GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16789 of Manna Inc., pursuant to 11 DCMR § 3104.1 for a special exception to establish a child development center with 50 students and 6 teachers and staff under section 205 in an R-4 District at premises 614 S Street, N.W. (Square 442, Lot 108).

HEARING DATE: November 20, 2001
DECISION DATE: November 20, 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) 2C, 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 2C. ANC 2C, which is automatically a party to this application did not submit a report. The ANC 2C01 Single Member District Commissioner submitted a letter in support of the application. The Office of Planning recommended approval of the application. The Department of Public Works submitted a memorandum having no objection to 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 205. 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 and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1 for a special exception under Section 205, 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

BZA Case No. 16789 Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO.16789
EXHIBIT NO.31

with the Zoning Regulations and Zoning Maps. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS**:

1. Approval shall be for FIVE (5) YEARS.

2. The number of students shall not exceed 50.

3. The number of teachers and staff shall not exceed six.

4. There shall be no pick up and drop off of students in front of 614 S Street or the adjacent alley. Students must be dropped off and picked up at the parking lot located behind the carriage house adjacent to 614 S Street, which is accessed from the alley at the east side of the property. This requirement will be provided, in writing, to all parents of students at the child development center upon enrollment, with the provision that failure to comply with this rule may result in the child's expulsion from the program.

5. No change in the existing parking regulations on the 600 block of S Street, N.W. will be sought in conjunction with this project.

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** (John G. Parsons, 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: DEC 17 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. 16789

As Director of the Office of Zoning, I hereby certify and attest that on DEC 17 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:

James Dickerson
Carl Huff
Manna, Inc.
828 Evarts Street, N.W.
Washington, D.C. 20018

Lawrence L. Thomas, Chairperson
Advisory Neighborhood Commission 2C
Terrell Junior High School
1st and Pierce Streets, N.W.
Washington, D.C. 20001

Alexander M. Padro
Single Member District Commissioner 2C01
Advisory Neighborhood Commission 2C
1519 8th Street, N.W.
Washington, D.C. 20001

Jack Evans, City Councilmember
Ward Two
1350 Pennsylvania Avenue, N.W.
Suite 106
Washington, D.C. 20004

Toye Bello
Acting Zoning Administrator
Building and Land Regulation
Administration
Department of Consumer and Regulatory Affairs

9410 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director