GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16723 of McKendree-Simms-Brookland United Methodist Church, pursuant to 11 DCMR § 3104.1 for special exceptions to allow a private school (40 students - 1st thru 7th grades and seven (7) staff) under section 206, and a child development center (20 children - nursery thru kindergarten and four (4) staff) under section 205, and a variance from the off-street parking requirements under subsection 2101.1, in an R-1-B District at premises 2420 Rhode Island Avenue, N.E. (Square 4290, Lot 3 thru 7).

HEARING DATES: September 11, 2001, and September 20, 2001
DECISION DATE: September 20, 2001 (Bench Decision)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

BZA
Case No.
Exhibit No. 45

This application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register and by mail to the applicant, Advisory Neighborhood Commission (ANC) 5A, the Office of Planning and to owners of all property within 200 feet of the property that is the subject of this application.

The subject property is located within the jurisdiction of ANC 5A. ANC 5A, which is automatically a party to this application had no opposition to the application. The Office of Planning submitted a report recommending conditional support of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance and special exception pursuant to 11 DCMR § 3103.2 and 3104.1, respectively. 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.

Board of Zoning Adjustment
District of Columbia
CASE NO.16723
EXHIBIT NO.45

Based upon the record before the Board and having given great weight to the Office of Planning report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 2101.1 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Board further concludes that the applicant has met the burden of proving under 11 DCMR §§ 3104.1, 205, and 206 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. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITION (S):**

1. The private school and child development center shall be allowed for five (5) years from the final date of this order.

2. The private school shall be limited to 40 students.

3. The child development center shall be limited to 20 children.

4. The outdoor play area shall be lighted in the evening.

5. The private school and child development center hours shall be from 6:00 AM to 7:00 PM.

6. The children attending the child development center shall be escorted by parents into the building when dropped off and picked-up.

7. The applicant shall establish a community liaison.

8. The applicant shall implement the landscaping, playground maintenance, snow and ice removal plans as generally outlined in Exhibit 40 (B) and (D), in the record.

9. The applicant shall make known to the community the name and telephone number of a contact person responsible for addressing inquiries identifying problems associated with the operation of the private school and child development center.

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, Geoffrey H. Griffis, David W. Levy, Peter G. May to Approve, Anne M. Renshaw not present, not voting)

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

Each concurring Board member has approved the issuance of this Order

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: SEP 26 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C.

CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

rsn

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16723

As Director of the Office of Zoning, I hereby certify and attest that on SEP 2 6 2001 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 and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

McKendree-Simms-Brookland United Methodist Church
2440 Rhode Island Avenue, N.E.
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Mrs. Marjorie H. Burke
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Norma M. Broadnax, Chairperson
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ATTESTED BY:

JERRILY R. KRESS, FAIA
Director