ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

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October 28, 2003

By Hand Delivery

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, DC 20001
Attn: Richard Nero

Re: Special Exception and Variance Applications of Jubilee Housing, Inc. and Good Shepherd Ministries, Inc. ("Good Shepherd") - (Square 2576, Lots 62, 63, 809, and 804) (BZA Case No. 17076).

Dear Members of the Board:

Enclosed please find a revised special exception and variance application on behalf of Good Shepherd (the "Applicant") for special exception approval of a child development center and variance relief from the off-street parking requirements for the properties located at 1630 Fuller Street, N.W., 1650 Fuller Street, N.W., 1631 Euclid Street, N.W., and 2550 Mozart Place, N.W. The attached documents supplement the materials that were previously filed with the Office of Zoning on August 25, 2003:

- A completed BZA Form 135 self-certification for each of the properties
- A statement of existing and intended use for Lot 804; and
- A statement of how the Applicant meets the burden of proof for special exception relief for a child development center.

Based on discussions with the Office of Zoning Staff, we have sent these revised materials to all property owners located within 200 feet of the subject properties and ANC 1C. We look forward to presenting this case to the Board on November 25, 2003.

Sincerely,

Paul A. Tummonds, Jr.

Ashleigh Dale Horne

BZA
Case No. 17076
Exhibit No. 23

Attachments

Document #: 1359377 v.1

Board of Zoning Adjustment
District of Columbia
CASE NO. 17076
EXHIBIT NO. 23

Form 120 – Exhibit 1
(Revised 04/29/02)

Case No. 17076

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance · Use Variance Special Exception	Section No(s).
1630 Fuller Street	2576	62	R-5-B	Parking Variance and Special Exception	3103, 2101 3104, 205
1650 Fuller Street	2576	809	R-5-B	Parking Variance and Special Exception	3103, 2101 3104, 205
1631 Euclid Stret	2576	63	R-5-B	Parking Variance and Special Exception	3103, 2101 3104, 205
(2550) Mozart Place	2576	804	R-5-B	Parking Variance and Special Exception	3103, 2101 3104, 205

Present use(s) of Property:	**Private Club and Apartment House**
Proposed use(s) of Property:	**Child Development Center (Before and After School Program) and Apartment House**

Owner of Property:	**Jubilee Housing, Inc.**	**Telephone No:**	**202-299-1240**
Address of Owner:	**2482 Ontario Road, N.W.**		

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice: **Application for an area variance from the off-street parking requirements and special exception relief for a child development center (before and after school program) at premises 1630 Fuller Street, 1650 Fuller Street, 1631 Euclid Street and 2550 Mozart Place, N.W. in the R-5-B Zone District.**

Estimated construction cost	**$**	**Advisory Neighborhood Commission Single-Member District(s)**	**1C06**

Date:	October 21, 2003	**Signature:**	Applicant* Paul A. Tummonds

** The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.*

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:	**Paul Tummonds, Esq., Shaw Pittman, LLP**				
Address:	**2300 N St., NW Washington, DC 20037**				
Phone No.:	**202-663-8000**	**Fax No.:**	**202-663-8007**	**E-Mail:**	

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Form 135 - Side 1
(Revised 03/15/02)

Case No. 17026

ZONING SELF-CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member District(s)
(2550) Mozart Place, N.W.	2576	804	R-5-B	1C06

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☒	§3103.2 - Use Variance	☒	§3103.2 - Area Variance	☒	§3104.1 - Special Exception
Pursuant to Subsections			2101.1		205	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	James D. Knight	Owner's Name (Please Print)
Yolanda Cole	Yolanda Cole	Agent's Name (Please Print)

Date	10/24/03	D.C. Bar No.		or	Architect Registration No.	ARC 6269

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation _____

Signature		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	3750	None Prescribed	N/A	N/A	N/A
Lot Width (ft. to the tenth)	25	None Prescribed	N/A	N/A	N/A
Lot Occupancy (building area/lot area)	N/A	None Prescribed	60%	59%	N/A
Floor Area Ratio (FAR) (floor area/lot area)	N/A	N/A	1.8	1.8	N/A
Parking Spaces (number)	N/A	1 for each 4 teachers and other employees	N/A	0	-2 parking spaces
Loading Berths (number and size in ft.)	N/A	N/A	N/A	N/A	N/A
Front Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Rear Yard (ft. to the tenth)	N/A	15' min. 4"/foot of height	N/A	15' 2"	N/A
Side Yard (ft. to the tenth)	N/A	none required	N/A	N/A	N/A
Court, Open (width by depth in ft.)	N/A	N/A	N/A	N/A	N/A
Court, Closed (width by depth in ft.)	N/A	N/A	N/A	N/A	N/A
Height (ft. to the tenth)	N/A	N/A	50'	49' 6"	N/A

