

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14518 of the Church of the Pilgrims, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41, to continue to use part of the second floor of the subject premises as a child development center by the School for Friends of Washington, D.C. for twenty-four children, ages two through four years, in an R-3 District at premises 2201 P Street, N.W., Square 2510, Lot 825).

HEARING DATE: December 17, 1986

DECISION DATE: December 17, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The subject premises, known as 2201 P Street, N.W. is located on the west side of 22nd Street north of the intersection of 22nd and P Streets, N.W. The property is located in an R-3 District.

2. The subject site occupies approximately fifty percent of the square within which it is located. It is improved with a stone church known as the Church of the Pilgrims, and an adjoining two story plus basement structure used as church offices and an educational facility. The remainder of the site is devoted to parking for approximately twenty-five cars. The parking areas of the site are accessed from 22nd Street.

3. The subject square is located in an R-3 District. Aside from the church, other uses in the square include row dwellings and a moderate density apartment house. North of the site, along Massachusetts Avenue, is a D/R-3 District. This District is characterized by row, semi-detached and occasional detached structures used as embassies. East of the site, portions of the surrounding area are zoned SP-1, R-5-D, and C-2-C. The SP-1 District runs along Florida Avenue and includes the Cosmos Club at the intersection of Florida Avenue and 22nd Street, N.W. The R-5-D District in proximity to the subject site is developed with both a high and a moderate density apartment structure. The C-2-C District is characterized by mixed uses with retail uses predominating at street level. A small C-2-A District containing a gasoline service station is located at the intersection of 22nd and P Streets, N.W. West of the site,

across 23rd Street, N.W., is the Rock Creek and Potomac Parkway.

4. BZA Order No. 14172 dated November 9, 1984, granted the applicant a special exception to operate a child development center at the site for two years.

5. The applicant is seeking a special exception under Paragraph 3101.41 to continue to operate a child development center in the church of the Pilgrims' educational building. The proposed center is for twenty-four children ages two to four. The center's hours will be from 8:00 A.M. to 6:00 P.M. It will be operated by the School for Friends of Washington, D.C.

6. The center is currently licensed by the D.C. Department of Consumer and Regulatory Affairs.

7. Approximately eight-five percent of the children live in the immediate neighborhood within walking distance of the proposed center. The remaining fifteen percent will be picked up and dropped-off by cars on site in the parking lot adjacent to the rear entrance to the educational building. This lot is accessed from 22nd Street, N.W. Children walk through the playground to the building entrance. Entry No. 8, which is the door to be used to get into the classrooms, is on the west side of the Church, and is accessible only through the parking lot. Each family will have a key to Entry No. 8, and parents must bring their children inside the building for drop-off. There will be no "meet and greet" curb side service. Twenty-second Street is a busy southbound street with no parking allowed at any time of the day on the west side. The Church parking lot is the most convenient way to enter the school.

8. A staff of five operates the proposed center, only one of whom will drive to work. Parking is available on-site in an existing parking lot containing approximately twenty-five spaces. An arrangement has been made with the church to reserve five spaces for the exclusive use of the center during school days. The remaining staff will walk or use public transportation.

9. The educational building containing the proposed child development center is separated from all but two properties in the square. The separation results because of the educational building's rear yard setback, an intervening twenty foot public alley, and the rear yard setback of nearby properties. The two properties most directly impacted are alley dwellings directly bordering the Church's rear property line. The proposed play area is located between the property line of the alley dwellings and the rear wall of the educational building. The play yard is screened by a wooden stockade type fence approximately five feet high on

the north and west sides. The south and east sides are bounded by the walls of the church.

10. The applicant will not be using any off-site play area.

11. There is no other child development center in the square or within 1,000 feet of the subject center other than the Headstart program on the first floor at the church of the Pilgrims.

12. The applicant will maintain its trash dumpster on the site.

13. Advisory Neighborhood Commission 1D submitted no recommendation on the application.

14. Members of the neighborhood testified in support of the application saying the child development center provided needed service to the community.

CONCLUSIONS OF LAW AND OPINION:

Based upon the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3101.41 and that the relief requested under Sub-section 8207.2 can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Paragraph 3101.41 of the Zoning Regulations provides that a child development center may be permitted in a Residential District if approved by the BZA 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 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 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 Consumer and Regulatory Affairs, D.C. Department of Public Works and the D.C. Office of Planning for review and written reports. The referral to the Department of Consumer and Regulatory Affairs 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.

The Board concludes that the applicant has met its burden of proof under Paragraph 3101.41. The proposed center is capable of meeting licensing requirements. There will be no objectionable or unsafe traffic conditions created. There are sufficient parking spaces available in the church parking lot. As conditioned below, there will be no objectionable impact from the proposed use.

The Board further concludes that as conditioned below the relief can be granted as in harmony with the general purposed and intent to the Zoning Regulations without any adverse affect on neighboring property. Accordingly, it is ORDERED that the application is granted subject to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS from the date of this Order.
2. Operation of the facility shall be limited to the School for Friends.
3. The number of children at the facility shall not exceed twenty-four.
4. Outdoor play times shall be staggered so that the

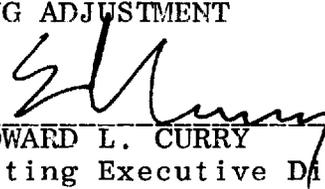
center operates in compliance with the square foot per child play area requirements of the licensing regulations.

5. The applicant's trash dumpster, shall remain located on the applicant's property. The dumpster shall be kept closed and the area surrounding the dumpster shall be kept free of refuse and debris at all times.
6. The applicant shall provide five on-site parking spaces, exclusively for use by the School for Friends during all hours of operation of the facility. Those spaces shall be marked as reserved for the School for Friends.
7. The facility shall meet all applicable code and licensing requirements.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Maybelle T. Bennett, and Carrie L. Thornhill to grant)

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

JAN 16 2007

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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