JORDAN & KEYS, LLP
ATTORNEYS AT LAW
SUITE 520
1400 SIXTEENTH STREET, N.W.
WASHINGTON, D. C. 20036-2217
(202) 483-8300
FACSIMILE (202) 328-6153
E-mail: gkeys@jordankeys.com

KATHLEEN A. CAREY+
RACHEL C. EVANS+
GEORGE R. KEYS, JR.+
O'NEIL S. KING+
+Also Admitted in Maryland

OF COUNSEL:
HAROLD E. JORDAN

June 10, 2004

D.C. BOARD OF ZONING ADJUSTMENT
2004 JUN 10 PM 3:25

HAND-DELIVERED

Geoffrey Griffis, Chairman
District of Columbia Board of Zoning Adjustment
441 Fourth Street, N.W. - Room 210 South
Washington, D.C. 20001

Re: Board of Zoning Adjustment Application No. 17163
Amazing Life Games Pre-School, Inc. - 1309 Farragut St.

Dear Mr. Griffis:

Enclosed for filing and for distribution to Board members and staff are twelve (12) copies of the following material which the Applicant intends to introduce into evidence at the continued session of the public hearing in this matter on June 15, 2004:

1. BZA Order No. 16532, dated January 19, 2000
2. BZA Order No. 16569, dated April 20, 2000
3. BZA Order No. 16205, dated March 5, 1997
4. BZA Order No. 15724, dated December 2, 1992
5. CBENA Letter, dated January 13, 2000
6. 2000 Census Data of Population by Age by Ward, Population by Age by Census Tract (20.01, 20.02, 21.01, 22.01)
7. Parking Observations on 1300-block Farragut Street, NW for Wednesday, June 9, 2004 and Thursday, June 10, 2004 during the time period 8:30 a.m. to 9:30 a.m. with photographic array showing the north side of Farragut Street at 9:35 a.m. on Wednesday, June 9, 2004
8. Real Property Data Base-Search of Square 2807, annotated to identify all lots along the south side of the 1300-block of Farragut Street

The foregoing material will be employed in the cross-examination of John Moore from the Office of Planning (who was

BZA
Case No. 17163
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO. 17163
EXHIBIT NO. 41

still being cross-examined by the Applicant at the time the public hearing was continued), Abdoulaye Bah of the Department of Transportation, Charles Morrow of Farragut Street Block Club and Jacqueline Mitchell of ANC-4C.

Very truly yours,

George R. Keys, Jr.

cc: John Moore, Office of Planning
Advisory Neighborhood Commission 4C
Charles Morrow, Farragut Street Block Club

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16569 of World Plan Executive Council/The Kingsbury Center, pursuant to 11 DCMR 3104.1, for a special exception under Section 205 to establish a private school for up to 400 students, ages 5 through 18 years of age and 200 staff persons, and to construct a small gym on the site in an R-1-B District at premises 5000 14th Street, N.W. (Square 2711, Lot 802).

HEARING DATE: April 26, 2000
DECISION DATE: April 26, 2000 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, submitted a statement in support of the application, with issues and concerns

As directed by 11 DCMR 3119.2, 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 Section 205. No person or entity appeared at the public hearing in opposition to this 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 3104.1 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 be **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. The number of students shall not exceed 300 which will consist of a maximum of 200 elementary and junior high school students and a maximum of 100 high school students.
2. The number of staff shall not exceed 138.
3. The hours of operation shall be Monday through Friday, 8:30 a.m. to 6:15 p.m., and Saturday, 8:30 a.m. to 1:30 p.m.
4. The ages of the children shall be 5 –18 years.

5. The number of parking spaces shall be 107.
6. A community liaison committee, which will meet quarterly, shall be established.
7. The school, in conjunction with the community liaison committee, shall consider and have in force a policy about students not driving when they reach the appropriate age.
8. The school, in conjunction with the liaison committee, shall develop a policy for leasing of the school's facilities.
9. There should be coordination of the school's transportation plan with the West Elementary School, including a request for school crossing guards during the morning and afternoon rush periods.
10. The alley on the southeastern corner of the site must be kept open for two-way traffic and emergency vehicles at all times.
11. The gate on the southeastern corner of the site shall be on the property line and shall swing inward.
12. Effective buffers between the school property and adjacent residential properties shall be maintained.
13. Tree replacement for those living trees to be removed would be at a rate of one caliper inch added for each caliper inch removed.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 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: **5-0** (Anne Renshaw, Carol Mitten, Robert Sockwell, Rodney Moulden and Sheila Cross Reid to approve).

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

ATTESTED BY: Jerrily Kress
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: MAY 23 2000

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 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6".

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFI CATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO.: 16569

As Director of the Office of Zoning, I certify and attest that on MAY 23 2000, a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Cynthia Giordano, Esquire
1150 17th Street, NW, Suite 302
Washington, D.C. 20036

Kathryn Ferger, President
Carter Barron East Neighborhood Association
1337 Hamilton Street, NW
Washington, D.C. 20011

Maureen A. Young, Chairperson
Advisory Neighborhood Commission 4C
P. O. Box 60847
Washington, D.C. 20039

Attested by: _____
JERRILY R. KRESS, FAIA
Director

Date: MAY 23 2000

Attest/SO16569/poh

Government of the District of Columbia

OFFICE OF ZONING

441 4TH STREET, N.W.
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

Application No. 16532 of Joyce Madyun/Youth Organizations United to Rise (YOUR), pursuant to 11 DCMR 3104.1, for a special exception under Section 209 for a community service center which consists of an educational and recreational before and after school program, an employment support program for teens and young adults and a summer program for all ages on the first floor and basement in an R-1-B District at premises 4913 14th Street, N.W. (Square 2807, Lot 24).

