



## **MEMORANDUM**

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

**FROM:** Maxine Brown-Roberts, Project Manager  
 Joel Lawson, Associate Director for Development Review

**DATE:** June 27, 2025

**SUBJECT:** BZA #21304 – Special Exception Request for an Expanded Child Development Home for 12 children at 5337 Guy Street, NE

### **I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following requested special exception and waiver pursuant to Subtitle X 901.2;

- Subtitle U § 251.1(b)(3) Expanded Child Development Home (9 children permitted as a matter of right and existing; up to 12 to 15 children permitted by special exception; 12 children proposed)
- Modification to the requirement of Subtitle U § 251.3(f) as allowed by Subtitle U § 251.6(b) to have a play area with play equipment outside of the building.

### **II. LOCATION AND SITE DESCRIPTION**

Applicant	Muluwork Kenea, owners and operators
Address	5337 Gay Street, NE
Legal Description	Square 5210, Lot 25
Ward / ANC	Ward 7, ANC 7C
Zone	R-2 (Single family rowhouses; home occupations permitted)
Historic District or Resource	None
Lot Characteristics	A rectangular lot with an area of 2,500 square feet.
Existing Development	Single family, detached home; Entrance to the child development home would be directly from Gay Street.
Adjacent Properties and Neighborhood Character	The subject square and surrounding neighborhood are predominantly developed with rowhouses.
Proposal	Increase the enrollment of 9 children in an existing child development home to an expanded child development home for 12 children.

Board of Zoning Adjustment

District of Columbia

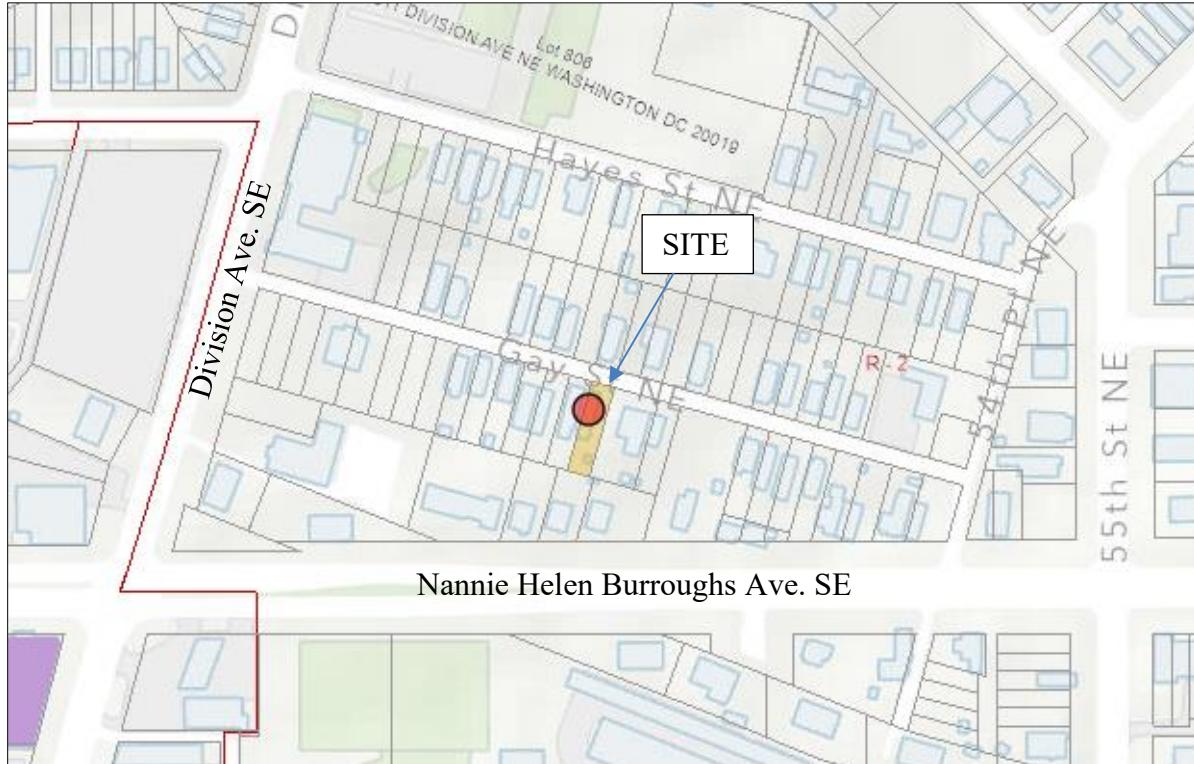
CASE NO 21304

EXHIBIT NO.36

### III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The Applicant currently operates a child care home with nine children; the maximum permitted as a matter of right. Pursuant to Subtitle U § 251.1(b)(3), an expanded child development home for 10 to 12 children is permitted by special exception. The Applicant proposes to have 12 children in the home, ages 6 weeks to twelve years old. The Applicant submits that the area dedicated to the expanded child development home would have an area of 420 square feet.

#### Site Location



### IV. ANALYSIS

The following is an analysis of the relevant criteria of Subtitle U § 251.

#### **251 HOME OCCUPATION USES (R)**

**251.1(b)(3)** *Expanded child development home for ten (10) to twelve (12) individuals fifteen (15) years of age less may be permitted as a special exception by the Board of Zoning Adjustment under Subtitle X and subject to the provisions of Subtitle U § 251.6; provided a minimum of thirty-five square feet (35 sq. ft.) of floor area per individual is provided including the basement but excluding any accessory structure;*

The Applicant proposes to have a maximum of 12 children in the expanded child development home. The Applicant proposes to dedicate 420 square feet of the building to the expanded child development home which results in 35 square feet per child and therefore meets the requirement.

*251.3 A home occupation shall comply with the following conditions and requirements:*

*(a) A home occupation shall be clearly secondary to the use of a dwelling unit for residential purposes;*

The proposed expanded child development home would be secondary to the use of the dwelling for residential purposes. The expanded child development home would be limited to the lowest level of the house and would have its own, separate entrance from the residential portion of the houses.

*(b) Except for lodging, and as provided in Subtitle U §§ 251.1(b) and 251.1(f), no more than the larger of two hundred fifty square feet (250 sq. ft.) or twenty-five percent (25%) of the floor area of the dwelling, excluding basement or any accessory structure, shall be utilized for the home occupation;*

The Applicant states that the house has a total floor area of 2,295 square feet of which 420 square feet would be for the expanded child development home, which is 18.3% of the total floor area and therefore meets the requirement.

*(c) All materials or finished products shall be stored within the floor area utilized for the home occupation or in a basement or accessory structure;*

Not applicable.

*(d) Except as provided in Subtitle U § 251.1(b), in no case shall more than two (2) persons who are not residents of the subject dwelling unit be permitted as employees of the home occupation except for the home office of a physician or dentist;*

The Applicant states that there would be two, non-resident employees per shift in addition to the operator, for a total of three adults. This would be in conformance with § 251.1(b).

*(e) No interior structural alteration shall be permitted if it would make it difficult to return the premises to a use that is exclusively residential;*

The Applicant does not propose any interior structural alterations to the structure or to the area for the expanded child development home.

*(f) No operations related to the home occupation shall be conducted outside a structure, nor shall any storage or other unsightly condition be permitted outside a structure;*

The Applicant has requested a waiver from this requirement as provided by Subtitle U § 251.6(b) as a play area with play equipment is currently in the rear of the property and would continue to be used by the expanded child development home. The children would not be taken off-site for recreation.

*(g) No equipment or process shall be utilized that creates visual or audible electrical interference in television or radio receivers outside the subject home, or that causes fluctuations in line voltage outside the subject home;*

The expanded child development home would have no equipment that would create any electrical

interference.

(h) *The use shall produce no noxious odors, vibrations, glare, or fumes that are detectable to normal sensory perception outside the subject home;*

The expanded child development home should not create odors, vibrations, glare or other external impacts. The applicant states that trash would be stored in secured bins at the side of the house, not visible from the street and would be collected once per week.

