

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16197 of Willie R. Davis, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to increase an existing child development center from 30 to 38 children ages two to 12 years and five staff in the basement and first floor of an apartment house in an R-5-A District at premises 3035 Stanton Road, S.E., (Square 5876, Lot 49).

HEARING DATE: December 18, 1996
DECISION DATE: December 18, 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) 8A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 8A. ANC 8A, which is automatically a party to the application, did not submit a written statement of issues and concerns in 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 expanded center shall operate from 7:00 a.m. to 6:00 p.m., Monday through Friday.

3. The number of children attending the center shall not exceed 38.
4. The number of employees shall not exceed five.
5. All outdoor activities shall take place under staff supervision at all times.
6. The children's arrival and departure shall be closely monitored by staff.
7. The grounds of the facility shall be maintained in a neat and orderly condition at all times.
8. Trash and refuse generated by the center shall be collected at least once 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: 5-0 (Susan M. Hinton, Herbert M. Franklin, Angel F. Clarens, Sheila Cross Reid and Laura M. Richards to grant).

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

ATTESTED BY:



MADÉLIENE H. DOBBINS
Director

FINAL DATE OF ORDER: _____

JAN 24 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.

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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.

16197.ord/bjw

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 16197

As Director of the Board of Zoning Adjustment, I certify and attest that on JAN 24 1997 a copy of the order entered on that date in this matter was mailed postage prepaid to each person who appeared and participated as a party in the public hearing concerning this matter, and who is listed below:

Willie R. Davis
1561 41st Street, S.E.
Washington, D.C. 20020

David J. White, Chairperson
Advisory Neighborhood Commission 8A
2427-A M.L.K. Ave., S.E., #108
Waaashington, D.C. 20020


MADELIENE H. DOBBINS
Director

DATE: JAN 24 1997