

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18336 of Application of Grace Evangelical Lutheran Church c/o Amazing Life Games Preschool, pursuant to 11 DCMR § 3104.1, for a special exception to allow a child development center (35 children and 5 staff) under section 205, in the R-1-B District at premises 4300 16th Street, N.W. (Square 2646, Lot 807).

HEARING DATE: May 22, 2012
DECISION DATE: May 22, 2012

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” or “BZA”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to the Applicant, Advisory Neighborhood Commission (“ANC”) 4A, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 4A, which is automatically a party to this application. ANC 4A submitted a letter, dated May 22, 2012, in support of the application. The ANC noted that at a duly noticed and regularly scheduled public meeting on May 1, 2012, with a quorum present, the ANC voted unanimously to support the application. (Exhibit 34.)

The Office of Planning (“OP”) submitted a report in support of the application. (Exhibit 29.) The District Department of Transportation (“DDOT”) submitted a letter stating “no objection” to the continuation of the use. (Exhibit 28.) The Office of the State Superintendent of Education (“OSSE”) submitted a letter supporting the application. (Exhibit 22.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under § 3104.1 from the strict application of the regulations pertaining to § 205. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 205, 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 requirements of 11 DCMR § 3125.3, 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.

It is therefore **ORDERED** that this application, pursuant to Exhibit 9 – Plans, be **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The child development center shall:
 - a. Not exceed thirty-five children aged 2 ½ to 5 years;
 - b. Have a maximum staff of 5 persons;
 - c. Operate Monday through Friday from 8:30 AM to 6:00 PM;
 - d. Coordinate the dropping off and picking up of children along Varnum Street
 - e. Have drop-off hours between 8:45 AM and 9:30 AM; and
 - f. Pick-up hours between 12:45 PM and 6:00 PM
2. The associated aftercare program at the center shall:
 - a. Not exceed thirty-five children ages 2 ½ to 8 years;
 - b. Have a maximum staff of 5 persons' and
 - c. Operate Monday through Friday from 3:00 PM to 8:00 PM.
3. A minimum of two on-site parking spaces shall be reserved for use by the Center.
4. The parking lot shall be stripped and maintained in a neat and orderly manner.

VOTE: **5-0-0** (Lloyd J. Jordan, Jeffrey L. Hinkle, Nicole C. Sorg, Rashida Y.V. MacMurray, and Anthony J. Hood to approve.)

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

The majority of the Board members approved the issuance of this order.

ATTESTED BY: _____

SARA A. BARDIN
Director, Office of Zoning

MAY 31 2012

FINAL DATE OF ORDER: _____

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.

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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, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. 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, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS 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 MAY 31 2012, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, or delivered by electronic mail in the case of those ANCs and SMDs that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

F. Dean Schultheiss, President
4300 16th Street, N.W.
Washington, D.C. 20011

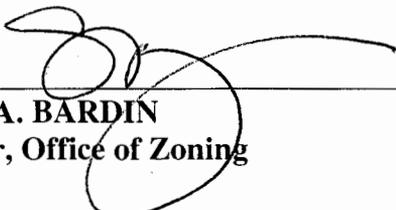
Chairperson
Advisory Neighborhood Commission 4A
7600 Georgia Ave. N.W.
Washington, D.C. 20012

Single Member District Commissioner 4A08
Gale Black
1761 Crestwood Drive N.W.
Washington, D.C. 20011

Muriel Bowser, Councilmember
Ward Four
1350 Pennsylvania Avenue, N.W., Suite 110
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Department of Consumer and Regulatory Affairs
1100 4th Street, S.W., 5th Floor
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ATTESTED BY:



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Director, Office of Zoning

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