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 29, 2004

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 in the above-referenced special exception proceeding is the Applicant's Proposed findings of Fact and Conclusions of Law requested by the Board at the conclusion of the continued session of the public hearing in this matter on June 15, 2004.

Very truly yours,

George R Keys Jr.
George R. Keys, Jr.

cc: Advisory Neighborhood Commission 4C
Charles Morrow, Farragut Street Block Club

BZA
Case No. 17163
Exhibit No. 51

Board of Zoning Adjustment
District of Columbia
CASE NO. 17163
EXHIBIT NO. 51

APPLICANT'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW
IN BOARD OF ZONING ADJUSTMENT APPLICATION NO. 17163
- AMAZING LIFE GAMES PRE-SCHOOL, INC.

Application No. 17163 of Amazing Life Games Pre-School, Inc. pursuant to 11 DCMR § 3104.1 for special exceptions under 205 to operate a child development center for 28 children in an R-1-B Zoning District at premises 1309 Farragut Street, N.W. (Square 2806, Lot 76).

HEARING DATES: June 8 and 15, 2004
DECISION DATE: July 6, 2004

SELF-CERTIFICATION

The Applicant filed a self-certification form for relief pursuant to § 3113.2.

PRELIMINARY MATTERS

Requests for Party Status. ANC 4C was automatically a party in this proceeding. The Board considered a request for party status from a group of neighbors calling themselves the Farragut Street Block Club ("FSBC") represented by one of its members, Charles W. Murrow. FSBC claimed that, as immediate neighbors of the Applicant's proposed facility, they would be adversely affected if the Board were to grant the special exception. The Board conferred party status on FSBC and designated Mr. Murrow as its sole spokesperson for the purposes of presenting its opposition and for cross-examination. The Board also received an application for party status from Mabel Roberts, who resides at 1313 Farragut Street, N.W., approximately 120 feet from the subject property. Since Mrs. Roberts is also a member of the FSBC and her interests in the application did not appear materially different from those of other FSBC members, the Board concluded that Mrs. Roberts would be adequately represented by FSBC and therefore denied her application for party status.

PUBLIC HEARINGS. Public hearings on the application were held on June 8th and June 15th, at which times testimony and evidence were provided by the Applicant and its witnesses, by the Office of Planning, District Department of Transportation and by ANC 4C and FSBC.

SUMMARY OF TESTIMONY

1. Applicant's Case. The Applicant presented its case on the child development center through the testimony of Pickett Craddock,

its Director, Meade Hanna, a parent of a child currently enrolled at Amazing Life Games Pre-School, Inc. and also member of the Steering Committee of the Applicant, and Earl Harris, another parent of a currently enrolled child who resides in the neighborhood of the subject property at 1509 Gallatin Street.

A. The Applicant's Case.

The Applicant operates a pre-school for 20 children (aged 2½ to 4½) at 1844 Mintwood Place, N.W. The Applicant is organized as a nonprofit corporation and has operated a pre-school since 1972. Ms. Craddock has been continuously involved with the pre-school for that period of time. The Applicant has enjoyed low staff turnover with current staff tenures reaching 5-24 years. The Applicant differs from other pre-schools in several respects: it chooses to function in a home-like environment, emphasizes the development of social skills, creative play and group problem-solving and since 1992 has been structured as a parent cooperative which means that participating parents work in the classrooms two days per month. The Applicant is licensed by the District of Columbia and accredited by the National Association for the Education of Young Children. In its history, the Applicant has only had two locations: in a church at 16th & Taylor and currently at 1844 Mintwood Place.

The Applicant's typical day begins at 8:30 am with arrival of its four staff members. The 24 enrolled children arrive in a staggered pattern between 8:45 and 9:30 am. Seven children leave between 12:45 and 1:15 pm; thirteen (13) leave between 2:45 and 3:15 pm and the remaining four (4) are picked up by 6:00 pm. The Applicant proposes to adhere to this same schedule at the subject property and anticipates that among the projected 28 enrollees at the subject property approximately the same ratio of children will depart at mid-day, mid-afternoon and early evening. At the current location, children either were walked to the pre-school, were driven by their parents, or arrived on public transportation. The Applicant projects that a greater number of its new enrollees will come from neighborhoods near the subject property in the 20011 zip code than are presently enrolled at the Adams-Morgan location. The Applicant normally keeps the children for only two years, so that every year 50% of its enrollment turns-over.

