Government of the District of Columbia

OFFICE OF ZONING

441 4TH STREET, N.W.
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

MEMORANDUM

TO: Board of Zoning Adjustment

THRU: Jerrily R. Kress, FAIA
Director

FROM: Richard S. Nero, Jr. RSN
Special Assistant

DATE: November 16, 2001

RE: BZA Application No. 16817 – Child Development Center for 80 Children at 1470 Irving Street, N.W.

The above-cited application is a request to operate a child development center for 80 children in an R-5-A District. The application includes a memorandum from the Zoning Administrator dated September 26, 2001, citing the need for a special exception from subsection 330.5(d). Subsection 330.5(d) permits a child development center having up to 16 individuals as a matter-of-right in an R-4 District. This subsection is not a special exception provision. An Applicant wishing to establish a child development center having over 16 children is required to seek special exception approval under section 205. For this reason the Office of Zoning has amended the application to require special exception relief from section 205.

Note: BZA Order No. 16161 dated November 1, 1996 (attached) conditionally granted a special exception from section 205 for a child development center at the subject address for 60 to 80 children ages 6 weeks to 11 years and 13 to 17 staff for 5 years or until November 1, 2001.

Attachment

BZA
Case No. 16817
Exhibit No. 14

Board of Zoning Adjustment
District of Columbia
CASE NO.16817
EXHIBIT NO.14

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16161 of the National Capital Presbytery, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to increase an existing child development center and a before and after school program for 60 to 80 children ages six weeks to 11 years and 13 to 17 staff in the basement and first floor in an R-5-B District at premises 1470 Irving Street, N.W. (Square 2672, Lot 874).

HEARING DATE: October 16, 1996
DECISION DATE: October 16, 1996 (Bench Decision)

SUMMARY ORDER

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) 1A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1A. ANC 1A, which is automatically a party to the application, did not submitt a written statement of issues and concerns related to the application.

As directed by 11 DCMR 3324.2, 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 pursuant to 11 DCMR 205. No person or entity appeared at the public hearing in opposition to the 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 3108, 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 the application is **GRANTED, SUBJECT** to the following **CONDITIONS:**

1 Approval shall be for a period of **FIVE YEARS.**

2. The expanded center shall operate between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday.

3. The maximum number of children attending the center shall be 80.

4. The maximum number of employees shall be 17.

5. All outdoor activities shall take place under staff supervision at all times.

6. The children's arrival and departure shall be closely monitored by staff.

7. The grounds of the facility shall be maintained in a neat and orderly condition at all times.

8. Trash and refuse generated by the center shall be collected at least once a week.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 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 (Susan Morgan Hinton, Sheila Cross Reid, Laura M. Richards and John G. Parsons to grant; Angel F. Clarens not present, not voting).

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

ATTESTED BY: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: NOV 1 1996

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), 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 (1987), 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 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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.

ord16161/TWR/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16161

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 1 1996 a copy of the order entered on that date in this matter was mailed postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Giselle Cohen
1435 Newton Street, N.W.
Washington, D.C. 20010

Fransisca M. Ventura-Torres
3717 40th Place
Cottage City, Maryland 20722

Lenwood Johnson, Chairperson
Advisory Neighborhood Commission 1A
3511 - 14th Street, N.W., 2nd Floor
Washington, D.C. 20010

Madeliene H. Dobbins

MADELIENE H. DOBBINS
Director

Date: NOV 1 1996