984, granted the applicant a special exception to operate a child development center at the site for two years.

5. The applicant is seeking a special exception under Paragraph 3101.41 to continue to operate a child development center in the church of the Pilgrims' educational building. The proposed center is for twenty-four children ages two to four. The center's hours will be from 8:00 A.M. to 6:00 P.M. It will be operated by the School for Friends of Washington, D.C.

6. The center is currently licensed by the D.C. Department of Consumer and Regulatory Affairs.

7. Approximately eight-five percent of the children live in the immediate neighborhood within walking distance of the proposed center. The remaining fifteen percent will be picked up and dropped-off by cars on site in the parking lot adjacent to the rear entrance to the educational building. This lot is accessed from 22nd Street, N.W. Children walk through the playground to the building entrance. Entry No. 8, which is the door to be used to get into the classrooms, is on the west side of the Church, and is accessible only through the parking lot. Each family will have a key to Entry No. 8, and parents must bring their children inside the building for drop-off. There will be no "meet and greet" curb side service. Twenty-second Street is a busy southbound street with no parking allowed at any time of the day on the west side. The Church parking lot is the most convenient way to enter the school.

8. A staff of five operates the proposed center, only one of whom will drive to work. Parking is available on-site in an existing parking lot containing approximately twenty-five spaces. An arrangement has been made with the church to reserve five spaces for the exclusive use of the center during school days. The remaining staff will walk or use public transportation.

9. The educational building containing the proposed child development center is separated from all but two properties in the square. The separation results because of the educational building's rear yard setback, an intervening twenty foot public alley, and the rear yard setback of nearby properties. The two properties most directly impacted are alley dwellings directly bordering the Church's rear property line. The proposed play area is located between the property line of the alley dwellings and the rear wall of the educational building. The play yard is screened by a wooden stockade type fence approximately five feet high on

the north and west sides. The south and east sides are bounded by the walls of the church.

10. The applicant will not be using any off-site play area.

11. There is no other child development center in the square or within 1,000 feet of the subject center other than the Headstart program on the first floor at the church of the Pilgrims.

12. The applicant will maintain its trash dumpster on the site.

13. Advisory Neighborhood Commission 1D submitted no recommendation on the application.

14. Members of the neighborhood testified in support of the application saying the child development center provided needed service to the community.

CONCLUSIONS OF LAW AND OPINION:

Based upon the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3101.41 and that the relief requested under Sub-section 8207.2 can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Paragraph 3101.41 of the Zoning Regulations provides that a child development center may be permitted in a Residential District if approved by the BZA provided that:

- A. The center shall be capable of meeting all applicable code and licensing requirements.
- B. The center shall be so located and designed as to create no objectionable traffic condition and no unsafe condition for picking-up and dropping-off children.
- C. The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees and visitors.
- D. The center, including any outdoor play space provided, is so located and designed that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions. The Board may require such special treatment in the way of

design, screening of buildings, planting and parking areas, signs or other requirements as it shall deem necessary to protect adjacent and nearby properties.

- E. Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between such play area and the center itself.
- F. The Board may approve more than one child development center in a square or within 1,000 feet of another child development center 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.
- G. Before taking final action on an application for such use, the Board shall submit the application to the D.C. Department of Consumer and Regulatory Affairs, D.C. Department of Public Works and the D.C. Office of Planning for review and written reports. The referral to the Department of Consumer and Regulatory Affairs shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia.

The Board concludes that the applicant has met its burden of proof under Paragraph 3101.41. The proposed center is capable of meeting licensing requirements. There will be no objectionable or unsafe traffic conditions created. There are sufficient parking spaces available in the church parking lot. As conditioned below, there will be no objectionable impact from the proposed use.

The Board further concludes that as conditioned below the relief can be granted as in harmony with the general purposed and intent to the Zoning Regulations without any adverse affect on neighboring property. Accordingly, it is ORDERED that the application is granted subject to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS from the date of this Order.
2. Operation of the facility shall be limited to the School for Friends.
3. The number of children at the facility shall not exceed twenty-four.
4. Outdoor play times shall be staggered so that the

center operates in compliance with the square foot per child play area requirements of the licensing regulations.