The Applicant leases its current location, but the high level of rents in Adams-Morgan neighborhood and the landlord's lack of responsiveness in making repairs, propelled the decision to purchase a new location for the school. Early in its search process, it had identified the community in which the subject property is located as a prime area for several reasons: the price

of a suitably-sized building was within its budget, many recent enrollments were coming from the 20011 zip code, the area was well-served by arterial streets and public transportation, and Hamilton Street Playground was well-equipped as an off-site recreational area for the pre-school program. The Applicant submitted an offer for one property on Gallatin Street, but did not get the contract. Realizing that the present real estate market rewarded quick response, the Applicant acted quickly when the subject property came on the market to obtain a contract in October, 2003 and completed the purchase in January 2004.

Before the Applicant purchased the subject property, it had the subject property examined by the licensing agency for child development centers to evaluate what work would have to be done to obtain a license. The subject property requires only minor interior renovation to meet the applicable code and licensing requirements which govern child development centers. The Applicant will create a dedicated, fire-rated stairway from the second floor leading to an exit door with emergency lighting, equip a bathroom in the first floor, and install fire suppression equipment in the kitchen. There is no need to enlarge the building envelope. Under the formula adopted by the licensing agency for determining student capacity, the subject property contains at least 980 square feet of program space, thus permitting a ceiling capacity of 28 pre-school students. The two-car garage at the rear of the subject property will be used by the Applicant for staff parking. At present, two of the four staff members drive to the current pre-school, one is dropped-off and one walks and Ms. Craddock saw no reason to think that this pattern would change at the subject property.

The subject property is close to the Hamilton Street Playground (within a few hundred feet) and the Applicant's staff would escort the children daily in the morning. Walking through the public alley is the shortest route, but even the slightly longer route up 13th Street, is well within the distance Ms. Craddock with 30 years of pre-school experience is comfortable in walking with children. The Applicant does not propose to use the backyard of the subject property for general play by the children, but rather to use it for special projects in small groups, like gardening.

The Applicant obtained a listing of licensed child development centers from the Department of Health, Child & Residential Care Facilities Division, and determined that there are no other child development centers within 1000 feet of the subject property.

The Applicant believes that its requirements for on-street parking for drop-off and pick-up can be easily satisfied given the

existing traffic situation on Farragut Street. The Applicant's representatives observed traffic on Farragut Street on several days at particular times of day which corresponded to the times when parents would either be picking-up or dropping-off their children. Morning traffic in both directions was counted along Farragut Street from 8:30-9:30 am on the following days with the number of vehicles observed shown in parentheses: Wednesday, March 17, 2004 (33), Monday, March 29, 2004 (60), Monday, April 19, 2004 (52), Wednesday, June 9, 2004 (70) and Thursday, June 10, 2004 (56). In addition, the Applicant believes that there is an abundance of on-street parking on the 1300-block of Farragut Street proximate to the subject property. Ms. Craddock and Ms. Hanna testified regarding a series of photographs they had taken on March 17, March 29, April 19 and June 9 at various times of day showing the amount of available on-street parking. Even on those days (Tuesday and Wednesdays) when parking restrictions require either the south side or the north to be vacated from 9:30-11:30 am for street cleaning, there are many parking spaces available.

Ms. Craddock on cross-examination indicated that the Applicant held special events for parents and/or prospective parents one or two times per year, a fund raising auction and monthly board meetings, which events typically occur in the evenings after normal hours of the pre-school. To the best of her knowledge, she did not believe that these few events would create any hardship for the other residents of the 1300-block of Farragut Street.

