

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 18830 of Bright Beginnings Inc.**, as amended, pursuant to 11 DCMR § 3104.1, for special exceptions to allow a child development center (100 children and 38 teachers and staff) under § 205, and under § 413.9 not meeting the retaining wall requirements of § 413.6, and pursuant to 11 DCMR § 3103.2 for a variance from the location of parking spaces provision of § 2116.4, for the child development center use in the R-4 District at premises 3418 4th Street, S.E. (Square 5969, Lots 169 through 187).

**Note:** *Prior to the public hearing, the application was amended to include special exception relief under § 413.9 and a variance from 2116.4.*

**HEARING DATE:** October 7, 2014

**DECISION DATE:** October 7, 2014

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 8C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8C, which is automatically a party to this application. The ANC 8C representative testified that ANC 8C voted to support the application, and the report in support was filed into the record on October 10, 2014. (Exhibit 39.) The Office of Planning (“OP”) also submitted a report in support of the application.

**Variance Relief:**

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from § 2116.4. The only parties to this case were the Applicant and ANC 8C which supported the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a variance from § 2116.4, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under §§ 205 and 413.6. No parties appeared at the public hearing in opposition to this application. Five letters of support from neighbors were filed in the record along with the Applicant's submission. (Exhibit 34-L.) Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and the OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 3104.1, 205, and 413.6, that the requested relief can be granted, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that this application is **GRANTED, SUBJECT to the approved plans, as shown in the record at Exhibit 5 – Plans, Exhibit 30 – Revised Plans, and Exhibit 40 – Architectural Site Plan with 13 Parking Spaces.**

**VOTE:**      **3-0-2**      (Lloyd J. Jordan, Jeffrey L. Hinkle, and Robert E. Miller to APPROVE;  
Marnique Y. Heath and S. Kathryn Allen not present, not voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this summary order.

ATTESTED BY: \_\_\_\_\_

  
**SARA A. BARDIN**  
Director, Office of Zoning

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**FINAL DATE OF ORDER:** October 16, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 18830-A of Bright Beginnings Inc.**, pursuant to 11 DCMR Subtitle Y § 704, for a modification of consequence to BZA Order No. 18830, to permit an increase the number of children to 115 and the number of staff to 43 at an existing child development center in the RF-1 Zone at premises 3418 4th Street S.E. (Square 5969, Lot 249).

<b>HEARING DATES</b> (18830):	October 7, 2014
<b>DECISION DATES</b> (18830):	October 7, 2014
<b>ORDER ISSUANCE DATE</b> (18830):	October 16, 2014
<b>MODIFICATION OF CONSEQUENCE</b>	
<b>DECISION DATE</b> (18830-A):	February 5, 2020

**SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE**

Original Application. In Application No. 18830, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Bright Beginnings Inc. (the “Applicant”) under the Zoning Regulations of 1958 for special exceptions from the use and retaining wall requirements, as well as a variance from the requirements pertaining to location of parking spaces, in order to establish a child development center use for 100 children and with 38 teachers and staff in the R-4 District. The Board issued Order No. 18830 on October 16, 2014. (Exhibit 4A.)

Proposed Modification. On December 3, 2019, the Applicant submitted a request for modification of consequence to Order No. 18830. (Exhibits 1-5.) Specifically, the Applicant proposes to increase the number of children from 100 to 115 and the number of staff from 38 to 43.

Notice of the Request for Modification. Pursuant to Subtitle Y §§ 703.8-703.9 of Title 11 of the DCMR (Zoning Regulations of 2016, the “Zoning Regulations” to which all references are made unless otherwise specified), the Applicant provided proper and timely notice of the request for modification of consequence. (Exhibit 4.)

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission (“ANC”) 8C.

ANC Report. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on January 8, 2020, at which a quorum was present, the ANC voted to support the request. (Exhibit 9.)

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OP Report. Office of Planning submitted a report recommending approval of the proposed modification of consequence. (Exhibit 7.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the proposed modification of consequence, with the condition that the Applicant provide three short-term bicycle parking racks, for a total of six bicycle spaces, on the property. (Exhibit 6.)

**Request for Modification of Consequence**

The Applicant seeks a modification of consequence under Subtitle Y § 703.4 to increase the number of children to 115 and the number of staff to 43 at an existing child development center in the RF-1 Zone.

The Board determines that the Applicant’s request complies with Subtitle Y § 703.4, which defines a modification of consequence as 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.” Based upon the record, the Board concludes that in seeking a modification of consequence, the Applicant has met its burden of proof under Subtitle Y § 703.4.

“Great Weight” to the Recommendations of OP

The Board is required to give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8). The Board finds OP’s recommendation that the Board approve the application persuasive and concurs in that judgment.

“Great Weight” to the Written Report of the ANC

The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 406.2) The Board finds the ANC’s recommendation that the Board approve the application persuasive and concurs in that judgment.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application for modification of consequence of BZA Order No. 18830 is hereby **GRANTED**, subject to the approved plans in the record of Application No. 18830 at Exhibit 5 – Plans, Exhibit 30 – Revised Plans, and Exhibit 40 – Architectural Site Plan with 13 Parking Spaces, and the following condition:

1. The Applicant shall provide three short-term bicycle parking racks, including a total of six bicycle spaces, on the property adjacent to the main building entrance.

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In all other respects, Order No. 18830 remains unchanged.

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter G. May to APPROVE; no other Board members participating.)

**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:** February 6, 2020

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.