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**Via IZIS**

Frederick L. Hill, Chairperson  
Board of Zoning Adjustment  
441 4th Street, NW  
Suite 200  
Washington, DC 20001

**Re: Board of Zoning Adjustment (“BZA” or the “Board”) Application No. 20992  
– Modification without Hearing of BZA Order No. 20992 (the “Order”)  
(Square 1724, Lot 805) (the “Property”)**

Dear Chairperson Hill and Commissioners:

National Presbyterian Church, Inc. (the “**Applicant**”), the applicant in BZA Application No. 20992, hereby respectfully requests a modification without hearing of the Order. The Order approved the expansion of an existing child development center (“**CDC**”) and the addition of 16 children and four (4) staff members to an existing detached building on the multi-building Property located at 4101 Nebraska Avenue NW in the R-1B<sup>1</sup> zone (the “**Project**”). The Applicant owns the entire Property, which includes buildings for the National Presbyterian Church (the “**Church**”) and National Presbyterian School (the “**School**”). The School operates the National Presbyterian Child Care Center (“**NPCCC**”), and NPCCC is the subject of this request for modification without hearing. After further evaluating its needs and becoming aware of better available space in the Church’s building that is more suitable, the Applicant reconsidered the approved location of the CDC. Accordingly, the Applicant files this application for the Board’s review and approval of the modifications.

The Project was reviewed and approved by the Board pursuant to its authority under Subtitle X, Chapter 9 of the Zoning Regulations. This modification request is being made pursuant to Subtitle Y § 703. Attached with this request are the following exhibits:

- Exhibit A – Authorization letter from the Applicant;
- Exhibit B – A copy of prior BZA orders; and

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<sup>1</sup> Formerly the R-1-B zone.

- Exhibit C – Revised plans showing the modifications (the “**Plans**”).

#### **A. Background**

The Multipurpose Building on the Property currently houses NPCCC, which is a CDC that serves both infants and toddlers. Pursuant to the Order, the Board granted special exception approval to increase the total number of NPCCC students from 16 to 32 and the total number of NPCCC staff from five (5) to nine (9), with approved hours of operation from 7:30am to 6:00pm, Monday through Friday. Additionally, the Board granted the NPCCC’s request to convert the lower level (i.e., cellar) of the adjacent Agencies Building on the Property to CDC space that would be used for 16 toddlers and four (4) staff members; the CDC for 16 infants and five (5) staff members would remain at its existing location in the Multipurpose Building. The Board held a public hearing and approved the application on November 29, 2023. The Order became final and effective on December 13, 2023.

However, after the Board issued the Order, NPCCC did not move into the Agencies Building because it became aware of recently constructed and preferable spaces in the main Church building. Because these new spaces can better meet NPCCC’s needs, NPCCC now proposes to move the entire CDC into this part of the Church building.

#### **B. Modification Request and Applicant’s Satisfaction of the Standards for Approving a Modification without Hearing**

The Order requires that the Project be developed in accordance with the approved plans shown in Exhibits 10 and 20B in the case record. Exhibit 10 provides the site plan layout of NPCCC’s location in the lower level of the Agencies Building, and Exhibit 20B shows the pick-up and drop-off areas. However, because of NPCCC’s preference to relocate to space in the main Church building, the Applicant now seeks the Board’s approval to modify the approved plans. With this application, NPCCC does not propose to change the number of students or the number of staff.

Subtitle Y § 703 establishes the standards and requirements for a modification without hearing. A modification without hearing is “a modification in which the impact may be understood without witness testimony, including, but not limited to a proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.” Subtitle Y § 703.7. The Order approved the two elements listed below that the Applicant now seeks to redesign or relocate, consistent with the standards for a modification without hearing:

- NPCCC Location: NPCCC will be located on the second floor of the Church building instead of the Multipurpose Building and the cellar of the Agencies Building, as shown on the plans in Exhibit C, pgs. 7-8. The infant rooms will be

located in the north wing of the Church building while toddler rooms will be located in the south wing.

- Pick Up and Drop Off Location: The Applicant proposes to modify the location of pick-up and drop-off from the area around the Agencies Building to the area around the Church building, as shown in Exhibit C, pgs. 1-4.

