

**PETITIONING THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**Application of George F. Haskins, Jr. Jointly Dianne M. Haskins
4605 Kane Street, N. E., Washington, D. C.**

2008 JAN - 7 PM 4: 51

D.C. OFFICE OF ZONING

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Preliminary Statement of Explanation in Compliance with Burden of Proof

A. Introduction

1. Bishop George F. Haskins, Jr. and Dianne M. Haskins ("the applicants") submit special exception relief under sections 3104.1 and 205 from the Board of Zoning Regulations to open an additional child development center at premises 4605 Kane Street, N. E., Washington, D. C. (**Square 5154, Assessment and Taxation Lot 901**) ("The Property") The Property is located in a R-2 residential zone. The property is owned and purchased by the aforementioned in its entirety.

Pursuant to section 3113.8 of the Zoning Regulations, the Applicants will file its Statement of the Applicant with the Board of Zoning Adjustment ("Board" of BZA") within the scope of required date indicting (no later than 10 to 15 days) prior to the public hearing for the present application. In its prehearing statement, and at the public hearing, the Applicant will provide evidence and testimony demonstrating its compliance with the special exception standards of section 205. This preliminary statement of compliance is submitted in accordance with the Board of Zoning application process.

B. Property Description

2. The Property consists of a large lot located on Kane Street, N. E., a public alley is located in the rear of the property. The Property is developed with a three-story building. The building is detached, vacant and classified as a Single Family Dwelling piece of property. It was currently proposed to be a home for Senior Citizens Day Care. Asses to the property is gained from the front street parking or from the alley which is proposed (two staff Parking spaces). There are two vacant lots on both sides of the property – one of the vacant lots is owned by the ("The Haskins" requesting parties) and the other one by the District Government.

3. The Applicants seek to open this additional Child Development Center on the Property and therefore, requests approval of special exception (BZA application Number

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EXHIBIT NO. 3

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3. Compliance with Burden of Proof for Special Exception Relief

Pursuant to sections 3104.1 and 205, the Board may grant special exception relief to allow a child development center in a residential district, provided that certain requirements are met. As disclosed herein this document, and as will be further demonstrated in its prehearing statement testimony before the Board, the Applicants satisfies the requirements of section 205.

A. The Center Shall Be Capable of Meeting all Applicable Code and Licensing Requirements (205/2)

The Applicants are a licensed childcare development facility and operated pursuant to validated issued certificate(s) of occupancy. As Stated and Confirmed in the attached letter from the District of Columbia Zoning Administrator there is no record of any other zoning noncompliance of the Property and any other properties that I have previously made requests.

B. The Center Shall Be Located and Designated to Create No Objectionable Traffic Condition and No Unsafe Condition for Picking up and Dropping Off Children (205.3)

The Applicant is a community-oriented facility that will be operating at this location. The center's population, staff and other volunteers will be drawn primarily from the immediate neighborhood. Pedestrian traffic to and from the building is substantial to the Metro Station – Deanwood. Children can be safely picked up and dropped off from vehicles on Kane place, or from the rear parking.

C. The Center Shall Provide Sufficient Off-Street Parking Spaces to Meet the Reasonable Needs of Teachers, and Other Employees, and Visitors (205.4)

Adequate off-street parking for teachers, employees and visitors is provided on Record Lot 901.

D. The Center, Including any Outdoor Play Space Provided, Shall Be Located and Designed So That There Will Be No Objectionable Impacts on Adjacent or Nearby Properties Due to Noise, Activity, Visual or Other Objectionable Conditions (205.5)

The playground will be located to the rear of the building and will be fenced and located a substantial distance from any adjacent residential uses. The Applicants are not aware of any complaints from neighbors regarding any objectionable conditions on the Property. I have personally walked the streets and discussed the proposed request.

E. The BZA May Require Special Treatment in the Way of Design, Screening of Buildings, Planting and Parking Areas, Signs, or Other Requirements as It Shall Deem Necessary to Protect the Adjacent and Nearby Properties (205.6)

The property is already self-contained, screened and buffered from adjacent properties.

F. Any Off-Site Play Area Shall Be Located so as Not to Result in Endangerment to the Individuals in Attendance at the Center in Traveling Between the Play Area and the Center Itself (205.7)

The Applicant does not currently utilize any off-site play facilities.

G. The Board May Approve More than One Child Development Center in a Square of Within One Thousand Feet of Another Child Development Center Only When The Board Finds that The Cumulative Effect of Those Facilities Will Not Have Adverse Impact on The Neighborhood Due to Traffic, Noise, Operations, or Other Similar Factors (205.8)

The Applicant is not aware of another licensed child development center in Square 5154 or within one thousand feet of the Property.

H. Before Taking Action on an Application for Use as a Child Development Center and/or Elderly Day Care Center, the Board Shall Submit the Application to the D.C. Departments of Public Works and Health, the D.C. Office on Aging and the D.C. Office of Planning for Review and Written Reports (205.9)

The Applicants acknowledges that the application will be referred to the appropriate agencies.

Based on the foregoing, the Applicant meets the standards of sections 3104.1 and is seeking special exception from Section 205, to allow proposed 15 children with 2 rotating staff in a child development center/day care center in an existing single family dwelling detached structure in the R-2 residential zone district (Section 205)