

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14942 of the District of Columbia Department of Public and Assisted Housing, pursuant to 11 DCMR 3108.1 for a special exception under Section 205 to establish a child development center for twenty-four children, ages two through fourteen years, two teachers and two aides on the first floor, in the R-2 District at premises 5725 East Capitol Street, S.E., (Square 5280, Lot 823).

HEARING DATE: November 18, 1988
DECISION DATE: November 18, 1988 (Bench Decision)

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission ("ANC") 7E and in proximity to ANC 7C. ANC 7E, which is automatically a party to the application, filed a written statement in support of the application on the grounds that such a facility is needed in the community. Nor did ANC 7C submit a written statement of issues and concerns, or request to be treated as an affected ANC.

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 7E and to owners of property within 200 feet of the site.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 205. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108 and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is granted, subject to the following CONDITIONS:

1. The Child Development Center shall serve a maximum of 24 children, ages 2 to 14 years, and provide a staff of 2 teachers and 2 aides.

2. The hours of operation shall be Monday through Friday from 7:00 A.M. to 6:00 P.M.
3. The Child Development Center shall be located on the ground floor in accordance with the plans marked as Exhibit No. 31 of the record.
4. One off-street parking space shall be provided for use of the Child Development Center in the parking lot immediately to the east of the facility.
5. The pick-up and drop-off of children shall occur in the existing parking lot immediately to the east of the facility.
6. The Child Development Center shall meet all applicable licensing requirements of the District of Columbia.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

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

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

ATTESTED BY



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER:

DEC 16

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.