GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16888 of Zion Baptist Church, pursuant to 11 DCMR § 3104.1, for a special exception for a child development center for 45 children (ages 6 to 12 years) and five staff under section 205, and a special exception to allow accessory parking spaces located elsewhere than on the same lot as the principle use under section 214, in an R-1-B District at premises 1219 44th Street, N.E. (Square 5121, Lot 806).

HEARING DATE: June 25, 2002
DECISION DATE: June 25, 2002 (Bench Decision)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

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) 7D, 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 7D. ANC 7D, which is automatically a party to the application did not participate in the application. The Office of Planning submitted a report in conditional support of the application. The Department of Transportation submitted a report 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, 205, and 214. 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,

BZA Case No. 16888 Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.16888
EXHIBIT NO.29

pursuant to 11 DCMR § 3104.1 for special exceptions under sections 205 and 214, 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 **ORDERED** that this application be **GRANTED** subject to the following **CONDITONS:**

1. The approval is for THREE (3) years.
2. The number of children shall not exceed 29.
3. The number of teachers and staff shall not exceed 5.
4. The hours of operation shall be from 6:00 AM to 6:00 PM, Monday through Friday. The evening hours may be extended to accommodate the occasional late pick-up of children.
5. One parking space shall be reserved on the parking lot located at 1234 Kenilworth Avenue, N.E., for the child development center.

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: **5-0-0** (Geoffrey H. Griffis, Anne M. Renshaw, David A. Zaidain, Cutis L. Etherly, Jr. and James H. Hannaham to approve).

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, Office of Zoning

Final Date of Order: JUN 2 8 2002

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. 16888

As Director of the Office of Zoning, I hereby certify and attest that on JUN 28 2002 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:

John W. Burns
4509 Eads Street, N.E.
Washington, D.C. 20019

Delano A. Foster, Commissioner
Advisory Neighborhood Commission 7D
3741 Grant Place, N.E.
Washington, D.C. 20019

Inita Jackson, Commissioner
Advisory Neighborhood Commission 7D
Single Member District Commissioner 7D05
3741 Grant Place, N.E.
Washington, D.C. 20019

Kevin P. Chavous, City Councilmember
Ward Seven
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Suite 402
Washington, D.C. 20004

Denzil Noble, Acting Zoning Administrator
Building and Land Regulation
Administration
Department of Consumer and Regulatory Affairs
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Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

ATTESTED BY: Jerrily R. Kress

JERRILY R. KRESS, FAIA
Director

rsn