HEARING DATE: **January 19, 2000**
DECISION DATE: **January 19, 2000** **(Bench Decision)**

CORRECTED SUMMARY ORDER*

*This **CORRECTED SUMMARY** order replaces the **SUMMARY ORDER** issued on February 8, 2000, which inadvertently omitted the **CONDITIONS.**

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) 4C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, submitted a written statement of issues and concerns related to the application.

As directed by 11 DCMR 3119.2, 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 209. No person or entity appeared at the public hearing in opposition to this 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 3104.1, 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 this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The enrollment at the center shall not exceed 40 children, ages from six to 12 years.

2. The number of staff shall not exceed four.

3. The community center's hours of operation shall be from 6:45 a.m. to 6:15 p.m.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 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 (Sheila Cross Reid, Kwasi Holman and Robert N. Sockwell to grant).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: SEP 18 2000

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 3125.9 "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS 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.

ord16532/JKN/012400/0612000

Government of the District of Columbia

OFFICE OF ZONING

441 4TH STREET, N.W.
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

BZA APPLICATION NO. 16532

As Director of the Office of Zoning, I certify and attest that on SEP 18 2000 a copy of the decision entered on that date in this matter was mailed first class, postage prepaid to each party in this case, and who is listed below:

Sheila Bedi and Shawna Wilson
Washington College of Law
Clinical Program
4801 Massachusetts Avenue, Suite 417
Washington, D.C. 20016-8184

The Chairperson
Advisory Neighborhood Commission 4C
WMATA Bus Barn
P.O. Box 6087
Washington, D.C. 20039

Michael Johnson, Zoning Administrator
Building & Land Regulation Administration
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20009

Attested By: _____
JERRILY R. KRESS, FAIA
DIRECTOR

Attest16532/JKN/012400

Government of the District of Columbia

OFFICE OF ZONING

441 4TH STREET, N.W.
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

Application No. 16532 of Joyce Madyun/Youth Organizations United to Rise (YOUR), pursuant to 11 DCMR 3104.1, for a special exception under Section 209 for a community service center which consists of an educational and recreational before and after school program, an employment support program for teens and young adults and a summer program for all ages on the first floor and basement in an R-1-B District at premises 4913 14th Street, N.W. (Square 2807, Lot 24).

HEARING DATE: **January 19, 2000**
DECISION DATE: **January 19, 2000** **(Bench Decision)**

CORRECTED SUMMARY ORDER*

*This **CORRECTED SUMMARY** order replaces the **SUMMARY ORDER** issued on February 8, 2000, which inadvertently omitted the **CONDITIONS.**

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) 4C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, submitted a written statement of issues and concerns related to the application.

As directed by 11 DCMR 3119.2, 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 209. No person or entity appeared at the public hearing in opposition to this 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 3104.1, 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 this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The enrollment at the center shall not exceed 40 children, ages from six to 12 years.

2. The number of staff shall not exceed four.

3. The community center's hours of operation shall be from 6:45 a.m. to 6:15 p.m.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 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 (Sheila Cross Reid, Kwasi Holman and Robert N. Sockwell to grant).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: SEP 18 2000

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 3125.9 "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS 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.

ord16532/JKN/012400/0612000

Government of the District of Columbia

OFFICE OF ZONING

441 4TH STREET, N.W.
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

BZA APPLICATION NO. 16532

As Director of the Office of Zoning, I certify and attest that on SEP 18 2000 a copy of the decision entered on that date in this matter was mailed first class, postage prepaid to each party in this case, and who is listed below:

Sheila Bedi and Shawna Wilson
Washington College of Law
Clinical Program
4801 Massachusetts Avenue, Suite 417
Washington, D.C. 20016-8184

The Chairperson
Advisory Neighborhood Commission 4C
WMATA Bus Barn
P.O. Box 6087
Washington, D.C. 20039

Michael Johnson, Zoning Administrator
Building & Land Regulation Administration
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20009

Attested By: Jerrily R. Kress

JERRILY R. KRESS, FAIA
DIRECTOR

Attest16532/JKN/012400

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16205 of the World Plan Executive Council-United States, pursuant to 11 DCMR 3108.1, for a special exception under Section 219 to establish a health care facility of 200 patients and 180 staff in the basement through the third floor in an R-1-B District at premises 5000 14th Street, N.W. (Square 2711, Lot 802).

HEARING DATE: February 5, 1997
DECISION DATE: March 5, 1997

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) 4C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, submitted a written statement expressing no position with regard 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 219. No person or entity appeared at the public hearing in opposition to this 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 this application is GRANTED subject to the following conditions.

