

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13114, of First Baptist Church of Deanwood, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the entire basement of the subject premises as a pre-school for seventy-five children and eight staff members and for a variance from Paragraph 3101.41(d) that 100 square feet of play area for each child be provided on the same lot as the subject premises in the R-2 and C-1 Districts at the premises 1008 - 45th Street, N.E. (Square 5157, Lot 825).

HEARING DATE: November 28, 1979  
DECISION DATE: December 5, 1979

FINDINGS OF FACT:

1. The subject property is located on the west side of 45th Street, at its intersection with Sheriff Road and 45th Place, in an R-2 and C-1 zone district at the premises 1008 - 45th Street, N.E.
2. The lot is improved with the First Baptist Church of Deanwood building.
3. The applicant testified that the Church currently operates a day care facility for twenty-three children as a matter of right in the C-1 portion of the site. The applicant proposes to extend the center into the R-2 portion of the site in the basement only.
4. The applicant proposes to have a total of seventy-five children and eight staff persons. The proposed hours of operation are from 6 a.m. to 6 p.m. Monday through Friday.
5. The basement that is proposed to be used for the day care facility is approximately 5,576 square feet in area. The applicant also provides on the same lot approximately 4,000 square feet of additional outdoor open space. These facilities combined contain enough area to meet the minimum play area requirement for seventy-five children.
6. An adjacent lot, also owned by the Church is completely fenced in and can be used for additional play area. That lot is approximately 57,242 square feet in area. The lot is no more than forty feet from the entrance to the proposed pre-school.

7. The applicant has also secured permission from the Carver Elementary School located nearby to use their playground facilities from 3 p.m. to 5:45 p.m. as additional outdoor play space.

8. The Church grounds has adequate parking available to accommodate the required off-street parking spaces for the staff. Four such regulations sized spaces are outlined in Exhibit two, filed with this Board on October 15, 1979.

9. No articles of commerce will be offered for sale on the premises.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant has satisfied the requirement of Paragraph 3101.41(d) in supplying well in excess of one-hundred square feet of play area per child, as well as providing additional outdoor space on an adjoining lot and the playground of the Carver Elementary School. The Board therefore concludes that no variance is required and that the only relief requested is that of a special exception. The Board concludes that the applicant has substantially complied with the requirements of Paragraph 3101.41 of the Zoning Regulations and that the special exception can be granted without substantial detriment to the public good, and without substantially impairing the intent, purpose and integrity of the zone plan. The granting of this application will not adversely affect the use of neighboring properties. Accordingly it is hereby ORDERED that the application is hereby GRANTED SUBJECT to the FOLLOWING CONDITIONS:

- a. Approval is limited to the school to be operated by this applicant only.
- b. There shall be a maximum of seventy-five students enrolled at the school and eight staff persons.
- c. The hours of operation shall not exceed from 6:00 a.m. to 6:00 p.m., Monday through Friday.
- d. Approval shall be for a period of FIVE YEARS.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Connie Fortune and Leonard L. McCants to GRANT; Walter B. Lewis not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: 17 MAR 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.