

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 17869 of Greater Calvary Holy Church**, pursuant to 11 DCMR § 3104.1, for a special exception from the parking space location requirements under section 2116, and a special exception for a reduction in the number of parking spaces under subsection 2108.2, serving a child development center and private school in the C-M-2 District at premises 806 Rhode Island Avenue, N.E. (Square 3846, Lot 84).

**HEARING DATE:** February 17, 2009  
**DECISION DATE:** February 17, 2009 (Bench Decision)

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

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) 5C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5C, which is automatically a party to this application. ANC 5C submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 2108.2 and 2116. No parties appeared at the public hearing in opposition to this 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, and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 2108.2 and 2116, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning

---

441 4<sup>th</sup> Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: [dcoz@dc.gov](mailto:dcoz@dc.gov)

Web Site: [www.dcoz.dc.gov](http://www.dcoz.dc.gov)

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.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 9 - Plans) be **GRANTED** subject to the following **CONDITIONS**:

1. The Applicant shall maintain, and replace as necessary, the masonry wall and fencing on the parking lot at 649 Rhode Island Avenue, N.E.
2. The Applicant shall maintain all landscaping and vegetation on the lot at 649 Rhode Island Avenue, N.E. in a healthy growing condition, and shall replace any dead or dying vegetation as necessary.
3. The private school and child development center shall operate Monday through Friday, from 6:30 A.M. to 6:00 P.M.
4. The Applicant shall manage the accessory parking lot at 649 Rhode Island Avenue, N.E. so as to ensure that adequate parking is available for the school and child development center during their hours of operation, and that no other use shall occupy the spaces needed to accommodate the school and child development center's employees and visitors during their hours of operation.
5. The Applicant shall coordinate with the D.C. Department of Transportation the posting of a sign at the exit of the accessory parking lot at 649 Rhode Island Avenue, N.E. directing drivers leaving the lot to "Right Turn Only".

**VOTE:** 5-0-0 (Marc D. Loud, Anthony J. Hood, Mary Oates Walker, Ruthanne G. Miller, and Shane L. Dettman to Approve)

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

Each concurring member approved the issuance of this order.

**ATTESTED BY:** \_\_\_\_\_

**RICHARD S. NERO, JR.**

Acting Director, Office of Zoning

**FINAL DATE OF ORDER:** FEB 18 2009

UNDER 11 DCMR 3125.9, "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 FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY

**BZA APPLICATION NO. 17869**  
**PAGE NO. 4**

BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT  
TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**BZA APPLICATION NO. 17869**

As Director of the Office of Zoning, I hereby certify and attest that on February 18, 2009, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Meghan Walsh, AIA  
733 Euclid Street, N.W.  
Washington, D.C. 20001

Chairperson  
Advisory Neighborhood Commission 5B  
1355 New York Avenue, N.E.  
Washington, D.C. 20002

Single Member District Commissioner 5B04  
Advisory Neighborhood Commission 5B  
1355 New York Avenue, N.E.  
Washington, D.C. 20007

Chairperson  
Advisory Neighborhood Commission 5C  
P.O. Box 77761  
Washington, D.C. 20013

Harry Thomas, Jr., City Councilmember  
Ward Five  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

---

441 4<sup>th</sup> Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: [dcoz@dc.gov](mailto:dcoz@dc.gov)

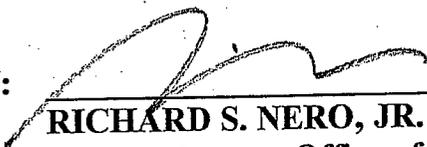
Web Site: [www.dcoz.dc.gov](http://www.dcoz.dc.gov)

**BZA APPLICATION NO. 17869**  
**PAGE NO. 2**

Matthew LeGrant, Zoning Administrator  
Building and Land Regulation Administration  
Department of Consumer and Regulatory Affairs  
941 N. Capitol Street, N.E. # 2000  
Washington, D.C. 20002

Rushkoff Bennett, Esq.  
Department of Consumer and Regulatory Affairs  
941 N. Capitol Street, N.E.  
Washington, D.C. 20002

**ATTESTED BY:**

  
**RICHARD S. NERO, JR.**  
**Acting Director, Office of Zoning**