1. The maximum number of patients shall be 124.

2. The maximum number of employees shall be 115.

3. On-site parking shall be provided as shown on th
Exhibit No. 38 of the record.

4. Security shall be provided to include escorting staff to and from bus stops and parking areas after dark. Security shall also patrol the perimeter of the property during regular intervals, particularly after dark.

5. The applicant shall meet periodically with members of ANC 4C and other neighborhood organizations to discuss issues of mutual concern.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirements 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 (Angel F. Clarens, Sheila Cross Reid and Susan Morgan Hinton to grant; Herbert M. Franklin to grant by absentee vote; Laura M. Richards not voting, not having heard the case.)

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

ATTESTED BY: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: MAR 28 1997

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACTS OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CONDIFIED 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 TWO YEARS 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16205

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAR 28 1997 a copy of the order entered on that date in this matter was mailed first class postage prepared to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Charles Ray, Esq.
888 16th Street, N.W.
Washington, D.C. 20006

Barry and Ellen Levy
5100 14th Street, N.W.
Washington, D.C. 20011

Denise Champion
1403 Emerson Street, N.W.
Washington, D.C. 20011

Kathryn Ferger
1337 Hamilton Street, N.W.
Washington, D.C. 20011

Sallie A. Johnston
4923 16th Street, N.W.
Washington, D.C. 20001

Audrey J. Hendricks
Advisory Neighborhood
Commission 4C
4020 8th Street, N.W.
Washington, D.C. 20011

Madeliene H.

MADELIENE H. DOBBINS
Director

Date: MAR 28 1997

APP16305/amb

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15724 of Dor-Kee, Inc., pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to increase a child development center from 30 to 52 children ages 3 months through 5 years, and from 5 to 10 staff in the basement through the second floor in an R-4 District at premises 1321 Emerson Street, N.W. (Square 2807, Lot 11).

HEARING DATE: September 30, 1992
DECISION DATE: November 4 and December 2, 1992

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) 4C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to the application, did not submit written issues and concerns regarding this 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 being 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. The number of children shall not exceed 39. The number of staff shall not exceed ten.

2. The hours of operation shall be between 6:30 a.m. and 6:00 p.m., Monday through Friday.

3. The outdoor play area shall be located in the fenced-in area of the rear yard.

4. The children shall be supervised by a staff member, both inside and outside the building at all times.

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 (Carrie L. Thornhill, Sheri M. Pruitt and Paula L. Jewell to grant; Angel F. Clarens not voting, not having heard the case).

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

ATTESTED BY: Madeliene H. Robinson
MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: DEC 22 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.

15724Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15724

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on DEC 22 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:

Bronwyn L. Chisholm
1321 Emerson Street, N.W.
Washington, D.C. 20011

Taalib-Din Uqdah, Chairperson
Advisory Neighborhood Commission 4C
4020 8th Street, N.W.
Washington, D.C. 20011

MADELIENE H. ROBINSON
Acting Director

DATE: DEC 22 1992

15724Att/bhs

CARTER BARRON EAST NEIGHBORHOOD ASSOCIATION

1337 Hamilton Street, NW, Washington, DC 20011 Phone: 202-723-6320

'00 JAN 14 A10:22

January 13, 2000

Ms. Sheila Cross-Reid, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 210
Washington, DC 20001

Re: Application #16532 , "YOUR" Community Center
4913 14th Street, NW

Dear Ms. Cross-Reid:

The Carter Barron East Neighborhood Association (CBENA) fully supports the application by Ms. Joyce Madyun for a special exception for the community service center. At our monthly meeting on January 11, 2000, the members attending voted unanimously in favor of supporting her proposal. We published a summary of her application in our newsletter before the meeting and had an opportunity to discuss the plans for the center with Ms. Madyun and her husband. The Carter Barron East Neighborhood Association (CBENA) has represented this community for 30 years; we include over 500 households in the area bounded by Decatur Street to the south, 16th Street to the west, Longfellow Street to the north, and 13th Street to the east.

CBENA supports this application for many reasons. The Madyuns have lived in the neighborhood for many years and have been active participants in community affairs. The building in which the community center will be located was used by a church and in terrible condition when they purchased it. They have renovated it to be an attractive asset to the neighborhood. This site is an ideal location for the intended purposes, being located across the street from West Elementary School, and convenient to several bus lines. The services they wish to offer are important to our community. High quality childcare and programs for youth and families are essential to the well-being of our residents and city, but such programs are in short supply. We have confidence that Ms. Madyun, through YOUR, will run the center in ways that meet community needs and that she will be responsive to community concerns about her operations there, if any problems should arise.

