

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13023 of Antioch Baptist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the first floor of the subject premises as a day care center consisting of forty students, six teachers, one director and one cook in an R-2 District at the premises 1107 50th St., N.E., (Square 5201, Lots 9 and 10).

HEARING DATE: September 12, 1979  
DECISION DATE: October 3, 1979

FINDINGS OF FACT:

1. The subject site is located at the intersection of 50th Street and Lee Street, N.E. and is known as 1107 50th St., N.E. It is in an R-2 District.
2. The subject site has ninety-five feet of frontage on 50th Street and 125 feet on Lee Street. It is improved with the Antioch Baptist Church.
3. The Antioch Baptist Church had been operating a day care center under its Certificate of Occupancy as a church. This operation was permissible. The Church itself no longer operates the day care center. The new operator, Euzlear Smith Foster, must therefore obtain a new Certificate of Occupancy for the proposed use of the first floor of the church's premises. The operator will rent the space from the Church.
4. The operator proposes to use the first floor of the subject premises as a day care center for forty students between the ages of two and six years. The hours of operation will be from 6:00 A.M. to 6:00 P.M. There will be six teachers, one director and one cook. All students live within a ten block radius of the center.
5. As required under the license by the Department of Human Resources a bus will provide transportation for the children, thus eliminating automobile congestion.
6. Adjoining the subject premises are several lots owned by the Church. These lots provide ten parking spaces and over 4,000 square feet of play area for the children.

7. There will be no articles of commerce for sale on the subject premises.

8. During it's years of operation the day care center has received no complaints based on noise, traffic, number of students or other objectionable conditions.

9. The Office of Planning and Development, by report dated September 10, 1979, recommended that the application be approved on the grounds that the proposed day care center provides a necessary service to the nearby and surrounding community, and that the use as proposed is in harmony with the general purpose and intent of the Zoning Regulations and will not adversely affect the use of neighboring properties. The Board so finds.

10. Councilwoman Willie J. Hardy, in whose Ward the subject premises are located, recommended approval of the application on the grounds that there was a dire need for day care centers in this neighborhood.

11. There was no opposition to the application.

12. Advisory Neighborhood Commission 7C made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant has substantially complied with the requirements of Paragraph 3101.41 of the Zoning Regulations. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval of this application is limited to a facility to be operated by Ms. Euzlear Smith Foster only.
2. There shall be a maximum enrollment of forty students.
3. The hours of operation shall be from 6:00 a.m. to 6:00 p.m

VOTE: 4-0 (Charles R. Norris, Walter B. Lewis, and William F. McIntosh to grant, Leonard L. McCants to grant by proxy, Chloethiel Woodard Smith not voting not having heard the application).

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

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 16 NOV 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.