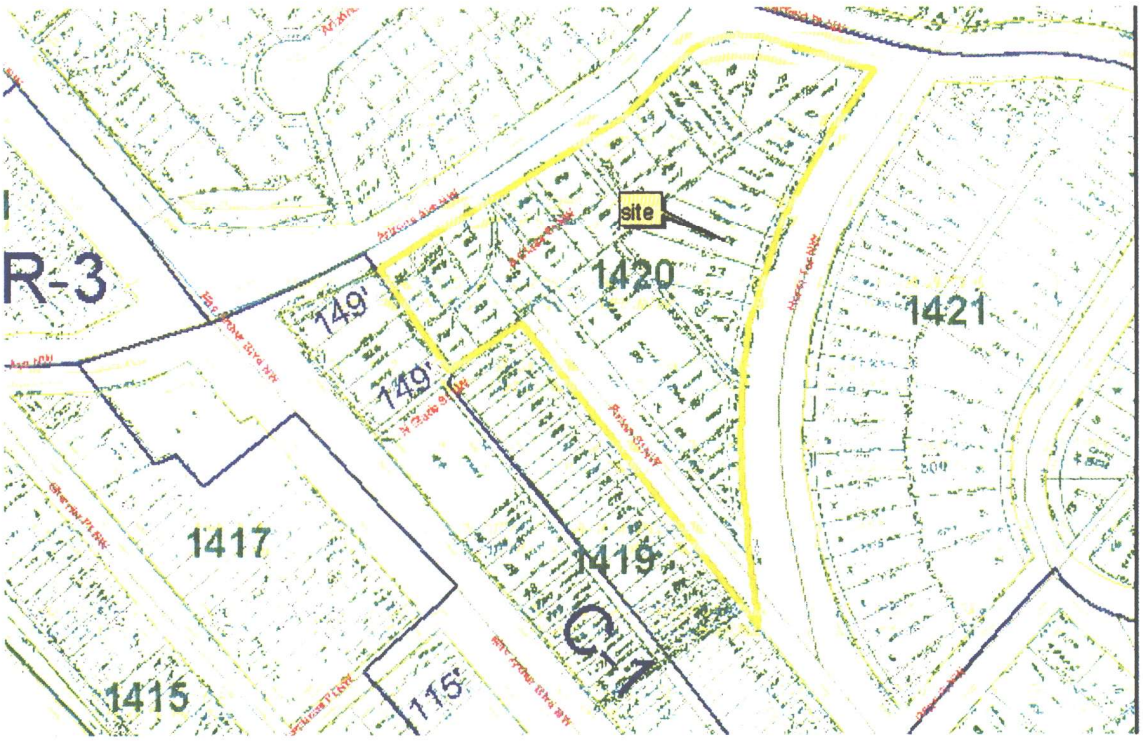
SPECIAL PUBLIC MEETING



Application No. 16915 of Barbara Schriever Allan

RELIEF SOUGHT: Pursuant to 11 DCMR § 3104.1, for a special exception for the continued operation of a child development center having 23 children and 3 staff (last authorized by BZA Order No. 15713) under section 205, at premises 2828 Hurst Terrace, N.W.

HEARING DATE:	**September 24, 2002**
DECISION DATE:	**November 12, 2002**
ZONING:	R-1-B District
SQUARE & LOT:	Square 1420, Lot 12
OFFICE OF PLANNING:	OP recommends **APPROVAL** for **SEVEN years.** **Exhibit No. 82**
d.:	The Department of Transportation recommends **APPROVAL** of the application. **Exhibit No. 92.**

Case No. 16915
Exhibit No. 112

Board of Zoning Adjustment
District of Columbia
CASE NO.16915
EXHIBIT NO.112

DEPT. OF HEALTH:	The Department recommends **APPROVAL**. Exhibit No. 23 is the Department's approval letter and the Applicant's license.
ANC-3D:	The ANC recommends **APPROVAL** for **FIVE YEARS**, along with other **CONDITIONS**. **Exhibit No. 70.**
AFFIDAVIT OF POSTING:	The property was properly posted and the Affidavit of Posting timely filed. Exhibit No. 80

NOTES:

The Applicant is the owner of Barbara's Montessori School. The Applicant has used a portion of the building to house the child development center for the past 18 years. The center serves pre-kindergarten children ages 2, 3 and 4 years old. The center is open September through May. Monday through Friday. It is closed during the summer months and on major holidays. Note that the Applicant lives on the premises and approximately 90 percent of the building is used as her residence. The child development center is housed in a large room, which is attached to the dwelling at the rear. The space where the center is located was specifically built to house the school.