2. Government Reports.

A. Office of Planning. By written report, dated June 8, 2004, the Office of Planning recommended denial of the subject application for several reasons: (1) the introduction of new traffic into the community during arrival and departure times; (2) with no opportunity for on-site circulation, traffic may back-up causing objectionable traffic conditions for neighbors and unsafe conditions for children attending the child development center; (3) the number of automobiles belonging to staff, parents and volunteers would have a negative impact on the residential character of the block and increase competition for parking spaces, especially so on Tuesdays and Wednesdays when normal parking is disrupted for street cleaning; (4) concerns about where staff, parents and visitors will park; (5) the location of Hamilton Street Playground is too far for small children to walk safely; (6) the alley which the Applicant's director indicated that she would use to escort children to Hamilton Street Playground was unsafe due to vehicles in the alley traveling in excess of the speed limit and residents' reports of drug activity in the public alley; (7) residents' concerns about the existing traffic and noise caused by

existing educational facilities, some of which offer services similar to the proposed child development center; (8) the size of Ward 4's elderly population and the demographics of the immediate neighborhood do not suggest a need for early childhood services of the kind offered by the Applicant; and (9) the proposed child development center will have an adverse effect on neighboring properties due to noise, traffic and parking.

On cross-examination, Mr. John Moore, who presented the OP Report, stated that he had visited the subject property on two occasions: on Monday, May 17, 2004 around mid-day and again on a Friday around 2:30 pm. On neither occasion did he observe or record traffic or parking conditions on the 1300-block of Farragut Street. In his personal judgment, Hamilton Street Playground was too far to escort small children. Mr. Moore acknowledged that the demographic figures referenced in the OP Report were relying upon the 2000 Census. He had no information on either elderly or early childhood populations in the vicinity of the subject property. Mr. Moore could not confirm whether the Pre-K program at West Elementary School included children of the same age as those served by the Applicant. Although the OP Report stated that the Y.O.U.R. Community Center, located at the southeast corner of 14th & Farragut Street, offers before and after school care for children as young as 4 years of age; Mr. Moore did acknowledge that the order issued by the Board in Application No. 16532 did limit that facility to children from 6 to 12 years of age.

Subsequent to the public hearing, Mr. Moore consulted with the Metropolitan Police Department (MPD) and obtained a compilation of crime statistics and call-for-service analysis for a two-square block area bounded by Hamilton, Farragut, 13th and 14th streets showing that 8 crimes were committed and 319 calls-for-service originated from this area.

B. District Department of Transportation (DDOT). By written report, dated June 1, 2004, DDOT reported its conclusions with respect to the traffic conditions at the subject property. Mr. Abdoulaye Bah presented the DDOT report which was based on his observations. Mr. Bah made three visits to the subject property: Friday, May 21st at 8:30-9:30 am; Monday, May 24th at 1-2 pm; and Tuesday, June 15th at 8:45-9:00 am. On those occasions, Mr. Bah observed the traffic along Farragut Street and the availability of on-street parking in the vicinity of the subject property. The DDOT report noted that "some curb parking is available" during the hours when the proposed child development center would operate. Mr. Bah noted that parking on the 1300-block of Farragut Street and the adjacent portions of 13th Street were not "residentially-restricted." In his opinion this fact was an indication that on-

street parking presented no difficulty for neighborhood residents as those neighborhoods feeling parking pressure from non-residents are able to obtain parking restrictions from DDOT. Mr. Bah did not record traffic counts along Farragut Street, but observed on his visits that the street was lightly traveled, which he attributed to the fact that it was not a through street and ended at 14th Street. When asked to characterize the traffic conditions on the 1300-block of Farragut Street by its level of service, Mr. Bah stated that there were many gaps in traffic along 13th Street that permitted unimpeded turning movements onto Farragut Street. When asked about the impact of street-cleaning days upon the availability of on-street parking, Mr. Bah stated in response to questions that in the mornings at times prior to 9:30 am, he would expect that residents would vacate parking spaces on the side of the street to be cleaned, which would mean that on either Tuesdays or Wednesdays one side of the street would be empty of automobiles at a time when parents would arrive to bring children to the proposed child development center. Mr. Bah agreed that the 1300-block of Farragut Street was an extremely long street, approximately 1000 feet long. Assuming that 900 of feet of curb space was available for parking along the south side of Farragut Street, Mr. Bah estimated that each car would require 23 feet of curb space for parking. He agreed that at least 36 cars could be parked along the south side of Farragut Street.

C. D.C. Department of Health. The Department of Health, Child & Residential Care Facilities Division, which licenses pre-school facilities, in a letter dated March 19, 2004 supported the application for special exception citing the continued need in the city for child care services.