Form 135 - Side 1
(Revised 03/15/02)

Case No. 17076

ZONING SELF-CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member District(s)
1631 Euclid Street	2576	0063	R-5-B	1C06
RITZ				

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐	§3103.2 - Use Variance	☒	§3103.2 - Area Variance	☒	§3104.1 - Special Exception
Pursuant to Subsections			2101.1		205	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	Owner's Name (Please Print)
James D. Knight	James D. Knight
Agent's Signature	**Agent's Name (Please Print)**
Yolanda Cole	Yolanda Cole

Date	10/24/03	D.C. Bar No.		or	Architect Registration No.	ARC 6269

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation _____

Signature		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	15,000 Bldg. or 1574 Primary Plus	None Prescribed	None Prescribed	N/A	N/A
Lot Width (ft. to the tenth)	100'	None Prescribed	None Prescribed	N/A	N/A
Lot Occupancy (building area/lot area)	66%	N/A	60%	N/A	+6%
Floor Area Ratio (FAR) (floor area/lot area)	3.3	N/A	1.8	N/A	+1.5
Parking Spaces (number)	0	1 for each 4 teachers and other employees	N/A	0	-2
Loading Berths (number and size in ft.)	0	1 or NA because bldg is built pre 1958	N/A	N/A	N/A
Front Yard (ft. to the tenth)	0	N/A	N/A	N/A	N/A
Rear Yard (ft. to the tenth)	18.9'	.33' x 60.1 = 19.84' or notless than 15'	N/A	N/A	N/A
Side Yard (ft. to the tenth)	11.75'	If provided, .25' x 60.1' = 15'	N/A	N/A	-3.25
Court, Open (width by depth in ft.)	a.) 15.16'W x 26.6'D b.) 14.75'W x	Width: .33' x 60.1 = 19.84' or notless than 15'	N/A	N/A	Various

	37.1'D c.)17'W x 30.58'D d.) 16.75'W x 30.58'D				
Court, Closed (width by depth in ft.)	N/A	N/A	N/A	N/A	N/A
Height (ft. to the tenth)	60'-1"	N/A	50'	N/A	+ 60' - 1"

Form 135 - Side 1
(Revised 03/15/02)

Case No. 17076

ZONING SELF-CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member District(s)
1630 Fuller Street	2576	0062	R-5-B	1C06
MOZART				

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐	§3103.2 - Use Variance	☒	§3103.2 - Area Variance	☒	§3104.1 - Special Exception
Pursuant to Subsections			2101.1		205	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	Owner's Name (Please Print)
James D Knight	James D. Knight
Agent's Signature	Agent's Name (Please Print)
Yolanda Cole	Yolanda Cole

Date	10/24/03	D.C. Bar No.		or	Architect Registration No.	ARC 6269

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation _____

Signature		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

INSTRUCTIONS

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ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	6,374 bldg 1454 After School	None Prescribed	None Prescribed	N/A	N/A
Lot Width (ft. to the tenth)	85'	None Prescribed	None Prescribed	N/A	N/A
Lot Occupancy (building area/lot area)	76%	N/A	60%	N/A	+ 60%
Floor Area Ratio (FAR) (floor area/lot area)	3.8	N/A	1.8	N/A	+ 1.5
Parking Spaces (number)	0	1 for each 4 teachers and other employees	N/A	0	-2
Loading Berths (number and size in ft.)	N/A	N/A	NA	N/A	N/A
Front Yard (ft. to the tenth)	0	N/A	N/A	N/A	N/A
Rear Yard (ft. to the tenth)	6.45; -.83	.33' x 53' = 17.5'	N/A	N/A	
Side Yard (ft. to the tenth)	11.33'	If provided .25' x 53' = 13.25'	N/A	N/A	- 1.92
Court, Open (width by depth in ft.)	11.25'W x 34.25'D	Width .33 x 53' = 17.5'	N/A	N/A	- 6.25
Court, Closed (width by depth in ft.)	N/A	N/A	N/A	N/A	N/A

Height (ft. to the tenth)	53'	N/A	50'	N/A	+ 3

Form 135 - Side 1
(Revised 03/15/02)

Case No. 17076

ZONING SELF-CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member District(s)
1650 Fuller Street	2576	809	R-5-B	1C06
FULLER BUILDING				

