

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 21304
Muluwork Kenea
5357 Gay Street, NE (Square 5210, Lot 25)

HEARING DATES: June 25 and July 2, 2025
DECISION DATE: July 2, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to expand an existing child development home from 9 to 12 children, in a detached, three-story, principal dwelling unit in the RA-1 zone:

- Special Exception under the expanded child development home requirements of Subtitle U § 251.1(b)(3), pursuant to Subtitle X § 901.2

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 12.)¹

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 7C, 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 June 12, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 31.) The ANC report raised no issues or concerns.

ANC 7C06 Commissioner Patricia Stamper submitted an individual letter in support of the application. (Exhibit 29.)

OFFICE OF PLANNING ("OP") REPORT. OP submitted a supplemental report recommending approval of the application. (Exhibit 36.)

¹ Prior to the July 2, 2025 public hearing, the Applicant submitted a waiver request pursuant to Subtitle U § 251.6(b) from the requirements of Subtitle U § 251.3(f) to allow an outdoor play area in the backyard. (Exhibit 35.)

OP's preliminary report did not provide a recommendation and requested additional information from the Applicant, which was provided prior to the July 2, 2025 public hearing. (Exhibit 26.)

DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT. DDOT did not submit a report to the record.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION (“OSSE”) REPORT. OSSE submitted a report recommending approval of the application. (Exhibit 24.)

PERSONS IN SUPPORT. The Board received two letters in support of the application. (Exhibits 37, 38.)

At the July 2, 2025 Public Hearing, the Board heard testimony in support from Makenzie Rollins, Yeabsira Geda, Maria Nseyo, Veronica Madrigal, Mestawet Dejene, Shaquan Smoot, Cynthia Davis, Crystal Cruchfield, Mahalet Drar, and Kokey Melles.

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 expanded child development home requirements of Subtitle U § 251.1(b)(3), pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 2 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

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VOTE: 4-0-1 (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Robert E. Miller to APPROVE; one Board 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: July 10, 2025

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.

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.