

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16341 of Washington Community Fellowship, as amended, on behalf of Urban Family Development, Inc., pursuant to 3108.1, for a special exception under the provisions of Section 206 to establish a private elementary school for 45 students and three staff, on the basement, second and third floors of an existing structure in an R-4 District at premises 907 Maryland Avenue, N.E. (Square 937, Lot 85).

HEARING DATES: May 20, 1998 and July 15, 1998
DECISION DATE: July 15, 1998

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) 6A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to this application, submitted a written statement in support of the application.

Correspondence dated July 9, 1998 from the State Historic Preservation Officer indicated that the site is located in the Capitol Hill Historic District. This designation allows the parking requirement to be waived. Accordingly, the application was amended to delete the variance from the off-street parking requirement (Section 2101).

As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception pursuant to 11 DCMR 206. A letter of concern was received from nearby property owners. After a thorough discussion of the issues, the Board determined that the applicant satisfactorily addressed each concern identified by the residents. 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 properties 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 **FIVE (5) YEARS**.
2. The number of students shall not exceed 45. The number of staff shall not exceed three (3) paid and four (4) volunteer employees.
3. The ages of the children shall be 5 through 11 years old.
4. The hours of operation shall be 8:00 a.m. to 4:00 p.m., Monday through Friday.
5. One on-site parking space shall be available for use by the school during its hours of operation.
6. There shall be no on-site food preparation.
7. Adequate off-site outdoor play space shall be made available for the children. The children shall be escorted to the off-site play area.
8. Drop-off and pick-up of the students shall occur as identified on Exhibit 34, Section D of the record. (Parents/guardians must approach the school by heading north on 9th Street, N.E. from D Street or other streets south of D Street. Using the alley adjacent to the building to turn around and drop-off and pick-up students is strictly prohibited.)
9. Adequate trash removal shall be provided.

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** (Betty King, Sheila Cross Reid and John G. Parsons 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 28 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."

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.

ORD16341/BAB

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16341

As Interim Director of the Board of Zoning Adjustment, I hereby certify and attest that on JUL 28 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:

Jeanne J. Wilson
Wanda Zehr
907 Maryland Avenue, N.E.
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Jim Schulman, Vice Chairperson
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700 Constitution Avenue, N.E.
Suite 1-515
Washington, D.C. 20002

ATTESTED BY:


SHERI M. PRUITT-WILLIAMS
Interim Director

DATE: JUL 28 1998