


**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Ron Barron, Case Manager

 Joel Lawson, Associate Director Development Review

**DATE:** September 11, 2024

**SUBJECT:** BZA Case 21174: Request for special exception relief to allow an existing child development center for 60 children and 8 staff, in a detached, two-story with basement, building in the R-1-B zone at 5608 Broad Branch Road, NW .

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle U § 203 and Subtitle X § 901:

- Subtitle U § 203.1(h), Special Exception approval for Daytime Care Use.

OP also recommends approval of the applicant’s request to remove the time limitation condition under the existing BZA order.

**II. LOCATION AND SITE DESCRIPTION**

Address	5608 Broad Branch Road, NW
Applicants	BBCH, LLC
Legal Description	Square 1997, Lot 78
Ward, ANC	Ward 3; ANC 3/4G
Zone	R-1B, low density residential; Daytime Care use permitted by special exception.
Historic Districts	None
Lot Characteristics	Irregularly shaped corner lot with 90 ft. frontage on Northampton St. NW, approx. 93 ft. frontage on Broad Branch Rd. NW, 130 ft. rear lot line, 30 ft. lot line abutting a public alley and approx. 95 ft. of side lot line abutting neighboring property.
Existing Development	The property is improved with a detached, two-story building with basement, currently approved for Daytime Care use as a child development center.
Adjacent Properties	The property shares lot lines with both Northampton St. NW and Broad Branch Rd. NW. To the south, the property abuts a private residence and a public alley. To the west, the property abuts a private residence.

Surrounding Neighborhood Character	The neighborhood is characterized by low density residential, primarily two to three-story detached and semi-attached homes.
Proposed Development	Special exception approval for Daytime Care use in a residential zone.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

R Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202	40 ft. min.	130 ft.	No Change	None Requested
Lot Area D § 202	4,000 sq.ft. min.	11,253 sq.ft.	No Change	None Requested
Height D § 203	40 ft. max.	25 ft.	No Change	None Requested
Front Setback D § 206	In-line with neighboring properties	15 ft.	No Change	None Requested
Rear Yard D § 207	20 ft. min.	18 ft.	No Change	None Requested
Side Yard D § 207	8 ft. min.	8 ft.	No Change	None Requested
Lot Occupancy D § 210	40% max. by right max by sp.ex.	40 %.	No Change	None Requested
Parking C § 701	1 min.	2	No Change	None Requested
<b>Proposed Use U § 203</b>	<b>Daytime Care by Sp. Ex. Only</b>	<b>Daytime Care</b>	<b>No Change</b>	<b>Sp. Ex. Requested</b>

**IV. OP ANALYSIS**

The subject property has been operating as a daytime care facility, providing early childhood care since 2008. Prior special exception approvals have been term-limited. The most recent approval in BZA Case. No. 18551 expired after 10 years (see prior order, [Ex. 11](#)), on August 5, 2013. The applicant is requesting approval to continue operating the school, as well as a modification to the conditions of the previous order to remove the time expiration. The applicant agrees to continue to comply with all other conditions in the previous order.

**Subtitle U Section 203 SPECIAL EXCEPTION USES – R-USE GROUPS A, B, C, AND D**

*203.1 The uses in this section shall be permitted in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to applicable conditions of each paragraph below:*

*Sections (a) through (g) do not apply...*

*(h) Daytime care uses subject to the following conditions:*

- (1) *The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance;*

The most recent special exception approval included conditions which the applicant has been adhering to and has committed to supporting. These include providing two drop-off parking spaces and coordinating drop-off times such that they do not conflict with the nearby Lafayette School. These would be the same conditions that have been in place for previous years of operation. No adverse conditions during that time have been noted in the record.

- (2) *Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility;*

The applicant does not propose to maintain an offsite play area. There is currently an onsite play area and garden. The only offsite activities utilize public facilities at the nearby Lafayette Park.

- (3) *The Board of Zoning Adjustment 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; and*

OP does recommend any special treatment for the proposed use.

- (4) *More than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility may be approved only when the Board of Zoning Adjustment 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 are no recorded child development centers within 1,000 ft. of the subject property.

### **Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The extension of the existing use would remain in harmony with the general purpose and intent of the R-1B zone. Daytime care use is expressly permitted by special exception, and the existing use has been on the site for some time. There are no other nonconforming uses proposed for the subject property.

*(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The extension of the existing use is unlikely to now affect adversely the use of neighboring property. The proposed use has in effect for the past fifteen years. There have been no adverse impacts noted in the record for this time period.

*(c) Subject in specific cases to the special conditions specified in this title.*

## **V. OTHER DISTRICT AGENCIES**

The District Office of the State Superintendent of Education has submitted a report in support of the application at [Ex. 21](#).

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 3/4 G has not submitted a report at the time of this writing.

## **VII. COMMUNITY COMMENTS**

No community comments have been submitted to the record at the time of this writing.

Attachment: Location Map

**Location Map:**

