GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16614 of Monique Fontaine, pursuant to 11 DCMR 3104.1 for a special exception for the establishment and enlargement of a child development center under Section 205 for 50 children ages 6-weeks to 12 years of age with 8 staff persons, and a before and after school program in an R-4 District at premises 4514 13th Street, N.W. (Square 2817, Lot 48).

HEARING DATE: October 31, 2000

DECISION DATE: October 31, 2000 (bench approval)

SUMMARY ORDER

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4C, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, filed a written statement in support of the application.

As directed by 11 DCMR 3119.2, 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 under 11 DCMR Section 205. No person or entity 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, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1, that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. It is therefore **ORDERED** that the application be **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The approval shall be for a period of five (5) years.
2. The hours of operation of the facility shall be between 6:00 a.m. and 6:00 pm.
3. All commercial deliveries shall be between 8:00 a.m. and 6:00 p.m.

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4. Drop-off of children shall be between 6:00 a.m. and 10:00 a.m. and pick-up shall be between 4:00 p.m. and 6:00 p.m.
5. The ages of the children shall be between 8 weeks and 8 years old.
6. Trash removal shall be scheduled, as needed, so as not to cause any nuisances in the neighborhood, and stored in covered containers away from play area.
7. The Center shall inform participating families not to use 13th Street, N.W. as a drop-off or pick-up area.
8. The Center shall keep the children within the premises of the building, unless accompanied by an adult.
9. The Center shall work with the District of Columbia Government to clean up the drop-off and pick-up area in the alley behind the premises.

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 not prohibited by law.

VOTE: 4-0-1 (Robert Sockwell, Anne Renshaw, Rodney Moulden and John Parsons to approve, Sheila Cross Reid not present not voting).

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

Attested by: _____
Jerrily R. Kress, FAIA
Director

Final Date of Order: DEC 13 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1999), 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 (1999), 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 SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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BOARD OF ZONING ADJUSTMENT

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As Director of the Office of Zoning, I hereby certify and attest that on DEC 13 2000, a copy of foregoing Decision and Order in BZA Application No. 16614 was mailed first class, postage prepaid, or via D.C. Government interoffice mail, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Monique Fontaine
4514 13th Street, N.W.
Washington, D.C. 20011

Willie Flowers, Chairperson
Advisory Neighborhood Commission 4-C
WMATA Bus Barn
P.O. Box 6087
Washington, D.C. 20030

Adrian Fenty
Single Member District 4C03
4712 17th Street, N.W.
Washington, D.C. 20011

Councilmember Charlene Drew Jarvis
441 4th Street, N.W. Suite 708
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Michael Johnson
Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning