

Before the Board of Zoning Adjustment, D. C.

Application No. 11765, of Baptist Home for the District of Columbia, for permission to erect an addition to a philanthropic or eleemosynary institutional building at 3700 Nebraska Avenue, N.W., Lot 809, Square 1599, and for approval of roof structure, (Sections 3101.49, 3201.27 and 3308).

HEARING DATE: December 18, 1974
EXECUTIVE SESSION: December 25, 1974

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District.
 2. The subject property is improved with a three (3) story building which is occupied by the Baptist Home of the District of Columbia, a home for the elderly.
 3. The appellant proposes to erect a five story additional containing 179 units to the existing building which would accommodate approximately 239 persons.
 4. The proposed addition would be 40 feet to the top floor and, the lot coverage is 38,500 sq. ft., whereas 49,669.20 sq. ft. is permitted. The building provides rear and side yard substantially in excess of the Zoning Regulations, as follows:

	<u>Required</u>	<u>Provided</u>
Rear yard	25 ft.	35 ft.
Side yard	8 ft.	50 ft.
Side yard	8 ft.	100 ft.
 5. The National Capital Planning Commission at its meeting on October 3, 1974, recommended approval of this appeal on the grounds that the proposed addition will have no adverse impact upon the adjacent Federal property and such use will not adversely affect the use of neighboring property, the Board concurs in this finding.
 6. The subject property has been the subject of three prior BZA appeals, each of which have been approved in whole or part by this Board and include Appeal Nos. 3568, 5376, and 10480. In each case the Board found that applicant was a philanthropic or eleemosynary institution and that the use was in harmony with the surrounding neighborhood.
 7. The Zoning Commission in January 1974 in its case No. 71-4 denied a change of zoning to the R-5-A classification but made the following finding which the Board found helpful in its consideration:
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"2. The Zoning Commission is aware of the necessity of providing facilities to meet the needs of the elderly residents of the District of Columbia. The denial of this application for change of zone should in no way be interpreted as a decision against the proposed expansion of the Baptist Home. The Zoning Commission believes that it is possible to provide adequate housing for the elderly at the Baptist Home site, while at the same time preserving the character of the adjacent residential area.

"3. The Zoning Commission urges that this applicant seek the expansion of the Home pursuant to Section 3101.49 of the Zoning Regulations before the Board of Zoning Adjustment. Such a proceeding would provide for the needed expansion of the Home, while making sure that such expansion will not be detrimental to the adjacent residential area.

"4. The Commission believes that controlled development of this site can promote the health, safety and general welfare of ALL residents of this City."

8. We find that this area, Service Area Eight, has the largest population of elderly people in the City or 27.1% of the city's total and this specific area has 19.2% of the total of Service Area Eight, and there has been a need for this type of facility.

9. Charitable funds total 54% of the total annual revenue of the Home and we find this meets the requirement of the definition of a philanthropic or eleemosynary institution, that such institution be supported wholly or substantially by endowment or contribution.

10. There was presented at the hearing a landscape plan prepared by applicant in cooperation with a representative of the community, which provided for an attractive treatment of the 44th Street frontage.

11. Architect for applicant put into the record evidence fully supporting the compatibility of the building with surrounding area. The compatibility of this use with adjacent single-family areas is well known to the Board and in no instance has the Board found the adjoining owners property values or use adversely affected.

12. There will be only limited traffic generated from this use and all required parking is provided. This parking should prove adequate. All deliveries to the Home will be from Nebraska Avenue except for oil deliveries.

13. There will be no goods, chattels, wares or merchandise commercially created, exchanged or sold within the building.

14. The Nebraska Avenue, Ward Circle area is institutional in character and the expansion of the Baptist Home will provide a further barrier between these uses and the single-family neighborhood.

15. The roof structure and roof area meet all requirements of Section 3301 of the Zoning Regulations as to height, area, floor area ratio and setback. The total height from top of curb to top of penthouse is 57 ft. and height to top of activity area is 49 ft. from top of curb elevation. The type material enclosing the roof structure shall be of the same color as the material used in the addition to the building.

16. There were two persons who spoke for themselves and one other neighbor in opposition at the public hearing to the granting of this appeal on the grounds that the proposed addition will adversely affect the quiet neighborhood, that the new building will block the extension of Springdale through site (Board earlier required street closed to prevent through traffic) adverse traffic and parking conditions and that use does not qualify as a philanthropic or eleemosynary institution. The weight of the evidence does not support opposition's position.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board is of the opinion that the granting of this appeal will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map as provided in Section 8207.2 of the Zoning Regulations.

ORDERED: That the above application be GRANTED

VOTE: 3-0 (Mr. Klauber not voting, not having heard the case, Lilla Burt Cummings, Esq. dissenting.)

CONDITIONS:

1. The height of the proposed addition shall be 40 ft. measured from the curb elevation.

2. The plans filed with the Board are approved as filed, including the solarium as shown on site plan.

3. The screening shall be as shown on the plans submitted at the public hearing, December 18, 1974.

4. All deliveries except for deliveries of fuel oil shall be from Nebraska Avenue.

The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of this Order have been violated.

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

ATTESTED BY: James E. Miller
JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER: FEB 13 1975

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.