GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16786 of Thomas Lewis (The Fishing School), pursuant to 11 DCMR § 3104.1 for a special exception to operate a Family Service Community Center under section 334 in an R-4 District at premises 1238, 1240 and 1242 Wylie Street, N.E. (Square 1003, Lots 72 and 73).

HEARING DATE: November 13, 2001
DECISION DATE: November 13, 2001 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFICATION

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

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6A, and to the owners of property within 200 feet of the site. The application was also referred to the Office of Planning for review and report.

The site of this application is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to this application, submitted a letter in conditional support of the application. The Office of Planning recommended approval 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 from the strict application of the requirements of 11 DCMR §§ 3104.1 and 334. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in 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 3104.1 for a special exception under Section 334, which will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning 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

BZA
Case No.
Exhibit No. 32

Board of Zoning Adjustment
District of Columbia
~~CASE NO.16786~~
EXHIBIT NO.32

ORDERED that this application be **GRANTED** subject to the following **CONDITIONS**:

1. Approval shall be for TEN (10) years.

2. The ages of the students shall be from 6 to 14.

3. The number of students at the school at any one time shall not exceed 35.

4. The school's hours of operation shall be as follows:

   During the school year (from late August to mid-June)
   10:00 a.m. to 8:00 p.m., Monday through Friday
   9:00 a.m. to 2:00 p.m., Saturdays

   During the summer months (June, July, and August):
   8:00 a.m. to 4:00 p.m., Monday through Friday

5. There shall be a maximum of four full-time employees and five part-time employees.

6. The number of visitors shall not exceed 20 per day.

7. The Applicant shall not allow persons coming to the center to congregate outside of the building.

8. The Applicant shall meet at least four times a year with Advisory Neighborhood Commission (ANC) 6A and with the immediate neighbors.

9. The Applicant shall provide for adequate trash removal at the school at least twice a week.

10. The Applicant shall provide lighting at the site. The lighting shall be directed at the site in such a way as not to spill over the school's property line.

11. The Applicant shall arrange to have vans associated with the school park at sites away from the school in off-street parking.

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** (Anthony J. Hood, David W. Levy. Anne M. Renshaw and Geoffrey H. Griffis to Approve, the third mayoral appointee not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

Final Date of Order: NOV 29 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 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.

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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16786

As Director of the Office of Zoning, I hereby certify and attest that on NOV 29 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:

Thomas Lewis
1240 Wylie Street, N.E.
Washington, D.C. 20002

Ivette Basterrechea, Chairperson
Advisory Neighborhood Commission 6A
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Washington, D.C. 20013

Wanda C. Stevens-Harris
Single Member District Commissioner 6A09
Advisory Neighborhood Commission 6A
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Washington, D.C. 20002

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Toye Bello
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rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director