

BEFORE THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

APPLICATION OF VICTORIA MANLEY  
4628 H STREET, S.E 20019

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

**I. BACKGROUND**

The subject property, 4628 H Street, SE also known as square 5359 Lot 328 (hereinafter referred to as the "property") currently consist of 1 office 3 classrooms, 1 infant sleep room ,1 infant play room, 1 toddler room ,2 full bathrooms 3 half bathrooms semi-detached CBO. Square 5359 is bounded by Marlboro Pike to the north, East Capital St. to the south, and Alabama Ave to the east, and southern Ave to the west. The property is located on a two-way street traveling west and approximately, one elderly building, and three single family homes away from Benning Rd. facing 46th place, SE. The property is zoned R2 and is located in the 7<sup>th</sup> district. The owners of property are applying to the Board of Zoning Adjustment (the "Board") to allow continuing the use of the property as a child development center of 28. The center is currently registered with the District and operates by the name of Manley Science and technology Center, which requires special exemption under section U-203 of the Zoning Regulations (the "Regulation").

The intended use for the property is a child development center providing care, supervision, guidance, education, recreation to infants and children under the age of 12 years 23 hours per day from Monday through Friday. The child development center will provide care, supervision, guidance, and education to the children within the confines of the property including recreational activities that is located in the rear of the property H Street is a two-way street with very low traffic.

At inception, it is anticipated that the child development center would commence operation upon approval of the special exemptions with 3 classes. The first class (Baby Land) of no more than 8 infants under the age of 24 months with the ratio of 1 to 4 and one teacher and 1 aid assigned to that room. The second class (Todd world) 12 two to 3 years of age with a ratio of 1 to 4. 1 teacher and 2 aids assigned to that room. The upper classroom (Kids zone) a total of 8 children 3 to 4 years of age, 1 teacher and 1 aid with a ratio 1 to 8. Applicant may be able to establish a child development center but it will be limited to 28 children. Applicant is asking for a permanent license.

With a special exemption. The center would have a maximum 35 individuals including myself and shall comprise of mostly children living in the neighborhood.

## II. BURDEN OF PROOF FOR CHILD DEVELOPMENT CENTER

Section U-203.1(g) of the regulations states that use as a child development center shall be permitted as a special exception in an R-1 District if approved by the board of Zoning Adjustment, subject to the provision of this section. The specific requirements for approval of special exceptions under U-203.1 (g) are as follows:

1. *The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance;*

The center will not create objectionable traffic condition and would be safe for picking up and dropping off children for the reasons previously stated above. Two schools, Davis Elementary and Kipp Elementary & Middle School are within walking distance of the continuously runs every twelve minutes, from 5am to 3am. This allows convenience to parents with no transportation.

The center would have sufficient parking. The center is required to provide to provide 1 parking space for each 4 teachers and other employees. The center is expected to grow up to a maximum of 3 teachers and 3 assistant teachers plus volunteers. The property currently has off street parking.

2. *Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility;*

There will be no of sight play area. MSTC has a play area in the rear of the facility therefore, MSTC children will not be traveling off sight for play time.

3. *The Board of Zoning Adjustment may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties;*

Applicant wants the Board to exercise this prerogative positively with a view to approving the special exception.

4. *More than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility may be approved only when the Board of Zoning Adjustment finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors;*

On May 18, 2009 a site assessment for square 5359, 4600 block of H. Street Southeast, Washington DC. was conducted and revealed that is no development center in square 5359. Additionally, there will be no

cumulative effect and there will be no adverse impact on the traffic, noise, and operations in the area. The development center instead of having an adverse impact would inject employment and vitality in the.

In addition to the specific requirements of U-203.1(g), the project also meets the general special exception criteria of X-901.2:

- a. *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The Child Development Center's mission statement is to stay fully committed to offering affordable, safe, wholesome, and convenient child care in a developmentally appropriate environment for infants, toddlers, preschoolers and school age children in a licensed Daycare Center. The parents would not have to drive long distances to drop off their children at daycare or brace the rush hour traffic to pick up their children. With the neighborhood child development center, parents would be able to walk their children to the center or pick them up before it closes at 6pm.

The center proposes to help fill the shortage of day care centers with quality programs for the children living in the neighborhood. The Center's mission is to give each child a warm environment that encourages the development of socialization, skills, independence, and a positive with an individual pattern and timing of social, physical, and intellectual development as well as providing safe and affordable services to the neighborhood.

The R-2 District consists of those areas that have been developed with one-family, semidetached dwellings, and is designed to protect them from invasion by denser types of residential development. As previously stated, the property was previously a single home. The property has been used as a Daycare Center for the past 6 years. The proposed use will maintain the current appearance of the home with an exception of the evacuation ramp in front, side, and rear, thus conforms to the height, density and area requirements established for the area.

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

The nature and size of the proposed use would not materially increase traffic. H Street is a wide two-way street used by a few residents with ample street parking on both sides of the street. Staff using temporary traffic cones and driveway will control drop-off and pick-up of children. Curbside parking is always available on both sides of 46<sup>th</sup> Pl S.E. and H Street. Notwithstanding, the vast majority of participating student live within walking distance of the center

and it is expected that most families would walk their children to and from the center.

There will be no additional lighting attached to the outside of the building or installed in the compound because the two light fixtures existing are sufficient for the intended and/or proposed use for the property. Generally, child development centers do not generate noise, lightening, and other adverse effects on the neighboring property. The center will be operated to minimize any negative impact in terms of noise, lighting, etc. on neighboring property.

*c. Will meet such special conditions as may be specified in this title.*

In addition to the provisions of U-203.1(g) discussed above, the center will meet all applicable code and licensing requirements. The center has applied for licensing that was received June 2011 that conformed all applicable federal and District health, fire, safety, building, and zoning regulations and codes, and that any necessary permits for occupancy have been issued by the appropriate authorities and are in full force. Since the center population would exceed 16 individuals, which permitted by the right in the R-2 District, a special exception is required before submitting an application for license.

### **III. CONCLUSION**

Applicants have presented sufficient information in the foregoing paragraphs to support their application for special exception. Applicants believe that the child development meets all relevant standards and requirements for the granting of zoning relief. The applicant has received her degree specializing infant and toddler early childhood education, is a member of an association National Association for Family Child Care (NAFCC), and has been working with infants and toddlers for 10 years. I respectfully request that the special exception be granted based on the foregoing reasons and any other reasons that may appear at the public hearing.