

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15986 of Donna T. Walker and Leonetta Walker, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to establish a child development center for 19 children ages two to five years and three staff persons in the basement in an R-2 District at premises 720 Adrian Street, S.E. (Square E-5391, Lot 7).

HEARING DATE: October 12, 1994
DECISION DATE: November 2, 1994

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The property that is the site of this application is located at 720 Adrian Street, S.E., on the east side of the street, between Texas Avenue and G Street, S.E. The site is zoned R-2.

2. The site comprises approximately 4,780 square feet of land area and is developed with a one-story plus basement single-family dwelling. The site abuts a 15-foot wide north-south public alley to the east (rear) and single-family dwellings to the north and south.

3. The applicants are proposing to establish a child development center for 19 children ages two to five years and three staff persons in the basement of the subject dwelling. The proposed child development center would be operated by one of the applicants who resides on the first floor of the dwelling.

4. The site is located in an R-2 District which permits matter of right development of single-family detached and semi-detached dwellings with a minimum lot area of 4,000 square feet, a minimum lot width of 30 feet, a maximum lot occupancy of 40 percent, and a maximum height of three stories/40 feet. A child development center is permitted in an R-2 District with Board of Zoning Adjustment (BZA) approval.

5. The applicants testified that the basement of the structure where the child development center would be located consists of 682.04 square feet of floor area. They stated that the center would provide services for children with ages ranging from two to five years. The maximum number of children attending the center would be 19. The facility would have three staff members. The hours of operation for the center would be Monday through Friday, 7:00 a.m. to 6:00 p.m., throughout the year.

6. The applicants indicated that 80 to 90 percent of the children who would be attending the center live in the immediate neighborhood and that their parents would walk them to the facility.

7. The morning drop-off and evening pick-up of children by car would be at the main entrance to the site on Adrian Street. The children would be escorted to the center by their parents.

8. There are two on-site parking spaces located at the rear of the property for the center's staff use. The remainder of the center's parking needs would be accommodated by on-street parking on both sides of Adrian Street. Parking along Adrian Street is unrestricted.

9. The applicants stated that the number of children was determined in conjunction with the Service Facility Regulation Administration (SFRA), the licensing agency of the Department of Consumer and Regulatory Affairs. The basement of the subject dwelling is currently being modified, as specified by SFRA, to house the proposed child development center. The applicants indicated that they are also in the process of painting the exterior of the subject dwelling and have already replaced the gutters and down spouts. The applicants further indicated that they are in the process of leveling off the rear yard which has a slope and is to be the designated children play area. They stated that they would make the back area child-proof.

10. The Office of Planning (OP), by report dated October 5, 1994 and by testimony at the hearing, recommended conditional approval of the application. The Office of Planning stated that it is of the opinion that the applicants' request to establish a child development center for 19 children and a staff of three people would not create any adverse impacts on adjacent properties, nor would it adversely affect the surrounding neighborhood regarding traffic, noise, and other objectionable conditions. As well, the use and operation of the center would not impair the intent, purpose and integrity of the zoning regulations for the R-2 District. The Office of Planning recommended approval of the application with the following conditions:

1. The applicant shall submit materials from SFRA (the licensing agency) indicating that the center can accommodate 19 children as proposed.
2. Six-foot high stockade fencing shall replace the existing chain link fence that separates the center's play area from the adjoining properties to the north and south.

3. A properly screened trash container shall be provided and adequate measures shall be taken to ensure that trash is picked up regularly.

11. The Advisory Neighborhood Commission (ANC) 7A filed no report on the application and did not appear at the hearing to testify.

12. No one appeared at the hearing to testify in support of the application.

13. Several neighbors testified in opposition to the application. They voiced concerns with regard to the magnitude of the proposed facility, poor quality of maintenance on the subject dwelling over the years, traffic and parking congestion related to the proposed center.

14. The Board, at the end of the public hearing left the record open to receive a floor plan of the basement and a site plan of the rear yard showing the topography, landscaping and other improvements. The applicants submitted drawings and pictures as a part of their post hearing submissions.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds the following:

1. There is no child development center located within 1,000 feet of the subject site.
2. The applicants can meet all applicable code and licensing requirements prior to operating the facility.
3. The applicants are required to provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors. The applicants are able to provide two off-street parking spaces at the rear portion of the property.
4. The operation of the facility as proposed with conditions imposed by this order will minimize the likelihood of any adverse impact on the community.
5. The ANC 7A filed no report on the application and did not appear at the hearing to testify.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception.

In order to be granted such an exception, the applicant must demonstrate substantial compliance with the requirements of Sections 205 and 3108.1 of the Zoning Regulations. The Board concludes that the applicant has so complied. The proposed facility is capable of meeting all code and licensing requirements. As conditioned by this order, the use will not cause adverse impacts or unsafe conditions created by traffic, parking, or noise.

The Board concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map, and as conditioned in this order, will not tend to affect adversely the use of neighboring properties in accordance with the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of TWO YEARS from the date of issuance of the Certificate of Occupancy.
2. The number of children shall not exceed 19. The number of staff shall not exceed three.
3. The hours of operation shall be between 7:00 a.m. and 6:00 p.m., Monday through Friday.
4. The existing chain link fence shall be replaced with a six-foot high wood stockade fence.
5. Trash shall be stored in a property screened container and shall be picked-up at least twice per week.
6. The exterior of the dwelling shall be maintained in good repair in keeping with the other residences in the area. All landscaping shall be maintained in a neat and orderly manner and in a healthy growing condition.
7. During the hours of 7:30 a.m. to 8:30 a.m. and 5:00 p.m. to 6:00 p.m., the applicant shall assign a staff person to escort children arriving or departing in vehicles between the facility and the curb.
8. The facility shall comply with all applicable codes and regulations.

VOTE: 4-0 (Maybelle Taylor Bennett, Susan Morgan Hinton and Angel F. Clarens to grant; Craig Ellis to grant by absentee vote; Laura M. Richards not voting, not having heard the case).

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

ATTESTED BY:



MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: NOV 20 1995

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, 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



BZA APPLICATION NO. 15986

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 20 1995 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:

Leonetta Walker
720 Adrian Street, S.E.
Washington, D.C. 20019

Oduno A. Tarik
2517 Mozart Place, N.W.
Washington, D.C. 20009

Margaret B. Webster
6720 Newhold Drive
Bethesda, Maryland 20817

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Constance Thompson, Chairperson
Advisory Neighborhood Commission 7F
Plummer Elementary School
Texas Avenue & C Street, S.E.
Washington, D.C. 20019

A handwritten signature in cursive script that reads "Madeliene H. Dobbins".

MADELIENE H. DOBBINS
Director

DATE: NOV 20 1995