5. The applicant's trash dumpster, shall remain located on the applicant's property. The dumpster shall be kept closed and the area surrounding the dumpster shall be kept free of refuse and debris at all times.
6. The applicant shall provide five on-site paring spaces, exclusively for use by the School for Friends during all hours of operation of the facility. Those spaces shall be marked as reserved for the School for Friends.
7. The facility shall meet all applicable code and licensing requirements.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Maybelle T. Bennett, and Carrie L. Thornhill to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

MAY 16 1967

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14518order/DON27

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14518 of the Church of the Pilgrims, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41, to continue to use part of the second floor of the subject premises as a child development center by the School for Friends of Washington, D.C. for twenty-four children, ages two through four years, in an R-3 District at premises 2201 P Street, N.W., (Square 2510, Lot 825).

HEARING DATE: December 17, 1986
DECISION DATE: December 17, 1986 (Bench Decision)
DISPOSITION: The Board GRANTED the application with CONDITIONS by a vote of 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Maybelle T. Bennett and Carrie L. Thornhill to grant).

FINAL DATE OF ORDER: January 16, 1987

ORDER

The Board granted the application with conditions by its Order dated January 16, 1987. Condition No. 5 of that order reads as follows:

"The applicant's trash dumpster shall remain located on the applicant's property. The dumpster shall be kept closed and the area surrounding the dumpster shall be kept free of refuse and debris at all times."

By letter dated February 19, 1987, a representative of the applicant requested the Board eliminate or modify Condition No. 5 of its order. The basis for the request is that the applicant removed the dumpster in January 1985 and replaced it with trash cans which are stored on its property. During its processing of the application for its Certificate of Occupancy, the applicant was informed that the Certificate of Occupancy could not be issued unless a trash dumpster was located on its property as required by Condition No. 5 of the order. There was no opposition to the application.

Upon consideration of the record, the final order and the motion to modify, the Board concludes that the proposed modification does not represent a substantial departure from the material facts upon which the approval of the application was originally based. The proposed modification is minor in nature and does not affect the relief originally granted by

the Board. It is therefore ORDERED that the modification is APPROVED subject to the CONDITION that the applicant's trash storage receptacles shall remain located on the applicant's property, shall be kept closed, and the area surrounding the trash storage receptacles shall be kept free of refuse and debris. In all other respects, the order of the Board dated January 16, 1987, shall remain in full force and effect.

DECISION DATE: March 4, 1987

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell, and Carrie L. Thornhill to approve; Maybelle T. Bennett not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive/Director

FINAL DATE OF ORDER: APR 10 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14518order/KATE25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15534 of the Church of the Pilgrims, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to increase an existing child development center from 24 to 37 children, ages 2 to 5 years and staff from 6 to 10, on the first and second floors in an R-3 District at premises 2201 P Street, N.W., (Square 2510, Lot 825).

HEARING DATE: July 24, 1991
DECISION DATE: July 24, 1991 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B and to owners of property within 200 feet of the site.

The site of the application is located in ANC 2B. ANC 2B, which is automatically a party to the application, by letter dated July 11, 1991 submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 206. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The number of children at the facility shall not exceed thirty-seven.
2. Outdoor play times shall be staggered so that the center operates in compliance with the square feet per child play area requirements of the licensing regulations.

3. The applicant's trash dumpster, shall remain located on the applicant's property. The dumpster shall be kept closed and the area surrounding the dumpster shall be kept free of refuse and debris at all times.
4. The applicant shall provide five on-site parking spaces, exclusively for use by the school during all hours of operation of the facility. Those spaces shall be marked as reserved exclusively for the school.
5. The facility shall continue to meet all applicable code and licensing requirements.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 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 not prohibited by law.

