



**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Arthur Jackson, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** April 2, 2013  
**SUBJECT:** **BZA Case 18529** - request for special exception approval in accordance with § 205 to expand a child development home located at 4910 Kansas Ave NW into a child development center for a maximum 12 children with up to 2 employees

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **recommends approval** of this special exception request for the above-referenced property, subject to the following conditions:

1. Approval shall be for FIVE YEARS from the final date of this order.
2. Enrollment shall not exceed 12 children, age 15 years or less.
3. The center shall have a maximum of 5 staff.
4. The operating hours are 7:00 AM to 5:00 PM, Monday through Friday:
  - a. Drop-off hours are between 7:00 AM and 8:00 AM; and
  - b. Pick-up hours are between 4:00 PM and 5:00 PM.
5. Two parking spaces shall be reserved on-site for use by the center staff.
6. Center trash collection will be scheduled at least once a week.

The applicant reviewed and agreed to these conditions with no changes.

**II. LOCATION AND SITE DESCRIPTION:**

Address:	4831 9 <sup>th</sup> Street NW
Legal Description:	Square 3010 Lot 0084
Ward:	4D
Lot Characteristics:	A rectangular interior lot that is 20.0-feet wide with an area of 2,200 square feet (0.05 acre). The eastern (front) boundary abuts Kansas Avenue and the north-south public alley 15 feet wide along the eastern boundary connects Emerson Street to Farragut Street NW.
Zoning:	R-3 – one-family row dwellings are allowable uses in this zone district. Child development homes are also allowed as a matter of right but child development center uses are only allowed by special exception in accordance with § 205.

Existing Development:	The two-story row masonry dwelling has a landscaped and fenced play area and parking pad in the rear yard (refer to Figure 2). The parking pad is wide and deep enough to park four vehicles in rows of two. Short chain link fences also run along both side yards. Vehicles access the parking pad directly from the alley.
Historic District:	None
Adjacent Properties:	Two-story row dwellings cover the subject square.
Surrounding Neighborhood Character:	Moderate density residential.

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	4831 , the owner of record.
Proposal:	<p>The application indicated that the property owner currently operates a child development home on the subject property. The 2010 home occupation permit issued for the “Holy Child Development Home” on the subject property, and submitted with the application, lists the maximum number of children as 6 and allowable ages as 15 years and younger. The permit also indicates that the hours of operation as “less than 24 hours a day” and only one exterior sign not exceeding 144 square-inches in size may be displayed on the dwelling exterior.</p> <p>When the applicant submitted a home occupancy application for a child development center for 10 children on the subject property, the Office of the Zoning Administrator responded in a letter dated August 8, 2011 that approval of a special exception in accordance with § 205 is required in the R-3 District. Accordingly, the applicant submitted this application to the Board of Zoning Adjustment. The one change was to request an increase to 12 children instead of 10.</p> <p>Currently the applicant resides on the property and would continue to reside there if the requested special exception were approved.</p>
Relief Sought:	§ 205 – special exception approval to expand the existing child development home into a child development center use.

**III. OP ANALYSIS**

Figure 1

Compliance with § 205

205.2 *The center shall be capable of meeting all applicable code and licensing requirements.*

The Division of Early Childhood Education, Office of the State Superintendent of Education (OSSE) recommended granting the requested relief in a memorandum dated February 11, 2013. The Office of Planning noted that the most recent home occupancy permit for the current child care home was approved in 2010. OSSE also indicated that the actual licensed capacity of this facility would be calculated based on the issued Certificate of Occupancy and the



requirements of Title 29 of the DC Municipal Regulations.

- 205.3 *The center shall be located and designed to create no objectionable traffic conditions and no unsafe conditions for picking up and dropping off children or elderly persons.*

Children are dropped off between 7:00 and 8:00 AM and picked up between 4:00 and 5:00 PM. Parents walking their children easily access the site via existing sidewalks that extend along Kansas Avenue, Emerson Street, Farragut Street and 19<sup>th</sup> Street NW. Vehicles generally park in front of the dwelling along Kansas Street during these times. For the proposed use, the applicant would direct adults who choose to drive to utilize the alley to access the rear parking lot, park onsite and then walk their children into the rear door of the dwelling (refer to Figure 3 below).

- 205.4 *The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.*

The center is anticipated to employ one other staff person besides the director. Section 2101.1 requires one space for each 4 child development center employees so only one on-site parking space is required. The submitted plat shows adequate area for up to four tandem parking spaces on the rear parking pad (refer to Figure 2 below).

- 205.5 *The center, including* Figure 2

*any outdoor play space provided, shall be located and designed so that there will be no objectionable impact on nearby properties due to noise or activity, or other objectionable conditions.*

The application indicated that children would continue to recreate in the rear play area (refer to Figure 2). Nearby neighborhood facilities are used on occasions when the children are taken offsite (refer to § 205.7).



- 205.6 *The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it shall deem necessary to protect adjacent and nearby properties.*

The play area in the rear yard is surrounded by a low decorative wooden picket fence. Pending any comments or concerns from the neighboring property owners, OP does not suggest adding more screening.

205.7 Any off-site play area shall be located so as not to result in the endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.

The application indicated that children would, on occasion, be escorted by foot in buggies and wagons to Sherman Circle and Rudolph Playground for purpose of recreation. Both sites are located within 0.3 mile (approximately 1,600 feet) of the subject property.

205.8 The Board may approve more than one (1) child/elderly development center in a square or within one thousand feet (1,000 feet) of another child/elderly development center only when the Board finds that the cumulative effort of these facilities will not have adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

OP is not aware of another child development center within 1,000 feet. The applicant also stated that center trash would be collected at least once a week.

205.9 Before taking final action on an application for use as a child/elderly development center, the Board shall submit the application to the Department of Transportation and Human Services, the D.C. Office on Aging and the D.C. Office of Planning for review and written reports.

The OSSE supports approval and the District Department of Transportation (DDOT) did not express any concerns (refer to the Agency Comment section below).

205.10 Referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all the licenses requirements set forth in the applicable laws of the District of Columbia.

As noted above, the OSSE supports approval of this request.

Based on this review the application meets the standards for BZA approval. Since this is the first child care center at this location, OP recommends a 5 years approval term. The current regulation parking standard under § 2101.1 is 1 space per 4 employees. Since there are at least 2 spaces currently onsite, the applicant requested to increase the proposed employee maximum to 5 (4 staff plus the owner) to allow for additional staff in the future, if needed.

Figure 3



#### IV. AGENCY COMMENT

In a memorandum dated February 7, 2013, DDOT concluded that this proposal would have no adverse impact on the travel conditions on the District's transportation network.

#### V. COMMUNITY COMMENTS

The applicant has contacted the immediately neighbors about this proposal. To date, Advisory Neighborhood Commission 4D has not filed a final resolution on this application into the case record.