

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16502 of Jubilee Housing, Inc.**, pursuant to 11 DCMR 3108.1 (new 3104.1) for a special exception to establish a child development center under Section 205 for 50 children, ages infants to six years old, and a staff of 15 persons in the basement of an apartment building, and Section 3107.2 (new 3103.2) for a variance from the off-street parking requirements (Subsection 2101.1), in an R-5-B District at premises 1740 Euclid Street, N.W. (Square 2563, Lot 873).

**HEARING DATE:** October 20, 1999  
**DECISION DATE:** October 20, 1999

**SUMMARY ORDER**

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 1C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1C. ANC 1C, which is automatically a party to this application, did not submit a written statement on the application.

As directed by 11 DCMR 3324.2 (new 3119.2) 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 Section 205, and for area variance pursuant to Subsection 2101.1 of the Zoning Regulations.

The Applicant previously received Board of Zoning Adjustment approval to operate the child development center under Application Numbers 14932 and 15936. The last order expired on October 20, 1995; the Applicant seeks to continue to operate the child development center.

A neighborhood resident presented testimony at the public hearing and petitions were submitted in opposition to the application. Most of the testimony concerned traffic, namely, congestion in the Adams Morgan/Mount Pleasant restaurant districts, double-parking in front of the building, lack of on-site parking and loading, and congestion asso-

ciated with picking up and dropping off the children. In addition, persons opposing the application indicated that the neighborhood is severely overcrowded with special use buildings operated by Jubilee Housing or its affiliated corporations. Any increase in population would make the traffic situation worse.

The Applicant must satisfy the zoning requirements under Section 205 to continue to operate the child development center. In addition, the Applicant is seeking variance relief, which requires that one parking space is provided for each four teachers and other employees. The Applicant proposes to operate the center with 15 teachers and staff; as such, four on-site parking spaces are required. On-site parking cannot be provided; the parking requirement cannot be met.

Through testimony, the Board ascertained that the child development center is located in a severely congested area of the city and the subject building fronts on a narrow one-way street. On balance, the traffic generated by persons using the child development center is minimal. In addition, the center is satisfying an important need for parents who live and work in the Adams Morgan neighborhood who need child care service. The Board finds that the concerns of those in opposition can be satisfied by the conditions of this order.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108.1 (new 3104.1) for special exception and Section 3107.2 (new 3103.2) for area variance. The Board further concludes that there exists an extraordinary situation or condition related to the property, which creates a practical difficulty for the owner in complying with the Zoning Regulations. The Board is of the opinion that the requested relief can be granted in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for **THREE YEARS**.
2. The number of children shall not exceed 50. The number of staff shall not exceed 15.
3. The ages of the children shall be infants to six years old.
4. The days and hours of operation shall be Monday through Friday, 7:00 a.m. to 6:00 p.m.
5. The Center shall comply with all applicable code and licensing requirements.

6. A staff member shall be posted at the entrance to the Center to facilitate dropping off and picking up of children during morning and evening peak hours.
7. The applicant shall provide four parking spaces in the Adams Morgan neighborhood.
8. Automobile drop off and pick up of children shall be restricted to the southbound lane of Ontario Road. Double-parking shall be for minimum periods only to facilitate pick up and drop off during rush hours.
9. The existing play areas, on and off-site, shall be maintained or improved. The children shall be escorted to the off-site play area.
10. The trash dumpsters that are located adjacent to the entrance of the proposed facility shall continue to be screened.
11. The applicant shall designate a community liaison representative to work closely with the ANC and neighborhood in order to mediate and eliminate any adverse impacts, which may arise from the operation of the proposed facility. The community liaison shall meet with the ANC at least four meetings per year.

Pursuant to 11 DCMR 3301.1 (new 3101.6), the Board has determined to waive the requirement of 11 DCMR 3331.3 (new 3125.3) 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 to 0** (Jerry Gilreath, Sheila Cross Reid and Robert Sockwell to approve.)

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

ATTESTED BY:   
JERRILY R. KRESS, FAIA  
Director

FINAL DATE OF ORDER: DEC 20 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 3125.9, "NO ORDER OR DECISION OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA APPLICATION NO. 16502**

As Director of the Office of Zoning, I hereby certify and attest that on DEC 20 1999 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:

Allison C. Prince, Esq.  
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Linda Sofli, Chairperson  
Advisory Neighborhood Commission 1C  
P.O. Box 21652  
Washington, DC 20009

ATTESTED BY:

  
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JERRILY R. KRSS, FAIA  
Director