GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16540 of Little Rock First Pentecostal Church of Deliverance, Inc., pursuant to 11 DCMR 3104.1, for a special exception under Section 205 to establish a child development center for a total of 75 children and 15 staff persons in an R-2 District at premises 2214 Naylor Road, S.E. (Square 5576, Lot 39).[1]

HEARING DATE: February 9, 2000
DECISION DATE: February 9, 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) 6C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 6C. ANC 6C, which is automatically a party to this application, did not submit a written statement on the application.

As directed by 11 DCMR 3119.2, the Board 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 appearing as a party to this case testified in opposition to the application. 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**:

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Exhibit No. 10

[1] The application was advertised for 50 children to be housed at the child development center. At the hearing, the Board amended the application and granted approval for up to 75 children to be housed at the center.

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EXHIBIT NO. 10

1. Approval shall be for **FIVE (5) YEARS.**

2. The number of children shall not exceed **SEVENTY-FIVE (75),** ages 2 to 12 years old.

3. The number of employees shall not exceed **FIFTEEN (15).**

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

5. Trash shall be removed, as appropriate.

6. Drop off and pick up shall be between the hours of 6:00 a.m. to 9:00 a.m., and 4:00 p.m. to 6:00 p.m., respectively.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0 (Robert Sockwell, Sheila Cross Reid, Anthony Hood and Anne M. Renshaw to grant.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: MAR 21 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 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 CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

BAB/3.8.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16540

As Director of the Office of Zoning, I hereby certify and attest that on MAR 21 2000, a copy of the order entered on that date in this matter before the Board of Zoning Adjustment 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:

Bishop Clarence B. Richardson
6211 Buckler Road
Clinton, Maryland 20735

Robert Adams, Chairperson
Advisory Neighborhood Commission 6C
2019 Ridge Place, S.E.
Washington, DC 20020

Michael Johnson, Zoning Administrator
Building & Land Regulation Administration
Dept. of Consumer and Regulatory Affairs
941 North Capitol Street, NE, Suite 2000
Washington, DC 20009

ATTESTED BY:
JERRILY R. KRESS, FAIA
Director