

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13377, of Deliverance Church of God in Christ, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the basement portion of the subject premises as a "Child Development Center - Day Care" comprising fifty children and six teachers in an R-2 District at the premises 325 - 55th Street, N.E., (Square 5250, Lot 152).

HEARING DATES: November 12, 1980 and January 21, 1981
DECISION DATE: February 4, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-2 District on the east side of 55th Street, between Blaine Street and Clay Place, N.E.
2. The subject lot is 120 feet wide by 100 feet deep. It is improved with a one-story plus basement brick building used as a church. The building was constructed under zoning approval granted in 1975.
3. The applicant proposes to use the basement portion of the building as a child development center. The center would accommodate fifty children, ages two to five. There will be six teachers in the center.
4. The hours of operation for the center will be from 6:00 a.m. to 6:00 p.m., Monday through Friday.
5. The majority of the children will come from the immediate neighborhood. Others will be brought to the center from outside the neighborhood by vans owned by the church.
6. There is adequate space adjacent to the church building on the north side of the lot to provide parking for ten to twenty cars.

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

8. There is an area of approximately 5,000 square feet on the south side of the church building which can be used for outdoor play space. The outdoor area is proposed to be fenced in. The area of the basement also provides additional indoor play space.

9. There are additional available recreation facilities at surrounding area schools. There are four school playgrounds within four blocks from the subject site.

10. Advisory Neighborhood Commission - 7C, by letter dated November 7, 1980, reported that it had no objection to the application "so long as the church meets with all the requirements of the District of Columbia Regulatory agencies."

11. The owner of property at 5514 Clay Place submitted a letter to the record in favor of the application.

12. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3104.41 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The building is an institutional building on a rectangular large lot. The number of students requested can easily be accommodated on the subject property without adverse effect on the surrounding area. There is adequate play space and sufficient parking.

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 in accordance with said regulations and maps. It is therefore ORDERED that the Application is GRANTED, SUBJECT to the following CONDITIONS:

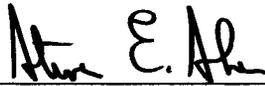
1. There shall be a maximum of fifty students and six teachers.
2. Approval shall be for a period of TWO YEARS from the date of this ORDER, and the operation of the facility shall be limited to the applicant.

3. The hours of operation shall be from 6:00 a.m.
to 6:00 p.m.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Connie Fortune
and Douglas J. Patton to GRANT).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 31 MAR 1981

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.