

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16162 of The New Macedonia Baptist Church, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to allow a child development center of 70 children ages two to fourteen years and 14 staff in the basement of a church building in an R-2 District at premises 4200 Massachusetts Avenue, S.E. (Square 5367, Lot 50).

HEARING DATE: October 16, 1996
DECISION DATE: October 16, 1996 (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) 7E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7E. ANC 7E, which is automatically a party to the application, submitted a written statement indicating that it did not object 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. 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 **TEN YEARS**.
2. The center shall operate between 6:30 a.m. and 6:00 p.m. Monday through Friday.
3. The maximum number of children attending the center shall be 70.

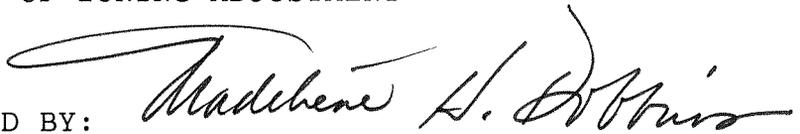
4. The maximum number of employees shall be 15.
5. All outdoor activities shall take place under staff supervision at all times.
6. The children's arrival and departure shall be monitored by staff.
7. Evergreens, at least five feet in height, shall be planted all along the existing fence that runs along Barker Lane and Alabama Avenue.
8. The grounds of the facility (as well as the landscaping) shall be maintained in a neat and orderly condition at all times.
9. Trash and refuse generated by the center shall be kept within the facility and collected at least twice a week.

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: 3-0 (Susan Morgan Hinton, John G. Parsons and Laura M. Richards to grant; Sheila Cross Reid and Angel F. Clarens not present, not voting).

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

ATTESTED BY:



MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: _____

NOV 1 1996

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.

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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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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 1 1996 a copy of the order entered on that date in this matter was mailed postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Minister Chesterfield Bass, Jr.
4115 Alabama Avenue, S.E.
Washington, D.C. 20019

Mary D. Jackson, Chairperson
Advisory Neighborhood Commission 7E
5001 Hanna Place, S.E., Suite B
Washington, D.C. 20019

A handwritten signature in cursive script, reading "Madeliene H. Dobbins", written over a horizontal line.

MADELIENE H. DOBBINS
Director

Date: NOV 1 1996