

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14713, of Church of the Redeemer, Presbyterian, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to establish a child development center for 30 children, ages from pre-school to 6 years, one nurse, one teacher and two aides, first floor, in an R-1-B District at premises 1423 Girard Street, N.E., (Square 4020, Lot 804).

HEARING DATE: January 13, 1988

DECISION DATE: January 13, 1988 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 1423 Girard Street, N.E., is located at the southwest corner of the intersection of Girard and 15th Streets. The site is located in an R-1-B District.

2. The R-1-B District extends to the north, east and west of the site. A C-2-A District is located to the southeast of the site. The area is characterized by two-story single-family detached dwellings.

3. The site has a frontage of 210 feet along Girard Street and 234.82 feet along 15th Street. The site is improved with a large one-story church building surrounded by open green space.

4. As captioned above, the applicant is seeking a special exception for a child development center for 30 children and four staff at the site. The Center is presently in operation at the church without a valid certificate of occupancy.

5. The Center operates from 7:00 A.M. to 6:00 P.M. Monday through Friday.

6. Children at the Center are infants to six years old. The staff consists of one teacher, two teacher's aides and one nurse.

7. The entrance to the Center is located to the rear of the church. Loading and unloading of children occurs at the parking lot at the rear of the building which is accessed by 15th Street. The one parking space required for the center will be located on this lot.

8. The site is large enough to accommodate children's play activities. There is no proposal for any off-street play area.

9. There is not another child development center within 1,000 feet of or in the same square as the Center.

10. Hours of operation of the Center do not overlap with hours of operation of the church.

11. By memorandum dated January 7, 1988, the Office of Planning (OP) reported that it recommended approval of the application as it met the test under Section 205 of the Zoning Regulations. The Board concurs with the recommendation of the OP.

12. By memorandum dated October 2, 1987, the Administrator of the Service Facility Regulation Administration of the Department of Consumer and Regulatory Affairs reported that when all the deficiencies have been corrected, the facility can meet all applicable licensing requirements.

13. By memorandum dated November 16, 1987, the Department of Public Works (DPW) reported it was of the opinion that the child development center will have a negligible impact on the surrounding street system. The DPW further recommended that the applicant encourage carpooling to the Center and that the Center's staff be stationed at the entrance of the center to escort the children to and from waiting cars. The Board concurs with the DPW.

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

CONCLUSIONS OF LAW AND OPINION:

Based on 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. As conditioned below, the Center shall be 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. There is no and the other child development center located within 1,000 feet of the site.

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. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Operation of the facility shall be limited to Margaret D. Baylinson, RN.
2. The number of students shall not exceed thirty. The number of staff shall not exceed four.
3. The hours of operation shall not exceed from 7:00 A.M. to 6:00 P.M. Monday through Friday.
4. Drop-off and pick-up of children shall be from the parking lot at the rear of the premises, rather than from Girard Street.

VOTE: 4-0 (Charles R. Norris, Paula L. 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: FEB 11 1988

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.

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