

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18079-B (originally No. 18926¹) of Church of the Pilgrims, pursuant to 11 DCMR § 3104.1, for a special exception from the child development center requirements of § 205, to expand and extend the term of the operation of an existing child development center of 74 students aged 12 months to six years, including 18 staff, in the R-3 District at premises 2201 P Street, N.W. (Square 2510, Lot 827).

HEARING DATE: February 24, 2015

DECISION DATE: February 24, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 7.)

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") 2D and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2D, which is automatically a party to this application. The ANC did not submit a written report or appear at the hearing to testify. Both the Applicant and the Office of Planning testified that ANC 2D was supportive. The Applicant submitted a copy of an email from ANC 2D to the record that included the minutes from the ANC's meeting on January 12, 2015, that showed the ANC, with a quorum present, voted (2-0) to approve the

¹ For administrative efficiency, this application number has been changed from 18926 to 18079-B. This is an application to expand and extend the term of an existing child development center.. Prior orders approving child development centers at the same property include: 8017 (1964; 50 children, one-year term); 8486 (1966; 50 children, one-year term); 9335 (1967; 50 children, one-year term); 10060 (1969; five-year term requested); 14172 (1984; 24 children; two-year term); 14518 (1986; 24 children; five-year term, one condition modified in 1987); 15534 (1991; order increasing number of children from 24 to 37 and number of staff from six to 10); 18079 (2010; 50 children, 12 staff; 10-year term; Condition No. 7 modified in 2011 in 18079-A). This caption has been changed and the case application has been renumbered to reflect that it continues a use that was approved last in 2010 in Application No. 18079 and 18079-A.

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application to increase the school capacity.² (Exhibit 33.) A letter of support from the adjacent ANC, ANC 2B, was submitted to the record.³ (Exhibit 31.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application, subject to the conditions adopted in No. 18079 and 18079-A, with a change to condition No. 2 to reflect the request of 74 children (ages 12 months to six years old) and 18 staff (Exhibit 26), and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report of no objection. (Exhibit 27.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from the child development center requirements of § 205, to expand and extend the term of the operation of an existing child development center in the R-3 District. The existing child development center was approved in 2010, subject to conditions including a 10-year term of approval. The current application would continue the use approved in 2010, subject to the same conditions, except with increases in the number of children (from 50 to 74) and staff (from 12 to 18) and with a new term of at least 10 years. No parties appeared at the public hearing 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, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR § 3104.1 and § 205, and 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.

Pursuant to 11 DCMR § 3100.5, 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.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. This approval shall be for a term of **TEN (10) YEARS**, beginning on the date upon which the order became final.
2. The Applicant's enrollment shall be limited to 74 children (ages 12 months to six years) and its staff shall be limited to a maximum of 18 persons.

² The submitted email did not meet the Board's requirements for ANC reports to get great weight.

³ As ANC 2B is not the affected ANC, but only an adjacent ANC and it did not request party status, the Board did not grant its letter the great weight reserved for an ANC that is a party.

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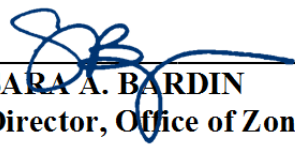
3. The Applicant's days and hours of operation shall be Monday through Friday, 8:00 a.m. to 6:00 p.m.
4. The Applicant shall provide a "right-turn-only" sign on Florida Avenue.
5. The Applicant shall maintain in good condition the fence around the property and do all that is possible to limit any infringement on neighboring properties.
6. The Applicant shall provide commercial trash and garbage collection.
7. The Applicant shall designate a school employee to be an on-site traffic monitoring coordinator to ensure the safe pick-up and drop-off of children and to resolve any traffic flow issues and concerns, as may be appropriate.

VOTE: **3-0-2** (Lloyd J. Jordan, Anthony J. Hood, and Marnique Y. Heath to APPROVE; Jeffrey L. Hinkle, not present or participating; one seat vacant.)

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

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: March 3, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.