#33

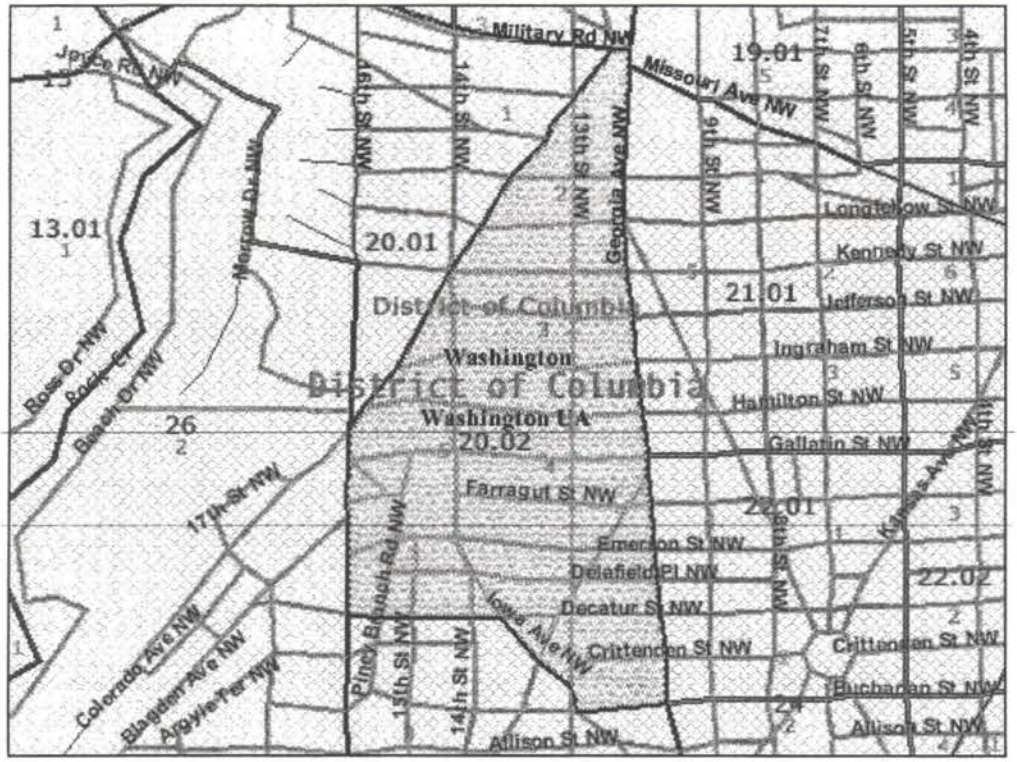
Our community association is generally reluctant to support the conversion of single-family residences to non-residential purposes, but in the circumstances of this particular case, we believe the community will benefit from this proposal. Therefore, we are pleased to submit this letter in support of the application.

Sincerely,

Kathryn Ferger

Kathryn Ferger,
President

cc: Joyce Madyun


Military Rd NW
Missouri Ave NW
19.01
13.01
20.01
21.01
22.01
22.02
20.02
26
District of Columbia
Washington
Washington UA
Longfellow St NW
Kennedy St NW
Jefferson St NW
Ingraham St NW
Hamilton St NW
Gallatin St NW
Farragut St NW
Emerson St NW
Delafield Pl NW
Decatur St NW
Crittenden St NW
Buchanan St NW
Allison St NW
Iowa Ave NW
Piney Branch Rd NW
Georgia Ave NW
Kansas Ave NW
Morrow Dr NW
Ross Dr NW
Beach Dr NW
Rock Ct
17th St NW
Colorado Ave NW
Blagden Ave NW
Argyle Ter NW
16th St NW
15th St NW
14th St NW
13th St NW
9th St NW
7th St NW
6th St NW
5th St NW
4th St NW

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ONLINE SERVICE REQUESTS

2000 Population by Age by Ward

Ward[1]	Total	Age							
		0-4	5-17	18-24	25-34	35-44	45-54	55-64	65+
City	**572,059**	**32,536**	**82,456**	**72,637**	**101,762**	**87,677**	**75,310**	**49,783**	**69,898**
	100%	**5.7%**	**14.4%**	**12.7%**	**17.8%**	**15.3%**	**13.2%**	**8.7%**	**12.2%**
1	73,364	4,105	8,997	11,386	17,959	12,007	8,326	4,900	5,684
	100%	5.6%	12.3%	15.5%	24.5%	16.4%	11.3%	6.7%	7.7%
2	68,869	1,803	3,710	17,786	16,720	9,788	7,599	5,191	6,272
	100%	2.6%	5.4%	25.8%	24.3%	14.2%	11.0%	7.5%	9.1%
3	73,718	2,857	5,960	9,864	15,519	10,863	10,864	7,653	10,138
	100%	3.9%	8.1%	13.4%	21.1%	14.7%	14.7%	10.4%	13.8%
4	74,092	4,196	11,495	5,723	9,438	11,629	11,478	7,441	12,692
	100%	5.7%	15.5%	7.7%	12.7%	15.7%	15.5%	10.0%	17.1%
5	72,527	4,001	11,327	8,030	8,764	10,734	10,077	6,670	12,924
	100%	5.5%	15.6%	11.1%	12.1%	14.8%	13.9%	9.2%	17.8%
6	68,035	3,342	8,315	6,417	14,016	11,934	9,939	6,287	7,785
	100%	4.9%	12.2%	9.4%	20.6%	17.5%	14.6%	9.2%	11.4%
7	70,540	4,963	14,457	5,721	8,808	10,634	9,382	6,726	9,849
	100%	7.0%	20.5%	8.1%	12.5%	15.1%	13.3%	9.5%	14.0%
8	70,914	7,269	18,195	7,710	10,538	10,088	7,645	4,915	4,554
	100%	10.3%	25.7%	10.9%	14.9%	14.2%	10.8%	6.9%	6.4%

[1] Wards effective January 1, 2002
Prepared by DC Office of Planning/State Data Center
Source: US Census Bureau, Census 2000 SF1 Data

