

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14664 of Sisters of the Visitation of Georgetown, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to establish a child development center with 14 children, ages from infant to 5 years and 3 staff in an R-3 District at premises 1524 - 35th Street, N.W., (Square 1292, Lot 202).

HEARING DATE: September 16, 1987
DECISION DATE: September 16, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 1524 35th Street, N.W., is located at the northwest corner of the intersection of 35th and P Streets. The site is located in an R-3 District.
2. The R-3 District extends in all directions from the site. The campus of Georgetown University is located to the west of the site. Row houses and Georgetown University buildings are located to the south of the site.
3. The site comprises 90,000 square feet with 300 feet of frontage on 37th, 36th and P Streets. It is occupied by the Georgetown Visitation Preparatory School. It is improved with numerous structures including a one-story brick structure located on the interior of the school property.
4. A portion of the subject structure is used as a locker room lounge for senior girls attending the school. The remainder of the structure is occupied by a cooperative nursery school for 17 students and two teachers established pursuant to BZA Order No. 12575, dated January 26, 1978. This child development center was continued for five years by BZA Order No. 13451, dated April 23, 1981.
5. Pursuant to Subsection 3108.1 of the Zoning Regulation the applicant is seeking a special exception under Section 205 to establish a child development center with 14 children, ages from infant to five years, with three staff in the portion of the structure where the nursery school for 17 children was previously operated.
6. The center would be operated by the Georgetown Visitation Preparatory School primarily for children of the school's staff from 8:00 A.M. to 5:00 P.M., five days a week, September through June.

7. Ample Parking for the center's teachers and Prep School staff is reserved on the existing large parking lot located on the premises of the school.

8. By memorandum dated September 9, 1987 the Office of Planning recommended approval of the application as the proposed child development center is not likely to create objectionable or unsafe conditions in the area. The Board concurs.

9. By letter dated September 6, 1987 Advisory Neighborhood Commission (ANC) 2E reported that it voted to endorse its Zoning Committees recommendation to approve the application as the proposed use meets the requirements of Section 205 of the Zoning Regulations.

10. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based in the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Sub-section 3108.1 and Section 205 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof.

The center is capable of meeting all applicable code and licensing requirements. The center will create no objectionable traffic condition and no unsafe condition for picking up and dropping off children. The center will provide sufficient off-street parking spaces. The center is designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise or activity or other objectionable conditions. No off-site play area will be provided. The Board is aware of no other child development center located within 1000 feet of the subject center.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT the following CONDITIONS:

1. Approval shall be limited to operation of the facility by the applicant.
2. The number of children shall not exceed fourteen. The number of staff shall not exceed three.

3. The hours of operation shall not exceed from 8:00 A.M. to 5:00 P.M. Monday thru Friday, September through June.
4. The facility shall comply with all applicable code and licensing requirements of the District of Columbia.

VOTE: 4-0 (Charles R. Norris, Paula J. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: OCT 16 1987

UNDER 11 DCMR 3103.1, "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.

ORDER14664/DEE3