

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15820 of the Little Workers of the Sacred Hearts, Inc., pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to increase the number of children in a child development center from 20 to 61, ages two and one-half to six years and five staff in an R-1-B District at premises 3620 15th Street, N.E. (Square 4004, Lot 24).

HEARING DATE: May 19, 1993
DECISION DATE: May 19, 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) 5A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 5A. ANC 5A, which is automatically a party to the application, did not submit a written statement related 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 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, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map, and that 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 maximum number of children enrolled at the center shall be 61, ages two and one-half to six years.
2. The number of staff/teachers working at the center shall be in compliance with the applicable requirements of Title 29 of the District of Columbia Municipal Regulations.

3. The hours of operation shall be between 7:00 a.m. and 6:00 p.m., Monday through Friday.
4. During drop-off and pick-up, the children shall be escorted into and out of the facility by adults.
5. The applicant shall instruct the parents in writing that they shall park on the correct side of the street, that they shall not use the area near the center for long term parking, nor shall they back their cars into the intersection of 15th and Otis Streets.
6. The applicant shall erect an eight-foot high stockade fence adjacent to, or as a replacement for, the existing chain-link fence.

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: 4-0 (William L. Ensign, Paula L. Jewell, Sheri M. Pruitt and Carrie L. Thornhill to grant; Angel F. Clarens not present, not voting).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: _____

JUN 4 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.

BZA APPLICATION NO. 15820
PAGE NO. 3

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 UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15820Order/bhs

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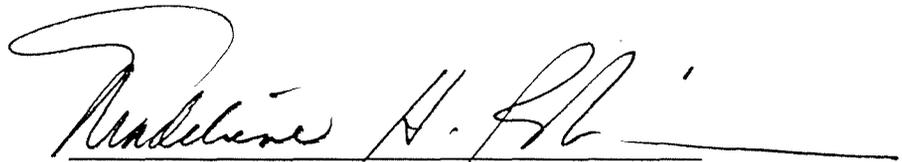
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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUN 4 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Reverend Robert Falabella
4606 Ft. Totten Drive, N.E.
Washington, D.C. 20011

Sister Licia Lupinacci
3620 15th Street, N.E.
Washington, D.C. 20017

Raymond Dickey, Sr., Chairperson
Advisory Neighborhood Commission 5A
Slowe School Demountable
14th & Irving Streets, N.E.
Washington, D.C. 20017


MADELIENE H. ROBINSON
Director

DATE: JUN 4 1993

15820Att/bhs