

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14306 of Thelma B. Cofer, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the subject premises as a child development center for seventy-one children, ages one through four years, and eight staff in an R-4 District at premises 4015 Kansas Avenue, N.W., (Square 2909, Lot 94).

HEARING DATE: July 10, 1985

DECISION DATE: July 10, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject site, known as premises 4015 Kansas Avenue, N.W., is located on east side of Kansas Avenue approximately mid-block between Shepherd and Taylor Streets, N.W. The site is located in an R-4 District.

2. The site is rectangular in shape and measures 27.5 feet by 135.0 feet for a total land area of 3712.5 square feet. The site abuts a fifteen foot public alley to the south and east. The alley is accessible from Kansas Avenue and both Taylor and Shepherd Streets, N.W.

3. The site is improved with a two story semi-detached building and a detached garage.

4. The R-4 District within which the subject premises is located extends to the south and east of the subject property. It is characterized by two story, residential row structures. One block north and east is a C-2-A District consisting of a variety of low to medium density retail/-commercial establishments. One block northwest of the site is a C-M-1 District which includes an automobile body shop, a bookbinding establishment, and The Library of Congress's facilities for the blind.

5. Pursuant to Certificate of Occupancy B140407, dated November 2, 1984, the subject structure is used as a child development center for fifteen students, ages two and one half to six years old.

6. The applicant proposes to increase the number of children from fifteen to seventy-one for an increase of fifty-six children. A corresponding increase in staff over the present number of three is also proposed. The applicant seeks her relief through a special exception under Paragraph 3101.41 of the Zoning Regulations.

7. Paragraph 3101.41 provides in pertinent part that the Board may approve the requested relief in accordance with the following requirements:

- A. The center shall be capable of meeting all applicable code and licensing requirements.
- B. The center shall be so located and designed as to create no objectionable traffic condition and no unsafe condition for picking-up and dropping-off children.
- C. The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees and visitors.
- D. The center, including any outdoor play space provided, is so located and designed that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions. The Board may require such special treatment in the way of design, screening of buildings, planting and parking areas, signs or other requirements as it shall deem necessary to protect adjacent and nearby properties.
- E. Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.
- F. The Board may approve more than one child development center in a square or within 1,000 feet of another child development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise operations or other similar factors.
- G. Before taking final action on an application, the Board shall submit the application to the Departments of Consumer and Regulatory Affairs (DCRA) and Public Works and the Office of Planning for review and written reports. The referral to the DCRA shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia.

8. The Office of Planning by memorandum dated July 3, 1985, hereinafter, referred to reported that the staff of the Department of Consumer and Regulatory Affairs indicated

the proposed center will comply with all applicable code and licensing requirements.

9. The applicant intends to operate the center from 7:30 A.M. to 6:00 P.M. Monday thru Friday.

10. Arrival and departure times of center enrollees shall be staggered. The arrival time extends from 7:30 A.M. to 10:00 A.M. The departure time extends from 2:30 P.M. until the center closes at 6:00 P.M.

11. Most children arrive at and depart from the center in private vehicles. A number of children are transported to and from the subject site by the center's bus.

12. Children are discharged from and loaded in vehicles standing on the portion of Kansas Avenue, that is directly in front of the center.

13. The center will request that the Department of Public Works designate the portion of Kansas Avenue, directly in front of the center as a loading zone.

14. When the loading area in front of the center is fully occupied, vehicles will pull into the alley off of Kansas Avenue, adjacent to the south edge of the subject site.

15. Staff from the center is available to assist and escort enrollees from the vehicles to the center.

16. The precise number of staff required for a facility with seventy-one children can only be established when the age of all enrollees is known. Until such time the applicant can only estimate staff needs using student/teacher ratios prescribed by licensing regulations.

17. The center proposes employing as many as six staff members.

18. The Zoning Regulations require parking for child development centers at a ratio of one space per each four staff or other employees.