(i) *The use shall not produce a level of noise that exceeds the level normally associated with the category of dwelling or the immediate neighborhood;*

The children would be kept inside for most of the time spent at the child development home. However, the outdoor play area may generate some noise but it should not be excessive.

(j) *No more than two (2) vehicles may be used in the practice of the home occupation;*

No vehicles would be assigned for the uses in the practice of the home occupation.

(k) *Except for child development homes and expanded child development homes, vehicular trips to the premises by visitors, customers, and delivery persons shall not exceed eight (8) trips daily on a regular and continuing basis;*

Not applicable.

(l) *Except for child development homes and expanded child development homes, the practitioner shall have no more than eight (8) clients or customers on the premises in any one (1) hour period;*

Not applicable.

(m) *If more than one (1) home occupation is practiced in a dwelling unit, the cumulative impact of all such home occupations shall not exceed any of the standards set forth in this chapter; and*

The Applicant stated that the expanded child development home would be the only home occupation on the property.

(n) *The dwelling unit owner and the practitioner shall maintain the residential character and appearance of the dwelling unit and lot.*

The Applicant does not propose any changes to the exterior of the home.

251.6 *A home occupation that is neither permitted nor prohibited in this chapter may be permitted as a special exception by the Board of Zoning Adjustment under Subtitle X, subject to the following conditions:*

Pursuant to Subsection § 251.1(b)(3), an expanded child development home for between 10 and 12 children is permitted by special exception, subject to this section.

(a) *The proposed use and related conditions shall be consistent with the purposes of this chapter and shall generally comply with the requirements of Subtitle U §§ 251.1 through 251.4, subject to specific findings and conditions of the Board of Zoning Adjustment in each case;*

A demonstrated above the proposal complies with the applicable portions of Subtitle U §§ 251.1 through 251.4. The proposed expanded child development home would maintain the established residential character of the property and the neighborhood. The entrance would have a residential door and the play area to the rear of the property would not be visible from any street or alley as the property is fenced. The Applicant has stated that there would be no sign on the property, and therefore § 251.4 is not applicable.

(b) *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 (2) of the conditions enumerated in Subtitle U §§ 251.3 and 251.4;*

The Applicant has requested a modification to the requirement of § 251.3(f) to allow the outdoor play area in the rear yard.

(c) *In no case shall more than two (2) persons who are not residents of the subject home be permitted as employees of the home occupation, and those persons shall not be co-practitioners of the profession;*

The Applicant has stated that there would be two non-residents employees of the expanded child development home.

(d) *Any request to modify more than two (2) of the requirements found in Subtitle U §§ 251.3 and 251.4 shall be deemed a request for a variance; and*

Not applicable as the Applicant is only requesting one modification.

(e) *In considering any request for approval under this section, the Board of Zoning Adjustment shall determine that the request is consistent with the general purposes and intent of this chapter and may impose conditions relating to operating conditions of the home occupation, parking, screening, or other requirements as it deems necessary to protect adjacent and nearby properties consistent with the general purpose and intent of this chapter.*

OP recommends no conditions. The use would remain consistent with the residential nature of the property and the neighborhood. Child care is an important part of any community, and this use should not produce noise, light, odors or other impacts on adjacent properties.

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

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;*

Approval of the requested special exception for the expanded child development home would be in harmony with the general purpose and intent of the R-2 zone which permits home occupations in that zone and are deemed to be compatible with the low density residential use.

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

As demonstrated above, the proposed child development home for up to 12 children would meet the relevant requirements of Subtitle U § 251 and therefore should not adversely affect neighboring properties due to noise, or other operational actions.

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

No special conditions are specified in this title for the requested relief.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

The Department of Transportation requested that OP inform the BZA that DDOT has no objection to the approval of the application.

At Exhibit 24 is a letter from the State Superintendent of Education (OSSE) at Exhibit 24.

## **VI. ANC COMMENTS**

At Exhibit 31 is a letter of support from ANC 7C

## **VII. COMMUNITY COMMENTS**

As of this writing the record contains no comments from members of the community.