3. ANC 4C Report. On February 10, 2004, at a public meeting at which a quorum was present, ANC 4C passed a resolution opposing the special exception application solely on the grounds that "there is a proliferation of schools and other day care facilities in that block ..."

ANC 4C Testimony. Ms. Jacqueline Mitchell, the ANC Commissioner in whose Single Member District the subject property is located presented the ANC 4C report. In addition to what the ANC 4C report contained, Ms. Mitchell raised safety issues in terms of the use of the public alley at the rear of the subject property. She also indicated that the Applicant's representatives had an opportunity to present their case at the February 10, 2004 meeting, even though the special exception application had not yet been filed.

4. Parties and Persons in Opposition to the Application.

A. Farragut Street Block Club. Charles Murrow spoke on behalf of the members of FSBC. He cited to the existence of many non-profit institutions in the neighborhood and the problems associated with them. With regard to the subject application, Mr. Murrow felt that parents driving around searching for street parking would result in double-parking which was an unsafe traffic condition. He also opined that the alley was unsafe for moving children. The FSBC had developed information on the number of child development centers within a 3-mile radius to suggest that Ward 4 was over-supplied with such facilities. On cross-examination, Mr. Murrow indicated that he had lived on Farragut Street for 13 years. He indicated that he did not oppose special exception applications in the R-1-B zone within one block of his home for nonprofits in four BZA cases: #15724 on December 2, 1992 for a child development center having 52 students; #16205 on March 5, 1997 for health care facility with 200 patients and 180 staff; #16532 on January 19, 2000 for a community service center for pre-school and after-school programs for not more than 40 children aged 6-12; and #16569 for as private school for not more than 400 students and 200 staff.

B. Angie Moore. Ms. Moore resides at 1314 Farragut Street, N.W., next door to a vacant church. She stressed the adverse impact on the city's tax base of so many non-profits. She mentioned the issue of speeding on Farragut Street, including the many buses which service the Kingsbury School. She mentioned that her research (which she submitted for the record) showed that there were 22 child development facilities within three miles of the subject property serving children aged 0-12 years.

C. Heather Brandon-Sondel. Ms. Brandon-Sondel resides at 1311 Farragut Street, N.W., next door to the subject property. She noted that the owners of the property had agreed not to sell to a "cooperative" and the sale to the Applicant violated that pledge and the Applicant was aware of that fact when it purchaser the subject property. Ms. Brandon-Sondel described West Elementary School as having 162 of its 307 students coming from "out of bounds" thereby increasing the amount of traffic on Farragut Street. She referenced DCPS policy statements that indicated that schools like West Elementary may add "early education programs" in the future. Ms. Bandon-Sondel also believed that the Applicant's special events would draw even more traffic into the area at various times of the year. Ms. Brandon-Sondel also made mention of the fact that the Director of the Applicant lived in Fairfax, Virginia and that as a cooperative, the Applicant was not a nonprofit corporation and there was no benefit to the District.

D. Carter-Barron East Neighborhood Association. CBENA is the neighborhood association within whose boundaries the subject property is located. CBENA is concerned with the proliferation of schools and other nonprofits within its boundaries and agrees with the FSBC that there are too many non-residential uses in this neighborhood.

E. Catherine Gill. Ms. Gill resides at 1315 Farragut Street, N.W. and opposed the special exception application.

F. James Sondel. Mr. Sondel resides at 1311 Farragut Street, N.W., next door to the subject property and he identified himself with the remarks made by the other witnesses who preceded him.

FINDINGS OF FACT:

1. The subject property is located on the north side of the 1300-block of Farragut Street, N.W. and is zoned R-1-B.

2. The subject property is improved with a two-story, single family detached house with a two-car garage at the rear of the property abutting a public alley.

3. The surrounding area is zoned R-1-B and is developed primarily with single family detached dwellings to the south, north and east of the subject property. To the west, located on the 1300-block of Farragut Street is West Elementary School. Across Farragut Street to the south, there are two churches, Marantha Gospel Church on the corner of 13th & Farragut and Macedonia Church of God located at 1320 Farragut Street. Y.O.U.R. Community Center, a facility granted a special exception in January 2000 under § 209 of the Zoning Regulations and offering before and after school programs for children 6-12 years of age, is located at the southeast corner of Farragut & 14th Street, N.W. Kingsbury School, a private school for children with special educational needs is located on the west side of 14th Street opposite the intersection with Farragut Street.

