GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16153 of the Jonathan Woodner Co., pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to expand an existing child development center from 75 to 140 children ages six weeks to 14 years and 28 staff on part of the first floor of an apartment building in an R-5-D District at premises 3636 16th Street, N.W., (Square 2624, Lot 831).

HEARING DATE: October 2, 1996
DECISION DATE: October 2, 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) 1E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1E. ANC 1E, which is automatically a party to the application, did not submit 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 **SEVEN YEARS.**

2. The center shall serve a maximum of 140 children.

3. The number of employees shall not exceed 28 persons.

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4. The days and hours of operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Friday.

5. Seven parking spaces shall be provided at the site in the garage for the exclusive use of the GAP Community Child Care Center during its hours of operation. The spaces shall be marked.

6. The applicant shall provide written verification to the Board that the site has the potential for accommodating the additional 65 children.

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 (Jerrily R. Kress, Sheila Cross Reid, Susan Morgan Hinton and Laura M. Richards 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: OCT 11 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.

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

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16153

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 11 1996 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:

Lawrence and Monica Guyot
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Washington, D.C. 20010

Madeliene H. Dobbins

MADELIENE H. DOBBINS
Director

DATE: OCT 11 1996