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.

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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.