

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16501 of Chevy Chase Baptist Church/All Saints' All Day Child Care Center, Inc, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to establish a child Development Center for 80 students, ages 2 through 5 years in an R-2 District at premises 5671 Western Avenue, N.W. (Square 1746, Lot 820).

HEARING DATE: September 8, 1999
DECISION DATE: September 8, 1999 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3G and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to this application, submitted a written statement in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for special exception pursuant to 11 DCMR Section 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 **TWO YEARS**.
2. The child development center shall operate from 7:30 a.m. to 6:00 p.m., Monday through Friday, year round.
3. The maximum number of children to be enrolled at the center at one time shall be

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100; however, the maximum number of children to be at the premises at one time shall be 80.

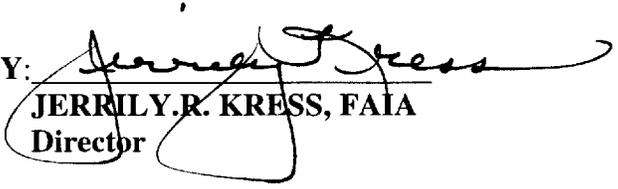
4. The ages of the children shall be 2 to 5 years old.
5. There shall be a maximum of 24 staff.
6. The children shall be chaperoned to and from the play areas to ensure their safety.
7. A secure and supervised drop-off and pick-up of the children shall occur at all times at the site.
8. The applicant shall use its best efforts to mitigate any parking problems on the streets adjacent to the center.
9. Trash removal on site shall occur as necessary.

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, Betty King, Jerry Gilreath and Robert Sockwell to grant).

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

ATTESTED BY:


JERRILY.R. KRESS, FAIA
Director

FINAL DATE OF ORDER: OCT 22 1999

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

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SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR 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.

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As Director of the Office of Zoning, I certify and attest that on OCT 22 1999
a copy of the decision entered on that date in this matter was mailed first class, postage prepaid
to each party in this case, and who is listed below:

Julia L. O'Brien
8401 Connecticut Avenue, Suite 1100
Chevy Chase, MD 20815

The Chairperson
Advisory Neighborhood Commission (ANC) 3G
P. O. Box 6252 Northwest Station
Washington, D.C. 2015

Attested By: _____


JERRILY R. KRESS, FAIA
Director

Attest 16501/JKN