

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15534 of the Church of the Pilgrims, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to increase an existing child development center from 24 to 37 children, ages 2 to 5 years and staff from 6 to 10, on the first and second floors in an R-3 District at premises 2201 P Street, N.W., (Square 2510, Lot 825).

HEARING DATE: July 24, 1991
DECISION DATE: July 24, 1991 (Bench Decision)

DISPOSITION The Board **GRANTED** the application by a vote of 3-0 (Paula L. Jewell, Charles R. Norris, and Carrie L. Thornhill to grant; Sheri M. Pruitt and William L. Ensign not present, not voting).

FINAL DATE OF ORDER: August 6, 1991

ORDER

The Board granted the application by its order dated August 6, 1991, subject to five conditions. By letter dated August 21, 1991, the representative of the applicant requested the Board to consider modifications to the conditions outlined in its order of August 6, 1991. The bases for the request to modify the conditions are generally summarized as follows:

- a. Condition No. 3 is similar to a condition imposed in the Board's December 17, 1986 Order No. 14518 granting the application. Since that condition was subsequently modified by order dated April 10, 1987, the applicant requests that the current decision reflect the condition which has governed since April 1987.
- b. Condition No. 4 requires the applicant to provide five on-site parking spaces to serve the subject facility. The five spaces which have previously been reserved for the school did not meet the minimum size for required parking spaces set forth in the Zoning Regulations. The five parking spaces were relined to provide four parking spaces which meet code requirements. The applicant is required by the Zoning Regulations to provide three parking spaces to serve the facility. Additional spaces in the parking lot are available to parents for picking-up and discharging children. The applicant requests to be required to provide no more than the four parking spaces which meet the minimum size requirements.

In addition to the above, the applicant's representative noted that the Board's summary order dated August 6, 1991 cites the wrong Advisory Neighborhood Commission. The subject property is located within the boundaries of ANC 1D which submitted written issues and concerns in support of the application by letter dated June 17, 1991. By letter received on August 27, 1991, ANC 1D indicated it had no objection to the proposed modifications.

Upon consideration of the motion, the response thereto, and the record in the application, the Board concludes that the proposed modifications are minor in nature and are substantially in compliance with the Board's decision in the application. The proposed modifications do not represent a substantial departure from the material facts upon which the approval of the application was originally based and do not affect the relief originally granted by the Board. It is therefore **ORDERED** that the **MODIFICATION** is **APPROVED**, **SUBJECT** to the following **CONDITIONS**:

1. The number of children at the facility shall not exceed thirty-seven.
2. 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.
3. The applicant's trash storage receptacles shall remain located on the applicant's property, shall be kept closed, and the area surrounding the trash storage receptacles shall be kept free of refuse and debris.
4. The applicant shall provide four on-site parking spaces exclusively for use by the school during all hours of the facility's operation. Those spaces shall be marked as reserved exclusively for the school.
5. The facility shall continue to meet all applicable code and licensing requirements.

In all other respects, the order of the Board dated August 6, 1991 shall remain in full force and effect.

DECISION DATE: September 4, 1991

VOTE: 3-0 (Charles R. Norris, Carrie L. Thornhill and Paula L. Jewell to approve; Sheri M. Pruitt not voting, not having heard the case).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

NOV 22 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL NO. 15534

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated NOV 22 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Patricia M. Jayne
1653 Harvard Street, N.W.
Wash, D.C. 20009

Anne Bracken
2206 Q Street, N.W.
Wash, D.C. 20008

Mr. Breck Arrington, Chairperson
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Ms. Alaire Bretz Rieffel, Chairperson
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2201 P Street, N.W.
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Charles E. Dynes
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Wash, D.C. 20009

A handwritten signature in black ink, appearing to read "Madeliene H. Robinson", is written over a horizontal line.

MADELIENE H. ROBINSON
Acting Director

DATE: NOV 22 1991