4. The larger R-1-B area surrounding the subject property is characterized by detached, single-family homes interspersed with a number of institutional uses, such as churches, private schools and child development centers.

5. We note that Ward 4 and the smaller area around the subject property have according to the 2000 Census a large number of elderly residents, but the Board does not conclude from that

dated statistic that there is no need for the services provided by the Applicant.

6. Based on the testimony of all parties, government agencies and persons appearing in this application, the Board believes that Farragut Street is a lightly traveled street with sufficient street parking to accommodate the Applicant's limited needs for street parking for drop-off and pick-up at various times of day. The only evidence on the subject of traffic flow are the Applicant's figures which suggest that an average of one vehicle per minute travels along Farragut Street. The addition of even the 22 vehicles, which DDOT has estimated to be the Applicant's contribution to the morning traffic flow, does not present the crowded street traffic situation which the opponents would suggest.

7. The evidence presented establishes that at the times of the Applicant's peak utilization of street parking between 8:30 and 9:30 am., there are many open areas of both sides of the Farragut Street available for parking. Because the traffic generated by the Applicant's use will arrive over a period of time from 8:45-9:30 am and not all at one time and will consist of vehicles seeking short-term to drop-ff children, the Board cannot conclude that an objectionable traffic condition is created on the 1300-block of Farragut Street. The Board notes that the street cleaning restrictions actually have the effect of ensuring that on Tuesdays and Wednesdays there will always be available and convenient short-term parking in the morning before 9:30 am for child drop-off.

8. The Board finds that the Applicant has established by its data and photographs that the Applicant's probable addition to the parking and traffic on the 1300-block of Farragut Street do not, and will not, create any objectionable condition, either in terms of traffic flow or the pick-up and drop-off of children. The fact that the opponents offered no evidence to contradict the Applicant's observations nor made any effort to challenge the Applicant's testimony on the subject suggests strongly to the Board that traffic and parking are not objectively the basis for the neighborhood's opposition to the subject application. Moreover, as Mr. Bah testified, one can infer from the fact that the neighborhood does not have any residential parking restrictions in effect for the 1300-block of Farragut Street there is no street parking problem.

9. Under § 2101.1 of the Zoning Regulations, the Applicant is required to provide one off-street parking space for every 4 staff members. The Board finds that the Applicant has more than satisfied this requirement by providing parking for two vehicles at the rear of the subject property and that there is reason to

believe that adequate on-street parking space exists on the 1300-block of Farragut Street for any additional visitors.

10. The Board is relieved to learn that the Applicant does not intend to use the backyard of the subject property as a recreation area for 28 children, a situation which is likely to present the greatest potential for conflict between the preschool use and the use of adjacent residential property "due to noise, activity, visual or other objectionable conditions". Nonetheless, the Board takes seriously the suggestion of the Office of Planning that a privacy fence might afford a greater measure of protection to adjacent properties, even though no one, not even the next door neighbor, testified in opposition to the preschool on the grounds of the noise of children.

11. The Board defers to the professional experience of Ms. Craddock and deems Hamilton Street Playground to be an appropriately located off-site recreation area. The Board has no doubt that the Applicant's staff will determine and utilize the safest route to and from the playground. The Board is unable to credit the vague and unsupported testimony of the Office of Planning that criminal activity in the vicinity of the subject property renders it an unsafe location for a child development center.

12. There are no other authorized child development centers within 1000 feet of the subject property. West Elementary School, which may or may not operate a Pre-K program, is not subject to the jurisdiction of this Board under § 205 of the Zoning Regulations. Y.O.U.R. Community Center, which was approved as a special exception by this Board under § 209 does not function as a child development center and, in any event, does not serve the same age group as the Applicant's proposed pre-school. While we sympathize with the community's demonstrated concern about the number of non-residential uses in the vicinity, we also note that in the several recent special exception actions before this Board to establish non-residential uses in this neighborhood, the Board has issued "summary orders" which is only done when there is no opposition to the application.

