

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16181 of the Naylor Road School, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 206 to expand an existing private school from 157 to 255 students and 17 to 22 staff, and a variance from the off-street parking requirements (Subsection 2101.1) for a private school in an R-2 District at premises 2403 Naylor Road and 2305 and 2345 R Street, S.E. (Square 5624, Lot 821).

HEARING DATE: December 4, 1996  
DECISION DATE: December 4, 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) 6C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 6C. ANC 6C, 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 variance from the strict application of the requirements of 11 DCMR 2101.1 and a special exception pursuant to Section 206. 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 3107 that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Board further 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 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 school shall operate between 6:30 a.m. and 6:00 p.m., Monday through Friday.
2. The maximum number of students shall not exceed 255.
3. The number of employees shall not exceed 22.
4. All outdoor activities shall take place under staff supervision at all times.
5. The children's arrivals and departures shall be closely monitored by the staff.
6. The grounds of the facility shall be maintained in a neat and orderly condition at all times.
7. Trash and refuse generated by the school shall be collected at least once a week.
8. The applicant shall establish and maintain a community liaison program consisting of representatives of the facility, the ANC, and the neighborhood. The applicant shall conduct meetings of the community liaison members at least four times a year. Notice of the meetings shall be given to the ANC and the owners of all property within 200 feet of the site. The applicant shall be responsible for keeping minutes of all meetings.

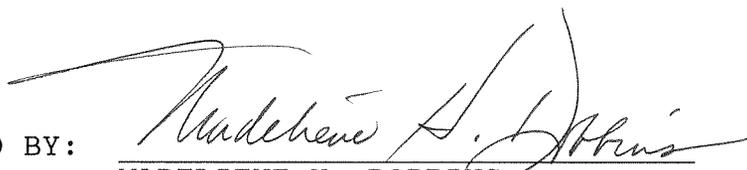
Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Susan Morgan Hinton, Sheila Cross Reid and Laura M. Richards to grant; Angel F. Clarens and Howard R. Croft not present, not voting).

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

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ATTESTED BY:

  
MADELIENE H. DOBBINS  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

JAN 3 1997

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. 16181

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JAN 3 1997 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:

Phil T. Feola, Esquire  
Wilkes, Artis, Hedrick and Lane  
1666 K Street, N.W., Suite 1100  
Washington, D.C. 20006

Mr. and Mrs. Lawrence Ward  
2403 Naylor Road, S.E.  
Washington, D.C. 20020

Oliver Johnson, Chairperson  
Advisory Neighborhood Commission 6C  
2100-D Martin Luther King Jr. Avenue, S.E.  
Washington, D.C. 20020

  
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MADELIENE H. DOBBINS  
Director

Date: JAN 3 1997