

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 13647, of Woodridge Bibleway Church Trustees, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use part of the first floor of the subject premises as a day care nursery for twenty children, ages two to five years, four teachers and two aides and a variance from the off-street parking requirements (Sub-section 7202.1) in an R-1-B District at the premises 2226 Evarts Street, N. E., (Square 4253, Lots 802 and 4).

HEARING DATE: January 27, 1982
DECISION DATE: March 3, 1982

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the north side of Evarts Street between 22nd and 24th Streets, N. E.

2. The subject property consists of two lots, 802 and 4. Lot 802 is occupied by the Woodridge Bibleway Church, a building consisting of one and two story portions. To the west of lot 802 is lot 4, a vacant lot measuring fifty feet in width by 150 feet in depth. Lot 803, to the rear of Lot 802, is also owned by the Church but is not a part of this application. The total Church property contains 15,000 square feet.

3. The site is located in the Langdon-Brentwood Village neighborhood. The National Lutheran Home and Langdon Elementary School are located one block west of the Church. Langdon Park is located a short distance to the northeast. The predominant surrounding use is for single family detached dwellings, although there are apartments located along Montana Avenue to the southwest.

4. The applicant proposes to establish a day care nursery in the existing Church building. The nursery would have a maximum enrollment of twenty children, ages two to five. The nursery would be operated by two teachers and two aides. The hours of operation would be from 7:00 A.M. to 6:00 P.M., Monday through Friday. The nursery will be operated in a large room measuring fifty feet by thirty-six feet on the first floor of the premises. The nursery will not conflict with other Church activities in the building.

5. There will be no articles of commerce for sale.
6. The use will not be objectionable to adjoining properties because of noise or number of students because it will primarily be conducted inside the building. The exterior play space is to be located on the large lot owned by the Church, and is far enough away from adjoining properties so as not to cause objectionable impacts.
7. The Church has no off-street parking available. The vacant lot to the west is at a significantly higher elevation than the street and has no alley access. For four staff employees, only two parking spaces are required. The applicant requests a variance from the requirements of Sub-section 7202.1 so as not to provide the required off-street parking.
8. Five cars can be parked on the street in front of the Church property. These spaces are usually available at those hours the nursery will be operating, and can be utilized by the nursery staff. Parking is usually available on-street in the general vicinity.
9. It is anticipated that most of the enrollment for the nursery will come from the immediate neighborhood. Many of the children will walk to the nursery.
10. The applicant submitted a list of potential enrollees at the nursery. That list evidences that the children do reside in the immediate neighborhood.
11. The number of children who will arrive at the nursery by car is expected to be relatively small. The impact on traffic will not be significant, and Everts Street can absorb the expected traffic generation.
12. There is a strong demand for day care services in the area. Three other day care centers within eight blocks are operated at or very near capacity.
13. The vacant lot to the west contains 7,500 square feet of area usable as play space. There is also play space in the building. There is sufficient play area to provide more than 100 square feet of play area per child.
14. The Office of Planning and Development, by memoranda dated January 21 and February 1, 1982 and by testimony at the hearing, recommended that the application be approved. The OPD reported that this application for a special exception will be in harmony with the intent and purpose of the Zoning Regulations, and is in compliance with the requirements of Paragraph 3101.41. The Board concurs in the findings of the OPD.

15. There was no report from Advisory Neighborhood Commission 5B.

16. There were many letters in the record from residents of the 2200 block of Evarts Street in support of the application, on the grounds that the church has not ben objectionable in the area and that the proposed nursery would provide a valuable service to the area.

17. There was no opposition to the application at the public hearing or in the record.

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 and a variance. In order to be granted the requested 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 articles of commerce for sale. Adequate play space is to be provided. The site is large enough and the proposed nursery small enough that the use will not create objectionable noise or traffic. Enrollment will come primarily from within the neighborhood.

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.

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the difference in elevation between the street and the lot is an exceptional condition of this property. The Board concludes that strict application of the Regulations would cause practical difficulties for the applicant by requiring extensive regrading and the construction of a large retaining wall. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED, subject to the following conditions:

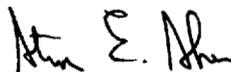
1. The use shall be limited to twenty students, aged two to five years, two teachers and two aides.

2. The hours of operation shall not exceed from 7:00 A.M. to 6:00 P.M.
3. Approval shall be limited to operation by the Woodridge Bibleway Church.
4. Approval shall be limited to a period of three years.

VOTE: 5-0 (Connie Fortune, Douglas J. Patton, William F. McIntosh and Charles R. Norris to GRANT: John G. Parsons to GRANT by proxy).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: APR 14 1982

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.