VOTE: 3-0 (Paula L. Jewell, Charles R. Norris and Carrie L. Thornhill to grant; Sheri M. Pruitt and William L. Ensign not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER:

3/17/91

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

BZA APPLICATION NO. 15534

PAGE NO. 3

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15534Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15534

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on July 5, 1968 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

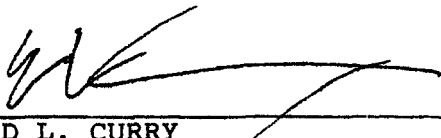
Patricia M. Jayne
1653 Harvard Street, N.W.
Washington, D.C. 20009

Anne Bracken
2206 Q Street, N.W.
Washington, D.C. 20008

James W. Clay
School for Friends
2201 P Street, N.W.
Washington, D.C. 20037

Charles E. Dynes
2022 Columbia Road, N.W.
Washington, D.C. 20009

Breck Arrington, Chairperson
Advisory Neighborhood Commission 1-D
1900 Connecticut Avenue, N.W.
Washington, D.C. 20009



EDWARD L. CURRY
Executive Director

DATE: _____

15534Att/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15534 of the Church of the Pilgrims, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to increase an existing child development center from 24 to 37 children, ages 2 to 5 years and staff from 6 to 10, on the first and second floors in an R-3 District at premises 2201 P Street, N.W., (Square 2510, Lot 825).

HEARING DATE: July 24, 1991

DECISION DATE: July 24, 1991 (Bench Decision)

DISPOSITION The Board GRANTED the application by a vote of 3-0 (Paula L. Jewell, Charles R. Norris, and Carrie L. Thornhill to grant; Sheri M. Pruitt and William L. Ensign not present, not voting).

FINAL DATE OF ORDER: August 6, 1991

ORDER

The Board granted the application by its order dated August 6, 1991, subject to five conditions. By letter dated August 21, 1991, the representative of the applicant requested the Board to consider modifications to the conditions outlined in its order of August 6, 1991. The bases for the request to modify the conditions are generally summarized as follows:

- a. Condition No. 3 is similar to a condition imposed in the Board's December 17, 1986 Order No. 14518 granting the application. Since that condition was subsequently modified by order dated April 10, 1987, the applicant requests that the current decision reflect the condition which has governed since April 1987.
- b. Condition No. 4 requires the applicant to provide five on-site parking spaces to serve the subject facility. The five spaces which have previously been reserved for the school did not meet the minimum size for required parking spaces set forth in the Zoning Regulations. The five parking spaces were relined to provide four parking spaces which meet code requirements. The applicant is required by the Zoning Regulations to provide three parking spaces to serve the facility. Additional spaces in the parking lot are available to parents for picking-up and discharging children. The applicant requests to be required to provide no more than the four parking spaces which meet the minimum size requirements.

BZA APPLICATION NO. 15534
PAGE NO. 2

In addition to the above, the applicant's representative noted that the Board's summary order dated August 6, 1991 cites the wrong Advisory Neighborhood Commission. The subject property is located within the boundaries of ANC 1D which submitted written issues and concerns in support of the application by letter dated June 17, 1991. By letter received on August 27, 1991, ANC 1D indicated it had no objection to the proposed modifications.

Upon consideration of the motion, the response thereto, and the record in the application, the Board concludes that the proposed modifications are minor in nature and are substantially in compliance with the Board's decision in the application. The proposed modifications do not represent a substantial departure from the material facts upon which the approval of the application was originally based and do not affect the relief originally granted by the Board. It is therefore ORDERED that the MODIFICATION is APPROVED, SUBJECT to the following CONDITIONS:

1. The number of children at the facility shall not exceed thirty-seven.
2. Outdoor play times shall be staggered so that the center operates in compliance with the square-foot per child play area requirements of the licensing regulations.
3. The applicant's trash storage receptacles shall remain located on the applicant's property, shall be kept closed, and the area surrounding the trash storage receptacles shall be kept free of refuse and debris.
4. The applicant shall provide four on-site parking spaces exclusively for use by the school during all hours of of the facility's operation. Those spaces shall be marked as reserved exclusively for the school.
5. The facility shall continue to meet all applicable code and licensing requirements.

In all other respects, the order of the Board dated August 6, 1991 shall remain in full force and effect.

