Government of the District of Columbia
OFFICE OF ZONING

16808

FACSIMILE TRANSMISSION COVER SHEET

To: ABIGAL PARKER	**From:** RICHARD NERO
Fax: (202) 561-8007	**Fax:**
Phone:	**Phone:** (202) 727-6311
Re:	**Date:** 10/19/01
Pages: 3 + COVER	**CC:**

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply

Comments:

SECTION 205 - SPECIAL EXCEPTION STANDARDS FOR CHILD DEV. CTR.

SECTION 3104.1 - GENERAL STANDARDS

PLEASE CALL ME IF YOU HAVE ANY QUESTIONS.

If you do not receive all of this transmission, please contact sender immediately.

441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001
E-Mail: zoning info@dcoz.dcgov.org • Web Site: http://www.dcoz.dcgov.org/

BZA
Case No. 16808
Exhibit No. 10

Board of Zoning Adjustment
District of Columbia
CASE NO.16808
EXHIBIT NO.10

205.6 The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it shall deem necessary to protect adjacent and nearby properties.

205.7 Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.

205.8 The Board may approve more than one (1) child/elderly development center in a square or within one thousand feet (1,000 ft.) of another child/elderly development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

205.9 Before taking final action on an application for use as a child development center and/or elderly day care center, the Board shall submit the application to the D.C. Departments of Public Works and Health, the D.C. Office on Aging and the D.C. Office of Planning, for review and written reports.

205.10 The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District.

206 PRIVATE SCHOOLS AND STAFF RESIDENCES (R-1)

206.1 Use as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted in an R-1 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

206.2 The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

206.3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

SOURCE: §3101.42 of Regulations effective May 12, 1958; as amended by Final Rulemaking published at 29 DCR 4913, 4919 (November 5, 1982); renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988).

207 UTILITIES (R-1)

207.1 Use as an electric substation with nonrotating equipment, natural gas regulator station, or public utility pumping station shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions

203.11 If the Zoning Administrator determines that an application for a Home Occupation Permit appears to meet the conditions of §§203.4 through 203.8 but to be inconsistent with the general purpose and intent of this section, the Zoning Administrator may certify the application to be decided as an appeal by the applicant to the Board of Zoning Adjustment.

203.12 In making the determination pursuant to §203.11, the Zoning Administrator may consider, but not be limited to, the cumulative impact of one (1) or more home occupations.

SOURCE: Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988).

204 ACCESSORY BUILDINGS

204.1 The following buildings shall be permitted as accessory buildings in R-1 districts incidental to the uses permitted in this chapter:

(a) Private garage, subject to the special provisions of chapter 23;

(b) Private stable as accessory use to a dwelling and under conditions specified in §208 of this chapter; and

(c) Other buildings or structures customarily incidental to the uses permitted in R-1 Districts under the provisions of this chapter.

SOURCE: §3101.6 of Regulations effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988).

205 CHILD/ELDERLY DEVELOPMENT CENTERS (R-1)

205.1 Use as a child/elderly development center shall be permitted in an R-1 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

205.2 The center shall be capable of meeting all applicable code and licensing requirements.

205.3 The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children or elderly persons.

205.4 The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.

205.5 The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise or activity, or visual or other objectionable conditions.

3102.2 The provisions of this Chapter became effective on October 1, 1999 and apply to all applications or appeals filed after that date with the Board, or pending as of such date but for which notice of public hearing had not been given.

3102.3 In any conflict between this Chapter and any other provision of this Title, the other provisions of this Title shall govern. In any conflict with this Chapter between general and specific rules, the specific rules shall govern.

3102.4 The Board at any time and from time to time may seek the legal advice of the Office of the Corporation Counsel on any matter or matters relating to compliance with and enforcement of the provisions of this Title.

3103 VARIANCES

3103.1 The power of the Board to grant variances, as set forth in the Zoning Act, is set forth in §3103.2.

3103.2 As set forth in D.C. Code Ann. §5-424(g)(3) (1981), "[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, 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."

3104 SPECIAL EXCEPTIONS

3104.1 Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this Title, where, in the judgment of the Board, those special exceptions 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, subject in each case to the special conditions specified in this title, as follows:

TYPE OF SPECIAL EXCEPTION	DISTRICT	SECTION IN WHICH THE CONDITIONS ARE SPECIFIED
Antenna towers for TV or FM broadcasting and accessory buildings	Any R district	§211