

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application 16304 of Zion Baptist Church of Eastland Gardens, pursuant to 11 DCMR 3108.1 for a special exception under Section 205 to establish a child development center for 75 children ages two to six years on the first floor and basement of a church building in an R-1-B District at premises 1234 Kenilworth Avenue, N.E. (Square 5121, Lot 813).

HEARING DATE: January 21, 1998
DECISION DATE: January 21, 1998 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to advisory Neighborhood Commission (ANC) 7D and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 7D. ANC 7D, which is automatically a party to this application did not submit a written statement related to the application.

As directed by 11 DCMR 3324.1, the Board has required the applicant to satisfy the burden of providing 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 this 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 this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

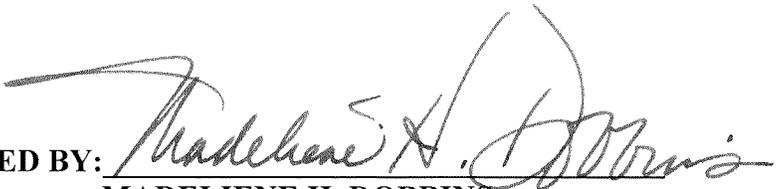
1. Approval shall be for a period of TEN (10) YEARS.
2. The maximum number of children shall not exceed 75, or the maximum number allowed by the licensing agency, whichever is less.
3. The maximum number of teachers and support staff shall not exceed 15.
4. The normal hours and days of operation shall be 6:00 a.m. to 6:00 p.m., Monday through Friday. The center shall remain open until all of the children are picked up.

5. The applicant shall comply with all applicable code requirements for licensing of child care facilities as contained in 29 DCMR.

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 (Sheila Cross Reid, Maybelle Taylor Bennett, Susan Morgan Hinton, Betty King 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: FEB 11 1998

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 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 SUPPLEMENT RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ORD16304/JKN/AMB

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16304

As Director of the Board of Zoning Adjustment, I hereby certify and attest that on FEB 11 1998 a copy of the order entered on that date in this matter was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

John Burns
4509 Ead Street, N.E.
Washington, D.C. 20019

Smith Banks
4238 Southern Avenue, S.E.
Washington, D.C. 20019

Jacqueline Banks
4238 Southern Avenue, S.E.
Washington, D.C. 20019

Gladys Scales
10317 Farrar Avenue
Cheltonhan, MD 20623

Michael Sizemore, Chairperson
Advisory Neighborhood Commission 7D
3801 Minnesota Avenue, N.E.
Washington, D.C. 20019

A handwritten signature in black ink that reads "Madeliene H. Dobbins".

MADELIENE H. DOBBINS
Director

DATE: FEB 11 1998