

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16421 of Howard University/Metropolitan Day School, Inc., pursuant to 11 DCMR § 3108 for special exceptions under Sections 205 and 206 to renovate an existing structure and to establish and operate a private school for 220 student and 24 staff, a child development center for 20 children and 2 staff, and a before and after-care school program located in an R-2 District at premises 1240 Randolph Street, N.E. (Square 3923, Lot 25).

HEARING DATES: January 20, 1999; March 3 and 31, 1999
DECISION DATE: July 7, 1999

MOTION ORDER

Upon consideration of the ANC 5A Motion for a “rehearing” of Application No. 16421 and the response to that Motion filed by the Applicant, the Board takes the following action:

The Board denies the ANC Motion to the extent that it requests a rehearing. Section 3332.6 of the Board’s Supplemental Rules provides that: “[n]o request for a rehearing shall be considered by the Board unless new evidence is submitted which could not reasonably have been presented at the original hearing...” The Motion neither submits new evidence nor indicates that any new evidence exists. Therefore, the ANC has not satisfied the threshold showing for a rehearing.

The Board grants the ANC Motion only to the extent that it requests a reconsideration of Condition number 1 of its April 21, 1999 final Order. Upon reconsideration, the Board makes the following changes to the final Order:

The last full paragraph on page 11 of the Order beginning with: “The Board is of the opinion that the Metropolitan Day School should be phased onto the site” is deleted and the following language is substituted in its place:

“Based upon the record before it, the Board is authorizing an enrollment of 150 students. The Board’s decision not to authorize the higher enrollment requested is not intended to preclude the applicant from requesting authority to increase enrollment in the future through a new special exception application. Rather, the Board believes that the school’s operations at the authorized level need to be evaluated over a period of time in order to determine the impact of a larger student body. Although the applicant is not precluded from making such an application at any time it considers reasonable, the Board believes that at least two years of evaluation are necessary before a request to increase the enrollment can be properly analyzed.”

The second sentence in Condition number 1, on page 12 of the Order, is hereby deleted.

The Board has reviewed its April 21, 1999 Order approving Application No. 16421 and concludes that the Order addressed, with precision, every ANC concern. Moreover, each of the conditions set forth in the order was formulated in response to the issues and concerns expressed by the ANC. The Board therefore continues to believe that it has afforded ANC 5A "Great Weight", as required by Section 13(d) of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-12; D.C. Code § 1-261(d)) and Section 3307.2 of the Zoning Regulations. The other grounds raised by the ANC in its Motion for Reconsideration/Rehearing are without merit. Therefore, the Board denies all other relief requested in the Motion other than that specifically granted herein.

VOTE: 3-0 (Sheila Cross Reid, John Parsons, and Jerry Gilreath to grant to the extent described above and to deny in all other respects; Betty King not voting, having not heard the case).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT.

EACH CONCURRING MEMBER OF THE BOARD HAS APPROVED THE ISSUANCE OF THIS ORDER AND AUTHORIZED THE UNDERSIGNED TO EXECUTE THE ORDER ON THEIR BEHALF.

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director

SEP 10 1999

Final date of Order: _____

UNDER 11 DCMR § 310.1, "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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EZA APPLICATION NO.: 16421

As Director of the Office of Zoning, I certify and attest that on _____, a copy of the Motion 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 this matter, and who is listed below:

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Attested by: _____

Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director

SEP 10 1999

Date: _____

Attest/SO /POH