

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16337 of the Church of Jesus Christ, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to establish a child development center for 80 children and eight staff persons in a R-1-B District at premises 3556 Pennsylvania Avenue, S.E. (Square 5528, Lot 814).

HEARING DATE: June 3, 1998

DECISION DATE: June 3, 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) 7B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7B. ANC 7B, which is automatically a party to this application, submitted a written statement in opposition to the application. The Board was unable to give "great weight" to the ANC's written report because the correspondence did not contain the information required by Section 3307 of the Zoning Regulations.

As directed by 11 DCMR 3324.2, the Board 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 Section 205. Advisory Neighborhood Commission 7B, the Penn-Branch Citizens/Civic Association, and several abutting property owners submitted written statements and presented oral arguments in opposition to the application. During the hearing process, the Board determined that the residents were not opposed to the existence of the child development center. Rather, the residents' testimony indicated that they wanted a measure of assurance that the child development center would not adversely affect abutting properties and the residential neighborhood. After a thorough discussion of the issues, the Board was satisfied that all matters were resolved during the hearing process. In addition, the conditions contained herein establish parameters for operation of the child development center

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 be **GRANTED, SUBJECT** to the following **CONDITIONS**:

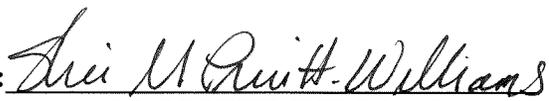
1. Approval shall be for a period of three (3) years, expiring concurrently with BZA Application No. 16338.
2. The number of children shall not exceed eighty (80). The number of employees shall not exceed eight (8).
3. The ages of the children shall be infants through five (5) years old.
4. The hours and days of operation shall be 6:00 a.m. to 7:00 p.m., Monday through Friday.
5. The applicant shall provide 40 on-site parking spaces.
6. Outdoor playtime shall be staggered so that all the children shall not be on the play area at one time. Diligent efforts shall be taken by the applicant to reduce noise in the play area and when the children are escorted through the neighborhood.
7. Drop off and pick up of children shall occur at the entrance into the building from the parking lot. Access to the site shall be via a one-way driveway accessed by the ramp from Pennsylvania Avenue and exiting onto 38th Street.
8. The applicant shall work cooperatively and collaboratively with the community to maintain a community liaison program. Meetings with Advisory Neighborhood Commission 7B and the Penn-Branch Citizens/Civic Association shall be held on a regular basis. The parties, at their discretion, shall determine the number of meetings. The meetings shall occur, at minimum, twice yearly. 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.
9. The applicant shall mitigate soil erosion on the 38th Street frontage of the property by planting the appropriate materials. All landscaping on the site shall be maintained in a neat and healthy growing condition.
10. The applicant, in conjunction with the community, shall consult with the Department of Public Works (DPW) to determine if a guardrail is necessary along the west side of the Pennsylvania Avenue access.

11. The property shall be kept free of refuse and debris at all times. Any outdoor trash storage containers shall be screened from view by fencing or landscaping.

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 (Betty King, Herbert M. Franklin, Maurice Foushee and Sheila Cross Reid to grant.)

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

ATTESTED BY: 
SHERI M. PRUITT-WILLIAMS
Interim Director

FINAL DATE OF ORDER: JUL - 2 1998

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."

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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.

Ord16337/BAB

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO. 16337

As Interim Director of the Office of Zoning, I hereby certify and attest that on JUL - 2 1998 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Church of Jesus Christ, Inc.
c/o Houston Brown, Jr.
3456 Pennsylvania Avenue, S.E.
Washington, D.C. 20020

Pastor John Leslie, Jr.
6311 13th Street, N.W.
Washington, D.C. 20011

Roscoe Grant, Jr. Chairperson
Advisory Neighborhood Commission 7B
3200 S Street, S.E.
Washington, D.C. 20020

Eva Speight
Penn-Branch Citizens/ Civic Association
3695 Highwood Drive, S.E.
Washington, D.C. 20020

Rhoma Battle
Penn-Branch Citizens/ Civic Association
3419 Carpenter Street, S.E.
Washington, D.C. 20020

S. Thetus D. Boyd
Penn-Branch Citizens/ Civic Association
3508 Highwood Drive, S.E.
Washington, D.C. 20020

Howard L. Greene, Sr.
Penn-Branch Citizens/Civic Association
3737 S Street, S.E.
Washington, D.C. 20020

ATTESTED BY:

Handwritten signature of Sheri M. Pruitt-Williams in cursive.

SHERI M. PRUITT-WILLIAMS

Interim Director

DATE: JUL - 2 1998