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ONLINE SERVICE REQUESTS

2000 Population by Age by Census Tract

Census Tract: **[1 - 20]** [21 - 40] [41 - 60] [61 - 80] [81 - 100]

Census Tract	Total	Age							
		0-4	5-17	18-24	25-34	35-44	45-54	55-64	65+
City	**572,059**	**32,536**	**82,456**	**72,637**	**101,762**	**87,677**	**75,310**	**49,783**	**69,898**
1.00	4,674	159	301	282	1,104	777	723	641	687
2.01	4,467	4	28	4,330	33	18	12	15	27
2.02	3,850	146	169	990	736	507	503	434	365
3.00	5,706	238	251	1,119	1,950	757	606	440	345
4.00	1,510	50	171	127	235	168	248	264	247
5.01	2,765	47	63	406	1,105	455	307	171	211
5.02	3,112	112	222	219	813	551	511	363	321
6.00	4,919	186	452	248	820	716	762	584	1,151
7.01	4,395	106	194	378	954	597	580	516	1,070
7.02	3,326	80	112	617	1,202	455	344	224	292
8.01	6,721	229	547	1,177	852	859	1,047	881	1,129
8.02	2,806	153	194	331	770	461	375	269	253
9.01	7,208	237	711	3,277	370	607	808	644	554
9.02	1,973	137	266	102	257	342	347	257	265
10.01	6,062	475	767	325	846	1,063	1,010	622	954
10.02	3,465	85	137	686	1,114	558	385	229	271
11.00	4,428	232	577	221	683	665	831	523	696
12.00	4,856	190	433	495	1,087	837	800	479	535
13.01	3,747	117	310	330	879	554	646	373	538
13.02	6,294	113	228	434	1,948	1,054	912	608	997
14.01	3,150	191	435	198	486	520	549	386	385
14.02	2,838	131	333	132	390	420	579	324	529
15.00	5,649	421	969	154	433	871	1,067	701	1,033
16.00	4,030	151	571	200	302	555	796	584	871
17.01	2,968	155	438	236	392	481	517	316	433
17.02	2,240	93	287	135	320	414	370	254	367
18.01	615	1	3	273	216	85	30	7	0
18.03	3,066	224	367	254	585	516	430	248	442

18.04	4,156	293	639	385	658	651	583	383	564
19.01	3,949	177	618	261	456	601	581	419	836
19.02	2,062	82	265	163	239	302	352	217	442
20.01	2,435	137	298	226	384	436	396	261	297
20.02	3,781	206	604	319	483	613	604	365	587

Prepared by DC Office of Planning/State Data Center
Source: US Census Bureau, Census 2000 SF1 Data

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Washington, DC 20004

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Mayor
Anthony A. Williams

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ONLINE SERVICE REQUESTS

2000 Population by Age by Census Tract

Census Tract: [1 - 20] **[21 - 40]** [41 - 60] [61 - 80] [81 - 100]

Census Tract	Total	Age							
		0-4	5-17	18-24	25-34	35-44	45-54	55-64	65+
21.01	5,233	351	943	455	770	820	705	460	729
21.02	4,631	224	738	386	543	698	681	467	894
22.01	3,505	187	637	305	391	492	506	345	642
22.02	3,013	182	538	221	375	495	442	294	466
23.01	2,995	165	508	231	314	518	424	305	530
23.02	2,432	48	90	368	230	179	167	197	1,153
24.00	3,580	196	644	302	418	571	547	298	604
25.01	2,392	150	360	185	334	416	347	189	411
25.02	5,486	431	932	607	981	867	698	364	606
26.00	2,184	97	258	112	237	319	439	232	490
27.01	5,742	314	542	690	1,727	970	674	368	457
27.02	6,052	345	569	708	1,748	1,146	727	414	395
28.01	3,629	329	613	409	796	551	406	245	280
28.02	4,700	402	713	611	1,007	786	501	281	399
29.00	4,189	320	739	466	734	713	545	271	401
30.00	2,829	234	627	301	557	416	355	180	159
31.00	2,755	193	536	304	436	439	333	227	287
32.00	4,480	306	896	403	601	709	594	411	560
33.01	2,707	124	423	230	408	473	466	250	333
33.02	1,830	107	308	145	266	324	326	147	207
34.00	4,249	127	416	2,030	421	412	315	211	317
35.00	3,498	143	351	1,528	481	270	239	199	287
36.00	3,915	269	589	490	743	680	507	251	386
37.00	4,990	369	794	1,143	1,026	686	465	274	233
38.00	4,718	226	564	493	1,396	898	554	329	258
39.00	4,643	129	247	477	1,751	894	575	313	257
40.01	3,474	78	85	215	1,299	753	454	358	232
40.02	2,778	67	111	248	1,127	512	332	200	181

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Real Property Assessment Database - Search Results

Matches: (41)

Click on a property to view detail and assessment information.

