

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18138 of St. Paul’s Episcopal Church, pursuant to 11 DCMR § 3104.1, for special exceptions to allow a private school and a child development center (120 students, ages 2.5 through 12 years, and 18 regular staff members) under sections 205 and 206, in the R-3 District at premises 210 Allison Street, N.W. No new construction is proposed. (Parcel 0111/0037).

HEARING DATE: November 30, 2010

DECISION DATE: December 14, 2010

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4).

The Board of Zoning Adjustment (“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”) 4D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4D, which is automatically a party to this application.

ANC 4D did not file a letter or resolution. The Applicant’s prehearing statement indicated that ANC 4D cancelled its meeting on September 21, 2010, when it did not have a quorum. (Exhibit 28, Tab A.) After the hearing on November 30, 2010, the Board left the record open for a report from the adjoining ANC, ANC 4C. ANC 4C filed a report, dated December 7, 2010, in support of the Applicant’s application. ANC 4C’s letter indicated that at a duly noticed, public meeting on September 14, 2010, with a quorum present, that ANC voted to approve the project. (Exhibit 37.)

The Office of Planning (“OP”) submitted a timely report recommending approval of the application. (Exhibit 30.) The Office of State Superintendent of Education recommended that

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the application be approved and indicated that all licensing requirements had been met. (Exhibit 26.) The District Department of Transportation (“DDOT”) submitted a letter, dated November 23, 2010, with comments and proposed recommendations to reduce vehicle travel. For instance, DDOT suggested that the Applicant consider moving its entrance to Rock Creek Church Road, instead of Webster Street. (Exhibit 32.) Also, DDOT’s representative testified at the hearing.¹ Letters of support were received from Oona Waxenfelter, who is a staff member at the Applicant’s school, resides in the area, and will have a child attending the Applicant’s school; and Suzanne Welch, who owns 124, 126, 128, and 130 Webster Street, N.W., and is a representative for THC Affordable Housing, Inc. (Exhibits 33 and 31.)

A letter of opposition and a request for party status was submitted from Marian Williams, who owns property on Allison Street. (Exhibit 27.) Her request for party status was denied as she was not present at the public hearing of November 30, 2010.

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 exceptions under §§ 205 and 206. 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 205, and 206, 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.

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 be **GRANTED WITH THE FOLLOWING CONDITIONS**:

1. This approval shall be for a term of **FIVE (5) YEARS**, beginning on the date upon which the order became final.
2. Enrollment shall be limited to 120 children, ages two and one-half to 12 years old.
3. The Applicant’s staff shall be limited to 18 persons.
4. The hours of operation shall be 8:00 a.m. to 6:00 p.m.

¹ The Board noted that DDOT’s representative appeared to be satisfied with how the Applicant’s traffic consultant plans for traffic flow were adjusted in light of DDOT’s comments.

5. Access to the Applicant's entrance shall be on Rock Creek Church Road and access to the exit from the property shall be at Allison Street.

VOTE: 4-0-1 (Meridith H. Moldenhauer, Jeffrey L. Hinkle, Nicole C. Sorg (by absentee ballot), Greg M. Selfridge (by absentee ballot) to APPROVE. No other Board members (vacant) participating, or voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
The majority of the Board members approved the issuance of this order.

ATTESTED BY: 
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: DEC 23 2010

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

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.

IN ACCORDANCE WITH THE 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, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, STATUS AS A VICTIM OF AN INTRAFAMILY OFFENSE, 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.

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As Director of the Office of Zoning, I hereby certify and attest that on December 23, 2010, 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:

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JAMISON L. WEINBAUM
Director, Office of Zoning