

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15647 of the Parkside Terrace Company, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to increase an existing child development center from 36 to 85 children ages six months to 12 years and from four to 15 staff on part of the second floor of the Parkside Terrace Apartment complex in an R-5-A District at premises 3700 9th Street, S.E. (Square 5926, Lot 3).

HEARING DATE: April 22, 1992
DECISION DATE: April 22, 1992 (Bench Decision)

***CORRECTED SUMMARY ORDER**

The Board duly provided timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 8E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 8E. ANC 8E, which is automatically a party to the application, did not submit written issues and concerns relative to the application.

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 206. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to 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 as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The area of the apartment building to be occupied by the subject facility shall not exceed the area as shown on, the floor plan marked as Exhibit No. 28 of the record.
2. The number of children shall not exceed 85, and the number of staff shall not exceed 15.

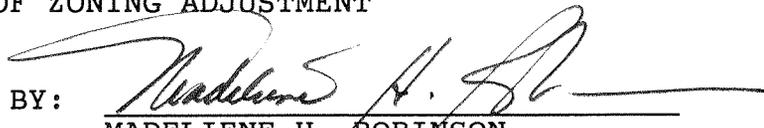
3. The ages of the children shall be between six weeks and twelve years.
4. The hours of operation shall be between 6:30 a.m. and 12:00 midnight.

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: 3-0 (Paula L. Jewell, Angel F. Clarens and Carrie L. Thornhill to grant; Sheri M. Pruitt and Tersh Boasberg not present, not voting).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

MAY 28 1992

*This Order was corrected by the deletion of "six months" in Condition No. 3 and the insertion of "six weeks" as originally approved by the Board.

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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BZA APPLICATION NO. 15647

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 28 1992 a copy of the CORRECTED order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Geraldine M. Law
2715 Wade Road, S.E.
Wash, D.C. 20020

Arnold Polinger, VP
Parkside Terrace Company
5530 Wisconsin Avenue, Suite 1000
Chevy Chase, Maryland 20815

Ms. Muriel Chambers, Chairperson
Advisory Neighborhood Commission 8-E
Ferebee-Hope School
8th & Yuma Streets, S.E.
Washington, D.C. 20032



MADELINE H. ROBINSON
Acting Director

DATE: MAY 28 1992