Square/Suffix/ Lot	Premise Address	Owner Name	Neighborhood	Sub-Neighborhood	Use Code	A
2807 0001	1301 EMERSON ST NW	FRANCES Y HICKS	Sixteenth Street Heights	B	12	$3
2807 0002	1303 EMERSON ST NW	KAREN A BUTTS	Sixteenth Street Heights	B	12	$4
2807 0003	1305 EMERSON ST NW	KIRBY TURNER	Sixteenth Street Heights	B	12	$2
2807 0004	1307 EMERSON ST NW	DANNA NEWBALL	Sixteenth Street Heights	B	12	$4
2807 0005	1309 EMERSON ST NW	CINDY MORGAN-JAFFE	Sixteenth Street Heights	B	12	$3
2807 0006	1311 EMERSON ST NW	T M BAUCOM	Sixteenth Street Heights	B	12	$3
2807 0007	1313 EMERSON ST NW	S DODSON	Sixteenth Street Heights	B	12	$3
2807 0008	1315 EMERSON ST NW	M J MCCALLUM	Sixteenth Street Heights	B	12	$3
2807 0009	1317 EMERSON ST NW	GINO M CRUMP	Sixteenth Street Heights	B	12	$4
2807 0010	1319 EMERSON ST NW	QUAN BLEDA	Sixteenth Street Heights	B	12	$2
2807 0011	1321 EMERSON ST NW	ADSP INC	Sixteenth Street Heights	B	12	$3
2807 0015	1329 EMERSON ST NW	LEE COOK ET AL	Sixteenth Street Heights	B	12	$3
2807 0016	1331 EMERSON ST NW	KAMAU N ANDERSON	Sixteenth Street Heights	B	12	$2

	2807 0017	1333 EMERSON ST NW	SAINT PAUL'S AME CHURCH TRUSTEES	Sixteenth Street Heights	B	81	$3
	2807 0021	4907 14TH ST NW	STACEY WARE	Sixteenth Street Heights	B	12	$6
	2807 0022	4909 14TH ST NW	VIA M CARPENTER	Sixteenth Street Heights	B	12	$3
	2807 0023	4911 14TH ST NW	WILLIAM A CARMON	Sixteenth Street Heights	B	12	$2
S	2807 0024	4913 14TH ST NW	THEODORE Q MADYUN	Sixteenth Street Heights	B	12	$2
S	2807 0026	1332 FARRAGUT ST NW	LOUISE MOORE	Sixteenth Street Heights	B	12	$3
S	2807 0029	1326 FARRAGUT ST NW	J C SILVER	Sixteenth Street Heights	B	12	$3
S	2807 0030	1324 FARRAGUT ST NW	C E PHILLIPS	Sixteenth Street Heights	B	12	$3
S	2807 0032	1322 FARRAGUT ST NW	T O MADYUM ET AL	Sixteenth Street Heights	B	12	$2
S	2807 0033	1320 FARRAGUT ST NW	MACEDONIA CHURCH OF GOD	Sixteenth Street Heights	B	81	$2
S	2807 0034	1318 FARRAGUT ST NW	FRAZIER L O'LEARY	Sixteenth Street Heights	B	12	$3
S	2807 0035	1316 FARRAGUT ST NW	CATHERINE W WOOD	Sixteenth Street Heights	B	97	$3
S	2807 0036	1314 FARRAGUT ST NW	ANGELIA M MOORE	Sixteenth Street Heights	B	12	$3
S	2807 0037	1312 FARRAGUT ST NW	BERNICE J MCCONNELL	Sixteenth Street Heights	B	12	$3
S	2807 0038	1310 FARRAGUT ST NW	EDITH L TOLBERT	Sixteenth Street Heights	B	12	$3
S	2807 0039	1308 FARRAGUT ST NW	G ZARECHNAK	Sixteenth Street Heights	B	12	$3
S	2807 0040	1306 FARRUGUT ST NW	DAVID ILOANYA	Sixteenth Street Heights	B	12	$3
S	2807 0041	1304 FARRAGUT ST NW	RANDALL K CLARK	Sixteenth Street Heights	B	12	$3
S	2807 0042	1302 FARRAGUT ST NW	LEON T GREENE	Sixteenth Street Heights	B	12	$3

S	2807 0043	4910 13TH ST NW	MARANATHA GOSPEL HALL	Sixteenth Street Heights	B	81	$4
	2807 0044	1325 EMERSON ST NW	PENNY J MARTIN TRUSTEES	Sixteenth Street Heights	B	21	$4
	2807 0045	1327 EMERSON ST NW	PENNY J MARTIN TRUSTEES	Sixteenth Street Heights	B	21	$4
S	2807 0046	1330 FARRAGUT ST NW	DELPHINE D GLAZE	Sixteenth Street Heights	B	11	$3
S	2807 0047	1330 FARRAGUT ST NW	HATTIE M MCDANIEL ET AL	Sixteenth Street Heights	B	11	$3
S	2807 0048	1328 FARRAGUT ST NW	ELNORA GLADDEN	Sixteenth Street Heights	B	11	$3
S	2807 0049	1328 FARRAGUT ST NW	JAMES MCIVER	Sixteenth Street Heights	B	11	$3
S	2807 0803	1334 FARRAGUT ST NW	CHARLES W MORROW	Sixteenth Street Heights	B	12	$3
	2807 0804	4901 14TH ST NW	WASHINGTON CONFERENCE AFRICAN CHURCHES	Sixteenth Street Heights	B	81	$4

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John A. Wilson Buildi
1350 Pennsylvania A
Washington, DC 200

To: Board of Zoning Adjustment Case #17163
Re: Amazing Life Games Preschool

The number of parking spots physically possible and legally available on the North Side of Farragut is _____, on the South Side is _____ between 8:30 and 9:30 AM every weekday morning.

