

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15715 of the National Children's Center, Inc., pursuant to 11 DCMR 3108.1, to reinstate the Board's previous order in Application No. 15182 of the National Children's Center, Inc., as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 207 to establish a private school for children, ages six months to adults as a day treatment facility for 150 persons with a staff of 80 in an R-4 District at premises 3400 Martin Luther King, Jr., Avenue, S.E. (Square 5978, Lot 4).

HEARING DATES: December 20, 1989, January 17, 1990 and
July 15, 1992

DECISION DATES: February 7 and March 7, 1990 and July 15, 1992

DISPOSITION: The Board **GRANTED** the application by a vote of 4-0 (Paula L. Jewell, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant). The Board **GRANTED** the reinstatement of the previous order by a vote of 3-0 (Maybelle Taylor Bennett, Paula L. Jewell and Carrie L. Thornhill to grant; Angel F. Clarens abstaining; Sheri M. Pruitt not present, not voting).

FINAL DATE OF ORDERS: July 11, 1990 and August 7, 1992

MODIFICATION ORDER

The Board granted the application by its order dated July 11, 1990. By its order dated August 7, 1992, the Board reinstated the previous order subject to the same terms and conditions set forth in its order dated July 11, 1990.

By letter dated July 20, 1992, counsel for the applicant submitted a plan detailing the proposed barriers at each of the four entrances to the project for Board review. Counsel further indicated that the parking lot would be available to neighborhood church parishioners during the non-school hours if adequate notice is given to the applicant. The Chairperson of ANC 8C and the Single Member District Commissioner of ANC 8C04 approved the proposed barrier plan and the use of the site for church parking.

By letter dated August 14, 1992, counsel for the applicant requested a modification of Condition "f" of the order which reads as follows:

"The on-site parking area shall be available for neighborhood use during hours that the facility is not in operation."

Counsel proposed a change in the wording of the condition to better address the concerns expressed by the ANC regarding the installation of posts and chains to prevent the conduct of unsavory activities on the parking lot during hours it is not in use. Counsel proposed that Condition "f" be revised to read as follows:

"On-site parking shall be available for congregants of neighboring churches on Sunday and other times that are mutually acceptable to the applicant and the requesting church. During the non-use of the facility by the applicant, and when the parking lot is not being used by neighborhood congregants, each of the four entrances to the parking area shall be closed to vehicles by the installation of posts and chains acceptable to ANC 8C."

Upon consideration of the motion, the record in the case, and the Board's orders, the Board concludes that the proposed modification of Condition "f" is minor in nature and does not alter the overall project as initially approved by the Board. No additional zoning relief is required. The material facts relied upon by the Board in granting the application are still relevant. There was no opposition to the proposed modification of Condition "f". It is therefore **ORDERED** that the motion is **GRANTED** and Condition "f" shall be modified to read as follows:

"f. On-site parking shall be available for congregants of neighboring churches on Sunday and other times that are mutually acceptable to the applicant and the requesting church. During the non-use of the facility by the applicant, and when the parking lot is not being used by neighborhood congregants, each of the four entrances to the parking area shall be closed to vehicles by the installation of posts and chains as shown on the plat marked as Exhibit No. 27A and 27B of the record."

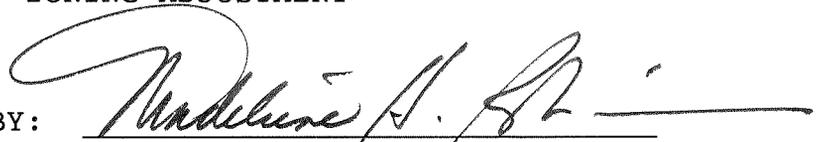
In all other respects, the order of the Board dated July 10, 1991 shall remain in full force and effect.

DECISION DATE: September 2, 1992

VOTE: 3-0 (Maybelle Taylor Bennett, Paula L. Jewell and Carrie L. Thornhill to approve; Angel F. Clarsns abstaining; Sheri M. Pruitt not voting, not having heard the case).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

SEP 22 1992

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.

ordm15715/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15715

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on SEP 22 1992 a copy of the 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:

H. Alan Young, Esquire
Young, Goodman & Van Beck
510 King Street, Suite 416
P.O. Box 1946
Alexandria, VA 22313

National Children's Center, Inc.
6200 2nd Street, N.W.
Wash, D.C. 20011

William Lockridge, Chairperson
Advisory Neighborhood Commission 8-C
3125 Martin Luther King Jr. Avenue, S.E.
Washington, D.C. 20032

A handwritten signature in cursive script, reading "Madeliene H. Robinson".

MADELIENE H. ROBINSON
Acting Director

DATE: SEP 22 1992