GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 15713 of B.A. Schriever and Barbara Schriever Allan, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to continue to operate and to increase the number of children in a child development center from 20 to 23 children ages 2 to 4 years, and three staff on the first floor in an R-1-B District at premises 2828 Hurst Terrace, N.W. (Square 1420, Lot 12).

HEARING DATE: September 30, 1992
DECISION DATE: September 30, 1992 (Bench Decision)

## SUMMARY ORDER

The Board provided timely and proper notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3D and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3D. ANC 3D, which is automatically a party to the application, submitted written issues and concerns in support of 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 opposition to 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, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and 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 **TEN (10) YEARS.**

2. Enrollment shall be limited to a maximum of twenty-three (23) children.

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3. The maximum number of employees shall not exceed three, consisting of one teacher and two aides.

4. The hours of operation shall be between 9:30 a.m. and 12:30 p.m., Monday through Friday, during the months of September through May.

5. A staff person shall assist in the discharge and pickup of children to the facility by escorting the children to and from vehicles and the facility.

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: 3-0 (Paula L. Jewell, Sheri M. Pruitt and Carrie L. Thornhill to grant; Angel F. Clarens and John G. Parsons not present, not voting).

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

ATTESTED BY: Madeliene H. Robinson

MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: OCT 26 1992

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 AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15713Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

**BZA APPLICATION NO. 15713**

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 26 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

B.A. Schriever Allan
2828 Hurst Terrace, N.W.
Washington, D.C. 20016

Ann Heuer, Chairperson
Advisory Neighborhood Commission 3D
P.O. Box 40846
Washington, D.C. 20016

Madeliene H. Robinson

**MADELIENE H. ROBINSON**
**Acting Director**

**DATE:** OCT 26 1992

15713Att/bhs