

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14338, of St. Peters Evangelical Lutheran Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Paragraph 3101.41 for the Farragut Street Children's Centre, Inc. to use part of the first floor of the subject church as a child development center for fifty-three children, ages two and one-half through eight years and seven staff and under Sub-section 7205.4 to permit the required two parking spaces to be located off-site at the Safeway parking lot located at 1825 Michigan Avenue, N.E. The subject church is located in an R-1-B District at premises 1725 Michigan Avenue, N.E., (Parcel 158/89).

HEARING DATE: November 13, 1985

DECISION DATE: November 13, 1985

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The subject site is located at the southeast intersection of Michigan Avenue and Webster Street and is known as premises 1725 Michigan Ave., N.E. The site is located in an R-1-B District.
2. The site is irregularly shaped. No four sides have the same length.
3. The site is improved with a church building and large grassed yards.
4. Surrounding the site on its east, west and south sides, are single family detached dwellings in the R-1-B District. Across Webster Street to the north is a Safeway grocery store and parking lot located in a C-2-A District.
5. The applicant is requesting special exceptions under Paragraph 3101.41 for the Farragut Street Children's Centre, Inc. to use part of the first floor of the subject church as a child development center for fifty-three children, ages two and one-half through eight years and seven staff and under Sub-section 7205.4 to permit the required two parking spaces to be located off-site at the Safeway parking lot located at 1825 Michigan Avenue, N.E.

6. Paragraph 3101.41 of the Zoning Regulations permits the child development center through BZA approval providing that:

- a. The center shall be capable of meeting all 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-street play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between such 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 for such use, the Board shall submit the application to the D.C. Department of Human Services, D.C. Department of Transportation and the D.C. Office of Planning for review and written reports. The referral to the D.C. Department of Human Services 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.

7. By memorandum dated October 15, 1985, the Department of Consumer and Regulatory Affairs, Service Facility Regulations Administration, advised the Board that

when all the deficiencies have been corrected the subject facility can meet all licensing requirements set forth in the Child Development Facilities Regulation 77-34 and D.C. Law 2-98.

8. The hours of operation for the Center will be from 7:30 A.M. to 6:00 P.M.

9. The center's activities will primarily involve the use of space inside the church. The church is constructed of masonry which will buffer any sound generated by the center's indoor activities. The church and proposed outdoor play area are separated from its nearest residential neighbors by a considerable yard distance, 19th Street right-of-way and a 15-foot-wide alley separating the subject site from the dwellings on Varnum Street. The applicant has indicated that on-site outdoor activities will be conducted at the rear of the southeastern face of the Church. This area is well removed from the nearest other residential properties. The use of this area for play will be limited to small groups of children at a time so as not to create any adverse noise or visual impacts on the neighboring properties. The OP has identified this area in its field inspection and is of the opinion that its use as a play area as proposed will have a negligible affect on the surrounding properties.

10. The center plans on using the public playground at 18th Street and Bunker Hill Road for an alternative to on-site play. The applicant has noted in the record that only one intersection, which is traffic light controlled, must be crossed to reach the playground. The children will be escorted by teachers at a teacher/student ratio no larger than one to eight. The off-site play area will only be frequented during non rush hours.

11. There are no other child development centers located within the same Square or within 1,000 feet of the subject site.

12. The Office of Planning (OP), by report dated November 6, 1985, recommended that the application be approved. It was the opinion of the OP that the proposal meets the special exception criteria of Paragraph 3101.41. The Board concurs.

13. The Department of Public Works (DPW), by memorandum dated November 5, 1985, was of the opinion that the operation of the child development center will have a negligible impact on the surrounding street system. The DPW reported that the site is located on Michigan Avenue, N.E.; Webster Street is on the north, 19th Street on the east and Varnum Street on the south. Michigan Avenue is a 44-foot-wide principal arterial with an average daily

traffic volume of 22,100 vehicles. There is no parking allowed on this street. Webster Street, 19th Street, and Varnum Street are all 30-foot-wide local streets with unrestricted parking. The site is directly served along Michigan Avenue by the R2, R4, R6 and R7 Metrobus routes.

14. The Center's entrance will be at the door of the church nearest the south side of Webster Street. The applicant will advise parents to utilize Webster Street for the discharge and pick up of children. The applicant has taken an informal parking survey and has concluded that because of the high vacancy rate of the parking spaces, there is an adequate supply of parking in the vicinity to meet the needs of the Center. The DPW concurred. To further minimize the adverse transportation impacts of the Center, the DPW recommended that the applicant institute a policy in which Center teachers and/or teacher's aid in the discharge and pickup of children. Assigned supervisory adults should be stationed at the entrance of the Center to escort children to and from waiting cars. Parents would pull into the parking lane on Webster Street, allowing the children to exit the vehicle with the aid of Center adult personnel. The same procedure would be followed in reverse order when parents arrive to pickup their children. Implementing this policy will diminish the need for Center traffic to park or double park on the surrounding local streets and thereby adversely impact the local street system.

15. The DPW further reported that presently, at the rear of the church structure, there is an unimproved driveway and space for 2-3 cars. Zoning regulations require two parking space for this particular child development center. In their present state, the parking spaces and driveway are unacceptable. The applicant proposes to located the Center's required parking spaces off-site. Under the proposal, the Center's parking spaces will be at the corner of Michigan Avenue and Webster Street in the Safeway parking lot. These spaces are located directly across from the Webster Street entrance to the Center. The applicant argues that paving the driveway and spaces at the rear of the church would adversely impact on the design and the landscaping of the church grounds. Moreover, the applicant feels that the location of the required parking spaces on the Safeway lot rather than the church lot results in safer ingress and egress and less adverse impacts on the neighboring residential properties. The DPW concurred with this proposal. The applicant has obtained a letter of commitment from the Safeway Store allowing the Center to use two parking spaces on the Store's lot. The DPW recommended that the spaces provided be delineated and marked as reserved for the use of the Center. The Board concurs with the reasoning and recommendation of the DPW.

16. Advisory Neighborhood Commission-5A filed no report on the application.

17. There was much support in the record by letters and petitions for the application on the grounds of the excellent reputation to the Farragut Childrens Center as an educational entity.

18. Councilmember William R. Spaulding, Ward 5, by letter dated October 10, 1985 advised the Board that in his opinion the proposed Center would contribute to Ward 5 and the Brookland community in particular in providing a needed service to the residents of Ward 5.

19. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking special exceptions, the granting of which requires that the proposal meet the requirements of Paragraph 3101.45 and Sub-section 7205.4 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 based on the testimony of the applicant and the D.C. Government reports the applicants has met its burden of proof. Accordingly, It is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Operation of the facility shall be limited to the Farragut Street Children's Center, Inc.
2. The number of students shall not exceed fifty-three. The number of staff shall not exceed seven.
3. The hours of operation shall not exceed from 7:30 A.M. to 6:00 P.M., Monday through Friday.
4. Two parking spaces shall be reserved for the exclusive use of the subject facility on the parking lot of the Safeway Store located at 1825 Michigan Avenue, N.W.

VOTE: 3-0 (William F. McIntosh, Maybelle T. Bennett and Charles R. Norris to grant; Douglas J. Patton, not present, not voting; Carrie L. Thornhill, not voting, having recused herself).

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

ATTESTED BY:



CECIL B. TUCKER

Acting Executive Director

FINAL DATE OF ORDER: 04 MAR 1986

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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