

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 21174
BBCH, LLC
5608 Broad Branch Road, NW (Square 1997, Lot 78)

HEARING DATE: September 25, 2024
DECISION DATE: September 25, 2024

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to permit the continued use of an existing child development center for 60 children and 8 staff, in a detached, two-story with basement, building in the R-1B zone:

- Special exception under the daytime care use requirements of Subtitle U § 203.1(h), pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 4.)

PRIOR APPLICATIONS: The use was originally established in BZA Order No. 17147 on May 4, 2004. BZA Order No. 18551 was approved on July 30, 2024, and granted special exception relief with conditions to continue the child development center and granted variance relief from the parking requirements. That approval was subject to a 10-year term limit set to expire in August, 2023, as well as six other conditions of approval. (Exhibit 11.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 3/4G, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "Board") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 8, 2024, at which a quorum was present, the ANC voted to support the application. (Exhibit 24.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 22.) OP stated they are in support of the Applicant's request to remove the

ten-year time limit condition that was part of the previous order, and also noted the Applicant's agreement to comply with the six other conditions from Order No. 18551.

DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District's transportation network. (Exhibit 23.)

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION (“OSSE”) REPORT. OSSE submitted a report recommending approval of the application in order to meet the District's growing demand for licensed child care slots. (Exhibit 21.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special exception under the daytime care use requirements of Subtitle U § 203.1(h), pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 8 of the record, as required under Subtitle Y §§ 604.9 and 604.10, subject to the following **CONDITIONS**:

1. Center operations shall be Monday through Friday, from 8:00 a.m. to 6:00 p.m.
2. The maximum Center capacity shall be 60 children and eight teachers and staff.
3. Two compact parking spaces shall be provided and appropriately striped and lined onsite for Center employees.
4. Center drop-off and pick-up periods shall not coincide with drop-off and pick-up times at Lafayette Elementary School.

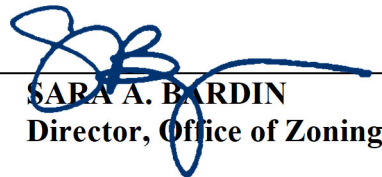
5. Center staff shall assist the children to and from cars during peak drop-off and pick-up periods.
6. The entire rear of the property shall be bordered by a fence six-feet tall made of wood.

VOTE: 3-0-2 (Frederick L. Hill, Chrishaun S. Smith, and Tammy M. Stidham to APPROVE; Lorna L. John, Carl H. Blake not present, not participating)

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: October 1, 2024

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.2, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS, UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR SUBTITLE A § 303, 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.

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

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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.