

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - November 18, 1970

Appeal No. 10589 Pilgrim Baptist Church, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of November 24, 1970.

EFFECTIVE DATE OF ORDER - Dec. 17, 1970

ORDERED:

That the appeal for permission to establish a day care center as a community service at 700 Eye Street, NE., Lot 47, Square 888, be GRANTED CONDITIONALLY.

FINDINGS OF FACT:

1. The subject property is located in an R-4 District.
2. The property is improved with a brick church.
3. The appellant proposes to establish in the community, around 700 Eye Street, a day care center for 75 children.
4. The appellatant alleged that there is 4,500 square feet of outdoor play space adjacent to the church which is fenced in and paved. The hours of the center will be from 7 a.m. until 6 p.m. with no children remaining overnight.
5. The appellant further alleged that the children would be divided into five classes with 15 children each. Each class would use the play area at a different time during the day.
6. The appellant further requested a variance from the parking requirements alleging that there is ample on street parking in the area and only two people working at the center have automobiles.
7. No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that this day care center is so located and the activities therein will be such that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, or other objectionable conditions. We are further of the opinion that the nature of this project is such that the subject premises are reasonably necessary and convenient to the neighborhood which it is proposed to serve.

We are also of the opinion that appellant has proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested 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.

This Order shall be subject to the following conditions:

- [a] The Board's approval of the use of these premises as a day care center is effective for a period of three (3) years.
- [b] There shall be no more than twenty-five (25) children playing outside at any given time.

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

ATTESTED:

By:



PATRICK E. KELLY, Secretary of the Board

THAT THE APPEAL IN THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.