Please find attached data concerning parking and traffic on the 1300 block of Farragut on the mornings of

Wednesday, June 9, 2004

Total number of cars parked between 8:30 – 9:30 AM

	8:30	8:45	9:00	9:15	9:30
South side:	6	5	5	4	1
Northside:		0	9	9	10

Traffic count during 8:30 to 9:00 was 4 Kathryn Lee

Traffic count during 9:00 to 9:30 was 29 Meade Jones Hanna

Subscribed and sworn to before me this 10th day of June, 2004
Notary Public
My Commission Expires 07/14/04

Thursday, June 10, 2004

Total number of cars parked between 8:30 – 9:30 AM :

	8:30	8:45	9:00	9:15	9:30
South side:	12	14	15	13	15
Northside:	4	4	4	4	4

Traffic count during 8:30 to 9:00 was 30 Meade Jones Hanna

Traffic count during 9:00 to 9:30 was 26 Meade Jones Hanna

Friday, June 11, 2004

Total number of cars parked between 8:30 – 9:30 AM

	8:30	8:45	9:00	9:15	9:30
South side:					
Northside:					

Traffic count during 8:30 to 9:00 was _____

Traffic count during 9:00 to 9:30 was _____

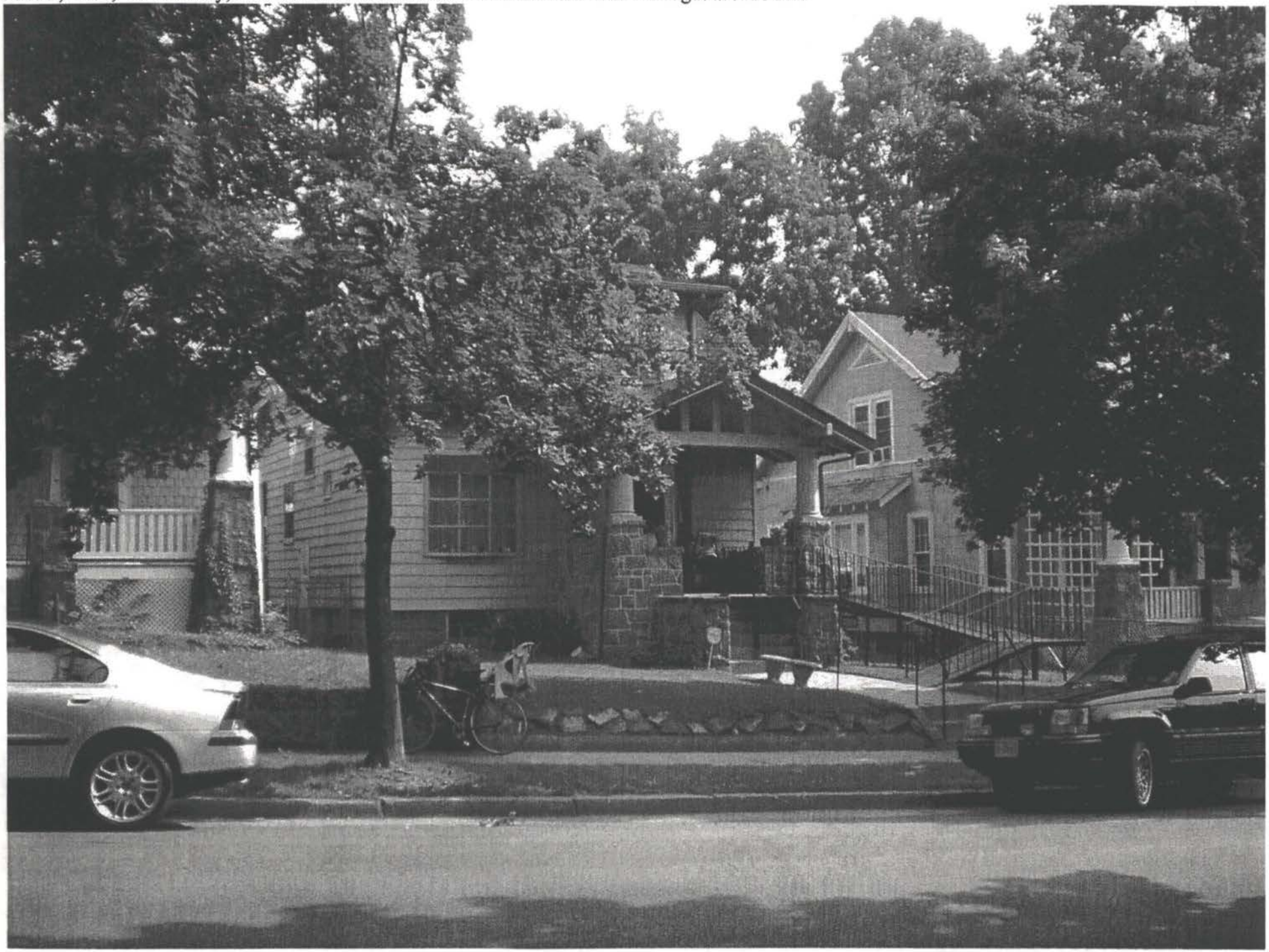
June 9, 2004, Wednesday, Photo 5 taken from across the street from 1309 Farragut at 9:26 PM



