

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13650, of St. Luke's Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the first floor of the subject premises as a nursery school for eighty children and eight teachers in an R-5-A and R-2 District at the premises 4914 Ayers Place, S.E., (Square 5330, Lot 31).

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

FINDINGS OF FACT:

1. The subject property is located on the north side of Ayers Place, east of 50th Street, S.E. The property is a through lot, also having a frontage on Central Avenue and East Capitol Street. The property is split between the R-5-A and R-2 Districts.

2. The subject property is extremely large, having over 500 feet of frontage on Ayers Place, almost 200 feet on 50th Street and over 500 feet on Central Avenue and East Capitol Street combined.

3. The site is improved with St. Luke's Catholic Church and associated community center.

4. The Church has been operating a day care center on the property since 1975. Such center was considered to be an accessory use to the main use of the premises as a church. No separate Certificate of Occupancy was issued, nor was the center required to have approval from the Board of Zoning Adjustment as a special exception.

5. The Church now proposes to have a nursery school operated by a private individual, Mrs. Laura Shumate. She would operate the school under the name of the Early Learning Center. The school would be open to the general public and is proposed to have an ultimate enrollment of eighty children, ages two to six, with eight teachers. The hours of operation would be from 7:00 A.M. to 6:00 P.M., Monday through Friday. The school would be operated on the ground floor of the community center, occupying five large rooms and using associated support facilities. The school will not conflict with other activities in the building.

6. The present enrollment at the school is forty children, with four teachers. It is expected that enrollment would rise gradually, and staff will be added as needed.

7. There will be no articles of commerce for sale.

8. The use will not be objectionable to adjoining property because of noise and number of students, because it will primarily be conducted inside the building. Adjoining properties are separated by streets. The size of the site will minimize any adverse impacts.

9. Access to the school is by way of a U shaped driveway from Ayers Place. There is also a large parking lot located on the site with access from Ayers Place. The driveway and parking area combined provide sufficient off-street area for pick-up and drop-off of children.

10. Enrollment at the school at present comes primarily from the immediate neighborhood, as evidenced by the applicant's submission marked as Exhibit No. 16A. It is anticipated that future enrollees will also reside in that neighborhood.

11. There is an outdoor play area containing over 11,000 square feet adjacent to the community center. There is also play area inside the building. There is more than 100 square feet of play area available for each child at the proposed capacity.

12. The school is located on East Capitol Street and Central Avenue, near Division Avenue. Access to the school is good, and the facility is conveniently located to the area it serves.

13. The Office of Planning and Development, by memorandum dated January 22, 1982 and by testimony at the hearing, recommended that the application be granted. The OPD reported that it did not anticipate any objectionable impacts from the school because of noise, traffic or number of students given the distance separating the building and play area from adjoining and nearby properties, the ample off-street parking available and the sound buffering brick construction of the building. The OPD reported that the application will not adversely effect the use of neighboring properties and meets the requirements of Paragraph 3101.41. The Board concurs in the findings of the OPD.

14. There was no report from Advisory Neighborhood Commission 7E.

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

COMCLUSIONS 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 articles of commerce for sale. Adequate play space and parking is provided. The site is large enough and conditions are such that the center will not create objectionable noise or traffic. The use is reasonably necessary and convenient to the area it serves, and enrollment comes primarily from the immediate 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. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The play area designated in the record as Exhibit No. 16B shall be fenced with a six foot high wood stockade fence.
2. The use shall be limited to eighty children and eight teachers.
3. Approval shall be limited to operation by the Early Learning Center.
4. The hours of operation shall not exceed from 7:00 A.M. to 6:00 P.M.
5. Approval shall be limited to a period of three years.

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

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

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

FINAL DATE OF ORDER: APR 28 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.