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐	§3103.2 - Use Variance	☒	§3103.2 - Area Variance	☒	§3104.1 - Special Exception
Pursuant to Subsections			2101.1		205	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:
(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

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The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	James D Knight	Owner's Name (Please Print)	James D. Knight
Agent's Signature	Yolanda Cole	Agent's Name (Please Print)	Yolanda Cole

Date	10/24/03	D.C. Bar No.		or	Architect Registration No.	ARC 6269

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation _____

Signature		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

INSTRUCTIONS

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2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	4,874 bldg 1197 Teen Ctr.	None Prescribed	N/A	N/A	N/A
Lot Width (ft. to the tenth)	65	None Prescribed	N/A	N/A	N/A
Lot Occupancy (building area/lot area)	76%	N/A	60%	N/A	N/A
Floor Area Ratio (FAR) (floor area/lot area)	2.3	N/A	1.8	N/A	+.5
Parking Spaces (number)	0	1 for each 4 teachers and other employees	N/A	N/A	-2
Loading Berths (number and size in ft.)	0	NA	NA	N/A	N/A
Front Yard (ft. to the tenth)	0	N/A	N/A	N/A	N/A
Rear Yard (ft. to the tenth)	13'-0"	.33' x 43.33' =14.29' or 15' MIN	N/A	N/A	-2"
Side Yard (ft. to the tenth)	0	None Provided	N/A	N/A	N/A
Court, Open (width by depth in ft.)	16' W x 13'D	.33' x 43.33 = 14.29'	N/A	N/A	-1.71
Court, Closed (width by depth in ft.)	N/A	N/A	N/A	N/A	N/A
Height (ft. to the tenth)	43'-4"	N/A	50'-0"	N/A	+6' 8"

BOARD OF ZONING ADJUSTMENT
CORRECTED PUBLIC HEARING NOTICE
TUESDAY, NOVEMBER 25, 2003
SECOND FLOOR HEARING ROOM, SUITE 220-S
441 4TH STREET, N.W.
WASHINGTON, D.C. 20001

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

9:30 A.M. TO 12:00 P.M. MORNING SESSION
1:00 P.M. TO 6:00 P.M. AFTERNOON SESSION

A.M.

WARD THREE

17073 ANC-3C — **Application of PSD Trust**, pursuant to 11 DCMR § 3104.1, for a special exception to allow an addition to a single-family dwelling under section 223, not meeting the side yard requirements (section 405) in the TSP/R-1-A District at premises 2740 32nd Street, N.W. (Square 2119, Lot 18).

WARD TWO

17074 ANC-2E — **Application of Deborah Gelin**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to a single-family semi-detached dwelling under section 223, not meeting the lot occupancy requirements (section 403) rear yard requirements (404) and nonconforming structure provisions (subsection 2001.3) in the R-3 District at premises 1404 29th Street, N.W. (Square 1258, Lot 809).

WARD ONE

17076 ANC-1C — **Application of Jubilee Housing, Inc.**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, and pursuant to 11 DCMR § 3104.1, a special exception for a child development center (before and after school program) under section 205, in the R-5-B District at premises 1630 and 1650 Fuller Street, N.W., 1631 Euclid Street, N.W. and 2550 Mozart Place, N.W. (Square 2576, Lots 62, 63, 804, and 809).

P.M.

WARD SEVEN

17077
ANC-7C

Application of Eugene D. Myers (New Beginnings Christian Fellowship, Inc.), pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, for a church in the C-1 District at premises 4421 Sheriff Road, N.E. (Square 5126, Lots 824, 826, and 828).

WARD SIX

17078
ANC-6C

Application of TC MidAtlantic Development Inc. on behalf of Avalon Bay Communities, Inc. and Ruby Restaurant, Inc. pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure requirements in order to permit the development of a ten-story office building with ground floor retail in the DD/C-2-C District pursuant to section 411 and subsection 770.6, at premises 777 6th Street, N.W. (Square 486, Lots 10, 11, 12, 13, 36, 804, 805, 806, 807 and 808).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial.

The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4 of the Regulations, the Board will impose time limits on the testimony of all individuals.

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. Individuals and organizations wishing party status in any case before the Board must request that

status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence. FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

GEOFFREY H. GRIFFIS, CHAIRPERSON, CURTIS L. ETHERLY, JR., VICE CHAIRPERSON, RUTHANNE G. MILLER, DAVID A. ZAIDAIN, AND A MEMBER OF THE ZONING COMMISSION ---------- BOARD OF ZONING ADJUSTMENT, BY JERRILY R. KRESS, FAIA, DIRECTOR.