June 9, 2004, Wednesday, Photo 6 taken from across the street from 1309 Farragut at 9:26 PM



June 9, 2004, Wednesday, Photo 7 taken from across the street from 1309 Farragut at 9:26 PM



June 9, 2004, Wednesday, Photo 8 taken from across the street from 1309 Farragut at 9:26 PM



3 of 8 parking spots

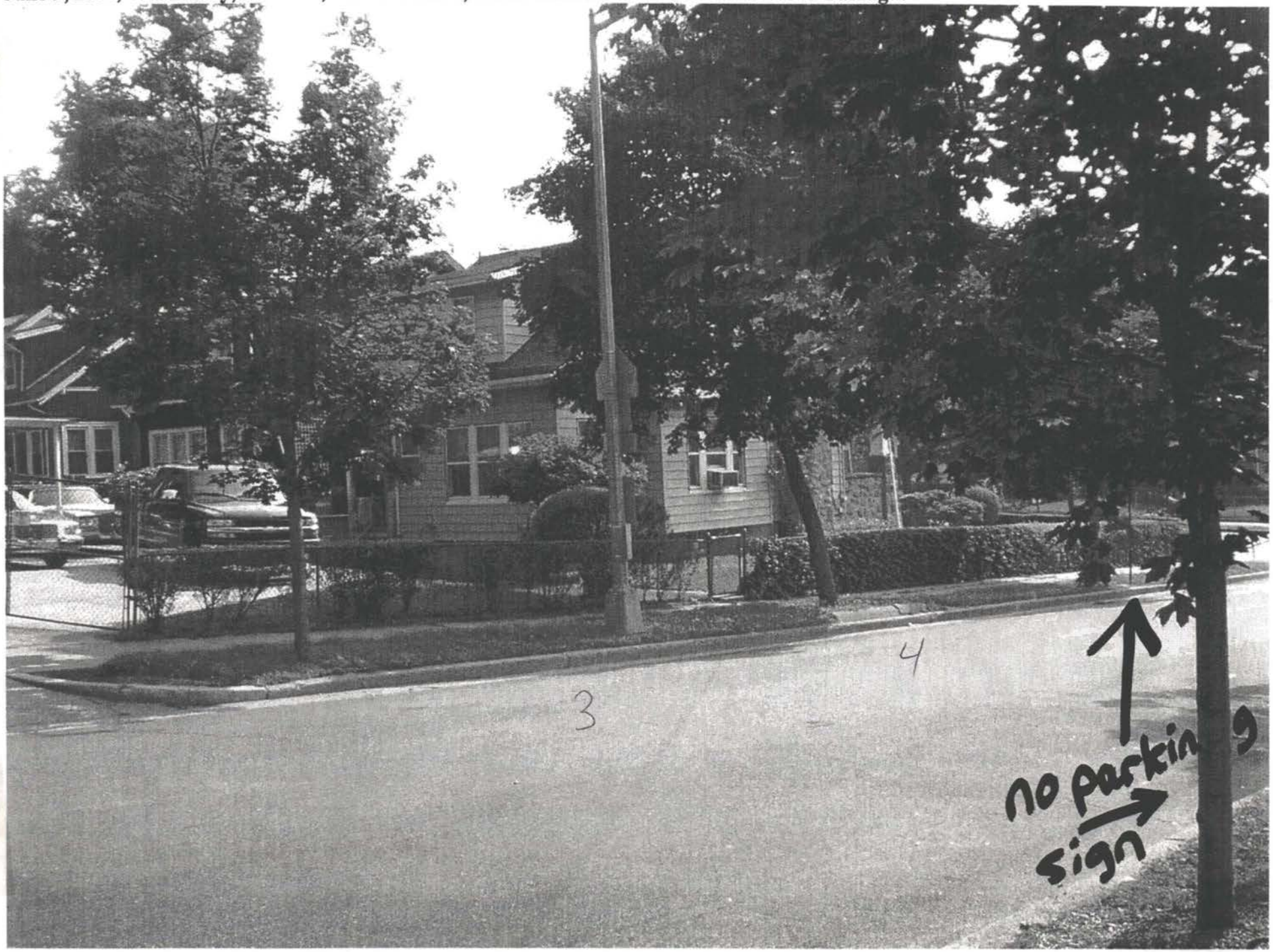
June 9, 2004, Wednesday, 9:26 AM End of block 1, Taken from acros the street from 1309 Farragut which is in the far left of picture



June 9, 2004, Wednesday, 9:26 AM, End of block 2, Taken from acros the street from 1309 Farragut



June 9, 2004, Wednesday, 9:26 AM, End of block 3, Taken from acros the street from 1309 Farragut



June 9, 2004, Wednesday, 9:35 AM, Photo taken from Farragut Street looking South onto 13th St. in front of Maranatha Gospel Hall



June 9, 2004, Wednesday, 9:35 AM, Taken from the northwest corner of Farragut and 13th looking north on 13th Street

