

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16514 of Yves-Carmel Decelien-Cadet/Ideal Child Care Center,** 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 six weeks to 14 years of age and 11 staff persons on the first and second floors in an R-4 District at premises 3816 4<sup>th</sup> Street, N.W. (Square 3236, Lot 93).

**HEARING DATE:** November 10, 1999

**DECISION DATE:** November 10, 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) 4C, and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, did not submit a written statement on the application.

As directed by 11 DCMR 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 from the strict application of the requirements of 11 DCMR Section 205. 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 Section 3104.1, 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 the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for **THREE (3) YEARS**.
2. The number of children shall not exceed 50. The number of staff shall not exceed 11.
3. The ages of the children shall be six weeks to five 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 children shall be escorted to the off-site play areas.
8. Two on-site parking spaces shall be maintained.
9. Trash shall be picked up as necessary.
10. The Applicant shall use her best efforts to encourage employees to use public transportation.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 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: 4 to 0** (Jerry Gilreath, Sheila Cross Reid, Robert Sockwell and Kwasi Holman to grant.)

**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 OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

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.

BAB/11.17.99

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA APPLICATION NO. 16514**

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:

Yves-Carmel Decelian-Cadet  
3816 4<sup>th</sup> Street, N.W.  
Washington, D.C. 20011

Willie Flowers, Chairperson  
Advisory Neighborhood Commission 4C  
WMATA Bus Barn  
P.O. Box 6087  
Washington, D.C. 20039

Timothy A. Jones  
737 Rock Creek Church Road, N.W.  
Washington, D.C. 20010-1616

Sharon Smith  
3810 4<sup>th</sup> Street, N.W.  
Washington, D.C. 20011

ATTESTED BY:

  
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JERRILY R. KRESS, FAIA  
Director