

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12353 of Lawrence Kirstein, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.47 to establish a social service center to be run by Special Approaches in Juvenile Assistance (SAJA) in the R-5-B District at the premises 1625 S Street, N.W. (Square 177, Lot 62).

HEARING DATE: May 24, 1977 and June 15, 1977

DECISION DATE: July 12, 1977

FINDINGS OF FACT:

1. The subject property is located on the north side of S Street between 16th and 17th Streets, N.W., and has an area of approximately 2,100 square feet. The property is improved with a large three story townhouse.

2. The subject property is currently not being used. It has been used by Special Approaches in Juvenile Assistance (SAJA) in the past under Certificate of Occupancy dated September 29, 1975, No. B-90025, for a social service center, government sponsored contract. This use was in existence from 1974 until December of 1976.

3. SAJA proposes to reopen a group foster home at the subject premises for up to six youths ranging in age from 13 to 18 years old. Services offered at this location or through the program include intensive individual group and life skills counseling, school and job placements, medical, dental, legal and psychiatric referrals, family counseling and moving out counseling and supervision.

4. SAJA was formed in 1968 and, incorporated in 1969 as a non-profit organization, as an outgrowth of a church sponsored program in the Dupont Circle area offering counseling, referral services and temporary shelter for youth who had run away from their families or were otherwise having family problems. The first facility, located at 1743 18th Street, became known as Runaway House.

5. Since 1969, SAJA has expanded the range of services it provides to include a Family Counseling Service, which is a program run by professional counselors and paraprofessionals to provide family counseling and guidance, the Foster Care Program, which assists in foster home location, placement and supervision, and the Group Homes Program which operates foster homes for up to six people. The subject site, to be know as Other House, would be part of the Group Homes Program.

6. People are referred to SAJA by the Courts, by various social service agencies of the District of Columbia, Maryland and Virginia and by private social service agencies. Only a limited number of people who have used this facility in the past have been from the District of Columbia, with the remainder from other parts of the metropolitan area and other areas.

7. SAJA was originally organized as a collective, without a strong central management capability and with no single person having overall responsibility for the direction of the organization of its program. Recently in April of 1977, SAJA restructured its organization to create a Board of Directors, two co-executive directors, plus various other organization positions. This reorganization has established a clear sense of responsibility, and even during the limited time that it has been in effect, it has shown that SAJA can function in a residential community without being detrimental to that community.

8. The facilities at 1625 S Street include a kitchen, dining room, living rooms and five bedrooms. The Other House is proposed to contain a maximum of six youths at one time. Three counselors would be assigned to the house, assisted by up to six volunteer workers. Adult supervision would be provided at all times, though no single staff person would reside full time on the premises.

9. Adjacent to the subject property to the west are the Shelburne Apartments, a five story building. To the east along the north side of S Street are a group of three story row structures, some of which are single family dwellings and others are flats or multiple dwellings. A small three story apartment building is located directly across S Street from the subject site, and is adjoined by other three story structures of similar size to the subject site, which are used as either one, two or three family buildings. The general area is predominantly residential in character, with a mix of large apartment building, multiple unit townhouses and single family row dwellings.

10. The Dupont Circle and Adams Morgan areas already have a relatively large number of social service centers and halfway houses operated by a variety of public and private organizations. The Zoning Regulations do not prohibit the Board from granting approval to another such use because a concentration of similar facilities exists. In fact, the Regulations require that each application be judged on its merits according to the criteria specified in Paragraph 3104.47 and on the overall criteria specified in Sub-section 8207.2 of whether a proposed use "will be in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property".

11. There would be no structural changes proposed to be made to the premises.

12. There would be no sign or other indication identifying the nature of the use at 1625 S Street, N.W.

13. There is evidence in the record to indicate that in the past, noise, from radios and other activities in the house, from people gathered outside the house, and from vehicles arriving at and departing from the house was a problem at the subject premises. There is also evidence to indicate that a large number of police radio complaint calls were made to the subject premises. Since SAJA has not operated a facility at this location since its changes in management were made, there is no evidence as to what effect those changes would have at this location.

14. Advisory Neighborhood Commission 1-C, by testimony presented at the hearing and by letters dated May 23, 1977 and June 22, 1977, opposed the application, on the grounds that adequate safeguards had not been agreed to between SAJA and the residents immediately surrounding the subject site, to protect the existing residential community.

15. The Midway Civic Association, by testimony presented at the hearing and by letter dated May 10, 1977, opposed the application on the grounds that the proposed use represented an intrusion into an existing residential community, that the residents of the area would be adversely affected by noise, crime and other objectionable conditions, that the applicant had failed to consult with residents in the area prior to instituting the use at the subject location, and that the general area is already over-burdened with a high concentration of halfway houses.

16. The Municipal Planning Office, by report dated June 10, 1977 and by testimony presented at the hearing, recommended that the application be approved for a period of three years, stating in part, "... the establishment of a social service center at this location will not be unduly objectionable to neighboring properties".

CONCLUSIONS OF LAW AND OPINION:

The Board has carefully weighed the arguments for and against the proposed social service center at 1725 S Street, to be known as Other House. The Board is also mindful that in two other closely related applications filed by the same organization, special exceptions have been approved for social service centers at 1743 18th Street and 1926 Biltmore Street. The Board concludes however, that the present application must be denied.

This conclusion is based primarily on two circumstances. First, the facts and arguments presented by the persons in opposition make it clear that the use of the subject site in the past by this organization has created a large number of negative impacts in the area. The Board is of the opinion that it would be impossible for SAJA to reverse the damage already done by its previous existence at this location, and that the re-establishment of the use here would serve to emphasize certain problems already present in the area.

Second, SAJA was not able to work out an agreement with local residents or the local ANC to establish a monitoring system for community review of the SAJA operation. The lack of an effective community device to insure that the proposed use would be consistent with the existing character of the area and would not have an adverse effect on the use of neighboring property makes it clear that the proposed use in this case would not be consistent with the intent and purposes of the Zoning Regulations.

Having reached the conclusion that this application must be denied the Board takes no position on the other issues raised in this case.

Therefore, in consideration of the above findings of fact and conclusions of law, it is hereby ORDERED that the application be DENIED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Leonard L. McCants and Charles R. Norris to deny, Chloethiel Woodard Smith not voting, not having heard the case).

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

ATTESTED BY: _____



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

25 AUG 1977