

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13521, of the Pennsylvania Avenue Baptist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the second floor of the subject premises as a day care center consisting of eighty children and twenty staff members in an R-1-B District at the premises 3000 Pennsylvania Avenue, S.E., (Square 5545, Parcel 206/168)

HEARING DATE: July 22, 1981
DECISION DATE: September 2, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District at the premises 3000 Pennsylvania Avenue, S.E.

2. The subject property has over 340 feet of frontage on the north side of Pennsylvania Avenue, over 200 feet of frontage on the east side of 30th Street and over 240 feet of frontage on the south side of Q Street. The site is generally rectangular in shape and consists of over 78,000 square feet of land area.

3. The site is presently developed with a large red brick church building and asphalt parking lot. The remainder of the site is covered with grass and landscaping.

4. Surrounding the property on the north, east and west are single family dwellings in the R-1-B District. Across Pennsylvania Avenue to the south is the Randall Highlands Elementary School play field.

5. The application proposes to use the second floor of the subject premises as a day care center. The center would be run by Mrs. Marjorie Rogers, operating as the Learning Nest, Inc.

6. The center proposes to have an initial enrollment of fifty children, all less than five years of age. Approximately ten to fifteen would be infants less than two years of age. The operator testified that the ultimately planned capacity of the center would be for eighty children and twenty staff members, the latter including both full and part-time staff and paid and volunteer workers. The realistic capacity of the program will be approximately sixty children.

7. The center will operate from 6:30 a.m. to 6:30 p.m., Monday through Friday.

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

9. The entrance to the center will be at the rear of the church building, away from Pennsylvania Avenue.

10. The church has a large parking lot, accommodating approximately 100 cars. Access to that parking lot is by way of two driveways from 30th Street and one from Q Street.

11. The location and arrangement of the driveway and parking areas is so designed that there is adequate space on the site to accommodate cars stopping to drop off or pick up children without adversely affecting neighborhood traffic.

12. The operation of the center will not conflict with any major church related operations, in terms of use of the building or the parking area. There is a sufficient number of parking spaces on the lot to meet the parking requirements of the Zoning Regulations.

13. The arrival and departure of children from the center will be spread out over several hours in both the morning and evening. The center is well-served by public transportation on Pennsylvania Avenue. A significant number of persons are expected to walk to the center. However, even if all the children arrive by car, the additional number of trips generated would not be sufficient to adversely affect traffic conditions in the area.

14. The operator testified that the enrollment of the school will come primarily from within a ten block radius of the site. She advised the Board that she had positive inquiries from over twenty-five persons living in the area who would be interested in sending children to the center.

15. There is more than the required 100 square feet of play area per child located on site through the use of space located directly in front of the entrance to the center. This area is separated from the nearest residential dwellings by sloping topography and Q Street to the north and a landscaped area to the east, which will serve as buffers in reducing noise associated with children at play. There is a large multi-purpose room located within the church building which would be used by the children in inclement weather. The Randal Highlands school play field is located directly across Pennsylvania Avenue from the church.

16. There are other day care centers in the general area of the site. None of those day care centers offers infant care, and at least one is operating at capacity.

17. The Office of Planning and Development, by memorandum dated July 16, 1981, and by testimony at the hearing, recommended that the application be approved. The Office of Planning and Development was of the opinion that this application meets the purpose and intent of Sub-section 8207.2 as well as the criteria set forth in Paragraph 3101.41 of the Zoning Regulations. The OPD found the location and program design of the day care center to be unobtrusive to the surrounding neighborhood and a potentially convenient benefit to the residents of the area. The OPD therefore, recommended approval of this application for a period of three years, after which time the application should be reviewed to evaluate its affect on the area.

18. There was no report from Advisory Neighborhood Commission - 7B

19. There was opposition to the application in the form of a petition in the record and testimony at the hearing from residents of P, Q and 30th Streets. The opposition testified that approval of the application will compromise and have an adverse effect on the nature, character, quality, peace and comfort of the existing neighborhood. The opposition argued that traffic and parking problems would be caused by the vehicles of persons bringing children to and from the center and of persons working at the center. The persons in opposition argued that noise from children playing will affect the enjoyment of their own homes. The opposition cited experiences with other centers in the area. The opposition argued that there are other centers in the area already, that the majority of residents in the area are elderly without young children and that enrollment from the center will not come primarily from the neighborhood.

20. As to the issues raised in opposition to the application, the Board finds as follows:

- a. The additional number of trips generated by the center, spread out over several hours in the morning and several in the evening, would not significantly change or adversely affect traffic conditions in the area.
- b. The parking lot on the church property is large enough to provide on-site parking and maneuvering room for all center related traffic.

- c. The subject property fronts on a major arterial street, Pennsylvania Avenue, and is large enough and suitably located to serve as a day care center. The experience with other day care centers is not relevant to this application, as the operation and location of the other centers may well differ from the subject application. The Board is required to decide an application based on the specific facts developed in the record before it.
- d. The operator testified that she anticipated that the enrollment of the school would come primarily from within a ten block radius. The evidence submitted indicates sufficient interest in the center from persons residing in the neighborhood. The boundaries of the neighborhood area is defined by the applicant constitute a reasonable service area for the center.
- e. There is no other day care center in the area which provides infant care.

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 3101.41 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. There will be no article of commerce for sale. The center is so located that it is not likely to become objectionable because of noise, traffic or number of students. The use is reasonable convenient and necessary to the neighborhood. Sufficient play space is provided.

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.

The Board notes the concerns of the opposition and the recommendation of the Office of Planning and Development, and will therefore limit the approval of this application for a period of three years, in order to be able to review the actual effect of the operation of the center. The Board advises the operator of the school to be mindful of the concerns of the opposition, and to operate the school in as careful a manner as possible to avoid the potential problems cited by the opposition testimony.

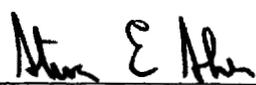
It is therefore hereby, ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS from the date of this Order.
2. The enrollment shall be limited to sixty children.
3. The hours of operation shall not exceed from 6:30 a.m. to 6:30 p.m., Monday through Friday.
4. Approval shall be limited to the operation of the center by the Learning Nest, Inc.
5. The number of requiring parking spaces on site for the operation of this facility shall be clearly marked and reserved for use by the Learning Nest, Inc., at all hours when the center is in operation.

VOTE: 5-0 (Charles R. Norris, Lindsley Williams, Connie Fortune, William F. McIntosh and Douglas J. Patton to APPROVE).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 14 OCT 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.