

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, AICP, Case Manager

JL Joel Lawson, Associate Director Development Review

DATE: March 3, 2017

SUBJECT: BZA Case 18464A (4124 3rd Street, N.W.) for a special exception to construct a rear building addition and expand a child development center

I. BACKGROUND

BZA Order 18464, dated December 13, 2012, permitted a child development center with up to 24 children and six staff to operate Monday through Friday between the hours of 7:00 a.m. to 6:00 p.m. on the subject property. No more than eight children are permitted within an outdoor play area located within the rear yard at any one time.

On December 20, 2016 the applicant filed the application requesting special exceptions to expand the child development center and increase the lot occupancy for a rear addition. On February 22, 2017 the applicant revised the application to request variance relief from lot occupancy and to enlarge a nonconforming structure because the structure on the property is classified as “all other structures” by the Zoning Administrator because less than fifty percent is used residentially.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variances:

- E § 304.1, Lot Occupancy (40 percent permitted, 44.9 percent existing, 51.2 percent proposed); and
- C § 202.2, Enlarge a Nonconforming Structure

OP recommends **approval** of the following special exception:

- U § 203.1(g), Daytime Care Uses, to increase the number of children from 24 to 40.

Subject to the following conditions as carried forward from the previous approval with changes as noted (deletions noted in ~~strikeout~~, additions in **bold**):

1. The maximum number of children shall be ~~24~~ **40**.
2. The maximum number of staff shall be ~~6~~ **10**.
3. No more than eight children shall be permitted within the outdoor play area at any one time.
4. Hours of operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. **A screened refuse storage area shall be identified and located within the rear yard.**

III. LOCATION AND SITE DESCRIPTION

Address	4124 3 rd Street, N.W.
Applicant	McKinley Battle
Legal Description	Square 3312, Lot 61
Ward, ANC	Ward 4, ANC 4C
Zone	RF-1
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	Row house with child development center and residence
Adjacent Properties	North, South and West: row houses East: Across 3 rd Street, offices
Surrounding Neighborhood Character	Moderate density residential with neighborhood serving on Upshur Street
Proposed Development	Expansion of child development center within a residence and an expansion of the building

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: RF-1	Regulation	Existing	Proposed	Relief
Height E § 303.1	35-foot max.	<35 feet	<35 feet	None Required
Lot Width § 401	40-foot max.	20 feet	20 feet	None Required
Lot Area § 401	4,000 sq. ft. min.	1,900 sq. ft.	1,900 sq. ft.	None Required
Lot Occupancy E § 304.1	40% max.	44.9%	51.2%	Required
Rear Yard E § 306.1	20-foot min.	50 feet	40 feet	None Required
Parking C § 701.5	1 space	2 spaces	2 spaces	None Required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § E 304.1, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property was developed as a one-family row house, part of a row of other similarly developed dwellings. However, in this case the applicant operates a child development center out her home within the basement and first floor of the structure, while maintaining the second floor as living quarters. As part of the expansion of the center the applicant proposes to construct a one-story 120 square foot addition onto the rear of the first floor, increasing the lot occupancy to 44.9 percent. This increase in lot occupancy would be less than the maximum 60 percent permitted for the adjoining row houses, used residentially. However, because the

applicant operates a child development center out of her home and not elsewhere in a commercial building, and because less than half of the subject property is used residentially while still maintained as her residence, the maximum lot occupancy is limited to 40 percent, limiting the applicant's ability to operate a neighborhood serving day care from her residence.

ii. No Substantial Detriment to the Public Good

The requested in lot occupancy would be consistent with that which is permitted for row houses within the RF-1 zone. As the subject property would continue to appear as a row house, similar to those around it, and the applicant has support from the adjacent neighbors to the north and south, there would be no substantial detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

Child development centers are a use permitted by special exception within the RF-1 zone and the increase in lot occupancy would be consistent with that permitted within the RF- 1 zone for residential row houses. The requested variance to lot occupancy would allow the applicant to construct a small building addition to the rear of the structure, while maintaining its residential appearance from the street and the alley, allowing the applicant to better meet the child care needs of the surrounding community.

b. Special Exception Relief pursuant to U § 203.1(g), Daytime Care Uses

i. Daytime care uses shall be permitted as a special exception subject to the following conditions:

- (1) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance;

The facility has been in operation at this location with 24 children and a staff of six since 2012, primarily serving the surrounding neighborhood. The applicant now proposes to increase enrollment by sixteen and staff by four to accommodate increased demand. Only twenty-five percent of the current enrollment is driven to and from the center and the applicant expects that this ratio would continue. One of the six employees drives to the center and the applicant proposes to increase the number of parking spaces from one to two. Children that are driven would continue to be dropped off and picked up from the front of the property. DDOT informed OP by telephone that it has no issues with the application and the adjoining neighbors to the north and south have submitted letters to the file in support of the application.

- (2) Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility;

No off-site play area is proposed.

- (3) The Board of Zoning Adjustment may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties; and

The site plan submitted with the application does not indicate an area within the rear yard for the storage of refuse. Any refuse storage area should be on private property and screened from view.

- (4) More than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility may be approved only when the Board of Zoning Adjustment finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors;

OP is unaware of another child development center within the square or within 1,000 feet of the subject property.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The requested relief would permit the expansion of a child development center, in conformance with the provisions of Subtitle U § 203.1(g), as permitted within the RF-1 zone.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed expansion of the existing child development center would allow it to better serve the surrounding neighborhood. Adjoining property owners to the north and south submitted letters to the file in support of the application, indicating the use does not adversely affect neighboring properties. The applicant would continue to permit no more than eight children into the rear yard at a time.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

ANC 4C, at its regularly scheduled meeting of February 8, 2017, voted to support the application as special exceptions.

Four letters were submitted to the file in support of the application, including the adjacent property owners to the north and south.

Attachment: Location Map

