

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13824, of Faith United Church of Christ, pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Paragraphs 3101.41 and 3101.42 to use the basement of the church as a child day care center for seventy students, six teachers, one director, six teacher aides, one cook and one custodian and to use the dormitory -classroom building as a private school for sixty students, six teachers and one principal in an R-2 District at the premises 4900 10th Street, N.E. (Square 3786, Lots 806 and 809, and Parcels 136/60, 136/100, 136/107 and 136/109).

HEARING DATE: July 28, 1982

DECISION DATE: July 28, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The Board approved the applicant's request for an expedited hearing on this application for good cause shown.
2. The subject property is located in an R-2 District on the north side of Decatur Street and the west side of South Dakota Avenue, N.E., and is known as 4900 Tenth Street, N.E.
3. The subject property is a large site, containing 119,746 square feet in area. It is triangular in shape, with 505.22 feet of frontage along Decatur Street, and 374.31 feet along South Dakota Avenue.
4. The property is developed with a church building, dormitory building and a detached dwelling. The site is surrounded by semi-detached dwellings in the R-2 District.
5. The application proposes to use the basement of the Church to establish a day care center. Access to the basement is from the parking area side of the Church.
6. The center as proposed would have a maximum of seventy students, ages infant to five, to be served by a staff of fifteen persons including six teachers, a director, six teacher aides, a cook and a custodian. The hours of operation would be from 7:00 A.M. to 6:00 P.M., Monday through Friday.
7. There will be no articles of commerce for sale.

8. The use will not be objectionable to adjoining property because of noise or number of students because it will primarily be conducted inside the building. The exterior play space is located at the rear of the site, adjacent to the side yard of a semi-detached dwelling at 818 Decatur Street, N.E. If it becomes necessary, the Church will install a stockade or similar fence to buffer the sound. However, the large size of the site combined with the small size of the center minimize adverse effects.

9. There is a parking area with space for thirty-one cars at the north side of the Church building. That space is large enough to provide enough parking spaces and area for drop-off so that there will be no adverse impact on Decatur Street or South Dakota Avenue.

10. There are approximately 8,000 square feet of outdoor play space located to the west of the rear of the building. The center would also use the large basement area of the Church for indoor play space. That area contains approximately 3,707 square feet.

11. The applicant petitioned the neighborhood to ascertain demographic data which supported the finding that the North Michigan Park, Brookland and Lamont Riggs communities will benefit from the centers operation. The applicant also indicated that some of the church members who live outside the immediate community plan on utilizing the center if approved. It is expected that most of the students will come from the above cited neighborhoods.

12. The applicant also proposes to establish a private school in the dormitory-classroom building operated by the Wade School. The Wade School is a non-profit organization. It proposes to operate classes as a tenant at the subject Church facility. The school shall consist of a maximum of one hundred students and ten staff. Grades one through nine will be taught at the school from 9:00 A.M. to 3:00 P.M., Monday thru Friday.

13. The school's program is geared to helping children who require individual attention and instruction. The students are referred by teachers of the public schools.

14. According to the school principal, approximately ninety-five percent of the students come from the District, with the other students coming from nearby Maryland. Fifty percent of the children reside in northeast Washington.

15. The school will use the basement, first and second floors of the dormitory for class space.

16. The Church facility is separated from the nearest residential dwellings by an 8,000 square foot play area and thus poses no noise problem for the immediate community.

17. There are presently thirty-one parking spaces on the site, more than enough to meet the required nine spaces for the employees of the school.

18. The children will arrive and leave by public transportation so the community will not be adversely affected by the traffic.

19. The Office of Planning and Development, by memorandum dated July 23, 1982, recommended that the application for special exceptions be approved. The Office of Planning and Development reported that this application meets the intent of Paragraphs 3101.41 and 3101.42 and Sub-section 8207.2 of the Regulations the principal purpose of which is to ensure that no substantial detriment to the neighboring properties will occur from the grant of the special exception request. The Board concurs in the OPD recommendation.

20. There was no opposition to the application either at the public hearing or in the file.

21. A petition of some seventy-eight signatures from the North Michigan Park community in favor of the application was submitted to the file.

22. Advisory Neighborhood Commission 5A made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Bases on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking two special exceptions. In order to be granted such exceptions, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.41 and 3101.42 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 the proposed center and school small enough that the use will not create objectionable noise or traffic conditions. The day care center is reasonably necessary and convenient to the area it serves. The Board further concludes that the special exceptions 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. Accordingly, it is ORDERED that the

application is GRANTED in its entirety SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FOUR YEARS.
2. The day care center shall have a maximum of seventy students and fifteen full and part-time employees.
3. The private school shall have a maximum of one hundred students and fifteen staff.
4. The day care center shall be limited to operation by the Faith United Church of Christ.
5. The private school shall be limited to operation by The Wade School.
6. The hours of operation for the day care center shall not exceed from 7:00 A.M. to 6:00 P.M., Monday through Friday.
7. The hours of operation for the private school shall not exceed from 8:30 A.M. to 3:30 P.M., Monday through Friday.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, Douglas J. Patton and Charles R. Norris to grant, William F. McIntosh not present, not voting).

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

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

FINAL DATE OF ORDER: 8-26-82

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.