

Before the Board of Zoning Adjustment, D. C.

Application No. 11584, of Edith G. Willie, pursuant to Section 8207.2 of the Zoning Regulations, for a special exception to establish a personal care home as provided by Section 3101.414, at premises 1924 Lawrence Street, N. E., Lot 17, Square 4204.

HEARING DATE: March 20, 1974

EXECUTIVE SESSION: March 26, 1974

FINDINGS OF FACT:

1. Subject premise is located in an R-1-B Zone and is being used as a single family dwelling.
2. Applicant proposes to establish a personal care home for the caring of four patients. The second floor of the premise will be utilized as a residence for applicant and the first floor, which contains three bedroom and a den, as living quarters for the patients.
3. The property is located within 600 feet of another personal care home at 1918 Newton Street, N. E..
4. Opposition object to the establishment of another personal care home in the neighborhood.

CONCLUSIONS OF LAW:

Under Section 3101.414 the Board must determine that there are no other personal care homes within 600 feet. The Board is bound by this Section of the Regulations. The establishment of another home within the immediate neighborhood would have an adverse affect on adjoining and nearby properties.

ORDERED:

That the above application be DENIED.

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VOTE: 4-1 (Lilla Burt Cummings, Esq. dissenting.)

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

ATTESTED BY:


JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: APR 17 1974

Before the Board of Zoning Adjustment, D. C.

Application No. 11584 of Edith G. Willie for a special exception to establish a personal care home and a variance to permit a personal care home within 600 feet of another personal care home at 1924 Lawrence Street, N. E., Lot 17, Square 4204.

HEARING DATE: March 20, 1974

EXECUTIVE SESSION: March 26, 1974, August 27, 1974

Procedural Posture, After Denying the Applicant's Motion for Reconsideration.

After applicant's timely filed Motion for REconsideration failed, the Board on its own motion reconsidered this case only on the issue of whether or not it had erred by finding that the proposed personal care home was within 600 feet of another personal care home.

FINDINGS OF FACT UPON RECONSIDERATION

1. The Surveyor's Office of the District of Columbia measured, and the Board finds that the proposed personal care home is located within 600 feet of another personal care home located at 1918 Newton Street, N. E. This measurement was made from the nearest lot line of the subject property to the closest lot line of the other existing personal care home.

CONCLUSIONS OF LAW:

Based upon the foregoing Finding of Fact, which was under reconsideration by the Board upon motion by the applicant, who alledged error as to the 600 feet measurement, the Board concludes that this measurement, required by Section 3101.414 of the Regulations was properly made from lot line to lot line by the Zoning Administrator and the District of Columbia Surveyor's Office.

ORDERED:

That upon reconsideration, the Board's previous decision in Order No. 11584, dated April 17, 1974, be and is hereby affirmed, DENYING applicant's variance from the use provisions of Section 3101.414 of the Zoning Regulations.

BY THE D. C. BOARD OF ZONING ADJUSTMENT

VOTE: 5-0

ATTESTED: 
JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER: AUG 30 1974