13. The Advisory Neighborhood Commission 4C grounded its opposition in the "proliferation of schools and other day care facilities in that block including YOUR Community Center, West Elementary School, Macedonia Church, Martha Hanna [sic] Church and the Kingsbury School: ". ANC 4C does not provide the Board with any information as to the adverse effects of such proliferation and the Board is reluctant to presume the answer. We again, note that ANC 4C supported, or did not oppose, each of the special exceptions

located in this neighborhood. It is not credible for ANC 4C to now complain that the addition of one pre-school limited to 28 children causes a deterioration of the residential character of the neighborhood, when the same ANC has approved, or not objected to, larger, non-residential uses.

14. The Ward 4 portion of the Comprehensive Plan anticipates that the establishment of new or the expansion of existing child care facilities in residential areas will present the potential for adverse impacts on settled, residential communities. As a precautionary measure, the Office of Planning recommended that, in order to manage the potential for conflict, that city agencies should ensure that such institutional uses met and adhered to all applicable regulations regarding traffic, parking and safety, bulk, density and height, and other code enforcement and inspection issues. The Board concludes that the Applicant's special exception application meets this Comprehensive Plan standard.

15. The Board does not find that the Applicant's proposed use will, in accordance with the general special exceptions standards of the Zoning Regulations set forth at § 3014.1, adversely affect the use of neighboring property. The Board finds that no adverse impact contemplated under either § 205 or § 3014.1 is likely to occur as a result of a 28-child pre-school in this location. The general standard for special exception relief set out in § 3104.1 cautions the Board to be alert to conditions which will "... affect adversely the use of neighboring property..." Neither ANC 4C nor any opposing witness made or alleged any connection between the Applicant's proposed use of the subject property and any diminished use of their property.

16. The Board finds that the essential complaints of the adjoining neighbors are that there are too many uses similar to Applicant's in the immediate neighborhood, that the Applicant comes to this neighborhood from another city neighborhood and thus is an intrusion from outside, and that the Applicant failed to seek approval of its proposed use before purchasing the subject property. The Board, while remaining sensitive to the need to protect stable, residential neighborhoods from disruption, is unwilling to grant to the neighboring community a "veto" that would prohibit the granting of a special exception for the subject property, unless the basis for opposition relates to the standards of § 205 and is supported by probative evidence or testimony.

17. The Board is mindful that Gladden v. D.C. Board of Zoning Adjustment, 659 A.2d 249, 255 (D.C. App. 1995) instructs the Board that in the case of special exceptions, "[t]he Board's discretion

is limited to a determination whether the exception sought meets the requirement of the regulation."

Decision. At its public meeting conducted on July 6, 2004, the Board voted as follows: ___-___ to grant the application for a special exception pursuant to § 205 of the Zoning Regulations to operate a child development center for 28 children subject to certain conditions.

CONCLUSIONS OF LAW AND OPINION

The Board conclude that it has accorded ANC 4C the "great weight" to which it is entitled. The record reflects that ANC 4C opposed the application but failed in its resolution or in its testimony to propound any facts or to introduce any evidence that related to a rational basis to oppose the child development center other than its concern about "a proliferation of schools and other day care facilities in that block". In the findings above, the Board has responded to each of the claims made by ANC 4C in opposition to this application.

For the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to the application for a special exception to operate a child development center for 28 children. Accordingly, it is **ORDERED** that this special exception application to operate a child development center for 28 children is **GRANTED;** provided that:

(1) the Applicant, if so requested by its immediate neighbors, erect a privacy fence, not less than __ feet in height and made of a material selected by the Applicant suitable for the purpose of screening its backyard from the neighbors on either side.

(2) the Applicant make no alteration (other than the placement of a plaque-type sign next to the front door) to the front facade of the subject property that is not compatible with a residential appearance of the structure.

VOTE: __-__-__ (_____, to approve; _____,to oppose)

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

Each concurring Board member approved the issuance of this order.

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1, OF THE D.C. CODE. SEE D.C. CODE § 1-2531 (2001). THIS ORDER IS CONDITIONAL UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.