

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15758 of Winn Development and Ministries United to Support Community Endeavors, Inc., pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to increase a child development center from 15 to 30 children ages two to five years and four staff in the basement of an apartment building in an R-5-A District at premises 4309 3rd Street, S.E. (Square 6219, Lot 32).

HEARING DATE: April 14, 1993
DECISION DATE: April 14, 1993 (Bench Decision)

SUMMARY ORDER

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

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

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 public hearing in opposition to the application 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 as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The number of children shall not exceed 30. The number of staff shall not exceed four.
2. The hours of operation shall be between 7:00 a.m. and 6:00 p.m. Monday through Friday.

3. One parking space shall be reserved and marked for the exclusive use of the child development center.

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 appropriate in this case.

VOTE: 5-0 (Paula L. Jewell, Maybelle Taylor Bennett, Carrie L. Thornhill, Sheri M. Pruitt and Angel F. Clarens to grant).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: _____

APR 30 1993

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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BOARD OF ZONING ADJUSTMENT

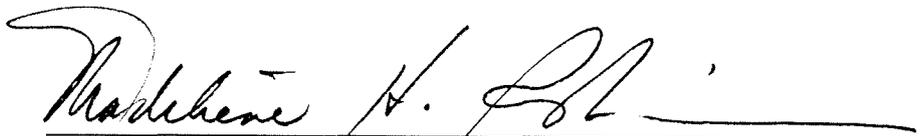


BZA APPLICATION NO. 15758

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 30 1993 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:

Lorena Satterfield, Chief
Early Childhood Division
D.C. Department of Recreation & Parks
1230 Taylor Street, N.W.
Wash, D.C. 20011

Mr. O.V. Johnson, Chairperson
Advisory Neighborhood Commission 8-D
153 Galveston Place, S.W., #5
Washington, D.C. 20032


MADELIENE H. ROBINSON
Director

DATE: _____

APR 30 1993