

Burden of Proof

Children in Safe Hands' Child Care Development Center is an allowable use per 11 DCMR § 3104.1 with the Board of Zoning Adjustment, Special Exception Uses approval per § 205 Special Exception Uses in Residential Use Group D zone.

§ 205 .1

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.

§ 205 .2 (a)

- 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.
- 2) The level of noise in the neighborhood shall not be unduly increased because the child care use will primarily be inside the building function, and outside play time is limited to a few hours during the day, and noise level for children 1 to 6 years old will not reach a level which will negatively impact the neighbors.
- 3) 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. There is no expansion or dramatic modifications anticipated for the existing buildings.
- 4) The use and enjoyment of neighboring properties shall not be unduly compromised as the child care facility

§ 205 .2 (b)

The requirements for parking in a child care facility is .5 spaces per 1,000 sq. ft. and therefore the required parking for 3,205 sq. ft. is two (2) parking spaces.

- 1) We are providing three (3) parking spaces and they will be on the adjacent lot which we own and will be located and design such that they are screened from the neighbor and from the public street with decorative wood fencing and landscaping and will not have an objectionable effect on the contiguous or nearby property because of noise, traffic or other conditions.
- 2) The parking and driveways providing access to them shall not be located in a required side setback, or on the lot between the principal building and the street right-of-way, nor in public space abutting the lot. The parking is located totally on the property exclusive of the setbacks or public space.
- 3) The parking count will be three (3).

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- 4) Lighting will be provided from a pole light at the parking area, with a down light which will illuminate the surface of the paved area devoted to parking, and shall provide the minimum light necessary for reasonable visibility by drivers and for security.

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