19. Two parking spaces will be required for the proposed increase in enrollment at the center.

20. Three parking space for use by staff of the center will be provided in the first floor of the garage located at the rear of the subject site. The second floor of the garage will be used for storage.

21. No parking will be provided on the subject site for the center's van.

22. A 900 square foot outdoor play area is provided to the rear of the subject structure.

23. Reinforced steel swings, a slide and a climbing tower will be located in the outdoor play area adjacent to the garage.

24. The garage is located at the rear of the subject site adjacent to the alley running north-south. The garage and alley serve as buffers to the properties improved with single family houses which are to the rear of the subject site.

25. A six foot high wire mesh expansion fence encloses the subject site on the north and south sides.

26. The property adjacent to the north of the subject site is improved with an apartment building and a wooden fence along the property boarder with the subject site.

27. The applicant will install a solid wooden fence along its northern property line of the subject site to help further screen and buffer any negative impacts the outdoor play activities may have on the adjacent property.

28. Outdoor playtimes for the children at the center are staggered. No more than seven children will use the outdoor play area at any one time.

29. The applicant owns and operates a child development center accommodating twenty-five children at 1109 Buchanan Street N.W., five blocks from the subject site. Children from the subject center will be transported to the Buchanan Street Center for outdoor recreational activities until play equipment has been installed at the subject site.

30. Children at the subject center will occasionally be escorted to neighboring public recreational activities at 14th and Upshur Streets or 8th and Shepherd Streets, N.W.

31. A second child development center, known as The Holly Hobby Day and Nite Care Center, is located within the same Square. This second child development center is located at the far end of the block on the southeastern corner of the intersection of Kansas Avenue and Taylor Streets, N.W.

32. The OP recommended approval of the proposed expansion of the center subject to the following conditions:

- A. Approval shall be limited to a child development center operated by the subject applicant.
- B. The number of enrollees shall not exceed

seventy-one.

- C. The center's hours of operation shall be limited to 7:30 A.M. to 6:00 P.M. Monday through Friday.
- D. The applicant shall provide a minimum of two parking spaces.
- E. The applicant shall landscape their rear yard along the northern property line in order to shield the center's outdoor recreation area from the adjacent residential property.
- F. Outdoor recreation periods for the center's enrollees shall be staggered and no group in excess of five to seven children shall be permitted in the yard at any one time.

33. The OP further reported their concerns about the cumulative impact of the two child development centers being located in the same Square. The OP reported that the applicant indicated that there will be little traffic congestion in the alley since the two centers operate on different schedules.

34. The OP was of the opinion that the applicant would be advised to encourage parents dropping-off or picking-up their children to exit the alley system onto Shepherd Street thereby avoiding use of the alley in the vicinity of the second center.

35. The Board concurs with the reasoning and recommendations of the OP. The Board finds however that, limiting the opening hour of the center to 7:30 A.M. is too restrictive.

36. The DPW, by memorandum dated July 2, 1985, reported that the following transportation system exists in the area surrounding the subject site.

- A. Taylor Street, N.W. is to the north of the subject site, Georgia Avenue, N.W. is to the east and Shepherd Street, N.W. is to the south.
- B. Kansas Avenue is a forty foot wide minor arterial with an average daily traffic volume of 7,900 vehicles. Parking is restricted to two hours under the Residential Parking Permit Program between 7:00 A.M. and 6:30 P.M.
- C. Taylor Street is a thirty-four foot wide local street. Parking on the street is limited to one hour from 7:00 A.M. until 6:30 P.M.

- D. Georgia Avenue is a fifty-six foot wide minor arterial with an average daily traffic volume of 25,600 vehicles. Metered parking is allowed from 7:00 A.M. until 6:00 P.M. on the west side of the street. Residential permit parking is in effect on the east side of the street, as are loading zone requirements.
- E. Shepherd Street is a thirty foot wide local street. Parking is restricted to two hours under the Residential Parking Permit Program between 7:00 A.M. and 6:30 P.M.
- F. The site is directly severed along Kansas Avenue by the P7 Metrobus route. In addition, the 70, 71, 73 and 60 routes are located on Georgia Avenue, within a one block radius of the site.

