

Holland & Knight

800 17th Street, NW, Suite 1100, Washington, DC 20006

T 202.955.3000 F 202-955-5564

Holland & Knight LLP | www.hklaw.com

Dennis R. Hughes
202.419-2448
dennis.hughes@hklaw.com

September 25, 2018

VIA IZIS

Board of Zoning Adjustment
of the District of Columbia
441 4th Street, NW, Suite 210S
Washington, DC 20001

**Re: BZA Application No. 19835-Prehearing Submission
2909 North Capitol Street, NE
(Square 3500, Lot 37)**

Dear Members of the Board:

Maria D. Naranjo (the “Applicant”), owner of the property located at 2909 North Capitol Street, NE, Washington, DC (Square 3500, Lot 37) (the “Property”), hereby submits the following additional information in support of her application pursuant to 11-X DCMR § 901.2 and 11-U DCMR § 251.1(b)(3) for special exception approval to locate an expanded child development home for up to 12 children at the Property.

A. Community Support

The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 5E. At its regularly scheduled and duly noticed monthly public meeting on September 18, 2018, at which a quorum of commissioners was present, ANC 5E voted unanimously to support the application. *See Exhibit 30* of the record. In addition, at its July 9, 2018, public meeting the Stronghold Civic Association also voted unanimously to support the application. *See Exhibit 34* of the record. The Applicant is also pleased to have the support of several neighbors, as well as numerous parents whose children attend the existing child development home. A copy of these letters of support are attached as Exhibit A.

B. Conditions

In 2012, the Board previously granted the Applicant approval to operate an expanded child development home on the Property for twelve students with five staff. *See* BZA Order No. 18354, a copy of which is attached as Exhibit B. The Applicant is not proposing any changes to conditions

Board of Zoning Adjustment
District of Columbia
Board of Zoning Adjustment
District of Columbia
CASE NO. 19835
EXHIBIT NO. 36
CASE NO. 19835
EXHIBIT NO. 36

in BZA Order No. 18345 with respect to hours of operation, trash collection, parking space, or number of children. However, the Applicant respectfully requests no term limit for the proposed expanded child development home. This is consistent with BZA Order No. 19266, in which the Board approved an expanded child development home with 12 children that had no term limit. A copy of BZA Order No. 19266 is attached as Exhibit C. Similar to the expanded child development home in BZA Order No. 19266, the Applicant seeks to expand an existing child development home with nine children that has been in operation since 2009. The Applicant is not requesting approval to establish an expanded child development home, and to the Applicant's knowledge, there have been no complaints with respect to the current operations at the Property. In fact, several neighbors along this block of North Capitol Street and parents of children who attend the childcare home have indicated their support for this application.

C. Signage

Pursuant to 11-U DCMR § 251.4, a sign on a dwelling or building in which a home occupation is practiced is permitted, subject to the following conditions:

- a. No more than one exterior sign may be displayed on a dwelling or other building in which a home occupation is practiced, regardless of the number of home occupations permitted in the dwelling or building;
- b. The sign shall not exceed one hundred 144 square inches in area;
- c. The sign shall be flush-mounted;
- d. The sign shall not be illuminated; and
- e. The sign may state only the name of the practitioner and the type of home occupation.

As shown on the picture of the Property attached as Exhibit D, one exterior sign exists on the Property, which is approximately 18 inches tall by 25 inches long, totaling approximately 450 square inches in area. The sign is flush mounted, is not illuminated and only states the name of the practitioner and type of home occupation. However, since the sign is 450 square inches, it does not meet the requirements of 11-U DCMR § 251.4(b).

Pursuant to 11-U DCMR § 251.6, an applicant for a home occupation that is permitted by Subtitle U § 251.1 may request the Board of Zoning Adjustment to modify no more than two of the conditions enumerated in 11-U DCMR §§ 251.3 and 251.4. As a result, the Applicant respectfully requests that Board modify the requirements of 11-U DCMR § 251.4 (b) in order to permit a 450 square inch sign that will be legible from North Capitol Street adjacent to the Property. As required by 11-U DCMR § 251.6(e), the Applicant's request is consistent with the general purpose and intent of Subtitle U, Chapter 251 since the Applicant does not propose to enlarge or change the signage and the sign complies with all of the applicable requirements except for the size requirement.

D. Parking and Staff

The Applicant will provide one parking space in the rear of the Property. The expanded child development home will include a total of three staff, at least one of whom will reside at the Property.

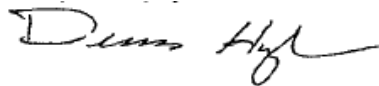
E. Conclusion

For the reasons stated above, and as stated in the Applicant preliminary statement, the Applicant has demonstrated that its request is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception approval under 11-X DCMR § 901.2 and 11-U DCMR § 251.1(b)(3) of the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to approve the application.

We look forward to the Board's consideration of this application at its October 17, 2018, public hearing.

Sincerely,

HOLLAND & KNIGHT LLP



By: _____

Dennis R. Hughes
Joseph O. Gaon

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2018, a copy of the foregoing prehearing submission was served on the following:

Advisory Neighborhood Commission 5E
c/o Commissioner Bradley Thomas, Chair
107 P Street, N.W.
Washington, D.C. 20001

Via US Mail

Commissioner Diane Barnes, ANC 5E09
5E09@anc.dc.gov

Via E-Mail

Maxine Brown-Roberts
D.C. Office of Planning
1100 4th Street, S.W.
Suite E650
Washington, D.C. 20024

Via Hand Delivery

Anna Chamberlin
District Department of Transportation
55 M Street, S.E.
Suite 400
Washington, D.C. 20003

Via Hand Delivery



Joseph O. Gaon
Holland & Knight LLP