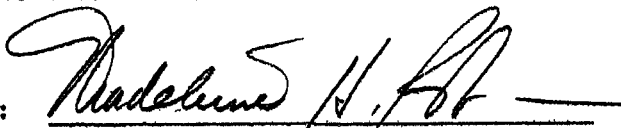
DECISION DATE: September 4, 1991

VOTE: 3-0 (Charles R. Norris, Carrie L. Thornhill and Paula L. Jewell to approve; Sheri M. Pruitt not voting, not having heard the case).

BZA APPLICATION NO. 15534
PAGE NO. 3

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

NOV 22 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord15534/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL NO. 15534

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated _____ has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Patricia M. Jayne
1653 Harvard Street, N.W.
Wash, D.C. 20009

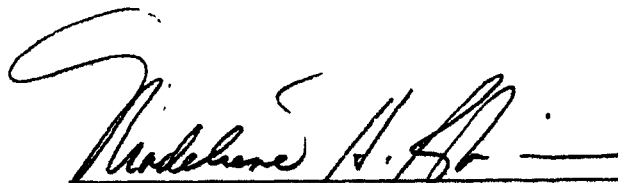
Anne Bracken
2206 Q Street, N.W.
Wash, D.C. 20008

Mr. Breck Arrington, Chairperson
Advisory Neighborhood Commission 1-D
1900 Connecticut Avenue, N.W.
Washington, D.C. 20009

Ms. Alaire Bretz Rieffel, Chairperson
Advisory Neighborhood Commission 2-B
1526 Connecticut Avenue, N.W.
Washington, D.C. 20036

James W. Clay
School for Friends
2201 P Street, N.W.
Wash, D.C. 20037

Charles E. Dynes
2022 Columbia Road, N.W.
Wash, D.C. 20009


MADELIENE H. ROBINSON
Acting Director

DATE: NOV 22 1991

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18079 of Church of the Pilgrims, pursuant to 11 DCMR § 3104.1, for a special exception for a child development center (50 children and 12 staff) under section 205, in the R-3 District at premises 2201 P Street, N.W. (Square 2510, Lot 827).¹

HEARING DATE: July 13, 2010
DECISION DATE: July 13, 2010

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The Application was accompanied by a memorandum, dated October 16, 2009, from the Zoning Administrator stating that a review of the Applicant's plans for the subject property indicated that Board of Zoning Adjustment ("Board") approval was required for a special exception pursuant to § 205.1 to permit the proposed load increase within an existing child development center. (Exhibit 4).

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") 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B filed a timely report, dated May 13, 2010, in support of the Applicant's project. The ANC's letter indicated that at a duly-noticed public meeting with a quorum present, the ANC voted to approve the motion by a vote of 7:0:1, with one Commissioner abstaining as he is a member of the Applicant's organization. (Exhibit 28). The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 32). The Office of State Superintendent of

¹ The Applicant amended the application and requested an increase in the number of children from 48 to 50 and staff from 10 to 12. There would be no change in the site condition of the existing school. The space that would be used for the proposed classroom is currently being used as an office. The Applicant currently has a Certificate of Occupancy to house 37 children at the subject property; the application would increase the number by 13 children. Ten staff members currently work at the property; the number would be increased by two. (Exhibit 31).

BZA APPLICATION NO. 18079
PAGE NO. 2

Education recommended that the application be approved and indicated that all licensing requirements had been met. (Exhibit 30).

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 ANC and OP reports, 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. It is therefore **ORDERED** that this application be **GRANTED WITH THE FOLLOWING CONDITIONS**:

1. This approval shall be for a term of **TEN (10) YEARS**, beginning on the date upon which the order became final.
2. The Applicant's enrollment shall be limited to 50 children and its staff shall be limited to a maximum of 12 persons.
3. The Applicant's days and hours of operation shall be Monday through Friday, 8:00 a.m. to 6:00 p.m.
4. The Applicant shall provide a "right-turn-only" sign on Florida Avenue.
5. The Applicant shall maintain in good condition the fence around the property and do all that is possible to limit any infringement on neighboring properties.
6. The Applicant shall provide commercial trash and garbage collection.
7. The Applicant shall provide traffic monitoring for pick-up and drop-off of the children, having one monitor on the outside and one on the inside of the building, and a traffic assistant.