1. NPCCC Location. As mentioned above, when the Applicant initially filed its application for special exception relief, it intended to convert the lower level of the Agencies Building to a CDC for 16 toddlers and four (4) staff members. See Exhibit C, pg. 6. After the Board issued its Order, the Applicant learned of recently constructed spaces in the Church building that are currently used on only Sundays for accessory childcare for families to leave their young children while attending church services. These spaces are otherwise unused during the weekdays.

Compared to the proposed toddler CDC space in the cellar of the Agencies Building or the current NPCCC space in the Multipurpose Building, the Church building's newly constructed spaces are far superior for several reasons. First, these spaces are new and larger (approximately 1,783 square feet) (see Exhibit C, pgs. 7-8.), and the larger spaces give the children more room to spread out, which translates to improved behavior and better focus on their tasks. Teachers also benefit because they can differentiate their learning with more space; there can be more variety and more flexibility. Second, the Church building's new spaces were designed for children and is better configured to accommodate children than the Agencies Building. These spaces contain a nursey area and multiple classrooms that can each be organized by age (see Exhibit C, pgs. 7-8), which is beneficial to the children's social and academic growth. The new spaces are quiet, safe, and more spacious than previously proposed, thereby allowing the children to move more freely,<sup>2</sup> which is crucial for gross motor development. Finally, the proposed location in the Church building includes a designated break room where the teachers may go and truly have a break.

In occupying the superior spaces in the Church building, as proposed, NPCCC will not change the number of children, staff, or hours of operation as previously approved by the BZA. For the reasons mentioned above, the Applicant requests the BZA's approval to move NPCCC into the Church building's spaces shown on Exhibit C, pgs. 7-8.

2. Pick Up and Drop Off Location. The Applicant's proposed changes to pick-up and drop-off will have no difference in impact upon the adjacent public streets than that approved in the Order. Pick-up and drop-off circulation to and from the Church building will still be via the entrance on Van Ness Street, as would have been the case if toddler care had been located in the Agencies Building. See Exhibit C, pgs. 1-4. Once within the Property, parents will still have a dedicated parking area for pick-up and drop-off, but, instead of this area being used for pick-up/drop-off at the Multipurpose and Agencies Buildings, the proposed new parking area will be

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<sup>2</sup> The children will have more space to run, crawl, avoid obstacles (e.g., cribs), do tummy time, rest, and eat in the Church building's space. There is also a bathroom and kitchenette, so the children will be able to get what they need.

used for pick-up/drop-off at the Church building. See Exhibit C, pgs. 1-4. Regardless of where on the Property pick-up and drop-off occur, there will not be any queuing or backup onto Van Ness Street. Thus, the Applicant's proposed modifications pose no different impact upon the adjacent public streets.

### **C. Service on Parties**

Pursuant to Subtitle Y § 403.5, the automatic parties to the case are Advisory Neighborhood Commission ("ANC") 3A, in which the Property is located, and ANC 3E, to which the Property is adjacent and so is an "affected ANC" per Subtitle Y § 101.8. ANC 3A and ANC 3E were the only parties to the original application and will be served concurrently with the filing of this application in satisfaction of Subtitle Y § 703.11.

In addition, the Applicant has communicated to OP its intention to file this application for a modification without hearing.

### **D. Conclusion**

Applicant's proposed modifications are consistent with the Board's previous grant of special exception relief. As the NPCCC further evaluated its needs and became aware of better available space in the Church building, the Applicant reconsidered the location of the CDC previously approved by the Order. Given the modest nature of the modifications proposed, a modification without hearing is appropriate for this application. The other conditions of the Order will remain as approved. Therefore, the Applicant respectfully requests that the Board consider and approve this modification without hearing of the Order at its next available public meeting.

Please feel free to contact the undersigned if you have any questions or comments regarding this application.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_

Cary Kadlecek

\_\_\_\_\_/s/\_\_\_\_\_

Cindy Vong\*

*(\*Admitted in Massachusetts only. Application submitted for admission to the D.C. Bar. Supervised by members of the D.C. Bar.)*

## Certificate of Service

The undersigned hereby certifies that the foregoing document was delivered by electronic mail to the following address on June 17, 2025.

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\_\_\_\_\_/s/\_\_\_\_\_  
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