GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16568 of Stanton Glenn Limited Partnership, pursuant to 11 DCMR Subsection 3104.1, for a special exception under Section 205 to establish a child development center for a total of 60 children, ages 2 through 12 years and 9 staff persons in an R-5-A District at premises 3040 Stanton Road, S.E. (Square 5879, Lot 11).

HEARING DATE: April 18, 2000
DECISION DATE: April 18, 2000 (Bench Decision)

SUMMARY ORDER

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 8A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 8A. ANC 8A, which is automatically a party to this application, did not submit a written statement on the application.

As directed by 11 DCMR Subsection 3119.2, the Board 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 Section 205. No person or entity appearing as a party to this case testified in opposition to the 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, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR Subsection 3104.1, 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 adversely affect the use of neighboring properties in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for **FOUR (4) YEARS**. At the three-year anniversary, the Applicant is to hold a meeting with Advisory Neighborhood Commission 8A. The ANC is to provide a report to the Board.

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2. The number of children shall not exceed 60, ages 2 to 12 years old.

3. The number of teachers and staff shall not exceed 9 persons.

4. The days and hours of operation shall be Monday through Friday, 7:00 a.m. to 6:00 p.m.

5. The younger children are to be escorted to and from the center, as determined by staff.

6. Two on-site parking spaces shall be provided.

7. Trash pick up shall be provided, as needed.

Pursuant to 11 DCMR Subsection 3101.6, the Board waives the requirement of 11 DCMR 3125.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0-1 (Carol Mitten, Sheila Cross Reid and Anne Renshaw to grant; Robert Sockwell abstaining)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: MAY 1 - 2000

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 3125.9 "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6."

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

BAB/4.21.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16568

As Director of the Office of Zoning, I hereby certify and attest that on MAY 1 2000 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

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941 North Capitol Street, NE, Suite 2000
Washington, DC 20009

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director