

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16183 of the D.C. Department of Recreation for a special exception pursuant to 11 DCMR 3108.1 under Section 205 to establish a child development center for 100 children and 18 staff in an R-5-A District at premises 3244 Stanton Road, S.E. (Square 5883, Lots 819, 821, 823, 825 and 834).

HEARING DATE: October 16, 1996

DECISION DATE: November 6, 1996

ORDER

SUMMARY OF EVIDENCE OF RECORD

1. The site is located in the Douglass neighborhood of Ward 8 at Stanton Road and Alabama Avenue Southeast. The streets that surround the property are Bruce Place to the north, Alabama Avenue to the south, Stanton Road to the west and Stanton Terrace to the east.
2. The rectangularly shaped site consists of three lots of record. The lots are under the jurisdiction of the District of Columbia government. The site has a total land area of approximately 42,954 square feet, slightly less than an acre. Turner Elementary School and its parking lot are located to the south site. The subject site consists of unimproved land that abuts the elementary school property to the south, and to the north it abuts a privately owned lot occupied by a vacant house.
3. The site is located in a moderate density residential neighborhood. The Stanton and Frederick Douglass dwellings are multi-family housing developments, under the auspices of the D.C. Housing Authority, that are located in proximity to the site. The Frederick Douglass Dwellings is a 303-unit public housing project that is located to the west of the site. In addition to the many walk-up garden apartment units, the neighborhood has single-family, owner-occupied dwellings. The other uses that are located close to the site are a library and two small shopping areas.
4. The site is zoned R-5-A. The R-5-A District permits matter-of-right single-family detached and semi-detached dwellings, and with the approval of the Board of Zoning Adjustment, low-density development of general residential uses including rowhouses, flats, and apartments to a maximum floor ratio (FAR) of 0.9, a maximum lot occupancy of 40 percent, and a maximum height of 3 stories/40 feet. A child development center is a matter-of-right use for no more than 15 children in the R-5-A District.
5. The applicant proposes to build a child development center to accommodate 100 children who are 33 months through 4 years old, and a program for school-age children who are 5 to 9 years old. The proposed center would consist of 10,300 square feet of space. The applicant indicated that the proposed center would be a prototype for future centers. The District of Columbia Public Schools Head Start Program would operate the center between the hours of 6:30 a.m. and 7:00 p.m., Monday through Friday. Eighteen staff persons would be hired. The staff would include a facility manager, 5 teachers, 5 educational aids, a center director, a cook and 2 assistants, a family service counselor, a receptionist, and a custodian.

6. The applicant testified that a health care facility would be located in the child development center building. The proposed health care facility would operate in the southern portion of the building and would contain 1,667 square feet. The facility would provide medical services for the wellness of the family, including both children and parents who are participants in the program. A clinic is a matter-of-right use in the R-5-A zone district.

7. Section 205 of the Zoning Regulations permit the location and operation of a child development center in the R-5-A District provided that certain conditions are complied with.

8. The applicant testified that the proposed child development center has been designed so as to comply with all applicable code and licensing requirements, including building codes and child care licensing requirements. The proposed building and grounds which comprise the child development center are sufficiently sized and accessorized to comply with all applicable code and licensing requirements for its successful operation.

9. The applicant testified that the child development center is located and designed to include an off-street parking lot which will safely serve those parents choosing to drop-off and pick-up their children by automobile. The dropping off and picking up of children can also be safely done via the curb lane in front of the center on Stanton Road. Stanton Road is not a heavily traveled right-of-way at this location. The center's children will reside in the immediate neighborhood, and as such will be escorted on foot to the facility by their parents.

10. The center will employ a total of 18 staff persons, including teachers, custodial staff and others. The center's site plan has been designed to include 20 off-street parking spaces. Fifteen spaces in excess of the minimum requirement. The Zoning Regulations require that parking spaces be provided for a child development center at a rate of one space for each four teachers and other employees. Based on 18 staff, the center is required to provide five off-street parking spaces. There is also curb parking permitted on one side of Stanton Road, S.E. The center does not expect a heavy demand for visitor parking spaces, as the majority of the visitors to the center will be parents who will most likely walk to the center from the immediate neighborhood to drop-off and pick-up their children.

11. The applicant testified that both the center building and its outdoor play space are adequately separated by both distance and landscaping so as to mitigate any objectionable impacts due to the normal sounds of children at play. All of the children's outdoor activities will be under the supervision of the centers child care professionals. The applicant noted that the subject property was last used as a playing field by the D.C. Department of Recreation. The applicant's architect testified that the well landscaped facility will be a attractive addition to the architectural fabric of the neighborhood.

