Preliminarily Statement Outlining How The Application Meets The Required Burden of Proof

The Applicant is seeking six items of relief from the Board: a special exception to operate a child development center; a special exception to operate a community service center; and variances from the lot occupancy, floor area ratio, parking and court requirements of the Zoning Regulations. The Applicant will establish through its Statement of the Applicant to be filed no fewer than 14 days prior to the hearing on the subject application, as well as at the public hearing, that the subject application meets the burden of proof for the granting of the requested special exceptions and variances. A preliminary summary of how the application meets the required burden of proof is as follows:

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1. Special Exceptions for Child Development Center and Community Service Center

In order to meet the criteria for approval of the requested special exceptions, the Applicant will be required to show, in addition to other specified criteria, that the special exceptions: 1) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map; and 2) will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map.

A. Child Development Center (Section 205)

The Applicant proposes to meet the criteria for a child development center as follows:

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

The Applicant is in discussions with the appropriate code and licensing officials in order to determine that the proposed center will meet all applicable requirements.

ii. 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 (205.3).

The center will service children residing in and around the Brandywine Street area. As such, most of the children will be walked to the center and the center will not generate a significant amount of automobile traffic. It thus will not create unsafe traffic conditions or conditions for picking up and dropping off children.

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

The Applicant proposes to provide two parking spaces for the site. The Applicant anticipates that the spaces provided will be adequate to serve the teachers and employees who will work in shifts at the center. The Applicant further anticipates that most visitors to the site will be residents from the surrounding area who will not drive to or need parking at the site.

iv. 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 of activity, or visual or other objectionable conditions. (205.5)

All activities of the center will be managed and placed in such a way that the activities of the children will not disrupt adjacent or nearby properties, including outdoor play areas that the Applicant may establish in the rear and sideyards of the lot. As mentioned above, the proposed center will not have an adverse impact on traffic because the center will primarily serve children in the nearby area who, it is anticipated, will walk or be walked to the site.

v. 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. (205.6)

*The Applicant submits that its proposed development plan is adequate to protect adjacent and nearby properties (*See *architectural drawings).*

vi. 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. (205.7)

The Applicant is currently studying the possibility of arranging for an off-site play area. If the Applicant decides to provide such an area, such area will 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.

vii. 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. (205.8)

The Applicant is not aware of any child/elderly development center within 1,000 feet of the subject site

viii. 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. (205.9)

The Applicant will provide responses to the reports submitted by the above-referenced agencies, if any, at the appropriate time.

ix. 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. (205.10)

The Applicant will provide responses to the reports submitted by the above-referenced agency, if any, at the appropriate time.

B. Community Service Center (334)

The Applicant proposes to meet the requirements for approval of a special exception for a community service center as follows:

i. A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions. (334.2)

The community service center will enhance the surrounding community by providing such services as job training, computer and family counseling services. The center is intended to serve residents in and around Brandywine Street. Thus, it is anticipated that most visitors to the site will be residents who will walk to the site. The community center's hours will be structured so as to most conveniently serve the community during the day and early evening hours. To the extent that the center decides to conduct activities at night, such activities will be programmed and managed so as not to disturb surrounding properties.

ii. No structural changes shall be made except those required by other municipal laws or regulations. (334.3)

The Applicant proposes several additions to the building primarily in order to comply with ingress and egress requirements that will be necessitated by the proposed new uses of the building.

iii. The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located. (334.4)

The community service center is reasonably necessary to help combat crime and other social ills that have plagued the community in recent years. The center's site in the midst of the community it intends to serve will make it convenient for residents to use its services.

iv. A community service center shall not be organized for profit, and no part of its net income inures to the benefit of any private shareholder or individual. (334.5)

The community service center will be organized by the BSA, a non-profit civic organization. None of the income from the center will inure to the benefit of any private shareholder or individual.

C. The proposed special exceptions are in harmony with the purpose and intent of the Zoning Regulations and will not adversely affect neighboring properties.

In addition to the above-referenced specific criteria for approval of a child development center and a community service center, the Applicant also will show that the Application will show that its convert an abandoned and deteriorated apartment building into a child development center and a community service center is in harmony with the general purpose and intent of the Zoning Regulations to promote the health and general welfare. The Applicant will further demonstrate that the proposed uses will have a positive impact on the neighboring property and residents by providing much needed services and ridding the area of blight.

2. Variances from the Floor Area Ratio, Lot Occupancy, Court, and Parking Requirements

In order to obtain approval of the requested variances, the Applicant must show that: 1) the subject property suffers from an extraordinary or exceptional condition; 2) strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulty to the Applicant; and 3) 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. The Applicant intends to meet its burden as follows:

i. Extraordinary or Exceptional Condition

The Applicant will provide evidence of the small and irregular shape of the property.

ii. Strict Application Would Result in a Practical Difficulty to the Owner

The Applicant will show that the small size and irregular shape of the property would make it unreasonably burdensome for the Applicant to comply with the provisions of the Regulations regarding floor area ratio, lot occupancy, open courts and parking.

iii. No Detriment to the Public Good Nor Impairment to the Intent, Purpose and Integrity of the Zone Plan

The Applicant also will show that the conversion of the subject property from a vacant and deteriorated apartment building to a community service center and child development center will be of a substantial benefit to the community.