

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16098 of the Vestry of St. Columba's Episcopal Church, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to continue to operate a child development center of 90 children ages three to four years and 16 staff on the first floor in an R-1-B District at premises 4201 Albemarle Street, N.W. [Square 1677, Lot 7 (800)].

HEARING DATE: March 20, 1996

DECISION DATE: March 20, 1996 (Bench Decision)

SUMMARY ORDER

The applicant amended the application by increasing the number of staff from 14 to 16. The application was heard under the provisions of 11 DCMR 205 as a child development center and not as a private school under 11 DCMR 206.

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) 3E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3E. ANC 3E, which is automatically a party to the application, submitted a written statement of issues and concerns in support of 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, 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**:

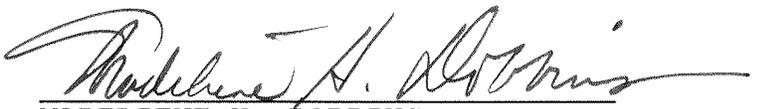
1. Approval shall be for a period of 10 years.

2. The number of children shall not exceed 90. The number of staff shall not exceed 16 with no more than fourteen teachers on site at any one time.
3. The hours of operation shall not exceed 8:00 a.m. to 4:00 p.m., Monday through Friday. The center shall conduct classes for children between 9:00 a.m. and 12:00 p.m. An extended day program may be conducted until 2:30 p.m.
4. At least four parking spaces shall be reserved for the school's use at all times.
5. The children shall be escorted into the building by a staff member when they are dropped off.
6. All outdoor activities shall take place under staff supervision.
7. The applicant shall establish and maintain a storm water drainage system in accordance with Exhibit No. 25 of the record.

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 (Jerrily R. Kress, Susan Morgan Hinton, Sheila Cross Reid and Angel F. Clarens to grant; Laura M. Richards not present, not voting).

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

ATTESTED BY: 
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: MAY 2 1996

BZA APPLICATION NO. 16098
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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.

ord16098/RCL/LJP

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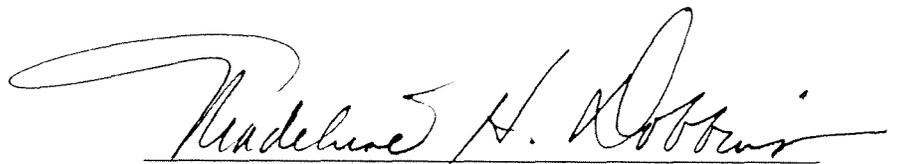
BZA APPLICATION NO. 16098

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 2 1996 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:

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MADELIENE H. DOBBINS
Director

DATE: MAY 2 1996