

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12355 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 1926 Biltmore Street, N.W., (Square 2549, Lot 439).

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

DECISION DATE: July 12, 1977

FINDINGS OF FACT:

1. The subject property is located on the south side of Biltmore Street between 19th Street and Columbia Road, N.W., and has an area of 2,624 square feet. The property is improved with a large three story plus basement row dwelling.

2. The subject property is currently used by Special Approaches in Juvenile Assistance (SAJA). The basement contains a separate apartment not a part of the SAJA program. The upper three floors are used as a group foster home for up to six (6) youths ranging in ages 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. The property has been used as a group home by SAJA for approximately four (4) years. The most recent certificate of occupancy No. B-87717 was issued on October 17, 1974 for room and board facilities for six (6) people. SAJA did not operate a home at this site from July 1976 through the early part of 1977.

3. 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 crisis counseling, referral services and temporary shelter for youths who had run away from their families or were otherwise having family problems. The first facility, located at 1743 - 18th Street, N.W., became known as Runaway House.

4. Since 1969, SAJA has expanded the range of services it provides to include a Family Counseling Seminar, 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, known as Biltmore House, is part of the Group Homes Program.

5. 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 the facilities at Biltmore House have been from the District of Columbia, with the remainder from other parts of the metropolitan area and other areas.

6. 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 or its programs. Recently, in April of 1977, SAJA restructured its organization to create a Board of Directors, two co-executive directors, plus various other organizational 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.

7. The facilities at 1926 Biltmore Street include an apartment in the basement which is not part of the SAJA program, plus a kitchen, dining room, living room and five (5) bedrooms on the top three floors. The Biltmore House will contain a maximum of six youths at one time. Three counselors are assigned to the house, assisted by up to six volunteer workers. Adult supervision is provided at all times, though no single staff person resides full time on the premises.

8. The subject property is bordered on the east and west by rowhouses of similar size and scale. There are two small apartment houses behind the site which front on Mintwood Place and 19th Street, and there are other apartment houses on 19th Street and at Biltmore Street and Columbia Road. The north side of Biltmore Street is also developed with row type structures. The area as a whole is a mixture of single family and multiple dwellings, as well as a mixture of larger and smaller structures.

9. 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 . . ."

10. There are no structural changes proposed to be made to the premises.

11. There is no sign or other indication identifying the nature of the use at 1926 Biltmore Street.

12. 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 number of police radio complaint calls were made to the subject premises. There is also evidence in the record that the noise problems and other objectionable conditions have been significantly lessened since the adoption of the SAJA reorganization in the recent past. There have been few listed police radio complaints in the last several months.

13. SAJA has had discussions with residents of the immediate area around the Biltmore House, including Advisory Neighborhood Commission 1C. As a result of these discussions, SAJA and the Biltmore Street Neighbors have signed a "Memorandum of the Agreements and Understanding between SAJA and Biltmore Street Neighbors," dated May 17, 1977, which creates a liaison person between SAJA and the community. The Memorandum establishes a process and relationship which will insure that SAJA will not become unduly objectionable to the neighboring properties because of noise and other conditions.

14. Advisory Neighborhood Commission 1C, by testimony presented at the hearing and by letter dated June 22, 1977, supported the granting of the application for a period of one (1) year.

15. 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 (3) years, stating in part, ". . . the establishment of a social service center at this location will not be unduly objectionable to neighboring properties."

16. There was opposition to the application, on the grounds that the general area is already over-burdened with a large concentration of halfway houses and social service centers, and that the subject property had been objectionable in the past and would continue to be objectionable in the future.

CONCLUSIONS OF LAW AND OPINION:

The Board has carefully weighed the arguments raised for and against the proposed social service center at 1926 Biltmore Street, known as Biltmore House. The Board concludes that the weight of the evidence, as set out in the findings of fact and the full record in this case, is such that the application should be granted. The Board gives great weight to the agreement between the applicant and the neighboring property owners, as supported by the ANC, which agreement will insure that the proposed facility will not become objectionable because of noise or other conditions

The Board concludes that the fact that there is a large existing number of similar facilities in the general area is not sufficient to require that this application be denied. Each case must be evaluated on its own merits according to the Regulations, and the Board concludes that the great weight of the evidence is that this proposed use will not be objectionable.

The Board concludes that the fact that a number of people who use this facility are not from the District of Columbia is also not sufficient to require that this application be denied. The Zoning Regulations make no distinction as to the former or original place of residence of present and/or future residents or clients of the proposed social service centers. There is no basis in law to support the distinction.

The Board concludes that the fact that there have been past problems with noise and other conditions is also not sufficient to require that the application be denied. The Board is of the opinion that the changes in administration, management and organization recently made by SAJA make it unlikely that such negative impacts will continue. The Board further concludes that the presence of the agreement with the neighboring property owners will insure that SAJA remains a positive part of the community, rather than a possible negative influence on the community. In order to review that position, the Board concludes that the application

should be granted for a limited period of time.

Therefore in consideration of the above findings of fact and conclusions of law, it is hereby ORDERED that the application be GRANTED subject to the following conditions:

- a. Approval shall be for a period of one (1) year.
- b. SAJA shall comply with the conditions contained in the "Memorandum of the Agreements and Understanding between SAJA and Biltmore Street Neighbors", marked in the record as Parties in Support Exhibit No. A, received June 15, 1977, a copy of which is attached hereto and is a part of this order.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Leonard L. McCants and Charles R. Norris to grant, 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

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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.