At the public hearing, the Board, on a motion made by Carol J. Mitten, seconded by Anne Mohnkern Renshaw, voted 5-0-0 to **GRANT** party status to **JOSEPH RICH** who sought the designation on behalf of 17 neighborhood residents (Carol J. Mitten, Anne Mohnkern Renshaw, Curtis L. Etherly, Jr., David A. Zaidian and Geoffrey H. Griffis to grant). The residents referred to themselves as the Hurst Terrace Opponents.

The Board also considered requests from Jennifer Gagnon and Bill Allan to appear as parties who are proponents of the application. The Applicant's attorney, Laura Griffen, indicated that it would not be necessary for the Board to grant party status to Mr. Allan and Ms. Gagnon because their testimony would be folded into her presentation. The Board took no further action on this matter.

The Board inquired of the Applicant whether the application met the parking requirement under § 2101 of the Zoning Regulations. The Board indicated that the child development center might be required to have one parking space for each four teachers and other employees. The Applicant indicated that no parking space is required for the child development center because it is grandfathered into the property; that parking can be accommodated on the property in the driveway, if required; and, the Board had not previously required the Applicant to obtain zoning relief from the parking requirement. **The Board asked the Applicant, Joseph Rich and Advisory Neighborhood Commission 3D to provide briefs on whether parking is required at the site for the child development center.**

The Board received testimony from the Applicant (Barbara Schriever Allan) and Martin J. Wells, (Traffic Engineer). The Applicant discussed all aspects of the program. Important facts indicate that there are 47 children enrolled at the school, however, no more than 23 children are on-site at

any one time. All of the children do not attend every day; some attend one, two or three days per week. There are a total of six full and part-time employees and volunteers. Not all of the staff is on the premises at the same time. The school's days and hours of operation are Monday through Friday, 9:00 a.m. to 12:00 noon. The Applicant hosts three large gatherings yearly at the site: (1) at the beginning of the school year; (2) at Halloween; and (3) at the end of the school year when a parent picnic is held. Drop off starts ½ hour before school starts and pick up ends ½ after school closes. The Applicant, on her own initiative, instituted drop off and pick up procedures at the site. For example, when more than three vehicles are in queue to pick up children, the parents drive around the block to alleviate congestion in front of the building.

Martin J. Wells prepared a traffic study on behalf of the Applicant and presented the findings. The study outlines the school's profile, gives an overview of traffic in the neighborhood and on the Hurst Terrace, contains a traffic management plan and provides recommendations for improving traffic efficiency at the site.

Six neighborhood residents spoke in opposition to the application. The overwhelming sentiment was the school has outgrown its current location and should relocate to a larger facility. The residents are of the opinion that students once walked to the building; however, now the school is accepting students who do not live in the neighborhood. A majority of the students are now driven to the site, thus causing traffic and congestion. The opposition stressed that they do not wish to close the school, rather to limit its operation to the current owner and have better traffic mitigation measures instituted at the site.[1]

At the conclusion of the hearing, the Board requested the following information:

1. Briefs from the Applicant, ANC 3D and Joseph Rich outlining whether parking is required at the site for the child development center.

2. Supplemental report from the Office of Planning (a) identifying the issues and the date when the project planner met with the community residents who are opposed to the application; (b) a report from the Department of Transportation accessing whether signs could be placed, limiting parking, in front of the building during drop off and pick up of the children; and (c) **d.** is to address whether the Applicant can legally use cones in front of the building to limit on-street parking during the school's pick up and drop off period.

3. The Applicant is to provide a letter from Patrick Burke, DC Traffic Coordinator, stating that cones may be placed in front of the building during pick up and drop off.

4. Draft Findings of Fact from all parties.

[1] **The Board emphasized to the opponents that it does not have the authority to limit the operation of the school exclusively to the current owner.**

Filing Dates:

October 15, 2002	Briefs and other requested information.
October 29, 2002	Findings of Fact
November 12, 2002	**DECISION – Special Public Meeting**

Board Members Present: Curtis L. Etherly, Jr., Geoffrey H. Griffis, Anne Mohnkern Renshaw, David A. Zaidain and Carol J. Mitten.