12. The architect for the applicant stated that great measures were taken to design the facility to assure that it will exist in harmony with the adjacent and nearby properties. The architect noted that the center exceeds the minimum side yard and rear yard set-back requirements for development in the R-5-A District.

13. The proposed center's play area will also be located on the subject site. The children, who will be supervised at all times, will not have to travel off-site to utilize the required play area.

14. Community representatives from the adjacent Frederick Douglass and Stanton Dwellings apartment complexes offered a petition and testimony in opposition to the

application. The representatives testified that they would support a child care center so long as they were assured that the community will be well represented as far as employment of its residents, care of its children, and communication between the applicant and its own advisory board.

15. The applicant presented the Board with a letter in support of the application from individual members of Advisory Neighborhood Commission 8B. Additional letters of support from other interested organizations were received into the record. ANCs 8D and 8A did not comment on the application.

16. The Office of Public Works, Department of Human Services, and Board of education all recommended approval of the application.

17. The D.C. Office of Planning, by its testimony at the public hearing, and report dated October 9, 1996, recommended approval of the application and stated that the proposed project would not have a negative impact on the area surrounding the site, and would not be in disharmony with the general purpose and intent of the Zoning Regulations and Map. OP recommended approval with the following conditions:

- a. The center shall serve a maximum of 100 children.
- b. The applicant shall provide a breakdown of the children in each age group to be served.
- c. The hours and days of operation shall not exceed 6 a.m. to 7 p.m., Monday through Friday.
- d. Parking shall be provided as identified on the project's site plan.

FINDINGS OF FACT

Based on the evidence of the record the Board finds as follows:

1. The applicant complies with the provisions of Section 205 and DCMR 3108.1 of the Zoning Regulations.
2. The proposed Head Start Child Development Center will not be a detriment to the public good. The operation of the center will be in harmony with the existing uses on neighboring properties, including Turner Elementary School and surrounding apartment complexes. As aforementioned, the center has been designed to accommodate the parking and dropping off and picking up needs of its visitors and staff.
3. A child development center is specifically named in Section 205 as a permitted use in R-5-A District, with BZA approval. The specific operational characteristics, location, and physical description of the proposed child development center will not impair the interest, purpose and integrity of the zone plan embodied in the Zoning Regulations and Map.
4. The proposed health care facility (clinic) is permitted in the R-5-A District as a matter of right.

CONCLUSIONS OF LAW AND OPINION

Based on the findings of fact and evidence of record, the Board concludes that the applicant has satisfied the burden of proof needed for the relief requested. The Board concludes that no adverse impacts would result from the construction of the

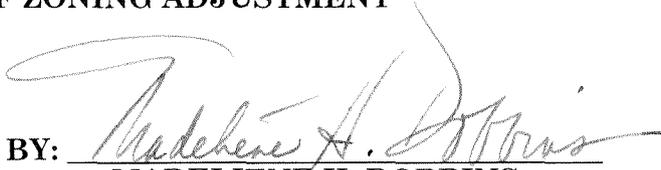
proposed child development center. The proposed center meets or exceeds all the requirements of the R-5-A District. The proposed intensity of use would be less than many other uses permitted as a matter of right, including multi-family dwellings.

Based on the foregoing, the Board **ORDERS** that the application is **GRANTED**, subject to the following conditions:

1. The approval shall be for a period of **FIVE YEARS**.
2. The center shall serve a maximum of 100 children. The applicant shall provide a breakdown of the children in each age group to be served.
3. The number of employees shall not exceed 18.
4. The center shall operate Monday through Friday, 6:00 a.m. to 7:00 p.m.
5. Parking shall be provided as identified on the project's site plan.
6. Only the enrolled children and their parents will be provided services at the health care facility.
7. The applicant shall establish and maintain a community liaison program consisting of representatives of the facility, the Advisory Neighborhood Commission and elected representatives of the Stanton Dwellings Residents Council and the Frederick Douglass Residents Council, Inc. The applicant shall conduct the meetings of the community liaison members at least quarterly. Notice of the meetings shall be given to the liaison members and owners of all property within 200 feet of the site. The applicant shall be responsible for keeping minutes of all meetings and providing quarterly reports of its activities. The applicant shall file copies of all minutes and quarterly reports with the Board at the time of filing an application for continuance of the special exception relief.

VOTE: 4-0 (John G. Parsons, Sheila Cross Reid and Laura M. Richards to grant; Susan Morgan Hinton to grant by absentee vote; 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: FEB 21 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 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 TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

Ord 16183/AZ

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16183

As director of the Board of Zoning Adjustment, I certify and attest that on FEB 21 1997 a copy of the order entered on that date in this matter was mailed prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Theodore Pochter
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A handwritten signature in cursive script, reading "Madeliene H. Dobbins".

MADELIENE H. DOBBINS
Director

Date: FEB 21 1997