37. The DPW further reported that although the application is for an increase in enrollment from fifteen to seventy-one children, the applicant maintains that the quantity of children on-site, at one time, will never be that high. Presently, the applicant receives the children in a number of shifts. Pre-schoolers arrive throughout the morning hours while children of school-age arrive in the late afternoon. The majority of pre-school children have been picked-up by the time the school children arrive. In addition, children arriving from school are driven to the nearby Petworth Library in the Center's van to do their homework and then walk en masse to the child development center. This procedure spreads out the traffic impact of the Center's operation throughout the day. The DPW recommended that the applicant continues this procedure.

38. The DPW further reported that there is a well-executed policy for discharging and picking-up of children which utilizes the fifteen foot alley adjacent to the site. When parents discharge their children, they pull into the alley off Kansas Avenue and wait until a teacher's aide escorts their children into the Center. The parents follow the alley through to Taylor or Shepherd Streets, N.W. The same policy is followed in reverse, as parents wait to pick up their children in the same alley. The children are again escorted by a teacher's aide. Little parking is done for the purpose of discharging and picking-up of children. This policy was formulated to reduce congestion on Kansas Avenue due to the Center's operation. The DPW concurs with the policy's intentions and recommends that it be continued and vigorously enforced. The Board concurs with the DPW's recommendation.

39. The DPW further reported that the Center owns two vehicles, a fifteen seat van and thirty seat bus. In the future, the applicant foresees a system in which the van and

the bus are used to pick-up and discharge children. This policy would decrease the number of auto trips to the Center and, thereby, reduce any adverse transportation impacts the Center may have on the surrounding street system. The DPW recommended that the Center begin immediately to formulate this policy and implement it when enrollment approaches seventy-one children. The DPW further reported that the other child development center, Holly Hobby Day Care, Inc., located in the same Square as the subject Center was the subject of an application to increase its enrollment (BZA 14166). The application was denied and enrollment at Holly Hobby remains at eighteen children. The DPW did not foresee any adverse transportation impacts in the cumulative effect of the Holly Hobby Center and the increased enrollment at the subject center. The DPW stated that an increased enrollment at the subject child development center would not have a significant effect on the surrounding street system. The Board concurs with the reasonings of the DPW.

40. Advisory Neighborhood Commission 4C submitted no report on the subject application.

41. A neighboring property owner submitted a letter dated July 8, 1985, to the record stating that he opposed the application because of the limited parking facilities for the center in the surrounding residential area. The Board finds that adequate on-site parking will be provided for the center and no adverse parking impact will result from the operation of the Center.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires that the proposal meet the requirements of Paragraph 3101.41 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof. The proposed use, as conditioned below in this grant of the application, is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be limited to a child development center operated by the subject applicant.
2. The number of enrollees shall not exceed seventy-one.

3. The center's hours of operation shall not exceed from 6:30 A.M. to 6:00 P.M. Monday through Friday.
4. The applicant shall provide a minimum of three parking spaces on-site.
5. The applicant shall construct a solid wooden fence along the northeastern property line from the main structure to the garage line in order to shield the center's outdoor recreation area from the adjacent residential property.
6. The number of staff shall be limited to twelve.
7. The drop-off and pick-up of the children shall be in the alley east of the site as described in the Department of Public Works report marked as Exhibit No. 23 of the record.
8. The second story of the garage shall not be used for any center purposes except storage.
9. Outdoor recreation periods for the center's enrollees shall be staggered and no group in excess of five to seven children shall be permitted in the yard at any one time.
10. The facility's bus and van shall not be parked on the subject site.

VOTE: 4-0 (Lindsley Williams, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

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

ATTESTED BY:



CECIL B. TUCKER  
Acting Executive Director

FINAL DATE OF ORDER: 25 SEP 1985

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 CONSUMER AND REGULATORY AFFAIRS.

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