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# BEFORE THE DISTIRCT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

## APPLICATION OF MCKENDREE-SIMMS-BROOKLAND UNITED METHODIST CHURCH 2420 RHODE ISLAND AVENUE, N.E. 20018

### STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

#### 1. BACKGROUND

The subject property, 2420 Rhode Island Avenue, NE also known as square 4290 Lot 3 thru 7 (hereinafter referred to as the “property”) currently consist of five classrooms and three bathrooms. Square 4290 is bounded by Rhode Island Avenue to the north, Lawrence St. to the south, and South Dakota to the west. The property is located between Rhode Island Ave (front entrance) and Lawrence St (rear entrance). The property is zoned R-1-B and is located in the 5<sup>th</sup> ward. The owners of property are applying to the Board of Zoning Adjustment (the “Board”) to allow for the use of the property as a child development center to be named The Geneva Ivey Day School, which requires special exemption under section 205 of the Zoning Regulations (the “Regulation”).

BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 17950

EXHIBIT NO. 4

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The intended use for the property is as a child development center providing care, supervision, guidance, education, recreation to children under the age of twelve (12) for twelve (12) hours per day from Monday through Friday.

Pursuant to Section §3113.8 of the Regulations, the Center will file any additional materials with the Board no fewer than fourteen (14) days prior to the public hearing. At the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested special exception. In support of the application, applicant states:

II                   **BURDEN OF PROOF FOR CHILD DEVELOPMENT CENTER**  
**USE §205**

a.                  205.1- General Requirement of special exceptions pursuant to Section 3104.1 of the Regulations.

Section 205.1 of the Regulation states that the "use as a child development center shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under §3104, subject to the provisions of this section. The general requirement for approval of special exceptions pursuant to §3104.1 of the Regulations are as follows:

*(I.) How will the proposed special exception be consistent with the general intent and purpose of the zoning regulations and map?*

The approval of this application for special exception as a child day care center would be consistent with the general intent and purpose of the zoning

regulations and map which is to promote public health, safety, morals, convenience, order, prosperity and general welfare. Section 101.1 of the

Regulations states:

Adopt for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare to: (a) Provide adequate light and air; (b) prevent undue concentration of population and the overcrowding of land; and (c) Provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, education, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services.

The proposed use of the property would not result in any addition to the building, thus the granting of the special exception would not result in any changes to the adequate provision of light and air in the property.

The granting of the exception would not be inconsistent with preventing undue concentration of population and the overcrowding of land. The center would not provide habitation for students and teachers, thereby would not be adding new residents to the neighborhood. There would be no addition to the property and since no changes would be made to the design, size, and occupancy of the property, there would be no overcrowding of land.

The Child Development Center's mission is to stay fully committed to offering affordable, safe, wholesome, and convenient child care in a developmentally appropriate environment for toddlers, preschoolers and school age children in a licensed child care center. The parents would not have to drive long distances to drop off their children at center and can feel confident that their

children are receiving high quality, educationally enrich instruction which will prepare them for the rigor of primary school.

The center proposes to help fill the shortage of high quality, educationally focused programs for the children living in the neighborhood. The Center's mission is to give each child a warm environment that encourages the development of social skills, independence and the promotion of intellectual growth while providing safe and affordable services to the neighborhood.

For over thirty years, the property has been used and was originally built for use as a child development center. The proposed use will maintain the current appearance of the building, thus conforms to the height, density and area requirements established for the area.

The center operates during the hours of 6am to 6pm providing day care and educational services to children under twelve (12) years old who live in the neighborhood. Thus, the center supports families living in the residential development.

*(II.) Will allowing the use adversely affect the use of the neighboring property: traffic, noise, lighting, etc?*

The nature and size of the proposed use would not materially increase traffic. Lawrence Street offers ample parking. There is only one residential dwelling on Lawrence Street which is not owned by the applicant. Also, the

applicant owns a parking lot across the street from the center which provides over 30 parking spaces for both parents and staff. Notwithstanding, the vast majority of participating students live within walking distance of the center and it is expected that most families would walk their children to and from the center.

There will be no additional lighting attached to the outside of the building or installed in the compound because the light fixtures existing are sufficient for the intended and/or proposed use for the property. Generally, child development centers do not generate noise, lighting, and other adverse effects on the neighboring property. The center will be operated to minimize any negative impact in terms of noise, lighting, etc on neighboring property.

***b. 205.2 The center shall be capable of meeting all applicable code and license requirements.***

The center will meet all applicable code and licensing requirements. The center has not applied for licensing because 29 DCMR §302.2(h) requires “proof that the premises conform to all applicable federal and District health, fire safety, building and zoning regulation and codes, and that any necessary permits for occupancy have been issued by the appropriate authorities and are in full”. Since the center is located in a R-1-B District, a special exception is required before submitting an application for license.

Notwithstanding, the property would meet Physical requirements of facilities pursuant to 29 DCMR §327, program space requirements pursuant to 29 DCMR

§328, toilets and lavatories requirement pursuant to 29 DCMR §329 and Health and safety requirements pursuant to 29 DCMR §330 as it demonstrated in plats and plans.

***c. 205.3 The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking and dropping off children.***

The center will not create objectionable traffic conditions and would be safe for picking up and dropping off children for reasons previously stated above.

**d. 205.4 The center shall provide sufficient off street parking spaces to meet reasonable needs of teachers, other employees, and visitors.**

The center would have sufficient on street and off street parking. The center has a parking lot which offers more than 30 parking spaces for both parents, staff and visitors.

**e. 205.5 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.**

The center shall not result in objectionable impacts on adjacent or nearby properties and would not produce noise, activities, visual or other conditions that would have an adverse or objectionable impact on neighboring properties. The center offers a fenced play area which is not adjacent to any homes.

**f. 205.6 The board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.**

Applicant wants the Board to exercise this prerogative positively with a view to approving the special exception.

g. 205.7 any off-site play area shall be located as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.

There is a large playground owned by the applicant directly across the street on Lawrence Street. Children will be escorted to the crosswalk and across Lawrence Street to the playground. There are sidewalks on both sides which make it safe for children to travel to and from.

h. 205.8 The Board may approve more than one child/elderly development center in a square or within one thousand feet (1,000 ft) of another child/elderly development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

There is no child development center in square 4290. Additionally, there would be no cumulative effect and there would be no adverse impact on the traffic, noise, operations, in the area. The child development center instead of having an adverse impact would inject employment and vitality in the area. The center would provide a crucial service to the families in the neighborhood. Working parent would benefit from the establishment of a high quality child development center on the property and children will be properly prepared for primary school.

### III PARKING SPACES

Section 2101.2 of the District of Columbia Municipal Regulations provide that the center would be required to have one parking space for every four teachers and assistant teacher. The center offers ample parking space with a parking lot which provides over 30 parking spaces.

**IV****CONCLUSION**

Applicants have presented sufficient information in the foregoing paragraphs to support their application for special exception. Applicants believe that the child development meets all relevant standards and requirements for the granting of zoning relief. The applicant holds a B.S. in Early Childhood, Elementary Education and a M.Ed. in Educational Administration, Policy and Leadership. The applicant has over 10 years experience in working with infants, toddlers and school age children. I respectfully requests that the special exception be granted based on the foregoing reasons and any other reasons that may appear at the public hearing.