BZA APPLICATION NO. 18079
PAGE NO. 3

VOTE: 4-0-1 (Meridith H. Moldenhauer, Shane L. Dettman, Nicole C. Sorg, Anthony J. Hood to APPROVE. The third Mayoral appointee (vacant) neither participating, nor voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

ATTESTED BY: 
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: JUL 20 2010

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, 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, STATUS AS A VICTIM OF AN INTRAFAMILY OFFENSE, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment**



BZA APPLICATION NO. 18079

As Director of the Office of Zoning, I hereby certify and attest that on JUL 20 2010 copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Vincent Ford
Ford & Associates, LLC
2913 Cheverly Oaks Court
Cheverly, MD 20785

James Clay, Director
School for Friends
3716 Windom Place, N.W.
Washington, D.C. 20016

Chairperson
Advisory Neighborhood Commission 2B
9 Dupont Circle, N.W.
Washington, D.C. 20036

Single Member District Commissioner 2B06
Advisory Neighborhood Commission 2B
1301 20th Street, N.W., #705
Washington, D.C. 20036

Jack Evans, Councilmember
Ward Two
1350 Pennsylvania Avenue, N.W.
Suite 106
Washington, D.C. 20004

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcosz@dc.gov

Web Site: www.dcoz.dc.gov

BZA APPLICATION NO. 18079
PAGE NO. 2

Melinda Bolling, Esq.
Acting General Counsel
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W., 5th Floor
Washington, D.C. 20024

ATTESTED BY:


JAMISON L. WEINBAUM
Director, Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Order No. 18079-A of Church of the Pilgrims, Motion for Modification of Condition No. 7 of Order No. 18079 of Church of the Pilgrims, pursuant to § 3129 of the Zoning Regulations. The original application was pursuant to 11 DCMR § 3104.1, for a special exception for a child development center (48 children, 10 staff) under § 205, in the R-3 District at premises 2201 P Street, N.W. (Square 2510, Lot 827).

HEARING DATE (original application):	July 13, 2010
DECISION DATE (original application):	July 13, 2010 (Summary Order)
FINAL ORDER ISSUANCE DATE (original application):	July 20, 2010
MODIFICATION DECISION DATE:	March 1, 2011

SUMMARY ORDER ON REQUEST FOR MODIFICATION

Background.

On July 13, 2010, the Board of Zoning Adjustment (the “Board” or “BZA”) approved the application of the Church of the Pilgrims (“Applicant”) for a special exception for a child development center (48 children, 10 staff) under § 205 of the Zoning Regulations in the R-3 District at premises 2201 P Street, N.W. (Exhibit 36.)

Motion for Minor Modification

On January 7, 2010, the Applicant filed a request for minor modification of Condition No. 7 to Order No. 18079, pursuant to § 3129 of the Zoning Regulations. The Applicant is requesting to replace Condition No. 7, which required three on-site monitors to coordinate the pick-up and drop-off of the children, with a condition calling for one “school employee” in the building assigned to coordinate the pick-up and drop-off of children and to address traffic concerns. (Exhibit 38.)

Sufficient notice of the motion for minor modification was provided to the Office of Planning (“OP”) and Advisory Neighborhood Commissions (“ANC”) 2B and 2D, as evidenced by the Applicant’s letter dated January 21, 2011, which stated that it had served a copy of its motion on each of those entities. (Exhibit 40.) In addition, the Office of Zoning sent notice of the public decision meeting to OP (Exhibit 41) and to ANC 2B, the ANC in which the subject property is located. (Exhibit 42.)

Pursuant to § 3129.4, all parties are allowed to file comments within 10 days of the filed request

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for modification. OP submitted a supplemental report dated February 22, 2011, in support of the request to modify Condition No. 7. (Exhibit 44.) No comments on the motion were submitted by ANC 2B, which was a party to the underlying case, and thus was required to be served with any modification request.

