



FORM 154 - APPLICATION FOR MINOR MODIFICATION/MODIFICATION OF CONSEQUENCE

GIS INFORMATION

Square	Lot(s)	Zone	ANC
2718	804	R-16	4C

Address of Property: 5331 Colorado Ave NW

ZONING INFORMATION

Related Case Number: 14493-A

Relief Type: Minor Modification

Motion for Modification to: In reference to Board of Zoning Appeal Case #14493-A, Estrellitas Montessori asks the Board to make a minor modification to a condition laid forth in its original decision to allow for a child development center ranging in ages from 2 -5 years of age to one that accommodates children ages 2 months to 14 years of age. The modification would correct the incongruity that currently exists between the Certificate of Occupancy and the original order. For the following reasons, we strongly urge the Board to make the necessary modifications to ensure compliance, consistency, and the prevention of detrimental reliance.

Below and/or on a separate sheet of 8 1/2" x 11" paper, describe the modification you are requesting and state each and every reason why the Board of Zoning Adjustment (BZA) should grant your application, including relevant references to the Zoning Regulations or Map.

1. Pursuant to 11 DCMR § 3104.1 for a special exception of a child development center under § 205, all the requirements have been satisfied. The proposed minor modification would have no effect on any of the criteria outlined in § 205. The special exception had been previously granted, considering the child development met all the requirements in § 205. Furthermore, § 205 makes no reference to age restrictions and thereby the expansion of the age range to 2 months to 14 years would not be in violation of the zoning code. 2. The proposed modification would have no effect on occupancy load, as the child development center will remain within the original BZA order limit of 150 children. 3. The original special exception was approved in 1986, at least seven different Certificates of Occupancy have been issued to various child development center operators on this site all citing that the allowed age range is from 2 months to 14 years of age. These Certificates of Occupancy include CO1300011 issued on October 15, 2012; CO1201555 issued on April 2, 2012; CO20235 issued on October 2, 2001; B174208 issued on March 20, 1996; B169470 issued on August 25, 1994; B163879 issued on October 15, 1992; B161575 issued on September 13, 1992. Please see attached exhibits. 4. The Office of the State Superintendent of Education (OSSE) and the DC Fire Marshall have conducted inspections and given approval based on the age range in the proposed minor modification. Currently, children within the age range of 2 months to 2 years are being cared for in this licensed facility and the organization has detrimentally relied on the validity of the Certificate of Occupancy in operating its facility by making building modifications, hiring staff, enrolling children, and other costs.

Certificate of Service

I hereby certify that on 11/12/19 I will serve a copy of the forgoing motion or request to each Applicant, Petitioner, Appellant, Party, Intervenor, and the Office of Planning on this case via Mailed Letter

CONTACT INFORMATION

Owner Information

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Board of Zoning Adjustment
District of Columbia
CASE NO.14493B
EXHIBIT NO.1

FEE CALCULATOR

Fee Type	Fee	Unit	Total
Time extension/minor and non-minor modification (all others)	\$26	1	\$0.26
Grand Total			0.26

SIGNATURE	Date
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Marilyn Medrano	11/12/2019
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