

Before the Board of Zoning Adjustment, D. C.

Application No. 11883 of Ruppert Home for the Aged, for a special exception pursuant to Section 8207.2 of the Zoning Regulations, to permit a change of non-conforming use from a Home for the Aged to a nursing home, as provided by Section 7104.2 and 7109 of the regulations, in the R-2 Zone, at the premises 2250 Good Hope Road, S. E. , Parcel 219/28, Square 5621.

HEARING DATE: April 16, 1975

DECISION DATE: July 2,3,7,10, 1975\*

FINDINGS OF FACT:

1. The subject property is located in the R-2 Zone, consists of four (4) acres of land, and is presently improved by a structure which was previously used as a home for the aged.

2. The structure is a two-story building, made of brick and 25,000 square feet in area..

3. The structure in question can accommodate approximately forty (40) people.

4. The structure was constructed in the early 1900's for the purpose of a home for the aged, consisting of bedrooms, kitchens, dining rooms, bathroom facilities and recreation rooms.

5. The distinction between a home for the aged and a nursing home is that a home for the aged connotes that occupants of the home are ambulatory whereas a nursing home connotes skilled nursing care for occupant (patients).

6. The previous Ruppert Home for the Aged existed as a philanthropic or eleemosynary institution prior to the enactment of Zoning Regulations in the District of Columbia., therefore, it is non-conforming as a result of the present zoning regulations and maps.

7. The proposed use is a profit making venture.

8. A philanthropic institution is permitted by special exception in R-1, R-2, R-3 and R-4 Zones and permitted as a matter of right in the R-5 Zone.

9. Opposition to this application was registered by the Fairlawn Citizens Association, three hundred (300) signatories to a petition.

10. The opposition based their argument on considerations that the land would be better used as a community park or center and that the government should condemn the subject property.

11. The opposition testified at Public Hearing, that they had no moral convictions against the existence of nursing homes, but that one is not needed in the neighborhood in question.

12. The testimony was tendered, no evidence submitted that the proposed use would be objectionable or have an adverse effect on the use of nearby and adjoining property.

CONCLUSIONS OF LAW:

Based upon above findings of fact, and the record, the Board is of the opinion that the proposed change of non-conforming use is proper. The proposed use is very similar to the existing use, the only distinction being the extent of care required for patients. The opposition made no mention of any objectionable conditions which might result from the proposed use, therefore, the Board is of the opinion, that the proposed use, which would be located on four (4) acres of land, if granted, will not have any adverse effect on nearby or the use of adjoining property. The Board concludes that the applicant has carried its burden of proof and complied with the applicable sections of the Zoning Regulations.

ORDERED:

That the above application be and is hereby GRANTED to permit not more than forty (40) occupants (patients) at the subject property.

VOTE :

4-0 (Lilla Burt Cummings, Esq., abstaining)

\* Votes on this case were received telephonically from each member by the Secretary to the Board

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

ATTESTED By:



JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER:

7/18/75

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.