

7. The hours of operation have been and will remain from 8:30 a.m. to 3:00 p.m. Approximately one-third of the students will be brought to the school by bus, with the remaining two-thirds arriving by private automobile or other means.

8. For the two teachers proposed for the kindergarten, two parking spaces are required. The garage provides two spaces, and there is also space for at least two spaces on the lot.

9. The school is required to provide a minimum of 5,100 square feet of play area for fifty-one students. The lot has an area of over 48,000 square feet, of which less than 2,000 square feet is occupied by the house and garage.

10. No articles of commerce will be offered for sale on the premises.

11. The applicant Church is the only Seventh Day Adventist Church in the District of Columbia to operate a school. As such, it draws its students from throughout the District of Columbia and nearby portions of Maryland. Of the fifty-five students enrolled at the time of the last application, twenty-five were from Southeast Washington or nearby Maryland.

12. Much of the area within a half-mile radius of the school is occupied by Fort Dupont and Fort Davis Parks. This further restricts the ability of the school to draw its students from an immediate local neighborhood.

13. There is no record of complaints concerning the operation of the subject premises as a school. The school as it has existed has not been objectionable in the neighborhood. The location of the school, with parkland on one side, the existing school on another and streets and alleys on the remaining sides tends to minimize any potential impacts on adjoining and nearby properties.

14. No report from Advisory Neighborhood Commission 7B was received in the record in a timely manner.

15. There was no opposition to the application at the 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. 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 is adequate play area and parking. There will be no articles of commerce for sale. The relatively isolated location of the building reduces the impact. The use of a bus to transport one-third of the students further reduces the impact of the school.

The Board notes that the enrollment of the school comes from a wider area than the Regulations normally contemplate. The Board notes that there is no other Seventh Day Adventist Church in the District of Columbia which operates such a school. The Board concludes that the applicant is operating in a manner that is generally consistent with the Zoning Regulations. Based on Findings No. 11 and 12, the Board concludes that this application can be approved.

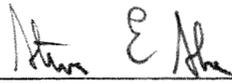
The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the said Regulations and Maps. It is therefore ORDERED that the application is GRANTED, subject to the following CONDITIONS:

1. Approval shall be for a period of FOUR YEARS from the date of expiration of the previous certificate of occupancy, namely from September 30, 1982.
2. Approval shall be limited to a school to be operated by this applicant only.
3. The maximum enrollment of students shall be fifty-one.
4. The number of teachers shall be as required by the regulations of the D.C. Department of Human Services.

VOTE: 5-0 (Douglas J. Patton, Connie Fortune, William F. McIntosh, Maybelle T. Bennett and Charles R. Norris to grant).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

FEB - 4 1983

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.

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