

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14422, of Chevrah Tifereth Israel, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the second floor of the subject premises as a child development center for 48 children and 8 staff in an R-1-B District at premises 7701 - 16th Street, N.W., (Square 2739, Lots 36, 37 and 38).

HEARING DATE: May 21, 1986
DECISION DATE: June 4, 1986

FINDINGS OF FACT:

1. The subject site is located on the northeast corner of the intersection of 16th and Juniper Streets, N.W. and is known as 7701 - 16th Street, N.W. The site is located in an R-1-B District.

2. The site is rectangular in shape with a frontage of 165 feet along 16th Street and 148.89 feet on Juniper Street to the south. The site's total land area is 24,566.85 or slightly more than half an acre. A 15 foot public alley adjoins the site on the east side.

3. The site is currently improved with a two story "L" shaped brick synagogue building known as Congregation Tifereth Israel. To the rear of the building is a paved six-space parking area accessible from the alley.

4. The R-1-B District extends to the north, east and south of the site. The surrounding neighborhood is characterized by single-family detached dwelling units with an occasional institutional use. No private dwelling faces the synagogue building. The single house across Juniper Street from the synagogue building faces 16th Street. Directly across 16th Street from the building is the Hanafi Moslem house and another synagogue.

5. The applicant is seeking a special exception to operate a child development center on the site for a maximum of 48 children with 8 staff. The proposed nursery school would be owned and operated directly by the synagogue.

6. The nursery school is planned to initially offer a half-day program Monday through Friday between 9:15 A.M. and 12:00 Noon with an early arrival before school at 8:00 A.M.

and a lunch program until 1:00 P.M. for families desiring it.

7. The school expects that twenty-five percent of its students will live within walking distance of the school.

8. The school will have one teacher or aide for each six students.

9. The center will use four existing classrooms in the synagogue building.

10. Students at the center will spend the great majority of time indoors. No more than 24 children will ever be outside at one time. The playspace will be on the site located within the knotch of the "L" shaped building so that the playspace is totally shielded on the north and east by the building and bounded on the west by 16th Street and on the south by Juniper Street. Two existing mature trees will shield the playspace from the street. The playspace will not be adjacent to any residence. The playspace will contain natural wood equipment and be fenced with a green coated chain link fence.

11. Children will arrive and leave the school through the entrance to the building on Juniper Street. A school staff member will meet each child at the curb and escort the child to the classroom.

12. At the relevant school arrival and leaving times, 8 to 9:15 A.M. and early afternoon, there is little parking or traffic on Juniper Street at the school entrance.

13. Allowing for those students who walk to the center and for carpooling, fewer than twenty cars should arrive at the center between 8 and 9:15 A.M. and 12 to 1 P.M., representing an average of less than one car every three minutes.

14. The parking area contains room for six automobiles. The Zoning Regulations require one space per four employees. The applicant agreed to mark two spaces as reserved for use by the center.

15. There is no other child development center within 1,000 feet of the proposed center.

16. The Service Facility Regulations Administration of the DCRA, by memorandum dated May 15, 1986, reported that the subject facility could meet all licensing requirements as set forth in the Child Development Facilities Regulation 74-34 and D.C. Law 2-98 when all deficiencies have been corrected.

17. By memorandum dated May 14, 1986, the Office of Planning (OP) recommended conditional approval of the application. The OP reported that the applicant meets the requirements of Paragraph 3101.41 and imposes minimal impacts upon adjacent residential properties to ensure compatibility with the neighborhood while still permitting operation in the manner described by the applicant, OP recommends the imposition of the following conditions:

- a. The number of students shall not exceed forty-eight.
- b. The Center's hours of operation shall not extend beyond 8:30 A.M. to 12:30 P.M.
- c. A minimum of two parking spaces shall be striped and marked as reserved for the CDC in the parking area to the rear of the synagogue.
- d. The outside play area shall be located in the southwest corner of the subject site and shall be fenced with a green chain linked fence.

The Board concurs with the reasoning and recommendation of the OP.

18. By letter dated May 13, 1986, Advisory Neighborhood Commission (ANC-4A) reported that it voted to recommend denial of the application listing traffic, noise and inadequate parking as problems that would be associated with the center. The ANC stated that the alley to the rear of the site will be filled with cars. The off-street spaces provided by the Church do not fully accommodate medium sized cars so the cars will protrude into the alley. The number of spaces provided will be insufficient for the center's needs. Many of the residents of Juniper Street are senior citizens. The noise generated by the center will disturb them. The green link fence will visually damage the quality and character of the street. The Board for reasons discussed in its conclusions, does not concur with the recommendation of the ANC.

19. Neighbors of the site testified at the public hearing and/or submitted letters to the record in support of the application on the grounds that the center will have a positive impact on the neighborhood which will outweigh any minor traffic or noise problems created.

20. Neighbors of the site submitted letters to the record in opposition to the application for reasons stated above in the ANC report. 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 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.

Paragraph 3101.41 states that a child development center may be approved, provided that:

- 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 or 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 advise as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia.

The Board concludes that the applicant has met its burden of proof. The center will be able to meet all applicable code and licensing requirements. No objectionable or unsafe traffic conditions will be created for the picking-up and dropping-off children. The center will provide adequate off-street parking. The center will be located and designed so that no objectionable impacts on adjacent property will result. There will be no off-site play area. There is no other child development center within 1,000 feet of the proposed center.

The Board accords to Advisory Neighborhood Commission 4A the "great weight" to which it is entitled. The Board finds that there is sufficient parking in accordance with the Zoning Regulations. The parking spaces provided will be striped and meet the size requirements. The outdoor play-space will be shielded and a limited number of children will be outside at any one time. Because of its location there will be no adverse impact from the play equipment.

The use as conditioned below will not have an adverse affect on the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The number of students shall not exceed forty-eight. The number of staff shall not exceed eight.
2. The hours of operation shall not exceed from 8:30 A.M. to 1:00 P.M. Monday through Friday.
3. A minimum of two parking spaces shall be provided on-site for the exclusive use of the subject facility during its hours of operation. The parking spaces shall be paved and striped.
4. All dropping-off and picking-up of children shall occur on Juniper Street.
5. The play area shall be located on the southwest corner of the site and shall be fenced with green chain link fencing.
6. The applicant shall designate and continuously maintain a community resident to be liaison between the community and the school.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Carrie L. Thornhill to grant; Patricia N. Mathews to grant by proxy; Paula L. Jewell not voting, not having heard the case).

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

ATTESTED BY:



EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: AUG 7 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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