

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16365, as amended, of the Learning Academy, pursuant to 11 DCMR 3108.1, for a special exception under Subsection 205.1 to increase the number of children in an existing facility from 15 to 50 children ages 2 ½ to 14 years, and five staff on the first and second floors of an existing structure in an R-5-A District at premises 1634 16th Street, S.E. (Square 5597, Lot 4).

HEARING DATE: September 16, 1998
DECISION DATE: September 16, 1998 (Bench Decision)

SUMMARY ORDER

The Board amended the application to delete the variance from the off-street parking requirement (Section 2101).

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

The site of this application is located within the jurisdiction of ANC 6C. ANC 6C, which is automatically a party to this application, did not file a written report.

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 205.1. No person or entity appearing as a party to this case testified in opposition to the application. 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 would be 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 this application be **GRANTED, SUBJECT** to the following **CONDITION(s)**:

1. Approval shall be for a period of **FIVE (5) YEARS**.
2. The number of children shall not exceed 50. The number of staff shall not exceed 16 employees.
3. The ages of the children shall be 2 ½ to 14 years.
4. The hours and days of operation shall be 6:30 a.m. to 6:00 p.m., Monday through Friday.
5. The applicant shall provide at least four on-site parking spaces.
6. The children shall be escorted to and from the off-site play area.
7. Trash shall be picked up, at minimum, two times per week.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that findings of fact and conclusions of law accompany the order of the Board. 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 Jerry H. Gilreath to grant.)

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

ATTESTED BY:



SHERI M. PRUITT-WILLIAMS
Interim Director

FINAL DATE OF ORDER: OCT 13 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.

BZA APPLICATION NO. 16365

PAGE NO. 3

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.

Ord16365/BAB/9.21.98

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BZA APPLICATION NO. 16365

As Interim Director of the Board of Zoning Adjustment, I hereby certify and attest that on OCT 13 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:

Vincent H. Hubbard
Natalie P. Hubbard
2009 Bermondsey Drive
Bowie, Maryland 20721

ATTESTED BY:


SHERI M. PRUITT-WILLIAMS
Interim Director

DATE: OCT 13 1998