Section 3129, specifically § 3129.6, indicates that approval of requests for minor modification of approved plans shall be limited to minor modifications that do not change the material facts upon which the Board based its original approval of the application.

Moreover, § 3129.3 requires that minor modification “of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application.” The motion was filed within the two-year period following the final order in the underlying case.

Subsection 3129.5 indicates that the Board shall make a decision on a request for minor modification of plans on the basis of the written request, the plans submitted therewith, and any responses thereto from other parties to the original application. Subsection 3129.7 further states that “[a] request to modify other aspects of a Board order may be made at anytime, but shall require a hearing.” The Board waived its rules, by consensus, and decided the request based on the written materials that had been filed.

The Board determined that the modifications are minor and do not change the material facts on which the zoning relief was approved, and therefore no new relief is required. Further, the Board specifically found that modifying Condition No. 7, as requested, would not alter the underlying rationale for the condition and, according to the OP supplemental report, would provide adequate traffic monitoring. In its supplemental submission, the Applicant indicated that its provision of three dedicated traffic coordinators has proven excessive, given the purpose for the condition to address additional vehicle activity on-site and to provide assistance to parents with arrival and departure of the children. The Applicant stated that there has been little congestion in the adjacent parking area and that the relatively small student population, combined with staggered pick-up and drop-off times and the use of additional on-site parking spaces beyond the number required by the Zoning Regulations, have contributed to a smooth traffic pattern. The Applicant also indicated that the expense of providing multiple coordinators has been burdensome with no appreciable benefit. (Exhibit 43.) OP filed a supplemental report supporting the Applicant’s request for modification of Condition No. 7. In its report OP noted that the District Department of Transportation (“DDOT”) had conducted a site visit to observe current pick-up and drop-off at the school and reported that “the school performs very well and it does not need a traffic monitor to assist with the movement of vehicles in and out of the adjacent parking lot.” Additionally, DDOT recommended that a single school employee could sufficiently handle any traffic issues that may arise. Based on that information, OP recommended approval of the Applicant’s request to modify Condition No. 7 to require that one designated school employee coordinate the pick-up and drop-off and traffic flow, as needed. (Exhibit 44.)

Based upon the record before the Board, the Board concludes that the Applicant has met the

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burden of proof, pursuant to 11 DCMR § 3129.1, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. No parties opposed this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant's proposed modification of these conditions is consistent with the requirements of § 3129.7 of the Zoning Regulations in that the revisions represent a minor modification that does not change the material facts the Board relied upon in approving the original application.

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. It is therefore **ORDERED** that this application be **GRANTED AND CONDITION NO. 7 IS AMENDED TO READ AS FOLLOWS:**

7: The Applicant shall designate a school employee to be an on-site traffic-monitoring coordinator to ensure the safe pick-up and drop-off of children and to resolve any traffic flow issues and concerns, as may be appropriate.

In all other respects Order No. 18079 remains unchanged.

VOTE on Original Application (July 13, 2010): **4-0-1**

(Meridith H. Moldenhauer, Shane L. Dettman, Nicole C. Sorg, Anthony J. Hood, to APPROVE. The Third Mayoral appointee (vacant) neither participating, nor voting.)

VOTE on Minor Modification of Condition No. 7 (March 1, 2011): **3-0-2**

(Nicole C. Sorg, Meridith H. Moldenhauer, and Anthony J. Hood (by absentee vote) to APPROVE. Neither Jeffrey L. Hinkle or the third Mayoral appointee (vacant) participating, nor voting.)

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

ATTESTED BY:


JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: **MAR 08 2011**

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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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



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As Director of the Office of Zoning, I hereby certify and attest that on March 8, 2011, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below:

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School for Friends
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Washington, D.C. 20037

Chairperson
Advisory Neighborhood Commission 2B
9 Dupont Circle, N.W.
Washington, D.C. 20036

Single Member District Commissioner 2B06
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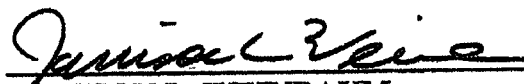
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ATTESTED BY: 
JAMISON L. WEINBAUM
Director, Office of Zoning