

Before the Board of Zoning Adjustment, D. C.

Application No. 11866, of Richard and Berta Pinckney, pursuant to Section 8207.2 of the Zoning Regulations, for a special exception to permit a change of non-conforming use from an apartment house to a rooming and boarding house as provided by Section 7104.2 and 7109 of the Regulations in the R-1-B Zone, at the premise 2010 Channing Street, N. E.

HEARING DATE: May 21, 1975

DECISION DATE: May 27, 1975

FINDINGS OF FACT:

1. The applicant proposes to use the subject property for the purposes of rooming and boarding for work release patients from St. Elizabeth's Hospital "Foster Care Home."

2. The subject property is currently used as an apartment house.

3. The apartment house is a two-story detached structure.

4. The applicants propose to accommodate ten (10) patients on the subject property.

5. The proposed use would provide room, board, and supervision for the proposed ten (10) tenants.

6. The applicant presently uses the subject property to accommodate four (4) persons who are in the same "Foster Care" program as would be six (6) more if the application is granted.

7. The people who would live on the subject property will be convalescents from St. Elizabeth's Hospital.

8. A personal care home exists within 600' of the July prop.

9. Opposition was registered to more than four (4) families living at the subject property.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact and the record, the Board is of the opinion that the proposed use in effect a personal care home rather than a rooming and boarding house. Although, the proposed tenants are no suffering from physical infirmity, the fact that they are convalescing from a mental institution and need supervision, in the opinion of the Board, bring them within the definition of a personal care home which is permitted in the R-1-B Zone as a special exception. Evidence of record indicates that there is a personal care home located within 600 ft. of the subject property. Therefore the applicant cannot comply with Section 3101.414 of the Regulations and establish the proposed use. Not having shown that no other personal care home exists within 600 ft. of the subject property, this application must be denied. For the above reasons, the Board concludes, that this application,

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if granted, would not be in harmony with the meaning and intent of the Zoning Regulations and Maps.

ORDERED: That the above application be DENIED.

VOTE: 5-0

BY ORDER OF D. C. BOARD OF ZONING ADJUSTMENT

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

FINAL DATE OF ORDER: *7/15/76*