

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13069 of Temple Baptist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the first and second floors of the subject premises as a day care center consisting of forty children in an R-1-B District at the premises 3850 Nebraska Avenue, N.W., (Square 1599, Lot 808).

HEARING DATE: November 7, 1979

DECISION DATE: November 7, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of Nebraska Avenue, N.W. just east of Ward Circle, in an R-1-B zone District at the premises 3850 Nebraska Avenue, N.W.

2. The site is approximately 35,000 square feet in area, and is improved with the Temple Baptist Church which occupies approximately half of the lot.

3. The applicant proposes the operation of a day care facility two days per week from 10 a.m. to 2 p.m., for approximately 40 children between the ages of six months and four years old.

4. The property is bounded at the rear by 44th Street, N.W. Single family homes are located on the north side of 44th Street opposite the church. Adjacent to the west is the Baptist Home and across Massachusetts Avenue is the campus of American University. Directly opposite the church on Nebraska Avenue is the U.S. Naval Station.

5. The program is designed as a "Mothers Day Out" program that provides mothers of pre-school age children an opportunity for free time during the day two days per week. The applicant proposes eight staff members.

6. Article 72 of the Zoning Regulations requires that parking spaces be provided to serve the proposed use. Temple Baptist Church has unrestricted use of the adjacent parking lot that is shared with the Baptist Home. The lot has a total of approximately forty two spaces.

7. Paragraph 3101.41 requires that a minimum of one hundred square feet of play area be provided for each child. There is approximately 15,000 square feet of land area surrounding the church, far exceeding the 4,000 square feet required.

8. The applicant proposes no articles of commerce for sale.

9. The program is designed to serve students from the immediate and surrounding area.

10. By report dated October 12, 1979, Advisory Neighborhood Commission 3E supported this application on the grounds that it served as a valuable neighborhood service, and created minimal impact on the neighborhood. The Board so finds.

11. The Office of Planning and Development by report dated October 11, 1979, recommended approval of the application on the grounds that the application meets the requirements of Paragraph 3101.41 of the Zoning Regulations, and due to the nature of the operation of the program (two days per week during non-rush hours), the operation would not create adverse traffic conditions, nor impact the surrounding area because of noise or the number of students. The Board so finds.

12. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board concludes that the applicant meets all of the requirements of Paragraph 3101.41 of the Zoning Regulations. The Board is of the opinion that the proposed pre-school is in harmony with the general purpose and intent of the Zoning Regulations and Map, and will not tend to affect adversely, the use of neighboring property in accordance with said Zoning Regulations and Map. Accordingly, it is hereby ORDERED that this application is hereby GRANTED subject to the following CONDITIONS:

1. Approval shall be for a period of FOUR years.
2. Enrollment shall be limited to forty children and eight staff members.
3. The hours of operation shall be from 10:00 a.m. to 2:00 p.m., Tuesdays and Thursdays.

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

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

10 FEB 1980

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.