



Burden of Proof Special Exception Application

5216 Astor Place, SE

To: Office of Zoning
Government of The District of Columbia
Suite 210 South
441 4th Street, NW

From: Children in Safe Hands, LLC
Owner/Applicant
7512 Earnshaw Drive
Brandywine, Md 20613

Date: May 06, 2019

Re: BZA Application for Special Exception for a Child Care Development Center at 5216
Astor Place, SE (Square 5308, Lot 0027)

Children in Safe Hands, LLC Child Care Development Center, 5216 Astor Place, SE is hereby applying for a Special Exception per DCMR chapter 11 DCMR § 3104.1 to allow a Child Care Development Center Use in a Residential Use Group D zone.

I Summary

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

§ 203 .1(g)

The Child Care Development Center is a use allowable in a residential district and is in harmony with the general purpose and intent of the zoning regulations with a BZA Special Exception approval. The uses in this neighborhood are a mix of single family, semi-detached and multifamily residences, with other allowable uses such as religious facilities. The child care development center proposed, will not adversely affect residential use of the neighboring property which are a single family residence and a semi-detached residence. The center will be housed in the existing house which will be renovated on the exterior with new windows, doors and roofing, but will not be expanded, so will maintain its current look and feel in the neighborhood. Interior modifications will be made to accommodate the proposed use with little to no impact on the exterior appearance of the existing structure.



§ 203 .1 (g): Daytime care uses subject to Conditions:

- 1) The level of traffic in the neighborhood shall not be unduly increased by the child care operations since business hours, for the center, will be between 7 am and 7pm and it is anticipated that families will be delivering and picking up their kids at varying hours with little noticeable impact on traffic, and it is anticipated that some traffic will be on foot from immediate neighbors within a two or three block radius.
Off-street parking and pick-up and drop off space is provided on site, so persons attending the center will be dropped-off and picked-up on site in a safe and protected area.
- 2) The level of noise in the neighborhood shall not be unduly increased because the child care use will primarily be an inside the building function, and outside play time is limited to a few hours during the day, and noise level for children 6 weeks to 6 years will not reach a level which will negatively impact the neighbors.
There is no off-site play area; the play area is located on site, so there is no endangerment of individuals traveling between the play area and the center or facility.
- 3) BZA may require special treatment in the way of design of the facility.
- 4) A Young Adult Treatment facility does exist within 1,000 feet of this proposed child development center at 5212 Astor Place, SE. It is a young adult center for teens between the ages of 14 to 21. The youth facility currently exists and has been present for a while, and has not caused adverse impact on the neighborhood. The proposed child development center will be contained in the existing structures currently on the site, will not increase the level of traffic unduly because of the staggered delivery of children, the primary operations of the center will be inside the buildings with only short periods of outside play time, and all parking and play functions will be on site.

II Basis for Grant of Special Exception

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;*
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*
- (c) Will meet such special conditions as may be specified in this title.*

The applicants house is in R-2 zone and the relief sought is a Special Exception for a Child Development Center.

The general scale and pattern of buildings on the subject street frontage and the neighborhood shall be maintained as is existing. No exterior modification beyond window, door and roof improvements will be made. The existing house and the garage will be used for the child



TD Creations LLC

Custom Drafting and Design Services

7512 Earnshaw Dr. Brandywine, MD 20613

V 301 518 7606

td-creations@verizon.net

development center. There is no expansion or dramatic exterior modifications anticipated for the existing buildings.

The use and enjoyment of neighboring properties shall not be unduly compromised as the child care facility will primarily function on the inside of the buildings and only short times will the outside play areas be used.

Based on these conditions, we are requesting approval of our request for Special Exception for of the residential building for a child development center.