GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16590 of Washington Ethical Society, pursuant to 11 DCMR §3104.1, for a special exception under Subsection 205 to allow a child development center (nursery school) of up to 40 students ages 3 to 6 years old, and to serve both the before and after school care in an R-1-A District at premises 7550 16th Street, N.W. (Square 2745-F, Lot 81).

HEARING DATE: July 11, 2000
DECISION DATE: July 11, 2000 (Bench Decision)

SUMMARY ORDER

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) 4A and to owners of the property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4A. ANC 4A, which is automatically a party to this application, did not file a report in this case

As directed by 11 DCMR §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 from the strict application of the requirements of 11 DCMR 3104.1. Two persons testified in opposition. However, 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 §3104.1 and 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 concludes that granting the requested relief will not tend to affect adversely the use of the neighboring property in accordance with the Zoning Regulations and Map. It is therefore, **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. Approval shall be for a period of **FOUR YEARS.**
2. The number of children shall not exceed 40.
3. The ages of the children shall be from 21/2 to 6 years old.
4. The number of staff on site shall not exceed **SIX.**
5. The hours and days of operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Friday.

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6. The alley at the rear of the school shall be used for picking up and dropping off of the children.

7. A staff person shall escort the children to and from the center.

8. Two on-site parking spaces shall be available for use by the staff.

9. Trash pickup shall be provided, as needed.

10. The Applicant shall use its best efforts to keep parents from using their horns or idling their engines in the alley during drop-off and pick-up times and from blocking driveways at the rear of the adjoining houses. Moreover, school personnel shall monitor the flow of traffic as necessary.

11. The school shall host no more than 24 evening events nor more than 4 weekend activities in the course of the year.

12. The Director of the school shall serve as community liaison for all matters relating to the school. The minister of the Washington Ethical Society shall serve as the liaison to the community for all matters relating to the operations of the church.

Pursuant to 11 DCMR 3101.6. 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. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0-1 (Sheila Cross Reid, Robert N. Sockwell, John G. Parsons, and Rodney L. Moulden to grant; Anne M. Renshaw, abstaining)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: JUL 24 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 PROVISION 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 DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER IT BECOMES FINAL PURSUANT TO §3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS 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.

SO16590/7-17-00/POH

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16590

As Director of the Office of Zoning, I certify and attest that on JUL 24 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 this matter, and who is listed below:

Stephen N. Gell, Esq.
1101 30th Street, N.W.
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Joseph H. Hairston, Chairperson
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1316 Floral Street, N.W
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Michael D. Johnson, Zoning Administrator
Department of Consumer and Regulatory Affairs
941 North Capitol Street, NE, Suite 2112
Washington, D.C. 20002

Attested by: _____
JERRILY R. KRESS, FAIA
Director

Attest No.! 6590 7-17-00/poh