PHN 11/25/03 rsn

STATEMENT OF BURDEN OF PROOF FOR SPECIAL EXCEPTION RELIEF

Jubilee Housing, Inc. (the "Property Owner") and Good Shepherd Ministries ("Good Shepherd") request a special exception for four buildings located at 1630 Fuller Street, N.W., (Square 2576, Lot 62), 1650 Fuller Street, N.W., (Square 256, Lot 809) ,1631 Euclid Street N.W., (Square 2576, Lot 63), N.W., and 2550 Mozart Place, N.W. (Square 2576, Lot 804) (the "Properties" or the "Buildings") so that Good Shepherd can continue to operate a child development center for more than 16 children on each of these Properties. Good Shepherd is entitled to a special exception pursuant to 11 DCMR § 205 because it can demonstrate: (1) it is capable of meeting all applicable code and licensing requirements; (2) it will not create objectionable traffic or condition for picking up and dropping off children; (3) it provides sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors; and (4) it will not cause objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.

All of the Properties are located in the R-5-B Zone District. At the present time the Buildings are used primarily as apartment buildings, and one of the Properties is a vacant Lot. All of the Buildings were constructed prior to the adoption of the Zoning Regulations and are non-conforming as to various provisions of the Zoning Regulations. None of the Buildings currently provides off-street parking.

Good Shepherd currently operates after-school programs for neighborhood children (the "Programs") in each of the Buildings. Such use is properly deemed to be a child development center under the Zoning Regulations. Such use is permitted by the Zoning Regulations as a

matter-of-right in the R-5-B District for up to sixteen children. 11 DCMR § §350.4, § 330.5(d). Good Shepherd requests a special exception to operate a child development center for more than sixteen children on each Property. The majority of the children, parents, and volunteers at Good Shepherd live in the neighborhood and walk to the Buildings. Thus, they will not cause an adverse impact on parking and traffic. Good Shepherd employs a total of only thirteen staff-members, twelve full-time and one part-time, all of whom are engaged in maintaining the records and directing the educational and recreational programs of Good Shepherd. Although the Buildings do not provide parking, the lack of parking is mitigated because Good Shepherd rents five parking spaces behind the Festival Center building located on the corner of Mozart Place and Columbia Road, N.W. Those spaces are used to park the Good Shepherd van and provide spaces for four staff cars. Thus, Good Shepherd's continued operations in each of the Buildings will not generate any negative impact related to on-street parking availability in the area near the Properties. The programs operated by Good Shepherd will not cause objectionable noise, activity or visual conditions because most of the programs occur inside the Buildings.

STATEMENT OF EXISTING AND INTENDED USES

Jubilee Housing, Inc. (the "Property Owner") owns three apartment buildings and a vacant lot located in Square 2576 in the District of Columbia. The buildings include: the Mozart, located at 1630 Fuller Street, N.W. (Lot 62); Fuller Court, located at 1650 Fuller Street, N.W., (Lot 809); and the Ritz, located at 1631 Euclid Street N.W., (Lot 63), N.W. and the vacant lot is located at 2550 Mozart Place (Lot 804) (the "Properties"). All of the Properties are located in the R-5-B Zone District.

The facilities that Good Shepherd operates include: the Primary Plus Center, located in the Ritz; the After School Center, located in the Mozart; and the Teen Learning Center, located at Fuller Court (the "Programs"). Good Shepherd currently employs 12 full-time permanent staff. Two work in the Ritz at the Primary Plus center, four work in Fuller Court at the Teen Learning Center, and six work in the Mozart – four in administration and two with the After School Program. Good Shepherd also employs one part-time employee at the Primary Plus center in the Ritz. Good Shepherd also plans to construct a two-story new building on Lot 804 which is adjacent to the Mozart and Fuller Court buildings and abuts the parking lot of the H.D. Cooke Elementary School.

Good Shepherd desires to renovate and modernize the interior of its existing space, and to construct a small new building on Lot 804. The Office of Planning has determined that the Programs should be treated as a child development center as defined in the Zoning Regulations. Thus, Good Shepherd is required to seek special exception approval. In addition, the Buildings currently do not provide any off-street parking spaces. Thus, Good Shepherd is required to obtain variance relief from the off-street parking requirements of the Zoning Regulations.

Good Shepherd does not currently cause any adverse impact on the availability of off-street parking in the neighborhood. The members of the Programs live in the neighborhood and walk to the Properties. In addition, Good Shepherd rents five parking spaces behind the Festival Center on the corner of Mozart Place and Columbia Road, N.W. Those spaces are used to park the Good Shepherd van and provide spaces for four staff cars.

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